



Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union

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1 Introduction

1.1 Context and objectives

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. This report is part of a study ‘to collect data on children’s involvement in judicial proceedings in the EU’ which supports the implementation of the Commission Communication of 15 February 2011 ‘An EU Agenda for the Rights of the Child’, that identified the lack of reliable, comparable and official data on the situation of children in the Member States (MS). This deficiency is a serious obstacle to the development and implementation of evidence-based policies and is particularly evident in the context of child friendly justice and the protection of children in vulnerable situations. Making the justice system more child friendly in Europe is a key action of the EU Agenda. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. Improved data is crucial to the framing of such legislation.

This report describes the main findings of the 30 contextual overviews produced and information collected in the phase of the study to collect data on children’s involvement in **criminal** judicial proceedings in the role of **suspects/offenders, victims** and **witnesses**.

1.2 Methodology

The 30 contextual overviews describe the legislation, regulations, measures and policies in place **as of 1 June 2012**, which determine the treatment of the child in criminal judicial proceedings in each MS and judiciary (there are three judiciaries in the UK and data have been collected for each). The contextual overviews also identify strengths and potential gaps. The overviews complement the statistics and data which have been gathered for each MS, and which can be viewed on the study’s www.childreninjudicialproceedings.eu. Some of the findings of the contextual overviews have also been used to populate the Masterlist of indicators for children’s involvement in criminal proceedings that is also accessible on the on-line database¹. The templates for the contextual overviews were drawn up on the basis of the Council of Europe Guidelines on child-friendly justice².

Each contextual overview has applied the same template and involved desk research coupled with a small number of consultations in each MS. The MS governments have had the opportunity to validate the findings of the contextual overviews.

The study identified and collated the available data from official sources pertinent to the Masterlist of indicators for the years 2008-2011. As this was a retroactive exercise, based on data available in 28 MS and a small number of international datasets, comparability is very limited. Out of the 290 indicators drawn up for criminal judicial proceedings, we have two fully populated indicators, 172 indicators that are partly populated, 94 indicators for which there is no data, 17 indicators with only approximate data and a further five indicators that contain very limited data.

However, the study helps to identify areas where little or no data are collected by MS and where improvements can be made. As international and EU standards are in place, it is useful to consider the role of data collection and analysis in the monitoring and evaluation of compliance with international standards and, more generally, monitoring and reporting on the respect of the rights of the child. Improved data collection can assist in the development of legislation, policy and practice.

In parallel and in close cooperation with this study, the Fundamental Rights Agency of the European Union (FRA) is conducting primary research among 500 judicial and other practitioners, via interviews and focus groups, of the impact of legislation and policy on child victims and witnesses in 10 MS (BG, EE, FI, FR, DE, HR, PL, RO, ES, and UK)³. The research will identify what is or is not implemented and how, assess impact, good practice, difficulties and gaps, use of the Council of Europe Guidelines and child-friendly procedures, etc. The results will help to populate some of the outcome indicators

¹ The acronyms e.g. CRIM001 mentioned in the headings to the tables refer to the number of the indicators within the Masterlist. The Masterlist is accessible via the on-line database.

² Council of Europe Guidelines of 17 November 2010 on child-friendly justice are available in all EU languages: http://www.coe.int/t/dghl/standardsetting/childjustice/publicationsavailable_en.asp

³ <http://fra.europa.eu/en/project/2012/children-and-justice>

developed in the Commission study. In 2013 and in 2014, the FRA will interview children about their experiences with the justice system in the same 10 MS.

The Commission was assisted by a steering group for this study including representatives from UNICEF (TransMONEE), the Council of Europe, the UN Office on Drugs and Crime (UNODC), the International Juvenile Justice Observatory, the Fundamental Rights Agency of the European Union (FRA), an academic expert (Professor Ursula Kilkelly), two independent experts on rights of the child (Peter Newell and Ankie Vandekerckhove) and representatives from the following national administrations: FR, EL, PL and SK. The steering group's mandate was to ensure that relevant knowledge and expertise within the remit of the steering group was made available to the Contractor in good time, to advise the Commission as contracting party in taking informed key decisions and to steer the work in order to ensure that the contractual requirements could be fulfilled. The steering group met five times during this phase of the study.

1.3 Report content and structure

The report identifies key features and variations in the legal and institutional context of the MS affecting children's involvement in criminal proceedings. It includes in the main text and annexes a series of tables which provide background quantitative information and an overview of statutory and policy measures pertinent to the protection of children's rights in criminal judicial proceedings. The report highlights examples of legislation, policies and institutional practices which illustrate the functioning of key safeguards designed to guarantee children's effective access to and adequate treatment in criminal justice and includes general summary observations for each section.

The report also identifies gaps in the coverage of these safeguards that affect child suspects/offenders, child victims and/or child witnesses.

The report is structured in six parts. Section 2 provides an overview of the scale of the child population involved in criminal judicial proceedings, in order to put into context the subsequent comparative analysis of the legal and policy frameworks in EU MS. Section 3 describes key aspects of MS' general approach to dealing with children in criminal proceedings, including the existence or not of a youth justice system.⁴ Section 4 examines the extent to which key safeguards are in place in the MS for children's involvement before and during criminal judicial proceedings, while Section 5 examines the extent to which key safeguards are in place at MS level for children's involvement after the trial. The final concluding section (Section 6) offers a horizontal analysis of the key safeguards in place by role of the child (**suspects/offenders**, **victims** and **witnesses**), identifying safeguards that are frequently provided across the EU and other safeguards that are less common.

⁴ The special youth justice systems that exist in BE, LU, FR and PL for children below the age of criminal responsibility are currently included in the analysis even though they are not *in stricto sensu* criminal proceedings.

2 The numbers of children affected

In the course of this study, every effort has been made to gather available data. There are significant data gaps in Member States and it is therefore not possible to assess the precise scale of children’s involvement in criminal judicial proceedings due to these gaps. Available data is summarised below.

Data on children in criminal judicial proceedings has been assembled from 28 international datasets and 754 national datasets. The numbers of datasets from each MS are given in [Table A2.1](#). These datasets are available via the online database. Whilst a large amount of quantitative information exists, there are both many gaps and differences in what is measured that make direct comparisons and the drawing of generalisations of the scale of issues at the EU level problematic. Nevertheless the information has been organised into comparative tables that are included in Annex 2.

2.1 The child population in the EU

Nineteen per cent of the EU population (95 million) is under the age of 18. An estimated 25.3 million children are above the age of Minimum Age of Criminal Responsibility (MACR).

Safeguards for children in criminal judicial proceedings in the EU are equally relevant to children living in their country of nationality, third country nationals (TCN) and those EU citizens living in MS other than those of their nationality. There are an estimated⁵ 3.8 million TCN aged below 18 in the EU⁶, and an estimated 1.6 million EU citizens aged under 18 years living in EU countries other than that of their nationality⁷.

These data for the EU and MS are shown in [Table A2.2](#).

2.2 Children in contact with the police

In the 18 Member States where data were available, just over 0.5 million children had formal contact with the police or criminal justice system in 2010.

These data for the EU and MS are shown in [Table A2.3](#). Examples of related but non comparable data from MS are also provided in [Case Study 1Evidence 1Conclusion 1Recommendation 1Box 15](#).

2.3 Children charged and convicted

In the eight MS where data were available, 135,000 children were charged with a crime in 2010.

In the 22 MS where data were available, just over 0.3 million children were convicted of a crime in 2010.

These data for the EU and MS are shown in [Table A2.4](#). Examples of related but non comparable data from MS are also provided in [Case Study 1Evidence 1Conclusion 1Recommendation 1Box 16](#).

⁵ These are estimates based on the population by citizenship and age group data from Eurostat, as the age groups included 18 and 19 year olds in this data set. It has been assumed that the percentages for those aged 0-19 are a good proxy for the percentages of those aged 0-17. The percentage of people aged 0-19 from “Non EU27-countries nor the reporting country” (which are the percentages listed in [Table A2.2](#)) were multiplied by the children’s population (aged 0-17) to give an estimate of the number of TCN children. The same calculation was used to get to an estimate for other EU nationals, with the percentage of “EU27-countries except reporting country” multiplied by the children’s population (0-17).

⁶ This excludes Luxembourg, Romania and Croatia, where data was not available.

⁷ This excludes Romania and Croatia, where data was not available.

2.4 Children in custodial institutions and children receiving custodial and non-custodial sentences

In the 21 MS/jurisdictions where data were available, just over 8700 children were detained in custodial institutions.

In the 17 MS where data are available, 11,700 custodial sentences were given to children in 2010.

In the 10 MS where data are available, 5,200 fines were given to children in 2010.

In the 19 MS where data are available, 138,000 community service or probation sentences were given to children in 2010.

In the 11 MS where data are available, 23,100 suspended sentences were given to children in 2010.

These data for the EU and MS are shown in [Table A2.5](#) and [Table A2.6](#). Examples of related but non-comparable data from MS are also provided in [Case Study 1Evidence 1Conclusion 1Recommendation 1Box 17](#).

2.5 Repeat child offenders

In the 12 Member States for which data were available, there were 49,000 repeat child offenders. However the data that is collated internationally is reliant on differing national definitions.

Data for the EU and MS are shown in [Table A2.7](#). Examples from MS of related but non-comparable data on recidivism are also provided in [Case Study 1Evidence 1Conclusion 1Recommendation 1Box 18](#). Repeat offending, in particular, is measured in many different ways.

2.6 Child victims of crime

In the nine MS within which data were available there were around 74,000 child victims of all crimes in 2010. In the 11 MS where comparable data were available there were around 13,000 child victims of violent crime 2010.

These data for the EU and MS are shown in [Table A2.8](#). Examples of related but non-comparable data from MS are also provided in [Case Study 1Evidence 1Conclusion 1Recommendation 1Box 19](#).

3 General elements of child-friendly justice in criminal proceedings

This section describes key aspects of Member States' general approach to dealing with children in criminal judicial proceedings, including such issues as the minimum age of criminal responsibility (MACR); the degree to which specialisation has been introduced into criminal justice institutions in order to better deal with children; the extent to which multidisciplinary approaches are used by criminal justice professionals in their dealings with children; and the types of remedies available to children if their rights have been violated during the proceedings. These general aspects are important elements in the effective functioning of the safeguards for the protection of children in criminal judicial proceedings that are reviewed in Sections 4 and 5.

3.1 Age of criminal responsibility

All MS have a minimum age of criminal responsibility (MACR), a specified age below which a child is not considered to be capable of committing a criminal offence and is not therefore subject to criminal procedure or sanctions.

In the majority of MS, the MACR is 14 or 15 years old (see Table 3.1). Only five jurisdictions have a lower MACR (IE – 12, NL – 12, and the UK-E&W and UK-NI – 10 and UK-S – 12.)

In five MS (BE, IE, LT, LU and PL) children below the MACR can be prosecuted if they have committed serious crimes.⁸

In eight MS (AT, BG, CZ, DE, EL, IT, RO and SK) the law identifies ages above MACR where a child may not be considered criminally responsible by a judge, either because the judge deems that they do not show sufficient discernment (AT, BG, CZ, DE, IT, RO and SK) or because there are provisions which require that a child above MACR can still only be held responsible for serious crimes and where the judge deems imprisonment necessary (EL).

The majority of MS have an **upper age limit for juvenile justice**. In most cases this is 17 years of age.

In 11 jurisdictions (BE, CZ, DE, GR, IT, LU, NL, PT, SE, SI and UK-E&W), the upper age limit can be extended by the decision of a judge in certain circumstances. In EL, IT and LU this extension of the upper age limit for juvenile justice can reach 25 years of age where the offence was committed when the offender was below the usual upper age but tried when he or she was older, or where the offender's level of maturity or discernment is equivalent to that of a person below the usual upper limit.

When comparing the upper age limit for juvenile justice, it is important to note that, where juvenile justice systems exist (see also section 3.2),⁹ these deal with **different categories of children** in different countries:

- In four MS (BE, FR, LU and PL), juvenile justice systems deal exclusively with children below the MACR.
- In 14 jurisdictions (AT, ES, DE, DK, HR, IE, IT, MT, NL, RO, SI, UK-E&W, UK-NI and UK-S), the juvenile justice systems deal with children above the MACR.
- In two MS (CZ and PT) the juvenile justice system deals with children below and above the MACR, applying civil or criminal law accordingly.

In countries where the juvenile justice systems are designed for children above the MACR, children below the MACR who come into conflict with the law are normally dealt with by social services.

⁸ A New Criminal Code entered into force in HU in July 2013 which lowered the age of criminal responsibility from 14 to 12 years for the most severe crimes, e.g. homicide.

⁹ Juvenile justice systems exist in 19 out of the 28 countries reviewed in this study.

Finally, in five jurisdictions where juvenile justice systems exist, children who have committed serious offences may be tried in the **adult criminal justice system** regardless of the MACR (BE, IE, LU, NL and UK-E&W).

Table 3.1 Minimum age of criminal responsibility (MACR) in EU28 as at 1.6.2012

Country	MACR	Ages above MACR where child may not be criminally responsible under certain conditions	Children below MACR may be prosecuted for serious offences (if yes, age range if given)	Upper age limit for juvenile justice determined in law ¹⁰	Upper age limit applicable in limited circumstances (if higher than usual upper age)	Age group above MACR where children can be dealt with in juvenile systems	Age groups below MACR dealt with in juvenile systems	Children tried in adult criminal justice system for serious crimes (if yes age range if given)
AT	14	14-17	-	18	21	-	-	-
BE	18	-	16-17	17	23	-	10-17	16-17
BG	14	14-17	-	17	-	-	-	-
CY	14	-	-	-	-	-	-	-
CZ	15	15-17	-	18	over 18	15-18	-	-
DE	14	14-17	-	18	21	-	-	-
DK	15	-	-	17	-	15-17	-	-
EE	14	-	-	14	-	-	-	-
EL	15	15-17	-	17	20	15-18	-	-
ES	14	-	-	17	-	14-17	-	-
FI	15	-	-	18	-	15-18	-	-
FR	18 ¹¹	-	13-17	17	-	-	13-17	-
HR	14	-	-	17	-	-	-	-
HU	14	-	- ¹²	17	-	14-17	-	-
IE	12	-	10-12	17	-	12-17	-	12-17
IT	14	14-17	-	17	25	14-17	-	-
LT	16	-	14-15	18	-	16-18	-	-
LU	18	-	16-17	17	25	-	0-17	16-17
LV	14	-	-	17	-	-	-	-
MT	14	-	-	15	-	-	-	-
NL	12	-	-	17	20	12-17	-	16-17
PL	17	-	15-16	17	-	-	13-17	-
PT	16	-	-	17	21	-	-	-
RO	14	14-15	-	18	-	-	-	-
SE	15	-	-	20	-	-	-	-
SI	14	-	-	17	20	14-17	-	-
SK	14	-	-	17	-	14-17	-	-
UK-E&W	10	-	-	17	21	10-17	-	10-17
UK-NI	10	-	-	18	-	-	-	-
UK-S	12	-	-	17	-	-	-	-

Note: Dash '-' = Not applicable

The following general observations can be made about the way MS treat the age of criminal responsibility.

¹⁰ This upper age limit refers to the upper age at which a person can be tried in the juvenile justice system. It does not include cases where adults who are tried for offences they committed when children are given mitigated sentences.

¹¹ In practice, in FR, children who are aged 13 and above may be found criminally responsible for certain crimes when they are considered to have sufficient discernment.

¹² Following the entry into force of Hungary's New Criminal Code, in July 2013, children aged 12-13 may be prosecuted for serious offences (e.g. homicide).

General observations: age of criminal responsibility

- All MS have a MACR. However, the MACR varies significantly across jurisdictions. The lowest MACR is ten years old (UK-E&W and NI) and the highest is 18 (BE, FR, LU). In most MS, it is 14 or 15 years old
- MS also differ in the way that they implement the MACR. In five MS, children below the MACR can be prosecuted if they commit serious offences. In eight MS, children above the MACR may not be considered criminally responsible in certain circumstances, e.g. if the judge deems that they do not show sufficient discernment.
- Juvenile justice systems deal with different categories of children in different MS. In four MS, juvenile justice systems deal exclusively with children below the MACR; in 14 jurisdictions, they deal with children above the MACR; and in two MS, they deal with children below and above the MACR.

3.2 Specialist juvenile justice institutions

A number of MS have developed specialist juvenile justice institutions with the aim of ensuring children's effective access to and adequate treatment in criminal justice.

Specialist courts

In 20 jurisdictions there are specialist courts dealing with juvenile justice (see Table 3.2).

In some cases, the specialist juvenile courts consist of courtrooms that are physically separated from adult courts. In other cases, ordinary courts are adapted to the needs of children, including through the involvement of specialist judges.

In 13 jurisdictions (AT, CZ, DK, EL, ES, IE, IT, NL, PL, SI, UK-E&W, UK-NI and UK-S), the juvenile courts are competent to adjudicate on cases involving **child suspects/offenders** only; in these jurisdictions, child victims and child witnesses participate in adult criminal courts, unless the suspected offender is a child.

In eight jurisdictions (BE, DE, FR, HR, LU, MT, PT and RO), the juvenile courts are competent to adjudicate on cases involving child (suspected) offenders, **child victims** and also **child witnesses**.

In RO and PT, specialist courts are not present in all regions.¹³ Where they are not available, the children concerned are dealt with in adult courts.

Nine MS (BG, CY, EE, FI, HU, LT, LV, SE and SK) do not have specialist courts. In these countries, all children are tried or participate as victims and witnesses in the ordinary courts with the same judges who adjudicate on cases involving adults.

¹³ In RO, there is only one such specialist court in the city of Brasov.

Table 3.2 Existence of specialist courts in EU28 (CRIM 041)

Country	Specialist courts (includes specially adapted court rooms in ordinary/adult courts)			
	Yes/ No	Name	Court competent to adjudicate on cases with child suspects	Court competent to adjudicate on cases with child victims and witnesses
AT	Yes	Special juvenile justice departments in district /regional courts	Yes	No
BE	Yes	Jeugdrechtbank – Tribunal de la jeunesse (Youth Tribunal)	Yes	Yes
BG	No	-	-	-
CY	No	-	-	-
CZ	Yes	Specially trained judges within ordinary courts	Yes	No
DE	Yes	Jugendgericht (Youth Court)	Yes	Yes
DK	Yes	Specially trained judges within ordinary courts	Yes	No
EE	No	-	-	-
EL	Yes	Juvenile courts	Yes	No
ES	Yes	Juzgados de Menores (Youth/Juvenile Court)	Yes	No
FI	No	-	-	-
FR	Yes	Juges pour enfants (Juvenile Court)	Yes	Yes
HR	Yes	Sudovi za mladež (Juvenile Courts)	Yes	Yes
HU	No	-	-	-
IE	Yes	Children Court	Yes	No
IT	Yes	Juvenile Court	Yes	No
LT	No	-	-	-
LU	Yes	Tribunal de la Jeunesse (the Juvenile and Guardianship Court)	Yes	Yes
LV	No	-	-	-
MT	Yes	Juvenile Court	Yes	Yes
NL	Yes	Juvenile court judges (Kinderrechter)	Yes	No
PL	Yes	Family court	Yes	No
PT	Yes	Children and Family courts ¹⁴	Yes	Yes
RO	Yes	Special courts of law ¹⁵	Yes	Yes
SE	No	-	-	-
SI	Yes	Judges for minors based in district courts	Yes	No
SK	No	-	-	-
UK-E&W	Yes	Youth Court	Yes	No
UK-NI	Yes	Youth Court	Yes	No
UK-S	Yes	Child Hearings in Sherriff or High Court	Yes	No

Specialist police

In 14 jurisdictions, special units have been set up within the police forces to deal with children (see Table 3.3). The type of children who are dealt with by these special units varies.

- In five jurisdictions with special police units (BE, EE, FR, LU and NL), the special units deal with children in **all roles** (child victims, child witnesses and child suspects/offenders).
- In four jurisdictions (CZ, EL, IE and IT), the special units are only competent to investigate cases involving child **suspects/offenders**.

¹⁴ However, in regions of PT where Children and Family courts are not present, children are dealt with in courts of general jurisdiction.

¹⁵ However, only one of these special courts has been set up so far, in the city of Brasov.

- In the remaining five jurisdictions (ES, SE, SI, UK-NI and UK-S), the special units are competent to investigate cases involving **child victims** or **witnesses**, including cases involving child trafficking, child abuse or other forms of domestic violence.

In eight MS, certain police officers within the regular police force (and in the case of PT, all police officers) receive special training on how to deal with children, especially as regards the conduct of interviews.

- In six MS (FI, HR, IE, LV, PT and SI), the training covers both the rights and needs of **child offenders** and **child victims/witnesses**.
- In two MS (AT, CY) the training covers the rights and needs of **child victims/witnesses** only.

In ten MS (BG, DE, DK, HU, LT, MT, PL, RO, SK and UK-E&W) there are neither special units within the police that deal with children nor has provision been made to provide individual members of the regular police forces with training on how **child suspects/offenders, child victims** and **child witnesses** should be treated.

Existence of specialist police units in EU28 (CRIM 170)

Country	Specialist police units			
	Yes/No	Name/description	For offenders	For victims/witnesses
AT	No	No special units, although some police officers within the regular police force are specially trained to be able to interview child victims /witnesses	No	Yes
BE	Yes	In large districts, police stations include a youth section	Yes	Yes
BG	No	-	-	-
CY	No	No special unit, but some police officers are specially trained to deal with child victims of trafficking and domestic violence	No	Yes
CZ	Yes	Special units	Yes	No*
DE	No	-	-	-
DK	No	-	-	-
EE	Yes	Youth police officers	Yes	Yes
EL	Yes	Special Unit for Juvenile Protection, seated at the Police Headquarters	Yes	No ¹⁶
ES	Yes	Police special group for children (GRUME) and service for attention to child victims (DGAIA)	No	Yes
FI	No	No special units, although some police officers within the regular police force are specially trained to deal with children	Yes	Yes
FR	Yes	Brigades de protection des mineurs and national gendarmerie (brigades de prévention de la délinquance juvénile)	Yes	Yes
HR	No	No special units, although some police officers within the regular police force are specially trained to deal with child offenders and child victims	Yes	Yes
HU	No	-	-	-
IE	Yes	Juvenile liaison officers in each police district deal with child suspects who participate in diversion programmes. Child victims (especially those under 14) are interviewed by specially trained officers within the ordinary police force.	Yes	Yes
IT	Yes	Judicial police specialised in juvenile justice	Yes	No*
LT	No	-	-	-
LU	Yes	Service de Protection de la Jeunesse	Yes	Yes
LV	No	No special units, although some police officers within the regular police force are specially trained to deal with children	Yes	Yes
MT	No*	-	-	-
NL	Yes	Special units	Yes	Yes
PL	No*	-	-	-
PT	No	No special units, although all Portuguese police forces receive specific training for dealing with children	Yes	Yes

¹⁶ Greece's Special Unit for Juvenile Protection deals with cases involving child offenders. However, the ordinary police forces receive some training on how to deal with child victims and witnesses.

Country	Specialist police units			
	Yes/ No	Name/description	For offenders	For victims /witnesses
RO	No	-	-	-
SE	Yes	Special units	No*	Yes
SI	Yes	Special units to deal with child victims, special training for police in regular police forces that investigate crimes committed by children	Yes	Yes
SK	No*	-	-	-
UK (E&W)	No	No special units, although some police officers within the regular police force are specially trained to deal with children	Yes	Yes-
UK (NI)	In Part	Specialised police exist with respect to child abuse: Child abuse inquiry units	No*	Yes
UK (S)	Yes	Family protection units	No	Yes

Other forms of specialisation

Certain MS have introduced specialisation among other actors dealing with children involved in criminal proceedings such as prosecutors and defence lawyers.

In six MS (BE, CZ, EE, IT, LU and SK), there are specialised units dealing with children within the **prosecution services**. Whilst no such specialised units exist in other MS, prosecutors who deal with children receive mandatory training on children's rights and needs in 11 MS (AT, BE, CZ, DE, EE, ES, FR, HR, IT, LV and PT). (Mandatory training requirements are dealt with in section 3.3). In SE, only prosecutors who have had prior experience dealing with children are appointed to cases involving children.

Whilst there are no obligations for **defence lawyers** dealing with children to become specialised, some MS (especially FR as illustrated in Box 1) are encouraging this trend by requiring defence lawyers who work under the judicial aid scheme to receive training on the rights and needs of children involved in criminal judicial proceedings.

Some MS have also set up specialised facilities for children in **pre-trial detention**, e.g. Juvenile Justice Centres or Young Offenders Centres in BE, DE, UK-NI. The efforts made by MS to adapt the conditions of children in **pre-trial detention** are reviewed in section 4.3.

Box 1 France – specialisation as a key 'pillar' of the juvenile justice system

In France, efforts are made to extend specialisation to four key institutions of juvenile justice:

Courts – France's Juvenile Courts (*Juges pour Enfants*) are involved whenever there are strong grounds for believing that a child is a victim or a suspect. The Juvenile Court can take actions of a criminal justice nature (when the child is a suspect) or civil justice nature (when the child is in need of protection). Moreover, a child as a suspect may be found to be in need of protection, allowing the judge to take educational or protective measures in the child's best interests. Juvenile Courts are attached to High Courts (*Tribunaux de Grande Instance*) and are present throughout the French territory.

Police - Specific brigades have been set up within France's national police force (*brigades de protection des mineurs*) and national gendarmerie (*brigades de prévention de la délinquance juvénile*) to deal with juvenile justice matters. These brigades are responsible for conducting the investigation and interviews of child victims (and, depending on the case, also child witnesses). Some Youth Brigades are exclusively competent to deal with child suspects (e.g. Bobigny).

Lawyers – Defence lawyers who work under the French judicial aid scheme must have received training in the field for which they seek to work. Such training is compulsory and provided for free to lawyers wishing to work in juvenile justice under the scheme. The French Bar Association's National Council (*Conseil National des Barreaux*) has launched a series of initiatives for the creation of a children's lawyers grouping (*groupement d'avocats d'enfants*) in each local Bar Association, and provides regular training to these lawyers¹⁷. Approximately 70% of France's Bar Associations have set up such groupings and therefore hold a list of specially trained lawyers.

Public prosecutors – Juvenile cases in France are dealt with by specially trained Public Prosecutors. When a child is found to be in danger or when the police seek to retain, detain, or prosecute a child as a suspect, the specialised Public Prosecutor will be contacted and must decide whether to dismiss the case (often with conditions attached) or to refer the child to a Juvenile Court for protection or prosecution, or both.

The following general observations can be made about the specialisation of actors in order to ensure effective access for and treatment of children within criminal justice.

General observations: specialist institutions

- Specialisation is most common in relation to MS **court systems** (20 jurisdictions). The majority of MS have not introduced child-oriented specialisation in relation to other key criminal justice institutions (police forces, prosecution services, other legal practitioners).
- The creation of special juvenile courts tends to be geared more toward the needs of child suspects/offenders than toward the needs of child victims and witnesses (13 juvenile courts that exist in the EU adjudicate exclusively on cases involving child suspects/offenders).
- The situation is slightly different in the police forces. In 10 MS there are neither special units nor provisions for dealing with children. In other MS, the focus is evenly split. In five jurisdictions there are special police units that deal with children in all roles. In four jurisdictions, the special police units deal with child suspects/offenders, and in another five the special units deal with child victims and witnesses.
- Even where specialist institutions exist, these are not always available to children in all parts of the countries concerned. There are differences between rural and urban areas that may affect the delivery of child-friendly justice. For instance, in regions of PT where Children and Family courts are not present, children are dealt with in courts of general jurisdiction. In RO, only one specialist court exists.

3.3 Training of professionals

Most MS have introduced training programmes for professionals working for or with children involved in criminal judicial proceedings. The type of professionals covered by these programmes and the content and mandatory nature of the training varies across MS. **Table A3.1** indicates the type of training that exists for four key professional groups within the criminal justice systems of the MS - **judges, police, public prosecutors and defence lawyers**.

Mandatory training requirements

In 20 MS, there are mandatory training requirements for at least some of the professionals concerned. In 10 jurisdictions (CY, DK, FI, LT, MT, PL, RO, SE, SK, UK-S) mandatory training requirements for professionals working for or with children do not exist.

¹⁷ In order to reach this decision, the Bars National Council considered FR's international obligations, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, and the Law of 5 March 2007 reforming child's protection (*Loi du 5 Mars 2007 réformant la protection de l'enfance*) that advocates for training of all professionals involved in child's justice.

In four MS (CZ, EE, FR and IT) there are mandatory training requirements that apply to professionals in all four groups.

Training related to child-friendly justice is most often provided for **judges** - for whom it is a mandatory requirement to receive training focused on the rights and needs of children in 12 MS (AT, BE, BG, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LU, NL, PT, SI, UK-E&W and UK-NI). In BG, EL, HU and IE, the training requirements only cover judges who are likely to have contact with **child suspects and offenders** (not victims or witnesses). With the exception of EE and HU, these countries all have specialist juvenile courts.

Police officers who are likely to have contact with children are required to receive training on one or more aspects of child-friendly justice in 14 MS (BE, BG, CZ, EE, EL, ES, FR, HR, IT, LT, LU, LV, NL and PT). In EL, the requirements only extend to police who are likely to have contact with child suspects/offenders.

Public prosecutors who are likely to have contact with children are required to receive training on child-friendly justice in 11 MS (BE, CZ, EE, ES, FR, HR, HU, IT, LV, PT and UK-E&W). In the case of HU, the requirement only extends to public prosecutors who have contact with child suspects/offenders.

Defence lawyers have such a requirement in seven MS (BE, CZ, EE, FR, IT, LV and SI). In BE and SI, the requirement only extends to defence lawyers who have contact with child suspects/offenders.

Continuous training opportunities

Twenty MS have set up some type of **continuous training** for criminal justice professionals who are likely to come into contact with children. In most cases, participation in this training is voluntary and the training is often provided in a one-off manner rather than as part of a structured and on-going process of professional development.

Continuous training opportunities are available for the following professionals in:

- BE, CZ, EE, ES, FR, IT, NL and SI for judges, police officers, prosecutors and defence counsels.
- AT for judges and prosecutors;
- LV, RO and SE for judges, police officers and public prosecutors;
- IT for judges, police and defence counsels;
- FI and PT for judges, prosecutors and defence counsels;
- DK, EL and UK-NI for judges and the police;
- UK-E&W for judges;
- LT for the police; and,
- CY for social workers.

Multidisciplinary training

In most cases where training on child-friendly justice is provided to judges and prosecutors, the training covers child psychology and child welfare in addition to legal aspects (e.g. AT, DE, FI, FR, HR, NL, PL, PT, SE and UK-E&W).

This multi-disciplinary approach to training is recognised as an important pre-condition for the judges and prosecutors concerned to develop an appropriate understanding of the way children experience judicial proceedings. In AT, for example, judges and prosecutors are required to spend time working in a child welfare institution prior to taking on their posts in order to broaden their experience beyond the legal sector (see Box 2).

Box 2 Austria – ensuring that judges and prosecutors have child welfare experience

In addition to four years of legal training, including on the rights and needs of child suspects/offenders, victims and witnesses, judges and prosecutors in Austria are required to have professional experience in education, social work or another field relevant to the welfare of children in order to provide a more rounded understanding of the way children experience criminal proceedings.

Austrian judges and prosecutors must serve a minimum period of two weeks at a victim protection agency or a welfare institution prior to taking up their posts. Lay judges, who try cases involving children charged with committing offences that have sentences of more than five years, are required to have prior professional experience working with children, such as teaching or working in a youth welfare institution.

Once appointed, judges and prosecutors that deal with juvenile cases have access to a continuing training programme which focuses on child psychology, pedagogy and social work. Judges and prosecutors in Austria are also given the possibility to participate in international training courses (such as those provided by the European Judicial Training Network), which emphasise international standards of child-friendly justice.

The training that police officers receive often has a more practical character, focusing especially on how to communicate with children e.g. how to use audio-visual equipment during the interviews (e.g. BG, DK, FR, HR, IE, LT, LU, NL, PT and SE).

Some countries, such as LU ensure that the training received by the police covers a wide range of subjects, including special child-friendly interview techniques, as well as aspects of child psychology, social policy, legal questions and forensic science (see [Box 3](#)).

Box 3 Luxembourg – a multidisciplinary approach to training the police

Officers who form part of the Youth Protection department of Luxembourg's national police force must attend a three-week training course at the Police Academy of Freiburg (in Germany) that offers a multi-disciplinary programme covering the following areas:

- Juvenile criminal law, including the different types of crimes committed by child offenders;
- Child psychology, including special training on how to welcome children in police stations;
- Communication with children, including special interview techniques;
- Social questions of particular relevance to children, including children and religious sects, children and new social media, children in schools, children and drugs;
- Crime prevention (especially prevention of sexual abuse);
- Forensics and forensic science.

This is followed by another two-week training course that focuses on the specific issue of sexual abuse of children. Other forms of training are made available by different Ministries (Ministry of Family, Ministry of Justice and the Home Ministry) which help to foster a spirit of cooperation between the different services. The Youth Protection department of Luxembourg's national police force also organises a seminar on 'cognitive hearing', which is a special interview technique aimed at creating a positive relationship between the child and the investigator in order to avoid traumatising.

The following general observations can be made about the focus of the training available to professionals in the criminal justice system working for and with children involved in criminal judicial proceedings.

General observations: training of professionals

- Most frequently, training on child-friendly justice is received by judges, particularly those working in the context of specialist juvenile courts. In a few countries, there are also mandatory training requirements for the police and for public prosecutors. Mandatory requirements rarely exist for defence lawyers.
- In at least seven countries, the training provided to professionals working with children in criminal judicial proceedings focuses only on the rights and needs of child suspects/offenders.
- Whilst the content of the training varies across countries, there is frequently an emphasis on child psychology and child welfare in addition to the legal aspects of child-friendly justice. When training is offered to police officers, this often has a more practical orientation, including training on how to interview and communicate with children.
- In four countries (MT, RO, SK and UK-S) training on child-friendly justice does not appear to be available for any group of professionals working for or with children in criminal judicial proceedings.

3.4 Multidisciplinary approach

Nearly all MS recognise the importance of obtaining a comprehensive understanding of a child involved in criminal proceedings, which takes into account the child's legal, psychological, social, emotional, physical and cognitive situation (see [Table A3.2](#)).

In six MS (EE, HU, LT, MT, RO and SK), the need to obtain a comprehensive understanding of the child is not emphasised in legislation or policy.

A multidisciplinary approach requires the involvement of professionals from different government departments in reaching an assessment of the situation of **child suspects/offenders, victims** and/or **witnesses**, and in implementing the penal and rehabilitative measures that have been agreed on, in the case of **child offenders**.

Children covered

Most MS that recognise the importance of a multidisciplinary approach attempt to facilitate the cooperation of professionals who work with both **child suspects/offenders** and **child victims** (BE, CZ, EL, FI, FR, IE, LV, NL, SE, SI and UK-E&W).

However, many of the multidisciplinary activities organised for professionals working for or with child victims focus on **victims of domestic violence and/or sexual abuse only** (this is the case in BG, EL, NL, PL, SE and SI). In contrast, the multidisciplinary activities organised for **child suspects/offenders** tend to cover all children in conflict with the law.

In nine jurisdictions (AT, CY, DE, DK, ES, HR, IT, PT and UK-S), a multidisciplinary approach is only provided for child **suspects/offenders**.

In three MS (BG, LU and PL) it is only provided for **child victims**.

Only in LU and LV are **child witnesses** also covered by these activities.

Type of cooperation

The type of cooperation that takes place between professionals varies significantly in terms of the formal nature of the cooperation procedures and the stages of the proceedings at which such cooperation takes place.

In ten jurisdictions (AT, BG, CY, DE, EL, ES, IE, LU, LV and UK-S), the **cooperation is informal**, taking place if/when the professionals involved consider it important or useful. In these jurisdictions, the cooperation mostly takes place in the early stages of the proceedings when information about

the case is being collected and assessed by the police or by the judge/prosecutor. In all of these countries, procedures exist for the police or the judge to consult with professionals in other fields (e.g. psychologists) to obtain an expert opinion.

In 13 jurisdictions (BE, CZ, DK, FI, FR, HR, IT, NL, PL, PT, SE, SI and UK-E&W) more **formal procedures** exist to facilitate the cooperation between professionals working with children in criminal judicial proceedings.

This may involve the adoption of **agreements or protocols** between actors to facilitate their cooperation (e.g. CZ, FI, HR, IT, PL and PT). In other jurisdictions, formal **institutions** have been set up to ensure that cooperation between the professionals concerned takes place in an integrated and sustained fashion (e.g. BE, NL, SE, SI and UK-E&W).

Key features of the institutions set up in BE, NL, SE and UK-E&W are described in **Box 4**.

Box 4 Multidisciplinary activities that have been institutionalised

Belgium

District Councils on Youth Assistance (in the French Community) and Committees for Special Youth Support (in the Flemish Community) have been set up in each judicial district of Belgium to coordinate the assistance provided by local services to child suspects/offenders and victims at different stages of the criminal proceedings.

Netherlands

Safe houses (Veiligheidshuizen) have been set up at regional level across the Netherlands in order to improve the coordination of penal and rehabilitative interventions for child offenders. Safe houses organise regular case meetings, where criminal justice organisations, municipalities, social sector and care organisations discuss different interventions with the aim of reducing crime and in particular re-offending rates.

Sweden

In several municipalities there are Children's houses (Barnahus) where different authorities (social services, the police, prosecutors, forensic doctors, paediatricians and the Authority for Child and Youth Psychiatry) gather together in a child-friendly environment to obtain information and provide attention and support to children who have been victims of violence or sexual abuse. Children's houses are used mostly during the investigation of a case.

UK (England and Wales)

Every local authority acting in co-operation with partner agencies (the police, probation services, health services, education experts, charities) must establish a youth offending team (YOT) with the aim of accompanying child suspects/offenders throughout the proceedings and preventing re-offending. YOTs prepare background reports, run local crime prevention programmes, help at police stations if a child is arrested, help children and their families at court, supervise children who serve a community sentence, and stay in touch with a child who is sentenced to custody.

The following general observations can be made about the prevalence of **multidisciplinary approaches** to dealing with children in criminal proceedings across the EU.

General observations: multidisciplinary approach

- Most MS recognise the importance of a multidisciplinary approach in order to obtain a comprehensive understanding of the child involved in criminal proceedings and adapt the penal, rehabilitative or protective measures to the child's needs. Only six MS do not explicitly encourage a multidisciplinary approach to juvenile justice.
- Most multidisciplinary activities at MS level focus on the needs of child suspects/offenders and child victims of domestic violence and/or sexual abuse. In nine jurisdictions, a multidisciplinary approach is only provided for child suspects/offenders, and in three jurisdictions, it is only provided for child victims. Child witnesses are only covered by multidisciplinary activities in two jurisdictions.
- In most MS, the multidisciplinary approach is not institutionalised. In ten jurisdictions, cooperation between professionals in different organisations takes place in an ad hoc manner, depending on decisions made to cooperate by the individual practitioners concerned.
- Even in MS where formal agreements or protocols have been signed by different departments to facilitate cooperation, the implementation of these agreements is not always structured. Only five jurisdictions (BE, NL, SE, SI and UK-E&W) have set up institutions aimed at ensuring that the multidisciplinary activities are implemented consistently across cases and in a sustained fashion.

3.5 Protection from discrimination

Member States have adopted a range of legislative and policy measures aimed at preventing discriminatory treatment that children might experience in judicial proceedings. These measures include:

- **Statutory provisions prohibiting discrimination against children in criminal judicial proceedings on grounds of age.** These non-discrimination provisions exist in the legislation of 18 jurisdictions: BE, BG, CZ, DE, ES, FI, HR, HU, LT, LV, LU, NL, PT, SI, SK, UK-E&W, UK-NI and UK-S. These non-discrimination provisions cover both direct and indirect discrimination. In BE, for example, the refusal to ensure reasonable accommodation suitable for children with disabilities is considered as discrimination. In AT, CY, DK, EL, IE, PL and SE, non-discrimination provisions on grounds of age exist but these do not cover children in criminal judicial proceedings.
- **Redress mechanisms available to children who have suffered discriminatory treatment.** These measures include issuing a complaint to the corresponding Equality Authority/Ombudsperson, who can issue recommendations regarding appropriate changes to the relevant authorities (e.g. HU, LT, LV, PL, PT, SE and SI), or the right to pursue a discrimination claim (and receive compensation for material and non-material damages) in a civil or criminal court (e.g. HU, SI and SK).
- **Specific policy measures aimed at supporting children with physical or mental disabilities.** Several MS have adopted measures to address the needs of disabled children at different stages of criminal proceedings. In EE and SE, the investigating authorities must interview child victims and witnesses who have speech impairments, learning disabilities or other mental health problems in the presence of an expert social worker, child protection officer or child psychologist. In EL and PL, the sentences that are imposed on child offenders with physical or mental disabilities emphasise therapeutic measures rather than punishment. In UK-E&W and UK-NI, the measures involve policy guidelines.
- **Specific policies aimed at supporting children who do not speak the local language.** In 16 MS (AT, BE, BG, EE, EL, HR, HU, IE, IT, MT, NL, PT, SE, SI, SK and UK-E&W), child suspects/offenders who do not speak or understand the language of the procedure have the right to interpretation and translation. Child victims enjoy this right in nine MS (AT, BE, BG, FI, HR, LV, NL, PT and SI), and child witnesses in seven MS (AT, BE, BG, HR, NL, PT and SI).
- **Specific policies aimed at supporting children with other vulnerabilities.** In the UK-E&W and UK-NI, special guidance exists for those conducting interviews with very young

children. In IT, alternative measures to detention (such as placement in an appropriate community setting) are foreseen for foreign unaccompanied children who have been convicted of an offence. This measure recognises the fact that foreign unaccompanied children will find it difficult to participate in the standard alternatives to detention for which the presence of the family in the role of supervisors is often required.

Evolving capacity

Another important aspect of preventing discriminatory treatment against children is the principle of evolving capacity, which means that children should be treated in an individualised manner, based on their degree of maturity. The absence of such an approach (i.e. where all children are treated in the same way, based exclusively on their age), would discriminate against those children who show higher or lower degrees of discernment.

The principle of evolving capacity is enshrined in legislation in all jurisdictions except for LU, PL, SE and UK-S.

Mechanisms to formally assess the capacity of these children exist in all MS and are usually based on psychologist-led interviews. These formal assessments are used to determine the type of information to provide to the child (e.g. in AT, BE, DK, EL, HR, FR, LT, PT and SI), whether they can be heard and participate in the proceedings (as illustrated for DE in Box 5), or, in the case of **child suspects/offenders**, the most appropriate sentence (see section 5.1).

Box 5 Germany - assessing the evolving capacity of child suspects when implementing the right to be heard

Once proceedings have been initiated, an investigation into the child suspect's life and family background, development, previous conduct and other circumstances is conducted as soon as possible in order to assist in the assessment of his or her psychological, emotional and character status. The investigator is required to explain to the child what a hearing is like (describe the room, explain who is sitting where), if necessary visiting the courtroom before the hearing. The investigator is required to ensure that the child has sufficient psychological maturity to understand before explaining why and how the hearing will proceed.

The following general observations can be made about MS approaches to

General observations: protection from discrimination

- The majority of MS have statutory provisions prohibiting discrimination against children involved in criminal judicial proceedings on grounds of age. However, in seven MS (AT, CY, DK, EL, IE, PL and SE), non-discrimination provisions on grounds of age explicitly exclude children in criminal judicial proceedings.
- There are a variety of redress mechanisms across MS for children who have been discriminated against in criminal judicial proceedings. These range from the right to complain to the corresponding Equality authority, to the right to pursue a discrimination claim in a civil or criminal court.
- MS have developed a variety of approaches to address the needs of particularly vulnerable children involved in criminal judicial proceedings (including children with disabilities, children who do not speak the local language, unaccompanied minors and very young children).
- All MS have developed measures to the 'evolving capacity' of children in criminal judicial proceedings. However, MS differ in the consequences which this assessment has for the way children are treated by different criminal justice practitioners.

3.6 Legal remedies or compensation for violation of rights or failure to act

The legal remedies which can be sought for violation of rights vary according to the role of the child in the proceedings, the type of right that has been violated, and the provisions in place in each MS.

Child suspects/offenders

Child suspects can **claim compensation if they have been acquitted** by a court in 15 MS (AT, BE, BG, DK, ES, FI, HR, LT, LV, MT, NL, PL, PT, RO and SI) (see [Table A3.3](#)). Often additional circumstances need to be present in order for a child suspect who has been acquitted of an offence to claim compensation, including:

- The child must have been detained prior to acquittal (AT);
- The prosecution must have been abandoned (DK);
- Serious failure must have occurred in the criminal justice procedure (HR, MT, PL, PT, RO and SI);
- The police must have taken part in unlawful behaviour, including unlawful arrest (LV).

In all MS, child suspects/offenders have the right to **appeal to a higher court all aspects of the conviction and sentence**. In most MS, the rules that apply to child suspects who wish to file such appeals are the same as those applying to adults.

Where special rules apply for child suspects, these tend to be more restrictive than the equivalent rule for adult suspects:

- In AT, BG, DE and LU, the appeal against a conviction or sentence cannot be filed by the child directly but only by the child's legal representative.
- In SI, the maximum time limits for filing an appeal are shorter for child suspects (8 days) than for adult suspects (15 days).
- In AT appeals are only possible for judgments by district courts and single judges at regional courts, not by courts of lay judges or courts with a jury.
- In DE, only one appeal is possible in the Regional Court or Higher Regional Court, and children cannot appeal supervisory measures solely in order to be subject to another educational measure.

In 16 MS (AT, BG, DK, EL, FI, HR, HU, IT, LU, LV, MT, NL, PL, PT, RO and SI) child suspects have a **right to compensation if the conviction or sentence is overturned following an appeal**. This right does not exist in three MS (CY, EE and SE). In EL, it is conditional upon the child being detained prior to the appeal.

Child victims

A legal obligation to secure the right of child victims to **claim compensation for damages caused by the offence** exists in all countries (see [Table A3.3](#)). However, in CY, the right only extends to child victims of trafficking and violent crimes, and in DE and IT, to child victims of crimes committed by adults.

The right of child victims to **appeal a decision concerning conviction or sentence exists** in nine MS (EL, HR, HU, LV, MT, PL, PT, SE and SI). In PL and PT, this right is only extended to child victims who become auxiliary prosecutors or 'assistentes'. In BE and BG, child victims have the right to appeal the decision regarding the conviction but not the sentence (and in BE, it is limited to decisions taken by the Court of Assize).

Child victims have a right to **appeal decisions on civil claims for compensation for damages caused by the offence** in 12 jurisdictions (AT, BE, BG, CZ, DE, EE, EL, HR, PL, SK, UK-E&W and UK-NI).

In EL, child victims need to pay a charge in order to file an appeal or complaint. In six MS (BG, CZ, LT, MT, NL and RO), child victims also have a right to appeal a decision not to prosecute.

Child witnesses

In four jurisdictions (IT, MT, PL and UK-E&W), child witnesses can **claim compensation for damages caused by the offence** if they are also victims (see [Table A3.3](#)). In SK, witnesses have the right to claim compensation for costs, not for damages.

In general, child witnesses (who are not also victims of an offence) do not have a right to appeal decisions taken during the investigation or during the trial.

In 11 MS (CZ, DK, EE, ES, HR, FI, LV, PL, PT, RO and SI) child witnesses can **claim compensation for damages caused by unlawful decisions or violations in the legal procedure** by filing a civil claim.

The following general observations can be made about the legal remedies available to children involved in criminal judicial proceedings.

General observations: legal remedies

- Whilst child suspects/offenders have the right to appeal decisions concerning conviction and sentence in all MS, the rules that apply in these cases are either similar to those of adults or more stringent for children, including the need to act through a legal representative and shorter timeframes for filing the appeal.
- Child victims in all countries have a right to claim compensation against damages caused by the offence. Child victims can only appeal against a decision concerning the conviction or sentence in nine MS.
- Child witnesses have access to some legal remedies (including the right to claim compensation) in certain MS. In some MS, child witnesses can appeal decisions concerning the conviction or sentence if they are also a victim of the offence.

4 Child-friendly justice before and during criminal proceedings

This section examines the extent to which key safeguards are in place in the MS for children before and during criminal judicial proceedings. These include: safeguards concerning access to information about the child's rights and the criminal justice procedures in place; protections in place for child suspects following their first contact with the police; conditions for children in police custody/pre-trial detention; the right of children to legal counsel and representation; the right of children to be heard in criminal judicial proceedings; protections in place for children during interviews and when giving testimony; the right of children in criminal judicial proceedings to privacy; measures in place to avoid undue delay; and, the availability of alternatives to formal judicial proceedings.

4.1 Access to information and advice

Child suspects/offenders

All MS except HU have **statutory provisions** on the right of child suspects/offenders to receive information about their rights and about the criminal justice procedures in place (see [Table A4.1](#)).

Information is provided to child suspects/offenders upon the child's **first contact with the authorities** (usually the police) in all MS except BG, DE, ES, IT and SE. In BG, the information must be provided once the child suspect/offender has been indicted; in DE at the commencement of the first interview by the public prosecutor; and in IT, the information is provided by the judge at the start of the trial.

The **amount of information** that is to be provided to child suspects/offenders about their rights varies across MS. In some countries, the information provided is extensive (see Box 6 on BE), in others it is more limited. In DK, for example, police officers are only obliged to inform the child of the charges against him/her and of his/her right not to speak. In several MS, the parent or legal representative of the child suspect has the same right to receive the information as the child, e.g. AT, BG, DE and DK.

Box 6 Belgium – ensuring accountability in the provision of information

In Belgium, children who are held in custody must be informed, either orally or in writing and in a language they understand, of:

- The fact that they are being placed in custody;
- The reasons for their placement in custody;
- The maximum duration of the custody;
- The procedures that need to be followed as a result of the custody;
- The possibility for the police to resort to coercive measures;
- The rights attached to the child who is placed in custody.

The police officers must subsequently notify in writing under the register of detainees that the above listed information has been provided. This system helps to ensure that police officers can be held accountable in relation to their obligation to provide information to child suspects that are held in custody.

In 12 jurisdictions (BE, CZ, DE, EE, ES, FI, IE, LU, MT, PT, UK-E&W and UK-NI), it is a requirement to provide information on the rights of child suspects/offenders in a **child-friendly format**. However, in some of these jurisdictions (e.g. CZ) the absence of detailed rules on the content and procedures

for providing the information mean that the practice may vary significantly depending on the competent authority.

In SK, the relevant provision states that child-friendly language should be used “if necessary”.

In 17 jurisdictions (AT, BG, CY, DK, EL, FR, HR, HU, IT, LT, LV, NL, PL, RO, SE, SI and UK-S), there is no provision for child suspects/offenders to receive information adapted to their needs.

Child victims

All jurisdictions except DK, IE, MT, SI, SK and UK-S have **statutory provisions** on the right of child victims to information about their rights and about the criminal justice procedures in place (see [Table A4.2](#)).

In DK, IE, SI, and UK-S, child victims have a right to receive information but it is not enshrined in legislation. In the case of IE, for example, the right is contained in the Garda Síochána Victims Charter, which is a non-binding document.

In several countries (e.g. PL, PT, SI and RO) the coverage of the right to information is more extensive for victims of domestic or sexual abuse.

The right of child victims to information about their rights and procedures does not exist in MT and SK. In SK there is a statutory requirement for the provision of assistance to victims, which may include information but this is not explicitly stated.

In certain MS, the right of child victims to receive information about their rights and about the criminal justice procedures may be restricted:

- In CY, the Social Welfare Services have the discretion to determine what kind of information and in what form is to be provided to child victims (and witnesses) depending on their age and perceived maturity.
- In the CZ, the police, the prosecutor and court must provide information to the child’s legal representatives or guardian ad litem, but are allowed to inform the child on a discretionary basis, taking into consideration age and mental capacity. Moreover, in CZ, the only information that must be provided immediately to the victim concerns the procedures in place to claim damages and compensation.
- In PL, information is given to the person who reports the crime, not necessarily the victim.

As indicated in [Table A4.2](#), there is a requirement to provide the information to the child victim in a **child-friendly manner** in 11 jurisdictions (AT - see Box 7, BE, DE, EE, EL, HU, PT, RO, SK, UK-E&W and UK-NI). In PT and RO, there is a requirement to adapt the information to the child’s level of understanding only in cases of domestic violence.

Information must be provided at the child victim’s **first contact** with the authorities in 19 jurisdictions. This is not a requirement in 8 MS (BG, CY, ES, IT, LV, SE, SI and SK).

In most MS, the information is provided to child victims by the police officer handling the formal complaint or by social services. In some MS, the obligation to inform child victims of their rights falls on other actors, including defence lawyers (e.g. LV), the Victim Assistance Service (e.g. AT) or whichever authority the child victim first comes in contact with (e.g. DE and RO). In HU and NL, information is only provided to child victims upon request. At other stages of the proceedings, information can be obtained verbally or in the form of leaflets in the court itself (e.g. BG) and on different websites provided by Victim Support organisations in several countries (e.g. BE and RO).

Box 7 Austria – Ensuring that information on rights and procedures is adapted for child victims and witnesses

The Victim Assistance Service (*Prozessbegleitung*) of the Austrian Federal Ministry of Economy, Family and Youth has prepared a brochure for child victims entitled “Milli goes to court” (*Milli ist beim Gericht*). The brochure is used as a tool to prepare child victims and witnesses for questioning in court. The brochure describes attendance at court from the point of view of a fictional child character called Milli. Milli describes the questions that child victims and witnesses are frequently asked when they give testimony. The brochure uses cartoons to make the courtroom experience appear less intimidating.

The brochure also includes photographs of the court room, court building, the way to court, and the chair where the child sits, the video equipment that is used and other aspects of the court experience which the child is likely to have. Experience has shown that children who have appeared in court have recognised the chair, the video equipment and other features that are described in the brochure, making them feel more at ease during the criminal proceedings.

Child witnesses

Most MS have **statutory provisions** on the right of child witnesses to receive information about their rights and about the criminal justice procedures. In 11 jurisdictions (BE, CY, CZ, DK, IE, IT, LT, LU, NL, SE and UK-S) there are no such statutory provisions (see [Table A4.3](#)). However, in practice witnesses are generally informed by the police about the forthcoming case.

The information which witnesses receive must be in a **child-friendly format** in nine jurisdictions (AT, CY, DE, EE, HU, RO, SK, UK-E&W and UK-NI). There is no obligation to adapt the information to the level of understanding of the child witness in the remaining 21 jurisdictions.

Information is provided to child witnesses **at first contact** with the authorities in 14 MS (AT, BE, CZ, EE, FI, FR, HR, HU, RO, SI, SK, UK-E&W, UK-NI and UK-S).

The following general observations can be made about the right to information for children in criminal proceedings across the EU.

General observations: access to information and advice

- The protections to ensure that child suspects/offenders are adequately informed of their rights and of the criminal justice procedures in place are more common than the equivalent for child victims and witnesses.
- For child suspects/offenders, the right to information on rights and procedures is enshrined in legislation in all but one MS.
- For child victims the right to information on rights and procedures is not enshrined in legislation in six MS (in two, MT and SK, the right does not exist at all).
- Child witnesses are less frequently protected in this area, with the right to information for this group of children enshrined in legislation in only 19 MS.
- The MS that provide information on rights and procedures in a child-friendly format tend to do so for all three roles. This is the case for DE, EE, HU, UK-E&W and UK-NI.

4.2 Protection measures in place for child suspects following their first contact with the police

Member States have established a number of safeguards aimed at protecting **child suspects** when they are apprehended by the police.

In 24 jurisdictions, child suspects have the **right to contact their parents or another person of trust** when apprehended by the police (see [Table A4.4](#)). This safeguard is not available to child suspects in six MS (AT, CZ, DE, FI, HU and PL).

The onus to contact the parents of the child suspect, or another trusted person, falls on the police in all the jurisdictions except EL, IE, LU and MT, where the child must initiate the contact him or herself.

In BE, CZ, DK, IE, EL, ES and HR, the police have to adhere to **special rules when stopping, searching or detaining a child**:

- In EL, when a child is arrested, the police must exhibit ‘impeccable’ behaviour and avoid any actions that may harm the child suspect’s honour, reputation or dignity;
- In IE, the law stipulates that in any investigation relating to an offence by children, members of the police force shall respect the personal rights, dignity and vulnerability of children owing to their age and level of maturity;
- In ES, all authorities and civil servants who are involved in the detention of a child are required to carry out their task in the manner least harmful to the child.
- In HR, only specially trained officers are allowed to investigate a crime or offence involving a child suspect.

In AT, LV, MT and UK-E&W, on the other hand, the rules for police stopping, searching, questioning and detaining a child are broadly the same as for adults.

A number of MS have specific provisions on the **use of handcuffs**. In DE, for example, handcuffs cannot be used on a child under 15 years of age. In EL, the law stipulates that the use of handcuffs should be avoided by the police in relation to all children, unless there is a risk that the child may escape. This contrasts with BE, for example, where a child may be handcuffed in a number of circumstances, including if the child has committed certain types of offence, or if the child is violent or resists arrest.

MS also vary in their approach to **cautioning children** prior to police questioning. In some jurisdictions (e.g. EE, IE, HU, UK-E&W and UK-S), the child suspect must be cautioned in a language that the child is able to comprehend. The caution must include the fact that the child has a right to remain silent and that any statement that the child makes may be used as evidence against them in court. Failure to provide such a caution may make the evidence obtained from the child inadmissible in a court. In EL, whilst child suspects have the right to refuse to provide information to the police, the police are not under an obligation to caution children about their right to remain silent.

MS also have varying provisions in place for a child’s parents or other person of trust to be present during police questioning (see [section 4.6](#)).

The following general observations can be made about the protection measures in place for child suspects following their first contact with the police.

General observations: protection during police contact

- All MS except AT, CZ, DE, FI, HU and PL give child suspects the right to contact their parents or another person of trust when apprehended by the police. In some MS, the onus is on the police to make this contact.
- In some MS the police have to adhere to special rules when stopping, searching or detaining a child (e.g. BE, CZ, DK, IE, EL, ES and HR), whilst in other MS the rules are broadly the same as for adults (e.g. AT, LV, MT and UK-E&W).
- The special rules that police must adhere to in different MS vary significantly, and include prohibitions on the use of handcuffs, special cautions which are adapted to a child's level of understanding, and the obligation to show respect to the child's honour, reputation and dignity.

4.3 Conditions for children in pre-trial detention/police custody

There are two stages of pre-trial detention: the 'pre-charge' stage, when the child has been arrested but not yet charged with an offence, and the 'post-charge' stage, when the investigating authority finds that there is sufficient evidence to charge the child suspect with an offence and a decision is made to keep the child in custody before and/or during the trial. This sub section focuses primarily on the safeguards that MS have put in place for child suspects during the **post-charge stage of pre-trial detention**.

A legal obligation to make pre-trial detention of child suspects a **measure of last resort** exists in 22 jurisdictions (AT, BE, BG, CZ, DE, DK, EL, FR, IE, IT, HR, LU, LT, PL, PT, RO, SE, SI, SK, UK-E&W, UK-NI and UK-S). It is not a legal obligation in 8 jurisdictions (CY, EE, ES, FI, HU, LV, MT and NL) (see [Table A4.5](#)).

In some jurisdictions, the criteria which must be met before placing a child in pre-trial detention are the same as the criteria that apply for adult suspects e.g. AT, FI, FR (only for children above the age of 16), UK-E&W. These criteria include a real risk that the suspect will commit further offences, interfere with witnesses or fail to attend his or her trial.

In other jurisdictions, **additional criteria must be met** before placing child suspects in pre-trial detention (e.g. DE, IT and FR, as described in Box 8). These additional criteria generally relate to the appropriateness of the measures in the light of the child's age, vulnerability and other circumstances, as well as the seriousness of the crime the child is suspected of having committed.

Box 8 Examples of child-specific conditions for pre-trial detention

Germany

When pre-trial detention is ordered during the investigation, the judge must justify why other measures, particularly temporary placement in a youth welfare service home, are not sufficient and provide evidence that pre-trial detention is not disproportionate. In assessing the proportionality of this measure, account must also be taken of the stress which pre-trial detention has on children.

Italy

In taking the decision to order any pre-trial measure against a child offender, the judge must take into account the educational needs of the child and must assess whether the measure is adequate to the circumstances and the seriousness of the offence.

France

Children between 14 and 16 years old (*treize ans révolus et de moins de seize ans*) may be subject to a measure of provisional detention when charged with committing a felony, or when they willingly did not follow their obligations under alternative measures such as judicial control or house arrest under electronic surveillance.

The obligation to make pre-trial detention a measure of last resort depends on the existence of **alternatives to pre-trial detention** that are appropriate for children. Examples of such alternative measures include:

- Electronic monitoring (e.g. FI and FR);
- Placement in an educational community (e.g. IT and LU);
- Placement in the care of a trustworthy person who undertakes to ensure the child's presence at judicial hearings (e.g. CZ);
- A guarantee provided by a group of citizens or supervision by a probation officer (e.g. CZ);
- The child's written statement (e.g. CZ).

Several MS have established **special facilities for children in pre-trial detention**, in order to avoid the need to hold children together with adults in police stations or prisons. These special facilities include:

- Specialised closed centres for children (e.g. BE, DE, UK-NI)
- 'Free zones' for children within detention facilities so that they do not have to be locked in cells (e.g. CZ)
- Surrogate custody, i.e. residential institutions for young persons (e.g. DK); Custody in other suitable places chosen for the purpose, such as privately run hostels or the parental home (e.g. NL);
- Weekend custody (e.g. ES);
- 'Night detention' (Nachtdetentie) in NL, where the child goes to school or work during the day and stays in a remand home in the evenings and at weekends.

There is a legal obligation to ensure that pre-trial detention is used for the **shortest appropriate period of time** in the case of child suspects in 15 jurisdictions (AT, BE, CZ, DE, DK, EL, ES, FR, PL, PT, RO, SE, SI, SK and UK-S) (see [Table A4.5](#)). This obligation does not exist in 14 jurisdictions (BG, CY, EE, FI, HR, HU, IE, IT, LT, LU, LV, MT, NL and UK-NI).

The **maximum duration of pre-trial detention** for children varies across MS both in relation to the pre-charge and the post-charge stages of the investigation (see [Table 4.1](#)).

- For pre-charge pre-trial detention (police custody), most MS apply a 24 hour maximum duration. The maximum duration is higher than this in at least 5 MS. In LV, MT and PT it is 48 hours; while in PL and RO it is 72 hours. Most MS allow extensions to the maximum duration under exceptional circumstances. These extensions can reach 72 hours in BG, CZ and HU.

- For post-charge pre-trial detention, most MS apply a maximum time limit of between 3 and 6 months. This time-limit can be extended under exceptional circumstances, or for very serious crimes. These extensions are mostly for up to 1-2 years. In the case of ES, the maximum extension can be much longer. For serious crimes (homicide, sexual aggression or terrorism) post-charge pre-trial detention may be extended for up to 8 years, and up to 10 in cases of multiple offences.

In some MS, the maximum duration of pre-trial detention depends on the child's age, e.g. in RO 15 days for 14-15 year olds, and 20 days for 16-17 year olds, although in both cases, pre-trial detention can be extended to 180 days for serious crimes.

Table 4.1 Maximum length of time that a child suspect can be kept in pre-trial detention

Country	Maximum pre-trial detention duration			
	Pre-charge police custody	Exceptional extensions of pre-charge police custody	Post-charge PTD	Exceptional extensions of post-charge PTD
AT			3 months	1 year
BE	24h ¹⁸	48h		
BG	24h	72h	2 months	2 years
CY				
CZ	24h	15+ year olds: 72h	2 months	6-18 months
DE			6 months	More than 6 months
DK	6h	24h	8 months	
EE	48h			
EL	24h		15+ year olds: 6 months	15+ year olds: 9 months
ES	24h	48h	6 months	16+ year olds: 10 years ¹⁹
FI	12h	24h		
FR	10-13 year olds: 12h 13+ year olds: 24h	10-13 year olds: 24h 13+ year olds: 48h	13-16 year olds: 6 months 16+ year olds: one year	13-16 year olds: one year 16+ year olds: two years
HR	24h			
HU	24h	72h	3 months	2 years ²⁰
IE				
IT	12h			
LT	24h	48h	3 months	12 months
LU			16+ year olds: one month	
LV	48h		7 months	10 months
MT	48h			
NL			Below 16 years old: 3 days 16+ year olds: 15 days	
PL	72h		3 months	More than one year
PT	48h			
RO	72h		14-15 year olds: 15 days ²¹ 16+ year olds: 20 days	14+ year olds: 6 months
SE				
SI			One month	3 months
SK				

¹⁸ For judicial custody, upon the request of a magistrate/judge. For administrative custody, the maximum duration is 12 hours.

¹⁹ Pre-trial detention (*internamiento en régimen cerrado*) may be prolonged for up to 6 years. For serious crimes (homicide, sexual aggression or terrorism) this period may be extended for up to 8 years, and up to 10 in cases of multiple offences (*concurso criminal*).

²⁰ As of 1 July 2013, the maximum length was due to change to up to one year in Hungary.

²¹ Detention only if the punishment provided by the law for the crime allegedly committed is imprisonment for more than 10 years.

Country	Maximum pre-trial detention duration			
	Pre-charge police custody	Exceptional extensions of pre-charge police custody	Post-charge PTD	Exceptional extensions of post-charge PTD
UK-E&W	24h	More than 24h		

Note: Blank = Not available

Separate detention for children

In all MS except BE and PT there are rules requiring that children in pre-trial detention are held separately from adults (see [Table A4.6](#)). In practice, several MS (e.g. CY, DE, IE) face difficulties in complying with this obligation due to lack of infrastructure. For example, whilst in most MS larger police stations have separate cells for children, this is often not the case in smaller police stations.

In some MS, the obligation to detain children separately from adults includes caveats, for example, in CY and IE, the provision indicates that children should be separated from adults in pre-trial detention “in so far as is practicable”.

Finally, in AT, CZ, FI, LT, PL, SE and SI children’s right/provisions to be held separately from adults can be outweighed under certain conditions, for example, when it is considered in the child’s best interests, (e.g. SE, CZ, AT), or on the request of the parents (e.g. FI).

Right to maintain contacts and other safeguards

The right for children held in pre-trial detention to maintain contact with family and friends also exists in all MS. However, the regularity of the contacts varies, from the right to a daily one-hour visit in CY to one visit every three weeks for at least one hour in SK.

In some MS (e.g. BG, FI and SE), the rules concerning the right to maintain contact with family and friends are the same for children and adults. In other MS, the rules have been adapted to meet the specific needs of children (see example of CZ in Box 9).

Other safeguards that have been established specifically for children in pre-trial detention include: the right to complete compulsory education (e.g. FR and NL); the right to medical assistance (e.g. BE and ES); the right to appropriate nutrition (e.g. CZ); and, the right of children to have their parents or guardians present during certain procedures, for example, medical examinations (e.g. CY).

Box 9 Special safeguards for children in pre-trial detention - Czech Republic

In the Czech Republic, the rights of child suspects in pre-trial detention differ from those of adults in the following ways:

- the right to be visited by their relatives once a week instead of once every two weeks;
- the right to receive a parcel up to five kg once every two months instead of once every three months;
- the right to be visited by social workers and to deal with them in the absence of other persons;
- the right to appropriate nutrition;
- the right to complete primary education.

The following general observations can be made about the conditions for children in pre-trial detention/police custody in the EU.

General observations: children in pre-trial detention

- There is a statutory obligation in most MS for pre-trial detention of children suspected of committing offences to be used as a measure of last resort. Some MS have implemented this obligation by establishing additional criteria that must be met before placing child suspects in pre-trial detention.
- Fifteen MS have statutory provisions requiring that pre-trial detention is used for the shortest appropriate period of time. However, in practice the maximum duration of pre-charge and post-charge pre-trial detention of child suspects varies significantly across MS.
- The longest period of police custody permitted by law is 72 hours (in BG, CZ and HU). The longest period of post-charge pre-trial detention permitted by law is 8 months (DK). The longest exceptional extension of pre-trial detention for terrorism and other serious offences is 10 years (ES).
- In all MS except BE and PT there are rules requiring that children in pre-trial detention are held separately from adults. However, in practice, several MS fail to implement this obligation due to problems of infrastructure.

4.4 Legal counsel, representation and legal aid

Child suspects/offenders

In all MS, except DK and SE, there is a legal obligation for the police (or other relevant authority) to inform children who have been apprehended of their right to a lawyer.

Child suspects/offenders have a **right to legal representation** at all stages of the proceedings in all MS except in CY, CZ, FI, NL, UK-NI and UK-S (see [Table A4.7](#)).

In CY and CZ, the right to legal representation at all stages exists for children above the age of 15. For children that are younger than 15, the right to legal representation only exists during the trial itself. In FI, NL and UK-S the right to legal representation exists during the investigation phase only (FI) or during interrogations (NL and UK-S).

Mandatory defence for child suspects/offenders exists in all MS except in CY, DK, EE, MT, UK-E&W, UK-NI and UK-S (see [Table A4.7](#)). In CZ, it only exists for children above 15 years, and in NL for children under the age of 16.

Where mandatory defence exists, the involvement of a defence counsel on a mandatory basis is often conditional on the seriousness of the charge. In BE, for example, mandatory defence only exists if a case goes to court. In DE, mandatory defence is only automatic if the child is placed in pre-trial detention. In EL, mandatory defence only exists for child suspects who are accused of an offence which, if committed by an adult, would be considered as a serious crime.

A **right to legal aid** for child suspects/offenders exists in all MS except for HR and NL (see [Table A4.7](#)).

The conditions for child suspects/offenders to access legal aid vary across jurisdictions.

- In all MS except BE, DE, DK, EE, LT, LU, MT and SE, access to legal aid free of charge for child suspects/offenders is subject to a **means-test**.
- In 14 MS (AT, BG, CY, CZ, ES, DE, EL, HU, IE, NL, PL, SE, SK and UK-E&W), legal aid is provided to child suspects/offenders free of charge depending on the **merits of the case**.
- In six MS (BE, DK, EE, LT, LU and MT), no conditions are set; legal aid is available to all child suspects **free of charge**.

The **merit-based criterion** is defined differently across MS. In CY, for example, in addition to a means-test, legal aid is only available free of charge to child suspects who are charged with an offence that carries a prison sentence exceeding one year. In DE, child suspects can receive legal aid free of charge regardless of their financial situation, but additional merit-tests are imposed, as outlined in Box 10.

Box 10 Merit-based criteria for the provision of free legal aid to child suspects in Germany

In Germany, child suspects must be appointed a legal counsel free of charge in the following circumstances:

- the main hearing at first instance is held at the Higher Regional Court or at the Regional Court;
- the accused child is charged with a felony;
- the proceedings may result in an order prohibiting the pursuit of an occupation;
- the accused child has been in an institution for at least three months based on a judicial order or with the approval of the judge and will not be released from such institution at least two weeks prior to commencement of the main hearing;
- the accused child may be committed in order to assess his/her mental condition;
- the previous defence counsel has been excluded from participating in the proceedings with a court decision.

In DK and SE, if the child suspect is later convicted, they must repay the costs incurred by the State.

Child victims

Child victims have a **right to legal representation** in all jurisdictions except for CY, IE, UK-E&W, UK-NI and UK-S (see [Table A4.8](#)). In the case of IE, legal representation is possible for child victims in one circumstance only – when he or she is a victim of sexual violence and the accused person's lawyers wish to question the child on their sexual experience generally.

In CY, IE, UK-E&W, UK-NI and UK-S, child victims (in the same way as adult victims) are not prevented from consulting a legal counsel, but there is no requirement that a counsel should be appointed nor do any special facilities exist to provide a legal counsel, should the child victim not arrange this him or herself.

Where child victims do enjoy a right to legal representation, this right covers all stages of the proceedings in 18 MS (BE, DK, EE, EL, ES, FI, FR, HU, IT, LU, LV, MT, PL, PT, RO, SE, SI and SK). In other MS, the right is limited. For example, in DE, the right only exists whilst the victim is being questioned during the trial.

A **right to legal aid** exists for child victims in all countries except CY, UK-E&W, UK-NI and UK-S (see [Table A4.8](#)). In IE, this right only exists in certain sexual assault cases.

The conditions for child victims to access legal aid vary across jurisdictions:

- Legal aid is subject to a **means-test** in 14 MS (AT, BG, CZ, EE, EL, FR, IT, LT, NL, PL, PT, RO, SI and SK).
- In three MS (AT, DK and NL), the right to legal aid free of charge is subject to a **merit-test**, i.e. it depends on the seriousness of the case.
- No conditions are set in 5 MS (BE, FI, HR, LU and SE); legal aid is **free of charge** for all child victims in these MS.

In some MS that apply a means-test, this requirement can be lifted in certain circumstances. In FR and LT, for example, the means-test is lifted if the child victim just seeks advice from a lawyer rather than representation. In RO and SI, the means-test is lifted if the child is the victim of a crime against his/her sexual integrity, neglect, cruel treatment or trafficking).

Child witnesses

Child witnesses have a **right to legal representation** in 17 MS (BE, BG, CZ, DE, DK, EE, ES, FR, HR, HU, IT, LU, MT, NL, PL, PT and SI). The right does not exist in 13 jurisdictions (AT, CY, FI, EL, IE, LT, LV, RO, SE, SK, UK-EW, UK-NI and UK-S). (See [Table A4.9](#)).

The right to legal representation for child witnesses is often limited to certain circumstances. In BG, the right is limited to legal consultation if the child witness believes that his/her testimony could put him/her in danger. In CZ and NL, the right only exists during the preliminary stages of the proceedings.

Child witnesses have a **right to legal aid** in 17 MS (AT, BE, BG, DE, EE, ES, HR, HU, IT, LT, LU, LV, MT, NL, PT, RO, SE).

The conditions for child witnesses to access legal aid vary across jurisdictions:

- In EE, NL and PT, a **means-test** is applied.
- In AT, DE and NL, a **merit-test** is applied.
- Legal aid is available **free of charge**, without conditions, in BE, HR, LT (for legal consultation only), LU, RO and SE.

The merit-test is defined differently across MS. In DE, child witnesses can access legal aid free of charge during questioning if they are perceived to be in need of protection; in HU, child witnesses may have their expenses covered by the defendant if he or she is found guilty; in NL, access to legal aid for child witnesses depends on the seriousness of the case.

The following general observations can be made about the right to legal representation for children in criminal judicial proceedings.

General observations: legal counsel and representation

The protections to ensure that children are adequately represented during criminal judicial proceedings are more common in the case of child suspects/offenders than they are for child victims and witnesses.

- Child suspects have a right to legal representation in all MS, although the right does not extend to all phases of the proceedings in four MS. In most MS child suspects are also provided with mandatory defence and there is an obligation on the police (or other authorities) to inform them of their right to a lawyer. Child victims, on the other hand, do not have a right to legal representation in five jurisdictions, and child witnesses do not enjoy this right in 13 jurisdictions.
- The right to apply for legal aid is also more common in the case of child suspects than it is for child victims and child witnesses. Legal aid opportunities are not available for child suspects in two countries only (HR and NL). Legal aid opportunities are not available for child victims in four jurisdictions (CY, UK-E&W, UK-NI and UK-S). They are not available for child witnesses in 13 MS (CY, CZ, DK, EL, FI, FR, IE, PL, SI, SK, UK-E&W, UK-NI and UK-S).
- The MS which offer most safeguards in this area to children are BE and LU, where free legal aid, without any conditions, is available to children involved in criminal judicial proceedings in all three roles.

4.5 Right to be heard in criminal judicial proceedings

This sub section examines the extent to which MS have developed legislation and policies to give effect to the child's right to be heard in criminal judicial proceedings.

In certain MS, the right to be heard extends beyond the basic right to make representations in relation to criminal judicial proceedings. In those MS it may also include the right to receive information (e.g. consult police or judicial records), in order to ensure that those representations are meaningful. In this way, there may be an overlap between the right to receive information and the right to be heard.

Child suspects/offenders

Through written legislative provisions, all countries provide child suspects/offenders with an express right to be heard in one form or another during the course of criminal judicial proceedings. It is understood to be a central aspect of the child suspect/offender's right to a fair trial.

The scope of this right may extend to the right to receive information about the charge and nature of the investigation (see section 4.1) and the right to make comments and submit explanations and clarifications with regard to each piece of evidence. In some MS, the right to be heard for child suspects/offenders is more extensive than this, covering such acts as the right to consult the court files at any stage of the proceedings and the right to interrogate witnesses and experts (e.g. AT, CZ, EE, LV and PT).

In LV, the right to be heard of child suspects/offenders must be exercised in the presence of a defence counsel but includes an even more extensive set of rights such as the right to participate in all investigative actions, the right to initiate a settlement with the victim, and the right to submit an application regarding the termination of a criminal proceeding.

In other MS, the right of child suspects to be heard is more limited. In IT, for example, the right of suspects to be heard only extends to the preliminary, 'investigation' stage of the proceedings. Once the trial has started, child suspects can ask to be heard, but the public prosecutor is not obliged to give the child suspect an audience. In RO, child suspects only have the right to be heard by the judge on one occasion, a limitation which does not exist in the case of adults.

Child victims

An express right to be heard in criminal judicial proceedings for child victims exists in the legislation of 21 MS (see [Table A4.10](#)). Nine jurisdictions do not provide an express right to be heard for child victims (BG, CY, DE, DK, IE, IT, SI, UK-E&W and UK-NI). In these nine jurisdictions, the decision to call upon a child victim to testify is at the discretion of the police and prosecuting authorities. In some of these countries, the police and prosecutors are strongly encouraged to consult with child victims – but this does not amount to a legal obligation – (e.g. in the Victim's Code of Practice and Witness Charter of the UK-E&W).

In certain MS (e.g. EL, HR and LV – see Box 11 for more details on LV), the scope of the right to be heard extends to the right to participate in the investigation, the right to intervene in every hearing, the right to consult files, the right to ask for the conduct of expert reports and the right to question the suitability of a judge.

Box 11 Latvia – an expansive definition of the right to be heard for child victims

Whilst child victims in Latvia must exercise their right to be heard through a legal representative until they reach the age of 15, the range of acts they can initiate and participate in, in the context of criminal proceedings, is amongst the widest in the EU.

During pre-trial proceedings, child victims in Latvia have the right to:

- Submit an accusation to the prosecuting authorities;
- Submit a complaint about the performance of the investigative authorities;
- Receive prior information on the results of expert examinations and to request amendments to these;
- Apply for compensation
- Appeal against a procedural decision;
- Receive copies of all the case materials;
- Request more information not initially included in primary documents.

During the court hearings, child victims in Latvia have the right to:

- Initiate a settlement with the offender leading to the termination of the proceedings;
- Request the removal of any of the participants in the trial;
- Express opinions regarding any matter to be discussed, including the penalty to be imposed on the offender;
- Ask questions to witnesses and experts;
- Participate (and make statements) in the examination of any evidence submitted at the trial;
- Receive copies of any documents in the case file;
- Appeal against a decision;
- Participate in any court debates;
- Familiarise themselves with the judgment and any minutes of the court hearings.
- Be assisted by an interpreter free of charge.

However, in most jurisdictions, the right of child victims to be heard in criminal proceedings is less extensive than it is for child suspects/offenders.

For example, in most MS child victims do not have the right to consult police or judicial records, to make statements at each stage of the proceedings or to appeal judicial decisions. In some MS, the statements made by child victims below a certain age do not qualify as formal evidence but rather as information that can be used to put other evidence into context (e.g. in BE, for children under 15). In other MS, such as EL, child victims can only make statements during the preliminary stage of the proceedings (the ‘investigation stage’).

In nine MS (BE, BG, CZ, FR, HU, IT, LT, LV and PL), child victims do not have legal capacity to exercise the right to be heard directly, and must do so through a legal representative, unless there is a conflict of interests between the child and their legal representative in which case a special representative or guardian ad litem is appointed to act and speak on behalf of the child.

The right of a child victim to be heard in their own right is often dependant on their age. In FI, for example, children below 15 years of age must be legally represented by their parents, whereas children above 15 have independent or parallel legal rights with their parents to participate in the proceedings. In BE, it is at the court's discretion whether to hear children below 12 years of age.

The right for very young children to be heard is often dependent on an assessment of the maturity and discernment of the child victim by the judges, or by a specially appointed expert, but in some MS (e.g. BG) this applies to all children.

A number of countries provide an opportunity for child victims to strengthen their right to be heard and to participate in the proceedings by applying to become civil parties (e.g. BE, BG and EL), "auxiliary prosecutors" (IT) or "assistentes" to the prosecutor (PT).

Child witnesses

Child witnesses have an express right to be heard in criminal proceedings in 12 MS (BE, EE, EL, ES, FI, FR, HR, LT, LU, PT, RO and SK) (see [Table A4.10](#)). In all other jurisdictions, children who have witnessed a crime, but who are not victims themselves, may be obliged to testify in a court but do not have a right to be heard by the judge if they do not receive a court order to testify.

In MS where child witnesses do have an express right to be heard enshrined in legislation, this right is limited. The following are examples of the limited nature of the right to be heard for child witnesses:

- In BE, EL, ES, FI, FR and PT, the public prosecutor can decide to deny audience to a child witness if this is considered expedient;
- In EL, it is at the judge's discretion whether to consider the information provided by the child witness, and there are no rules to ensure that the child understands the proceedings;
- In BE and ES, the law does not specify what a child witness's right to be heard should be. This is decided on a case-by-case basis by the judge, depending on an assessment of the child's maturity.

The following general observations can be made about the right to be heard for children in criminal judicial proceedings.

General observations: right to be heard

- The protections to ensure that children have the right to be heard are more common in the case of child suspects/offenders than they are for child victims and witnesses. An express right to be heard for child suspects is enshrined in legislation in all MS, whereas, this is only the case in 21 jurisdictions for child victims and in 12 jurisdictions for child witnesses.
- In 10 MS (BE, EE, ES, FR, HR, LT, LU, PT, RO and SK), the right to be heard is enshrined in legislation for all three roles. However, in all of these MS, the right to be heard is understood more expansively for child suspects than for child victims or witnesses, where the right is often limited to certain procedural matters (such as the right to testify, but not to consult files and participate in the investigation, for example) and to certain stages of the proceedings (especially in the early stages).

4.6 Protection measures in place for children during interviews and when giving testimony

Even in MS where children have a right to make their views and opinions heard during the proceedings (see Section 4.5), this right may be compromised if parallel efforts are not made to ensure that the conditions in which the child is questioned or gives testimony are child-friendly.

These conditions can include:

- Adaptations to the physical setting in which the child is interviewed, for example, presence of screens, separate rooms and/or audio-visual facilities to ensure that child victims do not need to make contact with the alleged offender;
- The manner in which the child is interviewed by the police or judicial authorities, for example, child-friendly language/questions, limitations on the number of interviews to avoid secondary victimisation, etc.; and,
- Whether the child has the right to be accompanied by a person of trust to make the child feel safer and more comfortable during the interview process.

The types of protection that are in place for children during interviews and when giving testimony are discussed below in turn for child suspects/offenders, child victims and child witnesses.

Child suspects/offenders

Adaptations to the **physical setting** in which child suspects/offenders are interviewed are in place in seven jurisdictions (CY, IE, LV, NL, PL, SE and UK-S). These adaptations include:

- Arranging the interview to take place in a separate or private room (CY, IE and SE);
- Limiting the presence of (specific or multiple) parties through audio-visual techniques that allow, for example, the person in charge of the proceedings to follow the conversation from outside the room (CY, NL and LV);
- Measures permitting the interview to be held at a location that is familiar or physically close to the child's usual environment, for example, home (PL).

The aim of these measures is to create a setting that is adapted to the needs of the child suspect/offender.

In 26 jurisdictions, the **manner in which child suspects/offenders are interviewed** is adapted in order to make the process less intimidating to the child. The exceptions are (EE, EL, PT, UK-NI), where such adaptations are not made. These adaptations include:

- having only trained officers conduct the interviews (BG, CZ, ES, FI²², FR, IE and NL);
- making it obligatory for a defence counsel to be present at the interview (BE, FI, HR, HU and RO);
- making it obligatory for a psychologist, social worker or youth court assistant to be present at the interview (CZ, DE, DK and RO);
- allowing the participation of these professionals upon the child's request (BG, FI, IT, LT, LV, PL, SE and SI).

In FR, IT, NL and SE, it is an obligation to **video-record** interviews held with child suspects/offenders (although in NL and SE, this obligation only applies to interviews with children below the age of 12 and 15, respectively). Video-recording of the interview is possible upon the request of the child suspect/offender in CY, LU, LV and SE (above the age of 15).

In some countries (PL and SE) there are **limits to the number of interviews** that can be organised with a child suspect/offender, or limits to the number of hours that a child suspect/offender can be interviewed. However, these limits are not necessarily child-friendly (in LV, for example, a child can be interviewed for up to six hours a day).

²² An alternative is the presence of an "external witness".

A **person of trust** (e.g. parent, guardian or friend) can accompany the child suspect/offender during interviews in all MS. However, in some MS, this right is restricted. Examples of such restrictions include:

- Restrictions of the right to be accompanied at certain stages of the proceedings. For example, in EL and SE, parents or guardians are not authorised to attend police interviews;
- Age-related restrictions, where the right to be accompanied is conditional upon the age of the child suspect/offender (CY, CZ and FI: below 16 years of age).
- Discretionary elements, for example, in FR and IE, where the police have the right to decide whether or not the child suspect/offender can be accompanied in this way.

Child victims

In 28 jurisdictions, child victims are interviewed or heard in **physical settings** that have been adapted in order to avoid secondary victimisation. The exceptions are MT and RO where such adaptations are not made.

In a few countries, adaptations to the physical environment in which interviews take place are only made in the case of child victims below a certain age (below the age of 14 in HU; 15 in CZ and SK; 16 in UK-S; 17 in UK-NI) or in the case of children who have been victims of certain types of offence (e.g. sexual abuse in IT and PL).

The adaptations include:

- Making it a requirement for only one person to interview the child victim (AT, DE and PL);
- Using a screen (UK-E&W, UK-NI and UK-S) or audio-visual techniques (EE, IE, UK-E&W, UK-NI and UK-S) during the trial in order to ensure that the child victim does not have to make contact with the alleged offender; and,
- Physically removing the suspect from the court during the child victim's testimony (CY, DK and PL).

Adaptions to the **manner in which child victims are interviewed** or heard are in place in all MS except ES. These adaptations include:

- Having trained officials interview the child victim (BE, DK, FR, IE, NL, SI and SK);
- Having a specialised professional (e.g. psychologist) present at the interviews (CZ, DK, FR, IT, LV, PL and PT). The presence of a psychologist or child specialist is optional in DK, FR, IT, LV, PL and PT.
- Video recording of interviews.

Video-recording of interviews is a requirement in the case of child victims in 17 jurisdictions (BE, CY, CZ, DE, DK, EE, FI, FR, HR, HU, IE, MT, NL, PL, UK-E&W, UK-NI and UK-S). In ten jurisdictions, it is an option available to child victims (AT, BG, LT, LU, LV, PT, RO, SE, SI and SK); in some MS, video-recordings are reserved for children below a certain age (BG, IE, MT and NL); and in others, they are used in cases of sexual abuse only (DK, EL, NL).

Most jurisdictions have **limits to the number of interviews or hearings during the trial** that the victim has to participate in. The exceptions are EL, FI, MT and UK-S, where such limits have not been set. In some MS, this measure is only taken in cases where a child is the victim of serious crimes such as child abuse (e.g. IT, PL). In the case of HU, this measure is applicable to child victims under the age of 14 years. Finally, in a few MS, steps are taken to prepare the child victim for the interview (DK, FI and SE).

Child victims are entitled to bring a **person of trust** along to the interviews or hearings in most countries (AT, BE, CY, CZ, DE, DK, EL, ES, FI, HR, HU, IT, LT, LU, LV, MT, PL, RO, SI, SK, UK-E&W, UK-NI and UK-S). In AT, this provision is only available for child victims under the age of 14 and in IT and LU only during court hearings.

Child witnesses

Adaptations to the **physical environment** in which child witnesses are interviewed or heard are in place in nearly all MS except BG, EE, FR, IE, NL, PT and SE. These measures include:

- A few countries make such physical adaptations conditional upon the age of the child witness (below the age of 14: HU; of 15: CZ, PL, SK) and/or on the type of offence (e.g. sexual abuse in IT and PL).
- Restricting the number or type of parties present at the interview of the child witness. For example, in DE, only one person is allowed to interview the child witness; in PL and PT, it is specified that only the judge can interview the child witness.
- Offering child witnesses the option of being interviewed remotely via video link (BG, EE, ES, HR, HU, IE, IT, MT, SK, UK-E&W, UK-NI, and UK-S). A few MS reserve this right for children below certain ages: 10 (EE), 14 (HR), 16 (UK-S), and 17 (IE and UK-NI).
- Offering child witnesses the possibility of giving testimony outside of the court (FI)
- Offering the possibility to remove the accused from the court (CY, DK, ES, PL and PT). In BG, in contrast, the testimony of the child witness is only considered valid if the accused was present.

Adaptions to the **manner in which child witnesses are interviewed** or heard exist in all countries. These adaptations include:

- Having only trained officials interview the child witness (DK, FR, IE, NL and SK);
- Having a specialised professional (e.g. psychologist, child specialist) present (CY, CZ, ES, HR, IT, LU, LV, PL, RO and SI). The latter constitutes an optional measure in CY, CZ, LU, PL, RO and SI, and is obligatory in ES, HR, IT (at the trial) and LV (below 14 years of age);
- Video-recording of the interview. This is an optional measure available to child witnesses in CZ, DK, LT, LV, MT, RO, SE and SK and mandatory in BE, DE, EE, FI, HR, HU, IE, LU, NL, PL, UK-E&W and UK-NI;
- Restrictions on the number of interviews conducted with child witnesses (BG, CZ, EE, HU, LT, PL, SE and SK). A few of these countries make this safeguard conditional on the age of the child (BG: below the age of 14; PL and SK: below the age of 15); and,
- Providing support for child witnesses to prepare themselves for the interview (DK, FI, SE, UK-E&W and UK-NI).

In nearly all MS, child witnesses can be accompanied by a **person of trust** when interviewed or heard at the trial. The exceptions are BG, EE, EL, FI, FR, IE, NL, PL, PT, SE where this safeguard is not available to child witnesses.

A few countries reserve this safeguard for child witnesses below a certain age (AT, RO, SI: 14 years; SK: 15 years; CY: 16 years) or for hearings at the trial (IT and LU).

The following general observations can be made with respect to the protections in place for children during interviews and when giving testimony.

General observations: protection measures during interviews

- In nearly all MS there are safeguards aimed at protecting children during interviews and when giving testimony.
- Many of these safeguards appear to be as common for child suspects as they are for child victims and child witnesses in most Member States, especially with respect to the manner in which children are interviewed (limitations to the number of interviews, use of video-recordings, etc.). Adaptations to the physical environment in which the child is interviewed are more frequent for child victims and witnesses than for child suspects. In a number of countries, the right of child suspects to be accompanied by a person of trust is also limited (e.g. in the context of police interviews).
- The greater prevalence of safeguards in this area for child victims and witnesses may reflect the fact that these safeguards are primarily designed to help reduce possible secondary victimisation of the child in the hands of the police and judicial authorities; and to help reduce or avoid the need for contact between the child victim and witness and the alleged perpetrator of the crime.

4.7 Protection of the right to privacy for children

This section outlines MS approaches to protecting the right to privacy of children involved in criminal judicial proceedings. Three particular aspects are reviewed:

- How MS balance the right to privacy against the right to freedom of information and expression;
- The provisions that exist at national level to regulate the media's publication of information about the identity of children;
- The extent to which hearings involving children are conducted behind closed doors.

Balancing the right to privacy against freedom of information and expression

Child suspects/offenders

The right to privacy is protected in law for child suspects/offenders in all MS (see [Table A4.11](#)). This right has to be balanced against the right to freedom of information and expression in all MS except SI, where the identity of child suspects/offenders can never be disclosed.

In MS such as AT, PT and SE, where legislation provides for a general rule in favour of disclosure of information related to a child suspect/offender, **judges have discretionary power** to order the non-disclosure of any such information if they consider this to be in the best interests of the child. In contrast, in jurisdictions such as EL, IE, IT, NL and UK-S, legislation prioritises the child suspect/offender's right to privacy and so judges have discretionary power to order the disclosure of information where this is considered a proportionate means of achieving a legitimate aim such as freedom of information or expression.

In MT, the right to privacy is enshrined in law only for child suspects below 16 years.

A statutory provision on the right of child suspects/offenders to privacy at all stages of the proceedings exists in most MS. Exceptions include:

- HU and UK-S, where it is protected during and after the trial only;
- BG and NL, where it is only protected during the trial; and,
- SE, where confidentiality is ensured during the investigation phases, but during the trial itself only in cases of sexual abuse. Information about the identity of the child suspect/offender normally becomes public in SE once the proceedings have been concluded.

Child victims

The right to privacy is protected for child victims in all countries through legislation which restricts the disclosure of information about them. As with child suspects/offenders in all countries, except SI, the same considerations come into play as regards the balance between the right to privacy and the public's right to information, with judges having discretionary powers to order the disclosure or non-disclosure of information.

In a number of countries, the application of the right to privacy for child victims depends on the nature of the offence. In BE and SE, for example, child victims may request closed court sessions in proceedings related to sexual abuse only. In MT and PT, the right to privacy applies to victims below the age of 16 years only.

The right to privacy for child victims applies to all stages of criminal judicial proceedings in most countries. The exceptions are AT, BE, IE, UK-E&W and UK-NI, where the privacy of child victims is protected only during the trial itself and SK, where privacy is protected during interviews in the pre-trial and trial stages.

Child witnesses

The right to privacy is established in law for child witnesses in all countries except BG and PT, where statutory provisions prohibiting the disclosure of information about child witnesses do not exist. The same considerations regarding the balance between the right to privacy and the right to information and freedom of information apply in all countries with the exception of SI as discussed above.

In a number of countries, including FR, LT and SE, the right to privacy of child witnesses only applies in certain cases, including those involving sexual abuse and other serious offences.

The privacy of child witnesses is protected at all stages in CY, CZ, DE, ES, FR, HU, IT, LV, NL, PL and UK-S. It is protected during the trial only in AT, BE, DK, EE, EL, HR, IE, LU, RO, SE, SI, UK-E&W and UK-NI. In FI and LT, it is only protected during the pre-trial investigation phase.

State regulation of the media

Member States have adopted legislation aimed at regulating the media in order to protect the identity of children in criminal judicial proceedings in all countries except for FI, SE and SK (see [Table A4.14](#)).

In 24 jurisdictions, state regulations address the media's coverage of child suspects/offenders, victims and witnesses. In the remaining six jurisdictions, the state regulations focus on some of these roles more than others.

- The privacy rights of child suspects/offenders are not addressed in the state regulations of HR and PT (which focus on child victims and witnesses);
- The privacy rights of child victims are not addressed in the state regulations of BE, DE, EL and LT (which focus on child suspects/offenders);
- The privacy rights of child witnesses are not addressed in the state regulations of BE, DE, EL, FR, LT and PT (which focus on child suspects/offenders and/or victims).

The extent to which the state regulations interfere with the media's freedom of expression varies:

- In CY, the regulations are more extensive in the case of child suspects/offenders than they are in the case of child victims or witnesses. Whereas media outlets in CY are prohibited from broadcasting the name of a child suspect involved in police or judicial proceedings, or any information which may lead to the revelation of the child's identity, the media may, in exceptional cases, present the fact that children are involved as witnesses or victims of a crime (however, this information must stop short of disclosing the names of the children involved).
- In DE, on the other hand, state regulations only provide judges with discretionary power to exclude the media from court hearings involving child suspects, should they consider this to be a proportionate means of protecting the child's best interest.

- In DK, the only obligation imposed on the media, which applies to children and adults alike, is to ensure that “mention of a person’s family history, occupation, race, nationality, creed, or membership of organisations should be avoided unless this has something directly to do with the case.”²³
- In EL, whilst the media are prohibited from revealing the identity of the child suspect’s/child offender’s relatives by using their name, image or any other elements of their identity, the prohibition can be relaxed if revealing this information is considered ‘indispensable in order to report the facts of the case’.
- In HR, the media may disclose the identity of child victims or witnesses with their consent. In EE, parental consent is needed for the media to disclose the identity of child victims or offenders.
- In the UK-E&W (see **Box 12**), a balance is struck between the right of the child to privacy and freedom of information, with legislation outlining a series of circumstances in which the media can report on the identity of a child suspect/offender.

Box 12 Protecting the right to privacy of child suspects/offenders in criminal judicial proceedings – UK England and Wales

Any child in England and Wales tried in a youth court, or involved in an appeal against a decision taken by a youth court, shall have their identity protected. The media is prohibited from publishing or broadcasting:

- (a) any report which reveals the name, address or school of the child concerned or includes any particulars likely to lead to the identification of any child or young person concerned in the proceedings;
- (b) any picture of or including any child concerned in the proceedings.

The court may lift the ban on publishing or broadcasting the name or picture of a child under a limited number of circumstances which include:

- Publishing the identity of the child is necessary to avoid injustice to the child him or herself;
- The child is unlawfully at large and publishing his or her identity is necessary for the purpose of apprehending the child;
- The child is charged or convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for 14 years or more.

This ban on publicity does not apply if a child suspect is tried in an adult court (Crown Court or adult Magistrate’s Court). In these cases, priority is given to the right of the public to information and the onus is on the court to make an order restricting publicity. If no order is made, the media is at liberty to report the names of the child concerned, just as they are at liberty to report the names of adults.

Media self-regulatory measures

In 12 MS (AT, BE, BG, DE, EL, IT, LU, MT, PT, SI, UK-E&W and UK-NI), the media implement self-regulatory measures to protect the right to privacy of children involved in criminal judicial proceedings, in addition to the state regulations described above.

These self-regulatory measures cover the identity of children in all roles in BE (although there is a particular emphasis on child victims), DE and IT (where the emphasis is particularly on child victims and suspects), LU, MT, PT and SI. In AT and BG, the media’s self-regulatory measures cover child victims only; in UK-E&W and UK-NI, they cover child victims, witnesses and relatives of offenders under the age of 16; and in EL, they apply to child victims and witnesses.

²³ See: <http://www.pressnaevnet.dk/Information-in-English/The-Press-Ethical-Rules.aspx>

Conducting hearings behind ‘closed doors’

An obligation to hold hearings involving child suspects behind ‘closed doors’ exists in nine MS (BG, CZ, EL, FI, FR, IE, IT, RO and SI). In the case of RO, this obligation is lifted if a court decides that holding a hearing in public is in the child’s best interest.

Hearings involving child suspects are open to the public, unless a court decides to the contrary, in nine jurisdictions (BE, EE, ES, MT, PT, SE, except in cases involving sexual abuse, UK-E&W, UK-NI and UK-S).

The court must decide, on a case-by-case basis, whether to make the hearing private in DE, DK, HR, LV and NL.

In certain MS, such as CZ and IT, children above a certain age (15 and 16 years, respectively) may apply for a public hearing.

The obligation to hold hearings involving child suspects/offenders behind ‘closed doors’ does not always coincide with the existence of state regulations banning the publication of information about the child’s identity. In certain jurisdictions, such as UK-E&W and UK-NI, the media cannot be excluded from the hearings but they are banned from publishing information that can reveal the name or identity of the child suspect, unless the Court decides otherwise (see Box 12).

The obligation to hold hearings involving child victims behind ‘closed doors’ is much less common than in the case of child suspects/offenders. Indeed, this only exists in a few MS (e.g. BE, FR, as long as there is no opposition to this from one of the victims, and IT) in cases involving sexual abuse, prostitution or pornography. In all other cases involving child victims and witnesses, it is not an obligation but the court can order this if it is considered in the child’s best interest.

The following general observations can be made about the right to privacy for child suspects, victims and witnesses.

General observations: right to privacy

- A general right to privacy exists in all MS for child suspects/offenders, victims and witnesses involved in criminal judicial proceedings (except for BG and PT, where child witnesses are not covered).
- All countries balance the right to privacy of children against concerns about freedom of information and expression. This tension leads to a variety of provisions regarding the extent to which criminal justice cases involving children can be publicised.
- Whilst most countries have statutory provisions regulating the media’s coverage of cases involving children, bans on publicity are more common in the case of child suspects/offenders than in the case of child victims and witnesses.
- In five MS (BE, DE, EL, LT and UK-E&W) state regulations only cover the identity of child suspects/offenders. Even where state regulations include provisions regarding the identity of child victims and witnesses; these are normally limited to providing courts with discretionary power to issue a non-disclosure order.
- In nine MS (BG, CZ, EL, FI, FR, IE, IT, RO and SI), there is an obligation to conduct court hearings in private whenever child suspects/offenders are involved (unless a court decides otherwise). In a small number of MS, this obligation only exists in cases of sexual abuse, prostitution or pornography involving child victims or witnesses.

4.8 Avoiding undue delay

The need to avoid undue delay in the determination of cases involving children is enshrined in legislation in 19 jurisdictions (BG, CY - for domestic violence cases only, CZ, EE, ES, FI, HR, HU, IE, LT, LV, NL, RO, SE, SI, SK, UK-E&W, UK-NI and UK-S) (See [Table A4.15](#)). In DE, the obligation to avoid undue delay is found in case-law and practice guidelines. Most MS, including those which have not adopted statutory provisions to this effect, have policies in place aimed at ensuring that criminal proceedings involving children are dealt with as quickly as possible (see [Box 13](#) concerning DK and FR). The only exceptions are EL and IT.

Child suspects

In 16 MS where there is a legal obligation to avoid undue delay, the provision covers cases involving child suspects (CY, CZ, DK, EE, ES, FI, HR, HU, IE, LV, NL, PL, RO, SE, SK and UK-S). In 8 jurisdictions, a **maximum time limit** has been established for cases involving child suspects to get to trial (BE, BG, HR, HU, SI, FI, SE and UK-S). This maximum time limit varies from 2 weeks in FI to 6 months in HR and UK-S. The average maximum time limit for cases involving child suspects to get to court (calculated on the basis of these 8 jurisdictions) is between 2 and 3 months.

In FI, special measures exist to accelerate the proceedings for child suspects in cases where the sentence for the offence exceeds 6 months. In UK-S, the maximum time limit for child suspects is the same as for adults.

In DK and FR, **special fast-track procedures** exist for child suspects (see [Box 13](#)). However, these fast-track measures are not used in all cases involving child suspects: the child suspects must have been charged with having committed particularly serious crimes and, in the case of FR, it is at the discretion of the prosecuting authorities.

Box 13 Fast-tracking the determination of cases involving child suspects in Denmark and France

Denmark 7+7+ procedure

In Denmark, there is a fast-track procedure called the '7+7+ procedure' which applies to children who are suspected of committing violence or other serious crimes. In such cases, the police are under an obligation to investigate the case within seven days, social services must complete a draft "crime action plan" within the next seven days, and the prosecution service must send the case to the court as soon as possible after that. However, these maximum timeframes are not always adhered to.

France *Jugement à bref délai* and *comparution immédiate*

In France, Public Prosecutors may fast track cases involving child suspects between 13 and 16 years old who are charged with committing an offence that bears a sanction of between five and seven years imprisonment, and cases involving child suspects above the age of 16, when the offence bears a sanction of more than five years:

Where the Public Prosecutor determines that further investigation is no longer needed, an accelerated judgment (*jugement à bref délai*) may be ordered which requires the trial to begin within a period of 10 days to two months from the start of the investigation.

Where the Public Prosecutor determines the case requires even more urgent attention (e.g. in a case involving a second time offender whose first trial is still pending) a procedure of immediate appearance (*comparution immédiate*) may be ordered. This allows a hearing at the Juvenile Court to take place within two days.

Child victims

In seven jurisdictions (BG, ES, FI, HR, SE, UK-E&W and UK-NI), measures have been adopted to ensure that proceedings involving child victims are dealt with in a reasonable timeframe. However, these legislative provisions refer to a general duty to avoid undue delay in the determination of cases, applicable to adults as well. They do not specify a maximum timeframe for completing the different stages of the proceedings. In FI, for example, child victims (in the same way as adult victims) can seek compensation from the State when their case has been unduly delayed.

Child witnesses

In ES, UK-E&W and UK-NI, cases involving child witnesses are subject to measures aimed at avoiding undue delay in criminal proceedings.

The following general observations can be made about the safeguards to ensure that criminal justice cases involving children are dealt with as quickly as possible.

General observations: avoiding undue delay

- Most MS have put in place measures aimed at accelerating proceedings involving children, even if they have not adopted a statutory measure making this a legal obligation.
- The safeguards are more common in cases involving child suspects than in cases involving child victims. In only three MS, safeguards exist in cases involving child witnesses.

4.9 Alternatives to judicial proceedings for children in conflict with the law

In most MS, alternatives to formal judicial proceedings are available to children in conflict with the law in certain circumstances. The exceptions are CY, IT, RO and SE, where children above the MACR who are suspected of having committed an offence must be dealt with through criminal procedures. In SE, mediation between the victim and offender exists as a possibility if both the offender and victim agree to it, but it is available as a complement to the normal criminal procedure rather than as a replacement of formal judicial proceedings.

Where alternatives to judicial proceedings exist these can take a number of forms, as indicated in [Table A4.16](#). The most common alternative to judicial proceedings is **victim-offender mediation**, where a mediator tries to help the victim and offender to find a mutually acceptable settlement on the way that the victim should be compensated for the damages suffered.

Mediation (or reconciliation) procedures exist in 15 MS (AT, BE, CZ, EL, ES, FI, HU, LT, LU, LV, MT, PL, PT, SI and SK).

If a settlement is reached, the mediator (or other competent authority such as social services) is in charge of monitoring the offender's compliance with the terms of the settlement, which can include a fine, reparation, educational measures or community service.

In 15 MS (AT, BG, DE, DK, EE, ES, FR, HR, IE, LV, NL, PT, UK-E&W, UK-NI and UK-S), the prosecution can be dispensed with in favour of a conditional settlement or **'behavioural contract'** reached between the offender and the state.

The alternatives to judicial proceedings are not always **specific to child** suspects/offenders. For example, in BE, CZ, LU, MT and SK the alternatives available are the same as those which can be recommended in case of adult suspects/offenders. However, in a number of jurisdictions, including DK, EE, IE, UK-E&W, UK-NI and UK-S, the alternatives are specifically designed with children in mind.

The circumstances in which an alternative to criminal proceedings is recommended vary from country to country. These circumstances include:

- The seriousness of the offence committed. In 13 jurisdictions (AT, BE, CZ, DE, EL, ES, FI, HR, HU, LT, PT, SI and UK-S), a recommendation to dispense with the criminal prosecution can be made if the offence committed is not very serious. The type of offences that can be dealt with using alternative procedures vary across MS. In AT, HR, HU, PT, SI and SK, for example, the offence must be punishable by a fine or a maximum of five years' imprisonment. In PT, additionally, alternatives to judicial proceedings are not permitted when the child suspect is charged with a sexual offence. In SI, the maximum imprisonment must be three years.
- An admission of guilt from the child suspect/offender (e.g. ES, LT, NL and UK-E&W)
- The prosecutor decides that the offence was committed without intent (BG); and,
- The victim of the offence should have been identified (BE).

The **authority competent to recommend the alternative** varies across MS. These authorities include:

- Public prosecutor (AT, BE, DE, EE, EL, FI, FR, HR, LU, NL, and SI);
- Public prosecutor or court (CZ and SK);
- Probation office (LV)
- Police and public prosecutor jointly (NL, UK-E&W, UK-NI and UK-S);
- Judge (PL and PT).
- Victim-offender mediation committee consisting of a court representative, the prosecutor, the defence counsel and the probation officer (MT).
- Any party to the proceedings (FI, although following the recommendation of one of the parties, it is the prosecutor's role to consider the merits of a conciliation procedure).

A **statutory obligation to obtain the free and voluntary consent** to the alternative procedure from the child or parent if the child is below certain age exists in AT, BE, CZ, DE, DK, EE, FI, FR, LV, PL, PT, SK, UK-E&W and UK-NI.

The following general observations can be made concerning alternatives to formal judicial proceedings that are available to children in conflict with the law.

General observations: alternatives to judicial proceedings

- Most MS, with the exception of CY, IT, RO and SE, make alternatives to formal judicial proceedings available to child suspects/offenders in order to help them avoid charges and a criminal record;
- The most common type of alternative proceeding is victim-offender mediation;
- MS vary significantly in terms of the type of authorities involved in deciding whether such an alternative should be recommended in individual cases. There are also significant variations in terms of the circumstances which must be present in order for such a recommendation to be made.

5 Child-friendly justice after criminal judicial proceedings

This section examines the extent to which a number of key safeguards for children's involvement in criminal judicial proceedings exist after the conclusion of the trial in the EU MS. These safeguards include: measures to ensure that sanctions are constructive and individualised; the obligation to provide guidance and support to children after the proceedings in order to help them understand the consequences of the court's decisions and cope with the aftermath of the crime; and, procedures in place to restrict access for third parties to children's criminal records in order to help child offenders rebuild their lives.

5.1 Measures to ensure constructive and individualised sanctions

All MS have a sentencing framework for child offenders that is different to that for adults who have committed similar crimes, in line with the principles of proportionality and rehabilitation which underlie their juvenile justice systems. This sub section outlines some of the more common measures that have been introduced.

Avoiding punishment in favour of educational or protective measures

All MS have developed a range of sentences for child offenders which include non-punitive educational, protective or therapeutic measures. The circumstances in which a court may order such non-punitive measures vary across MS.

- In some MS (e.g. BE and LU where the MACR is 18), these non-punitive measures are always prioritised in the case of child offenders, regardless of the nature of the offence.
- In other MS (e.g. DK, EL, FI, HR, PL and RO), educational or therapeutic measures are prioritised for children who have committed less serious offences. In EL, for example, children above the MACR are always subject to educational or therapeutic measures unless (a) they have committed an offence which would be considered as a felony, were it committed by an adult; and (b) the offence they have committed contains elements of violence against the life or physical integrity of a person.
- In other MS (e.g. ES and PT), the court has discretion to decide whether to impose educational/therapeutic measures or more punitive sanctions, based on the judge's assessment of the particular circumstances that led to the child's offending behaviour.
- In MT, where MACR is 14, educational and therapeutic measures are only available to children aged 14-16. Children above the age of 16 are subject to the same punitive sentences as adults are.

Deprivation of liberty as a measure of last resort

In 24 jurisdictions, deprivation of liberty must be used as a measure of last resort and for the shortest appropriate period of time. The exceptions are DK, EL, ES, FI, RO and SE, where custodial sentences can be prioritised for children who have committed certain types of crimes.

Whilst the educational, protective and therapeutic measures reviewed above are intended to be rehabilitative rather than punitive, in some cases they can imply a complete or partial restriction on the child's liberty. In BE, ES and FR, for example, children can be placed in closed or 'semi-closed' education or therapeutic centres.

Suspended sentences and judicial pardons

Another option which is available in a number of MS (e.g. AT, BG, CZ, DE, DK, IE and LT) is to issue a child offender with a suspended sentence. If the threat of a sentence is considered sufficient to deter the child from further criminal action, judges can retain the right to pass a sentence at a later stage and place the child offender on probation for a certain period of time.

In some MS (e.g. AT, BG and NL), judges can refrain from sentencing altogether. In NL, for example, for offences that bear a short sentence, the judge can issue a 'judicial pardon' where the child is declared guilty without a sentence. These options, as opposed to the educational measures, are normally available to adult offenders as well.

Reduced sentences

Where national laws allow punitive measures to be imposed on children (usually in cases where the offences committed are serious but in some cases, such as MT, because the child is above a certain age), the sentences imposed are less onerous than the sentences imposed on adults.

In many MS, the length of prison sentences that are administered to children are capped at 10 years (this is the case in AT, BG, CZ, DE, HR and LT) or less (in ES the maximum prison sentence for a child is six years, in NL it is two years, but this can be extended to six years in certain cases).

In most cases, children are automatically administered only a proportion of the sentence that would be administered to an adult for the same offence. In AT, for example, a 10-20 year prison sentence for an adult is replaced with a sentence of six months to 10 years for a child, and the maximum amount that can be imposed as a fine on children is half of what can be imposed on adults.

In BG, on the other hand, children above 16 years of age are issued the same length of sentence as an adult.

Individualised sentences

Individualised sentences are a common feature of sentencing regimes for child offenders in most MS (e.g. AT, BE, BG, CZ, HR, HU, LT, NL and PL). Sentences are not imposed in a uniform manner on all children of a particular age who have committed the same offence, but rather the precise sentence (often a combination of educational, therapeutic and punitive sanctions) is decided on the basis of the child's personal circumstances.

In a number of countries, the judges base their decision on a report completed by probation officers or other experts on the child's family environment, education, professional and medical history.

Children who turn 18 while serving a sentence

There is no common way of dealing with children who turn 18 and have not yet completed a sentence. In some MS, such as BG, the child is immediately transferred to an adult regime. In other MS, such as EL, HT and PT, the child can continue to serve their child-specific sentence until the age of 21, if a court deems this is necessary.

The following general observations can be made about the measures adopted by MS to ensure that sanctions are constructive and individualised in the case of child offenders.

General observations: rehabilitative sentencing

- All MS have developed a range of educational, protective or therapeutic sentences for child offenders. However, the circumstances in which these sentences are prioritised over punitive sentences vary across MS. Some countries always prioritise these sentences (BE and LU), whereas others restrict these sentences to children who have committed certain types of offences only (e.g. DK, EL, FI, HR, PL and RO).
- Various other measures exist in MS to ensure that sanctions imposed on child offenders have a rehabilitative function. These include making deprivation of liberty a measure of last resort, suspended sentences or refraining from sentencing, reduced sentences in comparison with adults and individualised sentencing, where the precise sentence is decided on the basis of the child's personal circumstances.

5.2 Guidance and support for child victims and offenders after criminal judicial proceedings

This section examines the guidance and support that Member States provide to child victims and offenders after criminal judicial proceedings. This may include:

- Communicating the court's decision or judgment to the child offender and child victim in a language adapted to the child's level of understanding;
- Providing child offenders and child victims with information about their right to appeal court decisions (where the right to appeal exists); and,
- Offering therapeutic, health care and social programmes to help child offenders and child victims cope with the aftermath of the crime.

Communicating court decisions to child suspects and victims

The court is obliged to communicate the judgment to child suspects/offenders in all MS. However, only a small number of MS (BE, DE, EE, EL, ES, FI and HU) have made it a legal obligation to communicate the court's decision or judgment to a **child suspect/offender** in a language adapted to the child's level of understanding.

Whilst the court's judgment is also communicated to **child victims** in the majority of MS, in some MS this information is only provided if the child is registered as a civil claimant (e.g. BE and BG) or on request (e.g. DE). The obligation to communicate the decision or judgment in a language adapted to the child victim's level of understanding only exists in four MS (AT, BE, EE and PL).

Informing child suspects and victims about their right to appeal

Child suspects/offenders in most countries have the right to receive information regarding the right to appeal the conviction and sentence. The exceptions are LU and MT, where information may be provided to the child but no express right to receive this information exists.

Child victims have a right to receive information about the right to appeal a judge's decision in six MS (BE, BG, EL, HU, LV and SE).

Services to support child victims and offenders after the proceedings

Only some MS (e.g. BG, CZ, EE, ES, FI, IE, IT, LV, PL, PT, SE and SI) have set up dedicated healthcare or therapeutic services to support the physical or emotional needs of children who have been **victims of violent crimes**. In some of these countries, the services are provided by non-governmental organisations.

In the majority of countries children who have been victims of violent crimes must rely on general health services medical or psychological support. Social programmes aimed at helping the social re-integration of child victims (e.g. vocational training programmes) also are rare (BG, ES and FI).

Services to support child offenders after the proceedings

Besides the educational and therapeutic sentences for **child offenders** reviewed in section 5.1, CY, FI, FR, HR, LV, PL and RO have set up healthcare services and social programmes for children who have completed their sentences and may require support.

The following general observations can be made about the efforts made by MS to provide child victims and offenders with guidance and support after criminal judicial proceedings.

General observations: guidance and support after the trial

- MS have fewer legal safeguards in place to support the needs of child victims and child offenders after judicial proceedings than before and during the judicial proceedings.
- Information about the court's decision or judgment is rarely obliged to be communicated in a language that is adapted to the needs of the child.
- Few specialised healthcare services and social programmes prescribed by law exist to help child victims and offenders cope with the aftermath of the crime.

5.3 Restricting access to child offenders' criminal records

This section examines the extent to which procedures are in place across MS to restrict access for third parties to children's criminal records. This safeguard is not applicable in the case of MT, where crimes committed by children are not entered in criminal records.

In 7 MS (BE – see **Box 14** –, CY, DK, EE, IT, PL and RO), a procedure exists to **delete or prevent the disclosure of criminal records when the child turns 18**. In IT, this procedure only applies to the annotation of judicial proceedings but not of custodial sentences, and in PL, it only applies to the records of children who were subject to an educational measure by the family court.

Box 14 Procedures to restrict or prevent access to criminal records of child offenders – Belgium

For children who have committed an 'act qualified as offence', a record will be made in the central judicial records. However, municipal criminal records will not contain any mention of the sentence. The record will therefore not appear in the "certificate of good conduct and morals", i.e. the certificate that municipalities in Belgium issue to citizens concerning their criminal records. The information may only be accessible upon specific request of certain authorities such as in the case of application of the child (when adult) for a position in the army or federal police. Criminal records concerning the sentence are only made in the event where the case of the child has been transferred to be judged under adult criminal law.

In most MS, access to criminal records of child offenders is blocked after a certain time period or the record is deleted. A procedure of **automatic deletion of criminal records after a specific amount of time** has elapsed is in place in 20 MS (AT, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, LT, LV, NL, PL, PT, SE, SI and SK). In FR, PL and SK, this deletion is conditional on the type of sentence given (e.g. in FR for educational measures).

The period of time that needs to elapse from when a sentence is imposed (or, in some countries, completed²⁴) before criminal records are deleted varies.

- In some MS, a fixed number of years is set, ranging from one year (CZ), two years (BG, PL and PT), three years (FR, HU and IE), five years (FI) to 10 years (LV).
- In other MS (AT, CY, DE, DK, EE, EL, LT, NL, SE and SI), the period of time varies depending on the type of offence committed by the child, the type of sentence and/or whether s/he reoffended, resulting in smaller (e.g. SI 1-3 years) or larger time ranges (e.g. DE 3-20 years or NL five years-indefinitely).
- In LV, if a child reoffends during the period when a crime is still retained in a child's criminal record, the expiry term of the criminal record for the less serious crime is extended to the term of the most serious crime.

In 16 jurisdictions (AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, LU, PT, RO, SE, UK-E&W and UK-NI), **non-disclosure procedures restrict access to criminal records** of child offenders. In these jurisdictions, certain authorities are usually exempted from this rule:

- Judicial authorities are exempted in BE, CZ, EE, FR, HR, PT, SE, UK-E&W and UK-NI;
- Tax authorities in DE and SE; and,
- All public authorities upon the child offender's application for a public post in BE and FI.

AT, BE and ES set further conditions for non-disclosure of the criminal records of child offenders. For example ES requires the child or his/her family to explicitly request non-disclosure.

Table A5.1 provides an overview of the type of procedures that are in place in Member States to prevent the disclosure of criminal records of child offenders.

LU appears to be the only Member State where access to criminal records is not restricted (e.g. through non-disclosure procedures).

The following general observations can be made about the procedures in place across MS to restrict access for third parties to children's criminal records.

General observations: restricting access to criminal records

- All MS have developed procedures to restrict access for third parties to children's criminal records, except MT where crimes committed by children are not entered in criminal records.
- The approach taken by most MS is either to block access to the criminal records of a child after a given period of time, or to delete these records altogether. The period of time that needs to have elapsed for the criminal records of a child to be deleted varies across MS, ranging from one year (e.g. CZ) to ten years (e.g. LV). In other MS (e.g. SI, DE or NL) the period of time required depends on the type of offence.

²⁴ CY, CZ, EL, HU, PT

6 Concluding observations: common and uncommon safeguards

This concluding section looks horizontally across the areas of child-friendly justice that have been examined in this summary report, distinguishing:

- Safeguards that are most common for child suspects/offenders, victims and witnesses across Member States;
- Safeguards that are least common for child suspects/offenders, victims and witnesses across Member States;
- Countries with extensive safeguards in each of the areas of protection;
- Countries that have few safeguards in each of the areas of protection examined;

6.1 Safeguards for children involved in criminal judicial proceedings as suspects/offenders

Safeguards that are most prevalent for child suspects/offenders

Table 6.1 identifies the safeguards that are most common (exist in more than 20 MS) for child suspects/offenders.

Table 6.1 Safeguards for child suspects/offenders existing in more than 20 countries

Minimum age of criminal responsibility (MACR) determined in law
Legal obligation to obtain a comprehensive understanding of the child and assess his/her legal, psychological, social, emotional, physical and cognitive situation using a multidisciplinary approach
Legal obligation to ensure that children enjoy right to appeal to a higher court and full review of legal and material aspects of child's conviction and sentence
Statutory provision on the right to receive information in a child-friendly format about rights, charges and procedures from the child's first contact with a competent authority
Statutory provision on the right to contact their parents or a person whom they trust whenever they are apprehended by the police
Statutory provision on the right to be held separately from adults when pre-trial detention is imposed
Legal obligation to inform children apprehended by the police of their right to a lawyer
Statutory provision on the right to legal representation at all stages of the proceedings
Safeguard mechanism to ensure mandatory defence
Statutory provision on the right to free legal aid, under the same or more lenient conditions as adults
Statutory provision for the right of child offenders to be heard
Existence of interview rooms/court rooms/processes adapted to the needs of children
Statutory provision allowing the parent, guardian or other appropriate adult to participate in the proceedings of a child suspect/offender, unless their exclusion from the proceedings is deemed necessary in the interest of the child
Statutory provision on the right of child suspects/offenders to privacy and family life at all stages of the proceedings
Existence of discretionary powers of judge/court to order the disclosure of any information related to the proceedings of child offenders
State regulation of the media to protect the child's right to privacy
Statutory provisions for the use and /or prioritisation of alternatives to judicial proceedings for children in conflict with the law
Legal obligation to make any form of deprivation of liberty of children a measure of last resort and for the shortest appropriate period of time
Legal obligation to ensure that measures and sanctions for children do not adversely affect the development of a child
Statutory provision on the rehabilitation of child offenders

Provision of information to children regarding the right to appeal to a higher court all aspects of the child's conviction and sentence

Existence of procedures to prevent disclosure of criminal records of child offenders on reaching adulthood e.g. automatic deletion of police records after a specific amount of time has elapsed

Safeguards that are uncommon for child suspects/offenders

Table 6.2 indicates the safeguards that are uncommon (existing in less than 10 MS for child suspects/offenders).

Table 6.2 Safeguards for child suspects/offenders existing in less than 10 countries

Existence of specialist prosecutors for contacts with children
Existence of formalised operational cooperation procedures for professionals working with or for children in different government departments and agencies and throughout all stages of the proceedings
Legal obligation to conduct court and other hearings of a child in conflict with the law behind closed doors. Exceptions to this rule should be very limited, clearly outlined in national legislation and guided by the best interests of the child.
In the context of the child's right to information and the right to be heard, legal obligation to communicate and explain to a child offender the given decision or judgement in a language adapted to the child's level of understanding
Legal obligation to offer children health care and appropriate social and therapeutic programmes (after trial proceedings)
Statutory provision on the right of child offenders to the non-disclosure or deletion of their criminal records when the age of 18 is reached

Examples of countries with extensive safeguards for child suspects/offenders in each of the areas of protection

Table 6.3 provides a non-exhaustive list of MS with extensive safeguards for child suspects/offenders in each of the areas of child-friendly justice that have been examined in the report. The MS listed in this table provide key safeguards reviewed under each area of child-friendly justice, as explained in the column entitled rationale.

Table 6.3 Countries with comprehensive safeguards for child suspects/offenders in 18 areas of child-friendly justice

Areas of child-friendly justice	Countries with comprehensive safeguards	Rationale
Minimum age of criminal responsibility	BE, LU, PL	The MACR is 18
Specialist institutions	BE, CZ, EL, FR, IE, IT, NL, PT, SI	Specialist courts and specialist police units have been set up
Training of professionals	BE, CZ, EE, FR, IT	Mandatory training for judges, police, prosecutors and lawyers
Multidisciplinary approach	BE, NL, SE, UK-E&W	Formal institutions exist to ensure consistent implementation of multidisciplinary approach across cases
Protection from discrimination	HU, SI, SK	Age discrimination prohibited in law and age discrimination claims can be pursued in a court
Legal remedies for violation of rights	AT, BE, BG, DK, ES, FI, HR, LT, LV, MT, NL, PL, PT, RO, SI	Child suspects can claim compensation if acquitted in a court of first instance
Information and advice	BE, CZ, EE, FI, IE, LU, PT, UK-E&W, UK-NI	Information about rights is provided by law at first contact and in child friendly manner
Protection during contact with police	BE, CZ, DK, EL, ES, HR, IE	Police have to adhere to special rules when they stop, search or detain a child

Areas of child-friendly justice	Countries with comprehensive safeguards	Rationale
Conditions in pre-trial detention	CZ, DK, RO, SI	Max duration of police custody is 6 hours (CZ) and Max duration of post-charge pre-trial detention is less than 3 months (DK, RO, SI)
Legal counsel and representation	BE, DK, EE, LT, LU, MT	Right to legal counsel and free legal aid, without conditions, at all stages of proceedings
Right to be heard	AT, CZ, EE, LV, PT	Right to be heard goes beyond basic right to make representations to also include right to consult files and interrogate witnesses/experts
Protection during interviews	CY, IE, LV, NL, PL, SE, UK-S	Adaptations to the physical environment and manner in which child suspects are interviewed
Right to privacy	BE, DE, IT, LU, MT, PT, SI	Both state regulation of the media and media self-regulatory measures protect the right to privacy of child suspects/offenders
Avoiding undue delay	DK, FI, HU, PL, RO, SE, UK-S	Maximum timeframe established for cases involving child suspects to get to trial
Alternatives to judicial proceedings	DK, EE, IE, UK-E&W, UK-NI and UK-S	Alternatives to judicial proceedings exist that are specifically designed with children in mind
Measures to ensure constructive and individualised sanctions	DK, EL, FI, HR, PL, RO	Educational, protective or therapeutic measures favoured over punishment of child offenders
Guidance and support after criminal judicial proceedings	FI	Court decisions must be communicated in child-friendly language and dedicated therapeutic services exist
Restricting access to criminal records	BE, CY, DK, EE, IT, PL, RO	Procedure exists to delete or prevent disclosure of criminal records when child turns 18

Examples of countries that do not have comprehensive safeguards for child suspects/offenders in each of the areas of protection

Table 6.4 provides a non-exhaustive list of MS that have not developed key safeguards for child suspects/offenders in each of the areas of protection, or where the safeguards developed are not as comprehensive as they are in other countries. The gaps are identified in the column entitled rationale.

Table 6.4 Countries that have not developed safeguards for child suspects/offenders in each area of child-friendly justice

Areas of child-friendly justice	Countries with gaps in safeguards	Rationale
(Low) MACR	IE, NL, UK-E&W, UK-NI, UK-S	MACR is 12 or lower
(Lack of) Specialist institutions	BG, CY, FI, HU, LT, LV, SK	Neither specialist courts nor specialist police units exist
(Lack of) Training of professionals	DK, FI, MT, PL, RO, SE, SK, UK-S	Mandatory training does not exist for judges, police, prosecutors nor defence lawyers
(Lack of) Multidisciplinary approach	EE, HU, LT, MT, RO, SK	No multidisciplinary activities targeting child suspects exist

Areas of child-friendly justice	Countries with gaps in safeguards	Rationale
(Gaps in) Protection from discrimination	AT, CY, DK, EL, IE, PL, SE	Age discrimination exists in law but does not cover children in criminal judicial proceedings
(Gaps in) Availability of legal remedies for violation of rights	AT, BG, DE, LU, SI	Right to appeal conviction and sentence is more restricted for child than for adult suspects.
(Gaps in) Provision of information and advice	HU	Right to information about rights and procedures is not enshrined in law
(Gaps in) Protection during contact with police	AT, DE, FI, HU, PL	Children do not have a statutory right to contact their parents when apprehended by the police
(Gaps in) Safeguards in pre-trial detention	ES, PL, RO	Max duration of police custody is 72 hours (PL, RO), Max duration of post-charge pre-trial detention is 10 years for certain offences (ES)
(Gaps in) Right to legal counsel and representation	CY, CZ, FI, HR, NL, UK-NI, UK-S	Right to legal representation is restricted to certain stages of the proceedings
(Gaps in) Right to be heard	IT, RO	Right to be heard is restricted to preliminary stages or to one occasion during proceedings
(Gaps in) Protection during interviews	EE, EL, PT, UK-NI	Adaptations are not made to the manner in which child suspects are interviewed
(Gaps in) Right to privacy	FI, SE, SK	Neither state regulation of the media nor media self-regulatory measures protect right to privacy
(Lack of measures) to avoid undue delay	EL, IT	No policies exist aimed at ensuring criminal judicial proceedings take place promptly
(Lack of) Alternatives to judicial proceedings	CY, IT, RO, SE	Children above the MACR must be dealt with through criminal judicial procedures
(Gaps in) Measures to ensure constructive and individualised sanctions	BG, ES, MT, PT	Sentences on children above 16 years are same as for adults / reduced sentencing is discretionary on part of judge
(Gaps in) Guidance and support after criminal judicial proceedings	AT, DK, HU, IE, IT, LT, LU, MT, NL	No obligation to communicate court decision in child friendly language and dedicated therapeutic services do not exist
(Gaps in measures) Restricting access to criminal records	HR, LU, UK-E&W, UK-NI, UK-S	Criminal records of children are not deleted (although non-disclosure procedures exist)

6.2 Safeguards for children involved in criminal judicial proceedings as victims

Safeguards that are most prevalent for child victims

Table 6.5 provides a list of safeguards for child victims that are present in more than 20 MS.

Table 6.5 Safeguards for child victims existing in more than 20 MS

Legal obligation to secure the right of children to claim compensation for damages caused by the offence
Statutory provision on the right of child victims, the holder of parental responsibility or other legal representative to information about rights and procedures from the child's first contact with a competent authority.
Statutory provision on the right to legal representation (but not at all stages)
Statutory provision on the right of children to free legal aid, under the same or more lenient conditions as adults
Existence of interview rooms/court rooms/processes adapted to the needs of child victims
Statutory provision on the right of all child victims to privacy and family life at all stages of the proceedings
Existence of discretionary powers of judge/court to order the disclosure of any information related to the proceedings of child victims
State regulation of the media to protect the child's right to privacy

Safeguards that are uncommon for child victims

Table 6.6 identifies the safeguards that are uncommon (existing in less than 10 MS) for child victims.

Table 6.6 Safeguards for child victims existing in less than 10 MS

Existence of specialist prosecutors for contacts with children
Legal obligation to obtain a comprehensive understanding of the child and assess his/her legal, psychological, social, emotional, physical and cognitive situation using a multidisciplinary approach
Statutory provision for the right of children to effectively participate in criminal proceedings, including by providing children who do not speak or understand the language of the procedure with the right to interpretation and translation
Legal obligation to ensure that children enjoy right to appeal to a higher court and full review of legal and material aspects of child's conviction and sentence
Statutory provision for the right of child victims to be heard
Statutory provision for the right of a child to have the matter determined without delay by a competent, independent and impartial authority or judicial body
In the context of the child's right to information and the right to be heard, legal obligation to communicate and explain to a child victims the given decision or judgement in a language adapted to the child's level of understanding
Provision of information to children regarding the right to appeal to a higher court all aspects of the child's conviction and sentence

Countries with extensive safeguards for child victims in each of the areas of protection examined in the summary report

Table 6.7 provides a non-exhaustive list of MS with extensive safeguards for child victims in each of the areas of child-friendly justice that have been examined in the report. The MS listed in this table provide key safeguards reviewed under each area of child-friendly justice, as explained in the column entitled rationale.

Table 6.7 MS with comprehensive safeguards for child victims in 12 areas of child-friendly justice

Areas of child-friendly justice	Countries with comprehensive safeguards	Rationale
Specialist institutions	BE, DE, FR, HR, LU, MT, PT, RO	Specialist courts and specialist police units deal with child victims
Training	CZ, EE, FR, IT	Mandatory training for judges, police, prosecutors and lawyers
Multidisciplinary approach	BE, CZ, FI, FR, NL, PL, SE, SI, UK-E&W	Formal institutions exist to ensure consistent implementation of multidisciplinary approach across cases
Protection from discrimination	HU, SI, SK	Age discrimination prohibited in law and age discrimination claims can be pursued in a court
Legal remedies for violation of rights	EL, HR, HU, LV, MT, PL, PT, SE, SI	Right to claim compensation for damages and to appeal decisions concerning conviction or sentence
Information and advice	AT, BE, DE, EE, EL, UK-E&W, UK-NI	Information about rights is provided by law at first contact and in child friendly format
Legal counsel and representation	BE, FI, HR, LU, SE	Right to legal counsel and free legal aid, without conditions, at all stages of proceedings
Right to be heard	EL, HR, LV	Right to be heard covers right to participate in investigation, right to intervene in hearings, right to consult files, etc.
Protections during interviews	EE, IE, UK-E&W, UK-NI, UK-S	Use of screens or audio-visual techniques to avoid child victim having contact with offender
Right to privacy	AT, BG, BE, DE, IT, LU, MT, PT, SI, UK-E&W, UK-NI	State regulation of the media and media self-regulatory measures protect right of child victims to privacy
Avoiding undue delay	BG, ES, FI, HR, SE, UK-E&W, UK-NI	Policy measures exist to ensure proceedings take place within reasonable timeframe
Guidance and support after criminal judicial proceedings	EE, PL	Decision or judgment must be communicated to child victims in child friendly manner and dedicated post-trial services exist

Examples of countries that have few safeguards for child victims in each of the areas of protection

Table 6.8 provides a non-exhaustive list of MS that have not developed key safeguards for child victims in each of the areas of protection, or where the safeguards developed are not as comprehensive as they are in other MS. The gaps are identified in the column entitled rationale.

Table 6.8 Countries that have not developed safeguards for child victims in each area of child-friendly justice

Areas of child-friendly justice	MS with gaps in safeguards	Rationale
(Lack of) Specialist institutions	BG, CY, CZ, DK, EL, HU, IT, LT, PL, SK, UK-E&W	Neither specialist courts nor specialist police units deal with child victims
(Lack of) Training	DK, EL, FI, HU, IE, MT, PL, RO, SE, SK, UK-S	Mandatory training does not exist for judges, police, prosecutors nor lawyers
(Lack of) Multidisciplinary approach	EE, HU, LT, MT, RO, SK	Multidisciplinary activities do not target child victims

Areas of child-friendly justice	MS with gaps in safeguards	Rationale
(Gaps in) Protection from discrimination	AT, CY, DK, EL, IE, PL, SE	Age discrimination exists in law but does not cover children in criminal judicial proceedings
(Gaps in) Availability of legal remedies for violation of rights	CY	Right to seek compensation for damages is limited to child victims of trafficking and violent crimes
(Gaps in) Provision of information and advice	DK, IE, MT, SI, SK, UK-S	Right to information about rights and procedures is not enshrined in law
(Gaps in) Right to legal counsel and representation	CY, IE, UK-E&W, UK-NI, UK-S	There is no legal requirement to appoint a legal counsel for child victims
(Gaps in) Right to be heard	BG, CY, DE, DK, IE, IT, SI, UK-E&W, UK-NI	There is no express right in legislation for child victims to be heard
(Gaps in) Protections during interviews	BG, IE, IT, LU, MT, NL	Adaptations are not made to the physical environment or manner in which victims are interviewed in MT, RO, ES
(Gaps in) Right to privacy	FI, LT, SE, SK	There are neither state regulations of the media nor media self-regulatory measures to protect right to privacy
(Lack of) Measures to avoid undue delay	AT, BE, CY, CZ, DE, DK, EE, EL, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI, SK, UK-S	No measures exist to ensure reasonable timeframe for proceedings involving child victims
(Gaps in) Guidance and support after criminal judicial proceedings	EL, LT, SK, UK	No obligation to communicate court decision in child friendly language and dedicated therapeutic services do not exist

6.3 Safeguards for children involved in criminal judicial proceedings as child witnesses

Safeguards that are most prevalent for child witnesses

Table 6.9 identifies the safeguards that are most common (existing in more than 20 MS) for child witnesses in EU MS.

Table 6.9 Safeguards for child witnesses existing in more than 20 MS

Existence of interview rooms/court rooms/processes adapted to the needs of child witnesses
Statutory provision on the right of all child witnesses to a private and family life at all stages of the proceedings
Existence of discretionary powers of judge/court to order the disclosure of any information related to the proceedings of child witnesses
State regulation of the media to protect the child's right to privacy

Safeguards that are least common for child witnesses

Table 6.10 identifies the safeguards that are uncommon for child witnesses (existing in less than 10 MS) for child witnesses in EU MS.

Table 6.10 Safeguards for child witnesses existing in less than 10 MS

Legal obligation to obtain a comprehensive understanding of the child and assess his/her legal, psychological, social, emotional, physical and cognitive situation using a multidisciplinary approach
Statutory provision for the right of children to effectively participate in criminal proceedings, including by providing children who do not speak or understand the language of the procedure with the right to interpretation and translation
Statutory provision on the right of child witnesses, the holder of parental responsibility or other legal representative to information about rights and procedures from the child's first contact with a competent authority.
Statutory provision on the right of children (offender, victim and witness) to free legal aid, under the same or more lenient conditions as adults
Statutory provision for the right of a child to have the matter determined without delay by a competent, independent and impartial authority or judicial body

Countries with extensive safeguards for child witnesses in each of the areas of protection examined

Table 6.11 provides a non-exhaustive list of MS with extensive safeguards for child witnesses in each of the areas of child-friendly justice that have been examined in the report. The MS listed in this table provide key safeguards reviewed under each area of child-friendly justice, as explained in the column entitled rationale.

Table 6.11 Countries with extensive safeguards for child witnesses in 11 areas of child-friendly justice

Areas of child-friendly justice	MS with comprehensive safeguards	Rationale
Specialist institutions	BE, DE, FR, HR, LU, MT, PT, RO	Specialist courts and police units deal with child witnesses
Training	CZ, EE, FR, IT	Mandatory training for judges, police, prosecutors and lawyers
Multidisciplinary approach	LU, LV	Informal multidisciplinary activities target child witnesses
Protection from discrimination	HU, SI, SK	Age discrimination prohibited in law and age discrimination claims can be pursued in a court
Legal remedies for violation of rights	BE, MT, PL	Remedies available for child witnesses who consider their rights have been violated
Information and advice	AT, EE, HU, RO, SK, UK-E&W, UK-NI	Information about rights is provided by law at first contact and in child friendly format
Legal counsel and representation	BE, HR, LU	Right to legal counsel and free legal aid, without conditions
Right to be heard	BE, EL, ES, FI, HR, LT, LU, PT, RO, SK	Express right to be heard for child witnesses in legislation
Protection during interviews	DK, FI, SE, UK-E&W, UK-NI	Child witnesses are provided with support in order to prepare for interviews
Right to privacy	AT, BG, BE, DE, IT, LU, MT, PT, SI, UK-E&W, UK-NI	State regulation exists ensuring that child witnesses enjoy right to privacy
Avoiding undue delay	ES, UK-E&W, UK-NI	Measures in place to ensure relevant decisions affecting child witnesses are taken without undue delay

Examples of countries that have few safeguards for child witnesses in each of the areas of protection

Table 6.12 provides a non-exhaustive list of MS that have not developed key safeguards for child witnesses in each of the areas of protection, or where the safeguards developed are not as comprehensive as they are in other MS. The gaps are identified in the column entitled rationale.

Table 6.12 MS that have few safeguards for child witnesses in each area of child-friendly justice

Areas of child-friendly justice	MS with gaps in safeguards	Rationale
(Lack of) Specialist institutions	BG, CY, CZ, DK, EL, HU, IT, LT, PL, SK, UK-E&W	Neither specialist courts nor specialist police units deal with child witnesses
(Lack of) Training	DK, EL, FI, HU, IE, MT, PL, RO, SE, SK, UK-S	Mandatory training does not exist for judges, police, prosecutors nor lawyers
(Lack of) Multidisciplinary approach	All MS except LU and LV	Multidisciplinary activities are not targeted at child victims
(Gaps in) Protection from discrimination	AT, CY, DK, EL, IE, PL, SE	Age discrimination exists in law but does not cover children in criminal judicial proceedings
(Gaps in) Availability of legal remedies for violation of rights	AT, BE, BG, CY, DE, EL, FR, HU, IE, IT, LT, LU, MT, NL, SE, SK, UK-E&W, UK-NI, UK-S	Child witnesses do not have right to claim compensation for damages caused by the offence
(Gaps in) Provision of information and advice	BE, CY, CZ, DE, DK, IE, IT, LT, LU, NL, SE, UK-S	Right to information about rights and procedures is not enshrined in law
(Gaps in) Right to legal counsel and representation	AT, CY, EL, FI, IE, LT, LV, RO, SE, SK, UK-E&W, UK-NI, UK-S	There is no requirement to appoint a legal counsel for child witnesses
(Gaps in) Right to be heard	AT, BG, CY, CZ, DE, DK, HU, IE, IT, LV, MT, NL, PL, SE, SI, UK-E&W, UK-NI, UK-S	There is no express right in legislation for child witnesses to be heard
(Gaps in) Protections during interviews	BG, EE, FR, IE, NL, PT, SE	Adaptations are not made to the physical environment in which child witnesses are interviewed
(Gaps in) Right to privacy	FI, FR, LT, SE, SK	Neither state regulation of the media nor media self-regulatory measures protect right to privacy of child witnesses
(Lack of) Measures to avoid undue delay	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK-S	No measures in place ensuring reasonable timeframe of proceedings involving child witnesses

ANNEXES

Annex 1 List of abbreviations of EU Member States

Name of country	Abbreviation
Austria	AT
Belgium	BE
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EE
Finland	FI
France	FR
Germany	DE
Greece	EL
Hungary	HU
Ireland	IE
Italy	IT
Latvia	LV
Lithuania	LT
Luxembourg	LU
Malta	MT
Netherlands	NL
Poland	PL
Portugal	PT
Romania	RO
Slovakia	SK
Slovenia	SI
Spain	ES
Sweden	SE
United Kingdom – England and Wales	UK-E&W
United Kingdom – Northern Ireland	UK-NI
United Kingdom – Scotland	UK-S

Annex 2 Data on the scale of the affected population

Table A2.1 Data availability on children in criminal judicial proceedings in each Member State/jurisdiction ²⁵

Member State/ Jurisdiction	Indicative number of datasets in on-line database ²⁵
AT	47
BE	33
BG	32
CY	15
CZ	26
DE	59
DK	22
EE	12
EL	16
ES	38
FI	17
FR	51
HR	14
HU	13
IE	32
IT	30
LT	16
LU	11
LV	33
MT	7
NL	54
PL	24
PT	18
RO	26
SE	33
SI	17
SK	18
UK E&W	25
UK NI	8
UK S	7
Total	754

²⁵ Datasets vary enormously in scope and breadth, meaning that the **number of datasets** should not be compared without looking at the scope.

Table A2.2 The child population in the EU (2010)

Member State/ jurisdiction	Total population CRIM001	Children CRIM001	Children who are Third Country Nationals. Number of MS in total in brackets.	Children who are EU nationals from other Member States Number of MS in total in brackets.	Children aged above Minimum Age of Criminal Responsibility (MACR) CRIM002
EU 28	505,820,000	95,908,000	(24) 3,420,000	(25) 1,360,000	25,252,000
AT	8,375,000	1,542,000	113,000	48,000	390,000
BE	10,840,000	2,214,000	63,000	102,000	259,000 (*)
BG	7,564,000	1,259,000	3,000	1,000	299,000
CY	819,000	178,000	3,000	19,000	49,000
CZ	10,507,000	1,847,000	36,000	8,000	353,000
DE	81,802,000	13,482,000	786,000	254,000	3,239,000
DK	5,535,000	1,216,000	45,000	14,000	214,000
EE	1,340,000	247,000	12,000	1,000	57,000
EL	11,305,000	1,960,000	185,000	8,000	336,000
ES	45,989,000	8,185,000	684,000	341,000	1,735,000
FI	5,351,000	1,088,000	19,000	7,000	200,000
FR	64,659,000	14,369,000	522,000	161,000	3,942,000 (*)
HR	4,426,000	824,000			201,000
HU	10,014,000	1,827,000	10,000	10,000	461,000
IE	4,468,000	1,121,000	15,000	40,000	459,000
IT	60,340,000	10,228,000	698,000	217,000	2,309,000
LT	3,329,000	636,000	8,000	200	176,000
LU	502,000	107,000		42,000	12,000 (*)
LV	2,248,000	387,000	20,000	1,000	99,000
MT	414,000	81,000	2,000	1,000	21,000
NL	16,575,000	3,514,000	56,000	34,000	1,184,000
PL	38,167,000	7,231,000	3,000	1,000	1,448,000
PT	10,638,000	1,948,000	58,000	11,000	224,000
RO	21,462,000	3,967,000			937,000
SE	9,416,000	1,919,000	69,000	36,000	354,000
SI	2,047,000	348,000	7,000	300	80,000
SK	5,425,000	1,043,000	3,000	2,000	273,000
UK E&W	55,241,000	11,671,000			5,166,000
UK NI	1,799,000	432,000			195,000
UK S	5,222,000	1,038,000			580,000

Source: Population on 1 January by age, Eurostat; Population by age group and citizenship, Eurostat; National research to obtain the MACR ([HIDS1](#) and [CRIM012](#)).

The following Member States' Judiciaries did not have available data: Croatia, Luxembourg, Romania, England and Wales, Scotland and Northern Ireland.

Note: Blank = Not available; (*) According to the national contextual overviews (Section 2.3.1) and the EU summary report (Section 3.1), children belonging to specific age groups in Belgium, France and Luxembourg could be potentially criminally liable, even if they are below 18. The age groups in those countries are as follows: 16-17 year olds in Belgium; 13-17 year olds in France; and 16-17 year olds in Luxembourg. Data included in Table A.2.2 of the EU summary report refer to these age groups.

Children in contact with the police

Table A2.3 Children in contact with the police

Member state/ jurisdiction	Number of children in contact with police (2010). Number of MS in total in brackets. CRIM010	Number of children in contact with the police per 100,000 child population (above the MACR) (2010) CRIM010	% of all contacts with police that are with children (2010) HIDS2
EU28 Total and median rates for 18 MS providing data	(18 MS) 510,017	2,005	8.6
AT	29,306	7,511	12.2
BE			
BG	5,080	1,698	8.6
CY			
CZ			
DE	231,543	7,150	10.8
DK			
EE	1,486	2,608	8.8
EL	7,296	2,171	3.3
ES	18,341	1,057	5.7
FI	35,032	17,504	11.6
FR			
HR	3,323	1,657	10.6
HU	11,413	2,476	5.7
IE			
IT	29,558	1,280	3.4
LT	2,655	1,510	12.2
LU			
LV	1,538	1,556	6
MT	389	1,839	8.6
NL	60,575	5,116	15.8
PL	51,163	3,532	9.9
PT	3,200	1,429	1.4
RO			
SE	16,664	4,706	
SI	1,455	1,814	7.2
SK			
UK E&W			
UK NI			
UK S			

Source: United Nations Office on Drugs and Crime, (see [HIDS2](#) database) and national data (SE); National research to obtain the MACR.

Note: Blank = Not available

Box 15 Children in contact with the police - approximate indicators that are not comparable

DK

The number of suspects aged 14. **2,270** (2011)

EE

Number of children (age not specified) interviewed as suspects. 1,653 (2010)

LT

Number of children (aged 14 to 17) on the police prevention register. 122 (2010)

Number of children (aged 0 to 17) delivered to the police institutions. 12,224 (2010)

NL

Number of children (aged 12 to 18) that have been interviewed by the police as suspects. 21,890 (2010)

Number of registered child suspects with the police. 60,598 (2010)

SE

Number of children (aged 15 to 18) suspected of an offence. 19,052 (2011)

Number of children (aged below 18) suspected of offences. 27,858 (2011)

SI

Number of child suspects (aged 14 to 18) identified by the police. 1,096 (2010)

Table A2.4 Children charged and convicted

Member State/ Jurisdiction	Number of children charged with crime (2010) Number of MS in total in brackets. CRIM012	Number of children charged with an offence per 100,000 children (above MACR) (2010) CRIM012	Children charged with crime: Percentage change 2008-2010	Number of convictions of children (2010) Number of MS in total in brackets. HIDS4 / CRIM014	Number of convictions per 100,000 children (above MACR) (2010) CRIM014
EU28 (Total and median rate for MS providing data)	(8)134,477	1451	-2	(22) 324,394	900
AT					
BE				2,062	209
BG				2,694	900
CY					
CZ				2,389	677
DE				55,388	1,710
DK					
EE					
EL					
ES				27,195	1,567
FI				12,212	6,102
FR	56,707	1,439	-3	53,528	1,358
HR	1,269	633	-2	925	461
HU	6,743	1,463	3	6,007	1,303
IE				1,706	371
IT					
LT	2,865	1,629	-21	1,153	655
LU					
LV				752	764
MT					
NL				9,024	761
PL	51,162	3,532	-2	22,758	1,571
PT				7,647	3,414
RO	11,732	1,252	-11	3,287	350
SE				28,963	7,793
SI	1,454	1,813	-1	330	411
SK	2,545	932	4	1,748	640
UK E&W				73,883	1,430
UK NI					
UK S				10,743	1,852

Source: United Nations Office on Drugs and Crime, National research to obtain the MACR; TransmonEE and National data source for children charged with crime in France and Lithuania (HIDS3).

Note: Blank = Not available; **Emboldened** figures are from National Datasets

Box 16 Charges and convictions - Approximate data that are not comparable

Charges

AT

Number of charges of children (aged 8 to 17). **36,543** (2008)

CZ

Number of children (aged 15 to 18) accused of crimes. 2,443 (2010)

PT

Number of children (aged 16 to 18) accused by the judicial police. 356 (2010)

Number of children (aged below 16) accused of domestic abuse. 46 (2010)

SK

Number of children (aged 14 to 18) of foreign nationality accused of crime against whom the criminal proceedings were completed. 14 (2010)

Convictions

BE

Number of child offenders (age not specified) involved in criminal acts. **82,757** (2010)

CY

Child offenders (aged 10 to 15) per 100,000 child population in the same population cohort. 453 (2009)

Number of children convicted (aged 10 to 15). 252 (2009)

Number of children convicted (aged below 18). 835 (2009)

DE

Number of children (aged 14 to 17 (inclusive) adjudicated and convicted (excluding traffic related offences). 50,634 (2010)

DK

Number of criminal convictions of children (aged 15 to 17). 4,369 (2010)

Number of convictions based on the penal code imposed on children (aged 14 to 19). 39,304 (2010)

Number of decisions in criminal proceedings relating to children (aged 15 to 18). 8,790 (2010)

ES

Number of sanctions given to children (aged 14 to 17). 25,081 (2010)

Number of criminal proceedings involving child offenders (age not specified) resolved by the courts. 37,714 (2010)

FR

Number of decisions taken by youth judges and courts per 100,000 of cases ruled (closed cases). 70,800 (2010)

Number of decisions taken by Youth Courts concerning children (aged 0 to 17). 76,809 (2010)

Number of children (aged 0 to 18) convicted of serious crimes. 502 (2010)

Number of sentences for homicides committed by children (aged 0 to 15). 19 (2010)

Number of children (aged 0 to 18) sentenced for theft. 10,945 (2010)

LV

Percentage of child offenders (age not specified) out of total offenders. **6.2** (2010)

Percentage of convicted children (aged 14 to 17) out of total convictions. **7** (2010)

NL

Percentage of children (aged 10 to 18) that self-report that they have committed offences. **32.6** (2010)

Number of settled criminal cases of child suspects by a judge in first instance. **8,800** (2010)

SE

Number of conviction decisions for children (aged 15 to 17) in criminal proceedings. **5,336** (2011)

UK E&W

Number of disposals (sentences) issued to children (aged 10 to 17 years) in criminal proceedings. **72,029** (2010)

UK NI

Number of convictions in court involving children (aged 10 to 17). **1,222** (2008)

Number of statutory orders issued to children (aged 10-17). **1,746** (2010)

Number of defendants (aged 10 to 17) disposed in the Youth Magistrates' Court. **3,326** (2010)

Convictions compared with charges**AT**

Percentage of criminal proceedings involving children (aged 14 to 17) where the child was convicted. **63** (2011)

DE

Percentage of children (aged 14 to 17(inclusive)) convicted among those adjudicated (aged 14 to 17 (inclusive)). 61 (2010)

Table A2.5 Children in custodial institutions

Member State	Children in custodial institutions (2010) Number of MS in total in brackets. CRIM025	Number of children in custodial institutions per 100,000 children (above MACR) (2010) CRIM025
EU Total and median rate for MS providing data	(21) 8,733	51
AT		
BE		
BG	73	24
CY	14	29
CZ	208	59
DE		
DK		
EE	43	75
EL	601	179
ES	1,485	86
FI	73	36
FR	672	17
HR	39	19
HU		
IE	49	11
IT		
LT	158	90
LU		
LV	118	119
MT		
NL	696	59
PL	1,219	335
PT	321	143
RO	280	29
SE	15	4
SI	7	9
SK	140	51
UK E&W	1,656	32
UK NI		
UK S	866	149

Source: United Nations Office on Drugs and Crime (HIDSS)

Note: Blank = Not available; **Emboldened** figures are from National Datasets.

Table A2.6 Children receiving custodial and non-custodial sentences (fines, community service and suspended sentences)

Member State	Number of custodial sentences of children (2010) Number of MS in total in brackets. CRIM015	Number of custodial sentences per 100,000 children (above MACR) (2010)	Fines issued to children (2010) Number of MS in total in brackets. CRIM016	Number of fines per 100,000 children (above MACR) (2010)	Community service or probation order issued to children (2010) Number of MS in total in brackets. CRIM016	Number of community service or probation orders per 100,000 children (above MACR) (2010)	Suspended sentences issued to children (2010) Number of MS in total in brackets. CRIM016	Number of suspended sentences per 100,000 children (above MACR) (2010)
EU (Total and median rate for MS providing data)	(17) 11,720	59	(10) 5,168	26	(19) 137,789	566	(11) 23,149	301
AT					4,196	1,075		
BE					439	169		
BG					5,221	1,745		
CY							5	10
CZ	151	43			3,823	1,084		
DE					35,529	1,097		
DK	725	338			2,953	1,379	2,117	988
EE					260	456		
EL	689	205		56	86	26	2,823	839
ES	1,255	72			11,069	638		
FI	44	22						
FR	5,157	131		3,716	18,087	459	12,950	329
HR	13	6			867	432	45	22
HU	405	88		196	3,136	680	1,385	301
IE	221	48		276			135	29
IT								
LT	659	375		62	445	253		
LU								
LV	157	159		6	341	345	398	403

Member State	Number of custodial sentences of children (2010) Number of MS in total in brackets. CRIM015	Number of custodial sentences per 100,000 children (above MACR) (2010)	Fines issued to children (2010) Number of MS in total in brackets. CRIM016	Number of fines per 100,000 children (above MACR) (2010)	Community service or probation order issued to children (2010) Number of MS in total in brackets. CRIM016	Number of community service or probation orders per 100,000 children (above MACR) (2010)	Suspended sentences issued to children (2010) Number of MS in total in brackets. CRIM016	Number of suspended sentences per 100,000 children (above MACR) (2010)
MT					79	374		
NL	370	31			18,069	1,526		
PL	882	61			31,784	2,194		
PT	133	59	732	327	1,268	566	442	197
RO	459	49	101	11	137	15	1,791	191
SE								
SI			2	2				
SK	104	38	21	8			1,058	388
UK E&W								
UK NI								
UK S	296	51						

Source: National data source for all fines, community service and probation orders and suspended sentence data (**HID57**) United Nations Office on Drugs and Crime, TransmonEE and national data sources (for seven countries) (**HID56**);

Note: Blank = Not available; **Emboldened** figures are from National Datasets.

Box 17 Children receiving custodial sentences – Approximate data that are not comparable

AT

Number of imprisoned children (aged 14 to 17). **1780** (2009)

DE

Number of proceedings leading to deprivation of liberty of children (age not specified) enforced by juvenile magistrates judge. **14,205** (2011)

Number of imprisoned children (aged 14 to 17). **587** (2011)

Percentage of children (aged 14 to 18) in closed-regime detention out of all children in detention. **80** (2011)

DK

Number of imprisonment decisions made in criminal proceedings relating to children (aged 15 to 18). **2,842** (2010)

Total number of decisions relating to children (aged 15 to 18) that were unsuspended imprisonment. **362** (2010)

EL

Number of convicted children (aged 15 to 18) held in the four Special Juvenile Detention. **433** (2010)

Number of convicted children (aged 15 to 20) held in Special Juvenile Detention Establishments. **433** (2010)

ES

Number of closed-internment sanctions given to children (aged 14 to 17). **258** (2010)

FR

Number imprisonment sentences given to child offenders (age not specified) for serious crimes. **459** (2010)

NL

Number of children (age not specified) entering youth custodial institutions. **2,225** (2010)

Number of children (age not specified) present in correctional facilities on January 1st of year plus those that joined during the year. **319** (2010)

PT

Number of children (aged 13 to 17) detained in educational centres. **189** (2010)

Number of children (aged below 16) detained in educational centres. **226** (2010)

SK

Number of children (age not specified) who were convicted and held in detention. **104** (2010)

UK E&W

Number of immediate custodial sentences issued to children (aged 10 to 17 years). **1,185** (2010)

Number of all custodial sentences given to children (age not specified). **4,177** (2010)

Proportion of custodial sentences out of all sentences given to children (age not specified). **5.8%** (2010)

The average daily prison population of children (aged 15 to 17). **2,526** (2010)

The average number of children (aged 11 to 17) in custody **2,040** (2010)

UK S

The average daily child population (age not specified) in Young Offenders Institutes (YOIs). 782 (2010)

Children receiving non-custodial sentences - approximate data**AT**

Number of criminal diversion cases against children (aged 8 to 17) resolved via community work. **1,600** (2010)

Number of criminal diversion cases against children (aged 14 to 17) resolved via probation. **131** (2010)

Number of suspended sentences for children (aged 14 to 17) with and without sanctions. **321** (2010)

Percentage of child offenders (aged 14 to 17) on probation supervised by volunteer probation officer. **28.3** (2010)

Number of convicted children (aged 14 to 17) fined. **3,298** (2009)

BE

Number of alternative sentence penalties for children (aged 12 to 18) imposed. **470** (2011)

CY

Number of children (aged 10 to 15) given fines. **16** (2009)

DE

Number of probation orders issued under juvenile law. **35,529** (2010)

Percentage of children (aged 0 to 18) in socio-therapeutic institutions out of the total population of socio-therapeutic institutions. **1.9** (2012)

ES

Number of children (age not specified) in open regime (sentenced but not having to spend the nights in a detention facility or similar institution) following a criminal procedure. **3,072** (2010)

Number of children sanctioned with providing community benefit. **3,760** (2010)

FR

Number of community services, suspended community services given by Youth courts concerning children (aged 0 to 17). **4,641** (2010)

Number of simple and suspended sentences with probation given to children (age not specified) for rape. **197** (2010)

HU

Number of convicted children (age not specified) who received supplementary punishment (Fine). **1** (2010)

IE

Number of probation orders made on children (aged 10 to 18). **491** (2010)

Number of community service orders made on children (aged 16 to 17). **30** (2010)

Number of orders for supervision of children (aged 10 to 18) made during deferment of penalty. **405** (2010)

Number of behaviour warnings, good behaviour contracts and behaviour orders issued to children (aged 10 to 18). **526** (2010)

IT

Number of admissions to Juvenile Classification Homes (CPA). **2,241** (2010)

Number of children sentenced for felonies receiving monetary sanctions. **6** (2010)

LT

Number of children (aged 14 to 17) committed to educational control facilities. **482** (2010)

LV

Number of children (age not specified) under the supervision of Juvenile Affairs Inspectors. **1,115** (2010)

Number of convicted children (aged 14 to 17) given a fine. **6** (2010)

Number of convicted children (aged 14 to 17) given community service. **187** (2010)

Number of community service orders imposed on children (age 11 to 18) in courts of first instance. **101** (2010)

Number of children (aged 14 to 17) sentenced to forced labour. **113** (2010)

NL

Number of children (aged 12 to 17) having been referred to the national system of alternatives to detention for having committed a crime. **470** (2010)

Number of children (age not specified) who have been sentenced to measures concerning the behaviour of the child (Gedragsbeïnvloedende maatregel). **87** (2010)

Number of disposed criminal proceedings in the court of first instance that were settled with a fine issued to a child suspect. **452** (2010)

Number of disposed criminal proceedings in the court of first instance that were settled where the main punishment was community service. **6,076** (2010)

SE

Number of prosecutor fines given to children (aged 15 to 17). **2,308** (2011)

Number of children (aged 15 to 17) sentenced to youth care or youth service. **1,559** (2011)

Summary fines imposed by the police on females (aged 15 to 17). **518** (2010)

Summary fines imposed by the police on males (aged 15 to 17). **1,909** (2011)

SI

Educational measure or sentence given by the state prosecutor in cases involving child offenders (aged 14 to 18). **629** (2010)

UK E&W

Number of youth rehabilitation orders (a generic community sentence for child offenders) issued. **18,001** (2010)

UK NI

Number of Community Responsibility Orders (CRO) issued to children (aged 10-17). **49 (2010)**

Table A2.7 Repeat child offenders

Member State/jurisdiction	Total number of repeat child offenders (2010) Number of MS in total in brackets. CRIM019	Number of repeat child offenders per 100,000 children (above MACR and below 18) (2010) CRIM019
EU (Total and median rate for MS providing data)	(11) 47,682	204
AT		
BE		
BG	349	117
CY		
CZ	1,280	363
DE		
DK		
EE		
EL		
ES		
FI		
FR		
HR	392	195
HU	936	203
IE		
IT	1,494	65
LT	214	122
LU		
LV	186	188
MT		
NL		
PL	4,457	308
PT		
RO		
SE		
SI	345	430
SK	557	204
UK E&W	37,472 (***)	714 (***)
UK-NI		
UK S		

Source: TransmonEE and national data sources.

Note: Blank = Not available; (***) data refer to 2009; Emboldened figures are from National Datasets; Data from BG, CZ, HR, HU, LT, PL, SI, SK refer to the total number of juvenile offenders who offended repeatedly in groups or together with adults (*TransOtherDS4T2data*). Italian data refer to the total number of repeat child offenders sentenced only for felonies. Latvian data refer to the number of convicted children by prior conviction. UK E&W data refer to the number of children who reoffend within one year of being released from prison.

Box 18 Repeat child offenders - Approximate data that are not comparable

AT

Number of convictions of children (aged 14 to 17) who have prior convictions. **1804** (2010)

Number of repeat child offenders (aged 14 to 17) who were convicted between 2008 and the end of 2011 that were reconvicted within the same period. **1586** (2011)

Percentage of repeat child offenders (aged 14 to 17) who were convicted between 2008 and the end of 2011 that were reconvicted within the same period. **62.2** (2011)

Number of children (aged 8 to 17) released from prison in 2004 who were re-imprisoned by the end of 2008. **207** (2008)

Percentage of children (aged 8 to 17) released from prison in 2004 who were re-imprisoned by the end of 2008. **46.9** (2008)

BE

Number of children (age not specified) in criminal proceedings who had previously appeared before a youth court or youth judge. **392**, (October 2011-January 2012)

Percentage of children (age not specified) in criminal proceedings who had previously appeared before a youth court or youth judge. **21.4** (October 2011-January 2012)

FR

Number of recidivist children (aged 0 to 18) sentenced for serious crime. **5** (2010)

Number of recidivist children (aged 0 to 18) sentenced for offences. **437** (2010)

DE

Percentage of imprisoned children (aged 14 to 17) with prior convictions. **31.9** (2011)

Percentage of children (aged 14 to 20) with prior convictions interned in socio-therapeutic institutions. **54** (2012)

EL

Number of children (aged 15 to 18) with prior convictions held in Special Juvenile Detention Establishments. **37** (2010)

Number of child recidivists (aged 13 to 18) prosecuted by single member juvenile courts. **5443** (2010-2011)

Number of child recidivists (aged 13 to 18) prosecuted by three member juvenile courts. **289** (2010-2011)

IE

Number of child recidivists (age not specified) receiving either a Probation Order or a Community Service Order that reoffend within 3 years of January 1st 2007. **97** (2009)

Percentage of children (age not specified) receiving either a Probation Order or a Community Service Order that reoffend within 3 years of January 1st 2007. **53.6** (2009)

IT

Total number of repeat child offenders sentenced for felonies. **1494** (2010)

LV

Number of criminal offences committed by children (aged below 18) with prior convictions. **248** (2010)

Number of children (age not specified) under the supervision of Juvenile Affairs Inspectors that have reoffended whilst under supervision. **238** (2010)

Number of children (aged 14 to 17) with prior convictions sentenced to forced labour. **27** (2010)

Number of children (aged 11 to 18) with prior convictions sentenced to community work. **15** (2010)

NL

Percentage of children (age not specified) placed into youth detention who have previously been involved in criminal cases. **81.6** (2006-2010)

Percentage of children (age not specified) that reoffend within 2 years of release from youth custodial institutions. **52** (2008)

Number of arrested child suspects (age not specified) with prior convictions. **9,680** (2010)

SI

Number of convicted children (aged 14 to 18) with prior convictions. **73** (2010)

UK E&W

Number of children (aged 10 to 17) who reoffend within one year of being released from prison. **37,472** (2009)

Percentage of children (aged 10 to 17) who reoffend within one year of being released from prison. **36.9** (2009)

Percentage of children (age not specified) coming out of Young Offending Institutes who reoffend within one year. **35.8** (Apr 2010 to Mar 2011)

UK S

Number of children (aged 16 to 17) that are reconvicted within a year of leaving prison. **1,134** (2009)

Percentage of children (aged 16 to 17) that are reconvicted within a year of leaving prison. **39.5** (2009)

Table A2.8 Child victims

Member State/ jurisdiction	Crimes against children per 100,000 child population (0-17) (2010) CRIM029	Violent crimes committed against chil- dren (0-17) (2010) Number of MS in total in brackets. CRIM034	Violent crimes committed against children per 100,000 child population (0-17) (2010) CRIM034	Crimes against person, prop- erty and other crimes against children (0-17) (2010) Number of MS in total in brackets CRIM034	Crimes against person, prop- erty and other crimes against children per 100,000 child population (0-17) (2010) CRIM034
EU (median rate for MS providing data)	475	(9) 7,794	40	(7) 59,638	149
AT					
BE					
BG	166	1	14	1,945	43
CY					
CZ	236	469	68	4,359	129
DE					
DK					
EE					
EL					
ES					
FI	2,007	5940	136	21,846	1,251
FR					
HR	649	205	50	5,347	513
HU	847	723	48	15,467	206
IE					
IT					
LT	475				
LU					
LV	238	128	27		
MT					
NL					
PL	491				
PT					
RO	192	29	9	7,635	36
SE					
SI	873	113	26	3039	149
SK	124	189	47		
UK E&W					
UK-NI					
UK S					

Source: Population on 1 January by age, Eurostat; national data sources for all countries (CRIM034).

Note: Blank = Not available; **Emboldened** figures are from National Datasets.

Box 19 Child victims - Approximate data that are not comparable

AT

Average number of offences against children (aged 8 to 13) committed by adults per month. **1448** (2008)

Average number of offences against children (aged under 14) committed by children (aged 14 to 17) per month. **1225** (2008)

Average number of offences against children (aged 8 to 13) committed by children (aged 8 to 13) per month. **2001** (2008)

Average number of offences against children (aged 14 to 17) committed by children (aged 8 to 13) per month. **597** (2008)

Average number of offences against children (aged under 14) committed by children (aged under 14) per month. **3641** (2008)

Average number of offences against children (aged 14 to 17) committed by children of the same age group per month. **3924** (2008)

BE

Number of registered cases of violence against children (age not specified) by authoritative person. **889** (2010)

Number of registered cases of domestic violence against children (age not specified) by parents. **1470** (2010)

Number of registered cases of violence against children (age not specified) by authoritative person. **889** (2010)

Number of registered cases of non-domestic violence against children (age not specified) in which the offender is unknown. **1488** (2010)

Number of cases on which a child (aged 0 to 18) had their integrity abused, which includes violence/threat. **515** (2010)

CY

Number of cases of violence within the family with children (under 18s). **773** (2010)

Number of child victims (aged under 18) of violence within the family. **230** (210)

DE

Number of judged and condemned persons committing a crime against children (age not specified). **5626** (2010)

Number of judged and condemned persons committing acts of violence against children (age not specified). **847** (2010)

DK

Number of child victims (aged 0 to 19) of penal code offences. **15,693** (2010)

IT

Number of reported child victims of property crime. **23,187** (2010)

Number of reported child victims of violent crime. **4,981** (2010)

LV

Number of children (age not specified) who were victims of crime. **921** (2010)

PL

Number of children (aged 0 to 18) subjected to domestic violence. **40,113** (2010)

UKE&W

Number of reported crimes experienced by children (age not specified). **893** (2010)

Number of reported violent crimes experienced by children (age not specified). **586** (2010)

Number of reported property crimes experienced by children (age not specified). **307** (2010)

Annex 3 Tables accompanying Section 3

Table A3.1 Training on the rights and needs of children involved in criminal judicial proceedings for judges, police, prosecutors and lawyers

	Mandatory training requirement as a prerequisite for taking up a post where contact with children is likely (CRIM120)	Types of professionals covered by the mandatory requirement (CRIM120)				Continuous training programmes exist for the professionals concerned (CRIM117)
		Judges	Police	Public prosecutors	Defence Lawyers	
AT	Yes	Yes	No	Yes	No	Yes – judges and prosecutors
BE	Yes	Yes	Yes	Yes	In part (S)	Yes - all
BG	In part	In part (S)	In part ¹	No	No	No*
CY	No	-	-	-	-	In part - only social workers
CZ	Yes	Yes	Yes	Yes	Yes	Yes – all
DE	Yes	Yes	No	Yes	No	No
DK	No	-	-	-	-	Yes – judges and police
EE	Yes	Yes	Yes	Yes	Yes	Yes - all
EL	In part	No	No	In part (S)	No	Yes – judges and police
ES	Yes	Yes	Yes	Yes	No	Yes – all (S)
FI	No	-	-	-	-	Yes – judges, prosecutors, defence counsels
FR	Yes	Yes	Yes	Yes	Yes ²	Yes - all
HR	Yes	No*	Yes	Yes	Yes	No*
HU	In part	In part (S)	No	In part (S)	No*	No
IE	In part	In part (S)	No*	No*	No*	In part ³
IT	Yes	Yes	Yes	Yes	Yes	Yes - all
LT	No*	No	In part ⁴	In part ⁵	No	In part – police
LU	Yes	Yes	Yes	No*	No*	No*
LV	Yes	No*	Yes	Yes	Yes	Yes – all
MT	No*	-	-	-	-	No*
NL	Yes	Yes	Yes	No*	No*	Yes – all
PL	No*	-	-	-	-	Yes – judges, prosecutors ⁶
PT	Yes	Yes	Yes	Yes	No	Yes – judges, prosecutors, lawyers
RO	No*	-	-	-	-	Yes – judges, police, prosecutors
SE	No	-	-	-	-	Yes – judges, police, prosecutors
SI	Yes	Yes	No	No	In part (S)	Yes - all
SK	No	-	-	-	-	No
UK-E&W	Yes	Yes	No*	In part ⁷	No	Yes – judges
UK-NI	Yes	Yes	No	No	No	Yes – judges, police
UK-S	No*	-	-	-	-	No*

Note: *In part (S)* indicates that the requirement applies only to authorities who are likely to have contact with child suspects; *No** = the protection does not appear to exist according to the information reviewed in this study; Dash '-' = Not applicable.

Endnote to Table A3.1

1 Juvenile police officers must have received special education or have a specialisation in pedagogy.

2 The requirement only extends for those defence counsels in receipt of legal aid.

3 There is no legislation providing for continuous training programmes for professionals working for or with children involved in criminal proceedings. However, there are some examples of training programmes in specific contexts, such as judges of the Children Court and specialist Garda (police) interviewers.

4 Specialised police officers and prosecutors deal with cases involving children, although no formal training prerequisites exist.

5 Specialised police officers and prosecutors deal with cases involving children, although no formal training prerequisites exist.

6 The obligation to follow training programmes refers to all judges, prosecutors, etc. (not only those working in particular with children).

7 The requirement only extends to Youth Offender Specialists (YOS), rather than all prosecutors. YOS undertake major reviews of files involving child suspects. Advocates who deal with children are expected to watch short films where measures are described to help vulnerable victims and witnesses give evidence.

Table A3.2 Multidisciplinary approach to dealing with children involved in criminal proceedings

Country	Multidisciplinary approach is recognised as important	Existence of formalised procedures to coordinate the work of different departments	Type of children covered by the multidisciplinary approach
AT	Yes	No	Suspects/offenders
BE	Yes	Yes	Suspects/offenders + victims
BG	Yes	No	Victims of abuse
CY	Yes	No	Suspects/offenders
CZ	Yes	Yes ¹	Suspects/offenders + victims
DE	Yes	No	Suspects/offenders
DK	Yes	Yes	Suspects/offenders
EE	No*	No*	-
EL	Yes	No	Suspects/offenders + victims of abuse
ES	Yes	No	Suspects/offenders
FI	Yes	Yes	Suspects/offenders + victims
FR	Yes	Yes	Suspects/offenders + victims
HR	Yes	Yes	Suspects/offenders
HU	No	No*	-
IE	Yes	No	Suspects/offenders + victims
IT	Yes	Yes	Suspects/offenders
LT	No*	No*	-
LU	Yes	No*	Victims/witnesses
LV	Yes	No	Suspects/offenders + victims + witnesses
MT	No*	No*	
NL	Yes	Yes	Suspects/offenders + victims of domestic violence
PL	Yes	Yes	Victims of domestic violence
PT	Yes	Yes	Suspects/offenders? (Children) below MACR
RO	No*	No*	-
SE	Yes	Yes	Suspects/offenders + victims of violence/sexual abuse
SI	Yes	Yes	Informal for child suspects/offenders Formalised for victims of domestic violence
SK	No*	No*	-
UK-E&W	Yes	Yes	Suspects/offenders and victims
UK-NI	-	-	-
UK-S	Yes	No*	Suspect/offenders

Endnote to Table A3.2

In CZ, a System of Early Intervention was set up in 2004 and is still being rolled out to the different municipalities. It is based on a multidisciplinary approach in that it attempts to ensure the successful cooperation between the different institutions of Public Administrations engaged in reducing crime among and against children.

Table A3.3 Legal obligation to secure the right of children to claim compensation

	Legal obligation to secure the right of children to claim compensation CRIM255	Existence of a specific child regime CRIM255	Coverage of the legal obligation to secure the child's right to claim compensation		
			Child victims CRIM255	Child witness CRIM255	Child suspects CRIM255
AT	Yes	Yes	Yes	No	In part (A)
BE	Yes	No*	Yes	No*	In part (A)
BG	Yes	No	Yes	No*	In part (A)
CY	Yes	No	In part ¹	No	No
CZ	Yes	No*	Yes	Yes	No*
DE	Yes	Yes	In part ²	No*	No*
DK	Yes	No	Yes	Yes	In part (A)
EE	Yes	Yes	Yes	Yes	Yes
EL	Yes	No	Yes	No*	In part (A)
ES	Yes	No	Yes	Yes	Yes
FI	Yes	No	In part ³	Yes	In part (A)
FR	Yes	Yes	Yes	No*	No*
HR	Yes	No	Yes	Yes	Yes
HU	Yes	No	Yes	No	No
IE	Yes	No	Yes	No	No
IT	Yes	Yes	In part ⁴	In part ⁵	No*
LT	Yes	No	Yes	No	In part (A)
LU	Yes	No*	Yes	No*	No*
LV	Yes	No	Yes	In part ⁶	In part (A)
MT	Yes	No	Yes	No*	In part (A)
NL	Yes	No	Yes	Yes	In part (A)
PL	Yes	No	Yes	Yes ⁷	In part (A)
PT	Yes	No	Yes	Yes	In part (A)
RO	Yes	No*	Yes	Yes	Yes
SE	Yes	Yes	Yes	In part ⁸	No*
SI	Yes	No*	Yes	Yes	Yes
SK	Yes	No	Yes	In part ⁹	No
UK-E&W	Yes	No	Yes	In part ¹⁰	No*
UK-NI	Yes	No	Yes	No*	No*
UK-S	Yes	No*	Yes	No*	No*

Note: (A) indicates that the legal obligation to secure a child suspect's right to claim compensation only applies when the child suspect has been acquitted.

Endnote to Table A3.3

1 Child victims of trafficking and violent crimes are covered.

2 The legal obligation does not apply when the offender is a child as well.

3 Child victims are only covered in cases of delays.

4 The legal obligation does not apply when the offender is a child as well.

5 No specific provisions apply to child witnesses. However, when the child witness is also victim of the offence the rules applying to child victims also apply to child witnesses.

6 This is not specifically for witnesses, but a general constitutional right to compensation.

7 When the witness suffered damages as a result of the offence, s/he can claim to be a victim; otherwise any claim can be submitted to the civil court.

8 Child witness cannot seek compensation if the perpetrator is an unknown person.

9 Child witness cannot seek compensation if the perpetrator is an unknown person

10 If a child witnessed and was present at an incident in which a loved one was injured as a result of a crime of violence and suffered a mental injury as a result, the person may be eligible for compensation.

Annex 4 Tables accompanying Section 4

Table A4.1 Provision of information and advice about rights and procedures to child suspects

Country	Statutory provision on right to information about rights and procedures CRIM050	Information is provided in a child friendly format CRIM050	Information is provided at first contact CRIM050
AT	Yes	No	Yes
BE	Yes	Yes	Yes
BG	Yes	No	No
CY	Yes	No	Yes
CZ	In part ¹	Yes	Yes
DE	Yes	Yes	No
DK	Yes	No	Yes
EE	Yes	Yes	Yes
EL	Yes	No	Yes
ES	Yes	Yes	No*
FI	Yes	Yes	Yes
FR	Yes	No*	Yes
HR	Yes	No	Yes
HU	No	No	Yes
IE	Yes	Yes	Yes
IT	Yes	No*	No*
LT	Yes	No	Yes
LU	Yes	Yes	Yes
LV	Yes	No	Yes
MT	Yes	In part ²	Yes
NL	Yes	No*	Yes
PL	Yes	No*	Yes
PT	Yes	Yes	Yes
RO	Yes	No*	Yes
SE	Yes	No	No*
SI	Yes	No	Yes
SK	Yes	In part ²	Yes
UK-E&W	Yes	Yes	Yes
UK-NI	Yes	Yes	Yes
UK-S	Yes	No	Yes

Endnote to Table A4.1

1 The requirement refers to the need to overcome language difficulties that the child (or adult) may have using an interpreter.

2 The provision states that the suspect must be informed of his/her rights and "if necessary" this should be done in a manner that can be understood by the child.

Table A4.2 Provision of information and advice about rights and procedures to child victims

Country	Statutory provision on right to information about rights and procedures CRIM059	Right to information in child friendly format	Information is provided at first contact CRIM059
AT	Yes	Yes	Yes
BE	Yes	Yes	Yes
BG	Yes	No	No
CY	Yes	No	No
CZ	In part ¹	No	Yes
DE	Yes	Yes	Yes
DK	No	No	Yes
EE	Yes	Yes	Yes
EL	Yes	Yes	Yes
ES	Yes	No	No*
FI	Yes	No*	Yes
FR	Yes	No	Yes
HR	Yes	No	Yes
HU	Yes	Yes	In part ²
IE	No	No	Yes
IT	Yes	No	No*
LT	Yes	No*	Yes
LU	Yes	No	Yes
LV	Yes	No	No
MT	No	No	No
NL	Yes	No	In part ³
PL	Yes	No	Yes
PT	Yes	In part ⁴	Yes
RO	Yes	In part ⁵	Yes
SE	Yes	No	No*
SI	No	No	No
SK	No	Yes	No
UK-E&W	Yes	Yes	Yes
UK-NI	Yes	Yes	Yes
UK-S	No	No	Yes

Endnote to Table A4.2

1 In CZ, the legal requirement to provide information relates to information on compensation procedures only.

2 In HU, information is provided upon request only.

3 In NL, information is provided upon request only.

4 In PT, this applies in cases where a child has been a victim of domestic violence.

5 In RO, this applies in cases where a child has been a victim of domestic violence.

Table A4.3 Provision of information and advice on rights and procedures to child witnesses

Country	Statutory provision on right to information about rights and procedures CRIM066	Information is provided in a child friendly format	Information is provided at first contact CRIM066
AT	Yes	Yes	Yes
BE	No	No ¹	Yes
BG	Yes	No	No
CY	No	Yes	No
CZ	No ²	No	Yes
DE	Yes	Yes	No*
DK	No	No	No
EE	Yes	Yes	Yes
EL	Yes	No	No
ES	Yes	No	No*
FI	Yes	No*	Yes
FR	Yes	No	Yes
HR	Yes	No	Yes
HU	Yes	Yes	Yes
IE	No	No	No*
IT	No	No	No
LT	No	No*	No
LU	No	No	No
LV	Yes	No	No
MT	Yes	No	No
NL	No	No	No
PL	Yes	No	In part ³
PT	Yes	No	No
RO	Yes	Yes	Yes
SE	No	No	No
SI	Yes	In part ⁴	Yes
SK	Yes	Yes	Yes
UK-E&W	Yes	Yes	Yes
UK-NI	Yes	Yes	Yes
UK-S	No	No	Yes

Endnote to Table A4.3

1 In BE, information is not provided in a child-friendly format at federal level.

2 In CY, the obligation to inform child witnesses of their rights and procedures is only set out in an internal police directive.

3 In PL, the information must be provided to child witnesses only prior to being interviewed.

4 In SI, the courts have issued child-friendly information booklets.

Table A4.4 Right of child suspects to contact their parents or other person of trust when apprehended by the police

Country	Right of child suspects to contact parents or other person of trust when apprehended by the police CRIM151
AT	No
BE	In part ¹
BG	Yes#
CY	Yes#
CZ	No
DE	No*
DK	Yes#
EE	Yes#
EL	Yes*
ES	Yes#
FI	No*
FR	Yes#
HR	Yes#
HU	No
IE	Yes
IT	Yes#
LT	Yes#
LU	Yes
LV	Yes#
MT	Yes
NL	Yes#
PL	No*
PT	Yes#
RO	Yes#
SE	Yes#
SI	Yes#
SK	Yes#
UK-E&W	Yes#
UK-NI	Yes#
UK-S	Yes#

Endnote to Table A4.4

1 In BE, the child only has the right to contact a parent if they have been placed in custody.
Yes# = indicates that the police are required to contact the parents.

Table A4.5 Legal obligation to make pre-trial detention a measure of last resort and for the shortest appropriate period of time

Country	Legal obligation to make pre-trial detention of children a measure of last resort CRIM158	Legal obligation to use pre-trial detention for the shortest appropriate period of time CRIM158
AT	Yes	Yes
BE	Yes	Yes
BG	Yes	No
CY	No	No
CZ	Yes	Yes
DE	Yes	Yes
DK	Yes	Yes
EE	No ¹	No*
EL	Yes	Yes
ES	No	Yes
FI	No*	No*
FR	Yes	Yes ²
HR	Yes	No
HU	No	No
IE	Yes	No
IT	Yes	No
LT	Yes	No*
LU	Yes	No
LV	No*	No*
MT	No*	No*
NL	No*	No*
PL	Yes	Yes
PT	Yes	Yes
RO	Yes	Yes
SE	Yes	Yes
SI	Yes	Yes
SK	Yes	Yes
UK-E&W	Yes	No ³
UK-NI	Yes	No ⁴
UK-S	Yes	Yes

Endnote to Table A4.5

1 In EE, guidelines for the police and prosecutors establish that detention should be a measure of last resort, but this is not stipulated in the Code of Criminal Procedure.

2 In FR, there is a gradation in the length of the detention period according to the suspect's age, the offence committed and the stage of the criminal proceeding.

3 In UK-E&W, whilst legislation does not specifically refer to "shortest time", there is a strict maximum of 24 hours without charge which can only be extended following review.

4 In UK-NI, whilst legislation does not specifically refer to "shortest time", there is a strict maximum of 24 hours without charge which can only be extended following review.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

Table A4.6 Right of children in pre-trial detention to be held separately from adults

Country	Right of children in pre-trial detention to be held separately from adults CRIM164
AT	Yes (^)
BE	No
BG	Yes
CY	In part – only insofar as it is practicable
CZ	Yes (^)
DE	Yes
DK	Yes
EE	Yes (^)
EL	Yes
ES	Yes
FI	Yes (^)
FR	Yes
HR	Yes
HU	Yes
IE	In part – only insofar as it is practicable
IT	Yes
LT	Yes (^)
LU	Yes
LV	Yes
MT	In part ¹
NL	Yes
PL	Yes (^)
PT	No
RO	Yes
SE	Yes (^)
SI	Yes (^)
SK	Yes
UK-E&W	Yes
UK-NI	Yes
UK-S	Yes

Note: (^) indicates that the right/provision can be outweighed when it is considered in the child's best interest

Endnote to Table A4.6

1 In MT, prisoners under 21 years of age must be kept in conditions that take account of the needs of their age and protect them from harmful influences.

Table A4.7 Right to legal representation and legal aid for child suspects

Country	Right to legal representation for suspected child CRIM175	Stages of proceedings where right to legal representation is protected CRIM175	Existence of safeguard mechanism to ensure mandatory defence CRIM176	Right of suspected child to legal aid CRIM178	Type of legal aid (free or conditional)
AT	Yes	All stages	Yes	Yes	Conditional – means-test
BE	Yes	All stages	Yes	Yes	Free
BG	Yes	All stages	Yes	Yes	Conditional – means-test ¹
CY	Yes	Suspects > 15: all stages Suspects < 15: during court sessions	No	Yes	Conditional – means-test
CZ	Yes for suspects > 15 No for suspects < 15	Suspects > 15: all stages	In part ²	Yes	Conditional – means-test
DE	Yes	All stages	Yes	Yes	Conditional – merit-based
DK	Yes	All stages	No*	Yes	Free
EE	Yes	All stages	No*	Yes	Free
EL	Yes	All stages	Yes	Yes	Conditional – means-test
ES	Yes	All stages	Yes	Yes	Different rules in each autonomous community
FI	Yes	During the investigation	Yes	Yes	Conditional – means-test
FR	Yes	All stages	Yes	Yes	-
HU	Yes	All stages	Yes	Yes	Conditional ³
IE	Yes	All stages	In part – means-test	Yes	Conditional ⁴
IT	Yes	All stages	Yes	Yes	Conditional – means-test
LT	Yes	All stages	Yes	Yes	Free
LU	Yes	All stages	Yes	Yes	Free
LV	Yes	All stages	Yes	Yes	Conditional – means-test
MT	Yes	All stages	No*	Yes	Free
NL	Yes	Prior to interrogation	In part ⁵	No*	Conditional ⁶
PL	Yes	All stages	Yes	Yes	-
PT	Yes	All stages	Yes	Yes	Conditional – means-test
RO	Yes	All stages	Yes	Yes	-
SE	Yes	All stages	Yes	Yes	Conditional – means-test and merit-based
SI	Yes	All stages	Yes	Yes	Conditional ⁷
SK	Yes	All stages	Yes	Yes	Conditional – means-test
UK-E&W	Yes	All stages	No	Yes	Conditional – means-test
UK-NI	No	-	No	Yes	Conditional – means-test
UK-S	Yes	Prior to questioning by police and before court appearance	No*	Yes	-

Endnote to Table A4.7

1 Means-tested on the basis of income of the child rather than that of the parents.

2 Only for children above 15 years of age.

3 No information on nature of the conditions.

4 No information on nature of the conditions.

5 Children under the age of 16 cannot waive the right to consult their lawyer before interview while those aged 16 and 17 may do, depending on the severity of the case and personal circumstances.

6 No information on nature of the conditions.

7 No information on nature of the conditions.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

Table A4.8 Right to legal representation and legal aid for child victims

Country	Right to legal representation for child victims CRIM175	Stages of proceedings where right to legal representation is protected for child victims	Right of child victims to legal aid CRIM178	Type of legal aid (free or conditional)
AT	Yes	-	In part ¹	Conditional – merit-based ²
BE	Yes	All stages	Yes	Free
BG	Yes	-	Yes	Conditional – means-test
CY	No*	-	No	-
CZ	Yes	-	Yes	Conditional – means-test
DE	Yes	During the examination	Yes	-
DK	Yes	All stages	Yes	Conditional – merit-based ³
EE	Yes	All stages	Yes	Conditional – means-test
EL	Yes	All stages	Yes	Conditional – means-test
ES	Yes	All stages	Yes	Different rules in each autonomous community
FI	Yes	During the investigation and at the trial	Yes	Free
FR	Yes	All stages	Yes	Conditional ⁴
HU	Yes	All stages	Yes	Conditional ⁵
IE	No	-	In part ⁶	Conditional – merit-based
IT	Yes	All stages	Yes	Conditional – means-test
LT	Yes	-	Yes	Conditional ⁷
LU	Yes	All stages	Yes	Free
LV	Yes	All stages	Yes	Conditional – merit-based
MT	Yes	All stages	Yes	-
NL	Yes	-	Yes	Conditional – means-test and merit-based
PL	Yes	All stages	Yes	Conditional – means-test
PT	Yes	All stages	Yes	Conditional – means-test
RO	Yes	All stages	Yes	Conditional ⁸
SE	Yes	All stages	Yes	Free
SI	Yes	All stages	Yes	Conditional ⁹
SK	Yes	All stages	Yes	Conditional – means-test
UK-E&W	No	-	No	-
UK-NI	No	-	No	-
UK-S	No	-	No	-

Endnote to Table A4.8

1 Only victims of a deliberate act of violence or dangerous threat to their sexual integrity have the right to a judicial accompaniment free of charge. The child represented by his or her legal representatives can declare to become a civil claimant, and civil claimants also have the right to a legal counsel free of charge, if they do not already have Victim Assistance Service.

2 Merit-based (only victims of a deliberate act of violence or dangerous threat to their sexual integrity) or if the child is also a civil claimant.

3 Merit-based (in cases of sexual abuse, violence or other serious crimes).

4 Legal consultation is free of charge by principle. Representation at judicial proceedings is means-tested.

5 Free unless the court finds the defendant guilty and orders him/her or the legal representative to cover the costs of criminal proceedings.

6 Merit-based (in certain sexual assaults cases).

7 Legal consultation is free of charge. Representation at judicial proceedings is means-tested (in some cases, it can also be granted regardless of financial situation).

8 Free in cases of attempted murder, crimes of violence, sexual crimes. For other crimes, free legal aid is means-tested.

9 Free in cases of crimes against sexual integrity, neglect of a child and cruel treatment, trafficking in human beings, or family violence). For other crimes, free legal aid is means-tested.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

- = not applicable.

Table A4.9 Right to legal representation and legal aid for child witnesses

Country	Right to legal representation for child witness CRIM175	Stages of proceedings where right to legal representation is protected for child witness	Right of child witness to legal aid CRIM 178	Type of legal aid (free or conditional)
AT	No*	-	In part ¹	Conditional – merit-based
BE	Yes	All stages	Yes	Free
BG	Yes	All stages	In part ²	-
CY	No*	No*	No	-
CZ	Yes	Pre-trial stage	No	-
DE	Yes	During the examination	Yes	Conditional – merit-based
DK	Yes	All stages	No	-
EE	Yes	All stages	Yes	Conditional – means-test
EL	If not party to criminal procedure: no	- if witness is not a party to procedure	No	-
ES	Yes	All stages	Yes	Different rules in each autonomous community
FI	No*	-	No*	-
FR	Yes	All stages	No*	-
HR	Yes	-	Yes	Free
HU	Yes	All stages	Yes	Conditional ³
IE	No	-	No	-
IT	Yes	All stages	Yes	-
LT	No*	-	In part – legal consultation only	Free
LU	Yes	All stages	Yes	Free
LV	No*	-	Yes	No
MT	Yes	All stages	Yes	-
NL	Yes	During the preliminary investigation	Yes	Conditional – on type of case and means-test
PL	Yes ⁴	All stages	No*	-
PT	Yes	All stages	Yes	Conditional – means-test
RO	No	-	Yes	Free
SE	No*	-	Yes	Free
SI	Yes	-	No	-
SK	No*	-	No*	-
UK-E&W	No	-	No	-
UK-NI	No	-	No	-
UK-S	No	-	No	-

Endnote to Table A4.9

1 If the child witness is a relative of the victim, he or she has a right to legal assistance by the Victim Assistance Service.

2 Every witness (child or adult) has the right to request a legal consultation with a lawyer if he/she thinks that his/her testimony could put him in danger. There are no specific rules giving the child witness a right to choose legal counsel himself/herself. (...) Special legal aid is not available for child witnesses.

3 The costs of the lawyer could be covered by the legal representative or by the defendant if the court finds the defendant guilty and orders him/her to cover the costs of criminal proceedings.

4 Only if this is necessary to protect his or her interests.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

- = not applicable.

Table A4.10 Statutory provision on the right to be heard for child suspects/offenders, victims and witnesses

Country	Statutory provision for the right of the child to be heard		
	Suspects CRIM181	Victims CRIM195	Witnesses CRIM206
AT	Yes	Yes	No
BE	Yes	Yes	Yes
BG	Yes	No*	No*
CY	Yes	No	No
CZ	In part Suspects > 15 only	Yes	No
DE	Yes	No	No
DK	In part Suspects > 15 only	No	No
EE	Yes	Yes	Yes
EL	Yes	Yes	Yes
ES	Yes	Yes	Yes
FI	Yes	In part ¹	Yes
FR	Yes	Yes	In part ²
HR	Yes	Yes	Yes
HU	Yes	In part ³	No
IE	Yes	No	No
IT	In part Only at pre-trial stage	No	No*
LT	Yes	Yes	Yes
LU	Yes	Yes	Yes
LV	Yes	Yes	No*
MT	Yes	Yes	No*
NL	Yes	Yes ⁴	No
PL	Yes	Yes	No*
PT	In part Suspects > 12 only	Yes	Yes
RO	Yes	Yes	Yes
SE	Yes	Yes	No
SI	Yes	No	No
SK	Yes	Yes	Yes
UK-E&W	Yes	No	No
UK-NI	Yes	No	No
UK-S	Yes	In part ⁵	No

Endnote to Table A4.10

1 Children under 15 years of age can often participate only during the pre-trial investigation stage and a parent/guardian exercises their rights at the trial. Children over 15 years of age have parallel rights to those of parents and guardian.

2 Witnesses cannot request to be heard but they can write to the judge/public prosecutor.

3 The victim is entitled to make motions and objections at any stage of the procedure, but they do not enjoy other aspects of the right to be heard.

4 The right to be heard may be exercised in cases where the offence may be punished by a sentence of 8 years.

5 Child victims under 14 years old may not make a victim statement except through a parent or guardian.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

Table A4.11 Statutory provision on the right of child suspects/offenders to privacy

Country	Child offender has right to privacy CRIM073	Stages of proceedings where right to privacy applies CRIM073
AT	Yes	All stages
BE	Yes	All stages
BG	Yes	During trial
CY	Yes	All stages
CZ	Yes	All stages
DE	Yes	All stages
DK	Yes	All stages
EE	Yes	All stages
EL	Yes	All stages
ES	Yes	All stages
FI	Yes	All stages
FR	Yes	All stages
HR	Yes	All stages
HU	Yes	During and after trial
IE	Yes	All stages
IT	Yes	All stages
LT	Yes	All stages
LU	Yes	All stages
LV	Yes	All stages
MT	In part For suspects < 16 years	All stages
NL	Yes	During trial
PL	Yes	All stages
PT	Yes	All stages
RO	Yes	All stages
SE	In part ¹	During trial
SI	Yes	All stages
SK	In part ²	During interviewing a child in a pre-trial stage and during trial
UK-E&W	Yes	All stages ³
UK-NI	Yes	All stages ⁴
UK-S	Yes	During and after trial

Endnote to Table A4.11

1 During trial, court proceedings may be held in camera. If not, information is publicly available, except in cases such as sexual abuse, child pornography or extortion.

2 The court may hold a closed session if it is necessary to secure the protection of a child. The child is not obliged to be present in the courtroom if this could have an impact on the child's well-being.

3 The provision does not apply if the child is tried in an adult court.

4 The provision does not apply if the child is tried in an adult court.

Table A4.12 Statutory provision on the right of child victims to privacy

Country	Child victim has right to privacy CRIM077	Stages of proceedings where right to privacy applies CRIM077
AT	Yes	During trial
BE	In part ¹	During trial
BG	Yes	All stages
CY	Yes	All stages
CZ	Yes	All stages
DE	Yes	All stages
DK	Yes	All stages
EE	Yes	All stages
EL	Yes	All stages
ES	Yes	All stages
FI	Yes	All stages
FR	Yes	All stages
HR	Yes	All stages
HU	Yes	All stages
IE	Yes	During trial
IT	In part ²	All stages
LT	Yes	All stages
LU	Yes	All stages
LV	Yes	All stages
MT	In part Victims < 16 years	All stages
NL	Yes	All stages
PL	Yes	All stages
PT	In part Victims < 16 years	All stages
RO	Yes	All stages
SE	In part ³	All stages
SI	Yes	All stages
SK	Yes	During interviews in the pre-trial and trial stages
UK-E&W	In part ⁴	During trial
UK-NI	In part ⁵	During trial
UK-S	Yes	All stages

Endnote to Table A4.12

1 Articles 148 and 149 of the BE Constitution guarantee that judicial hearings are open to the public. For proceedings related to sexual abuse however, a party or the victim, whether adult or child, may request that the Court meets in closed sessions only.

2 Some measures are at the judge's discretion.

3 The provision is not statutory. In certain types of cases, information regarding the victim is not available to the public; some trials are held in camera.

4 Members of the media must be permitted to remain in the court while other members of the public may be excluded.

5 Members of the media must be permitted to remain in the court while other members of the public may be excluded.

Table A4.13 Statutory provision on the right of child witnesses to privacy

Country	Child witness has right to privacy CRIM081	Stages of proceedings where right to privacy is protected CRIM081
AT	Yes	During trial
BE	Yes	During trial
BG	No	-
CY	Yes	All stages
CZ	Yes	All stages
DE	Yes	All stages
DK	Yes	During trial
EE	Yes	During trial
EL	Yes	During trial
ES	Yes	All stages
FI	Yes	Pre-trial investigation
FR	In part ¹	All stages
HR	Yes	During trial
HU	Yes	All stages
IE	Yes	During trial
IT	Yes	All stages
LT	In part ²	Pre-trial investigation
LU	Yes	During trial
LV	Yes	All stages
MT	Yes	No*
NL	Yes	All stages
PL	Yes	All stages
PT	No*	No*
RO	In part ³	During trial
SE	In part ⁴	During trial
SI	Yes	During trial
SK	In part	Pre-trial stage and during trial
UK-E&W	In part ⁵	During trial
UK-NI	In part ⁶	During trial
UK-S	Yes	All stages

Endnote to Table A4.13

1 Some provisions apply only in cases of serious crimes.

2 Some provisions (e.g. anonymity) are granted in limited circumstances only.

3 In some circumstances, the identity of the child witness is not hidden.

4 In limited circumstances information about child witnesses is not available to the public; some trials are held in camera.

5 Members of the media must be permitted to remain in court while other members of the public may be excluded.

6 Members of the media must be permitted to remain in court while other members of the public may be excluded.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

Table A4.14 State regulation of the media and self-regulatory measures applied by the media in order to protect the identity of children involved in criminal judicial proceedings

	Statutory provision for state regulation of media CRIM087	Children who are protected under regulation CRIM087	Self-regulatory measure to protect child's right to privacy and family life CRIM088	Children who are protected under measure CRIM088
AT	Yes	All children	Yes	Victims
BE	Yes	Suspects	Yes	All children especially victims
BG	Yes	All children	Yes	Victims
CY	Yes	All children	No*	-
CZ	Yes	All children	No*	-
DE	Yes	Child suspects At court's discretion for child witnesses	Yes	All children
DK	Yes	All children	No*	-
EE	Yes	All children	No*	-
EL	Yes	Suspects	Yes	Witnesses and victims
ES	Yes	All children	No*	-
FI	No	-	No*	-
FR	Yes	Suspects and victims	No*	-
HR	Yes	Victims and witnesses	No*	-
HU	Yes	All children	No*	-
IE	Yes	All children	No*	-
IT	Yes	All children	Yes	All children especially victims and suspects
LT	Yes	Child suspects	No*	-
LU	Yes	All children	Yes	All children
LV	Yes	All children	No*	-
MT	Yes	All children	Yes	All children
NL	Yes	All children	No*	-
PL	Yes	All children	No*	-
PT	Yes	Victims of specified crimes only	Yes	All children
RO	Yes	All children	No*	-
SE	No*	-	No*	-
SI	Yes	All children	Yes	All children
SK	No	-	No*	-
UK	-	-	-	-
UK-E&W	Yes	All children	Yes	Victims, witnesses or relatives of suspects < 16
UK-NI	Yes	All children	Yes	Victims, witnesses or relatives of suspects < 16
UK-S	In part	All children < 16	No*	-

Endnote to Table A4.14

No* = the protection does not appear to exist according to the information reviewed during the course of this study.
- = not applicable.

Table A4.15 Measures in place to ensure that relevant decisions are taken without undue delay

Country	Legal obligation to ensure that matters involving children are determined without delay CRIM225	Coverage of the legal obligation CRIM225	Existence of a maximum timeframe for a matter to get to trial CRIM226
AT	No	-	No
BE	No	-	No*
BG	Yes	Child victims	Yes (2-4 months, extendable)
CY	In part	Only for domestic violence cases, child suspects	No*
CZ	Yes	Child suspects	No*
DE	In part ¹	-	No
DK	No	Child suspects	No*
EE	Yes	Child suspects	No*
EL	No	-	No
ES	Yes	All children	No*
FI	Yes	Child suspects + victims	Yes (2 weeks) – from indictment to prosecution
FR	No	No*	No*
HR	Yes	Child suspects and child victims	Yes (6 months) – from indictment to prosecution
HU	Yes	Child suspects	Yes (90 days from end of investigation to indictment) No provision on time-frame for court decision-taking
IE	Yes	Child suspects	No*
IT	No	-	No
LT	Yes	-	No*
LU	No*	-	No*
LV	Yes	-	No*
MT	No*	No*	No*
NL	Yes	Child suspects	No*
PL	In part ²	In part ³	No*
PT	No*	-	No*
RO	Yes	Trial	No*
SE	Yes	Child suspects and child victims	Yes (12 weeks) – after an offender has been identified
SI	Yes	-	Yes
SK	Yes	Child suspects	No*
UK-E&W	Yes	All children	No*
UK-NI	Yes	All children	No*
UK-S	Yes	Child suspects	Yes (6 months)

Endnote to Table A4.15

1 Grounded in the Guidelines for the Public Prosecution Office (*Richtlinien für das Strafverfahren und das Bußgeldverfahren - RiStBV*) and in the Courts' Constitution Act, which complement the legal framework of protective measures for victims and children.

2 Such right is expressed in the Constitution (in general terms), but it is not provided in the Juvenile Justice Act (a draft amendment of the Act, introducing relevant procedural safeguards has been prepared in 2013, but not yet adopted).

3 A general right exists as part of general principles/international binding standards, but is not expressed explicitly in legislation concerning juveniles.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

- = not applicable.

Table A4.16 Alternatives to judicial proceedings for children in conflict with the law

Country	Existence of alternatives to judicial proceedings prescribed by law CRIM142	Nature of alternatives to judicial proceedings CRIM142	Statutory provision to obtain free and voluntary consent to the diversion from the child or from the parent if child is below a certain age CRIM143
AT	Yes	Instructions to pay a fine or perform community work; mediation	Yes
BE	Yes	Mediation/ restorative justice	Yes
BG	Yes	Special corrective measures	No*
CY	No	-	-
CZ	Yes	Mediation	Yes
DE	Yes	Supervisory measures	Yes
DK	Yes	Juvenile contract ¹	Yes
EE	Yes	Juvenile committee; ² conciliation	Yes
EL	Yes	Mediation/ restorative justice	No
ES	Yes	Mediation/ educational measures	No*
FI	Yes	Conciliation	Yes
FR	Yes	Close case under conditions; propose criminal settlement ³	Yes
HR	Yes	Non-prosecution (possibly subject to conditions)	No*
HU	Yes	Mediation; active repentance	No*
IE	Yes	Garda Juvenile Diversion Programme ⁴	No*
IT	No	-	-
LT	Yes	Reconciliation (guided by Judge)	No
LU	Yes	Mediation	No*
LV	Yes	Correctional/educational measures; conciliation	Yes
MT	Yes	Victim offender mediation/ restorative justice	No*
NL	Yes	Conditional dismissal and participation in community service / educational project (HALT settlement / STOP-disposal) or fine	No*
PL	Yes	Mediation	Yes
PT	Yes	Behavioural contract; mediation	Yes
RO	No*	-	No
SE	No	-	-
SI	Yes	Mediation, deferring or dispensing with the prosecution	No
SK	Yes	Reconciliation/ agreement on guilt and punishment	Yes
UK-E&W	Yes	Reprimand; acceptable behaviour contracts	Yes
UK-NI	Yes	Informed warning or restorative caution; acceptable behaviour contract	Yes
UK-S	Yes	Warnings	No

Endnote to Table A4.16

1 In DK, a juvenile contract is an agreement where the child offender obligates him or herself to participate in a number of activities and the prosecution stops investigating the case.

2 In EE, the prosecutor can dispense with prosecution and send a case to a Juvenile Committee. These Committees deal with children below MACR and, upon the prosecutor's request, also children above MACR.

3 In FR, the prosecutor may close the case under certain conditions e.g. undergoing training, repairing damage caused, etc. or propose a criminal settlement e.g. paying a fine, undertaking unpaid work.

4 In IE, the Garda Juvenile Diversion Programme consists of giving the child a caution and, where appropriate, placing him or her under the supervision of a juvenile liaison officer and convening a conference.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

- = not applicable.

Annex 5 Tables accompanying Section 5

Table A5.1 Existence of procedures to prevent disclosure of criminal records on reaching adulthood

	Existence of procedure to delete or prevent disclosure of criminal records when child turns 18 CRIM262	Automatic deletion of criminal record after a specific amount of time has elapsed CRIM262	Period of time that needs to elapse from when a sentence is imposed before criminal records are deleted CRIM262	Existence of non-disclosure procedures CRIM262	Authorities that are exempt from the non-disclosure procedures CRIM262
AT	No	Yes	3-5 years	Yes	Public authorities
BE	Yes	-	-	Yes	Army or federal police in course of a recruitment process ¹
BG	No	Yes	2 years	Yes	Judicial authorities
CY	Yes	Yes	0-8 years	No*	-
CZ	No	Yes	1 year	Yes	Judicial authorities and others
DE	No	Yes	3-20 years	Yes	Judicial and tax authorities
DK	Yes	Yes	2-10 years	No*	-
EE	Yes	Yes	2-5 years	Yes	State and judicial authorities
EL	No	Yes	5-8 years	No*	-
ES	No*	-	-	Yes	No*
FI	No	Yes	5 years	Yes	Authorities involved in recruitment process or permit granting ²
FR	No	In part ³	3 years	Yes	Judicial authorities
HR	No*	No*	No*	Yes	Judicial authorities, Monitoring and supervision authorities (such as the Ombudsman for children or Youth Judge), Care institutions for victims of sexual abuse and violence, Authorities competent to keep records on certain types of professions
HU	No	Yes	3 year	No*	-
IE	No	Yes	3 years	No*	-
IT	Yes	No	-	No*	-
LT	No	Yes	Variable	No*	-
LU	No	No*	No*	Yes	Judicial and administrative authorities
LV	No	Yes	10 years	No*	-
MT	-	-	-	-	-
NL	No	Yes	5 years to indefinitely	No*	-
PL	Yes	Yes	2 years	No*	-
PT	No	Yes	2 years or at age 21	Yes	Judicial authorities and social reintegration services
RO	Yes	No*	-	Yes	-
SE	No	Yes	3-10 years	Yes	Judicial authorities, Tax Authority, Customs, the Coast Guard, Administrative court
SI	No	Yes	1-3 years	No*	-
SK	No	In part ⁴	-	No*	-

	Existence of procedure to delete or prevent disclosure of criminal records when child turns 18 CRIM262	Automatic deletion of criminal record after a specific amount of time has elapsed CRIM262	Period of time that needs to elapse from when a sentence is imposed before criminal records are deleted CRIM262	Existence of non-disclosure procedures CRIM262	Authorities that are exempt from the non-disclosure procedures CRIM262
UK-E&W	No	No	-	Yes	Courts and other appropriate public bodies
UK-NI	No	No	-	Yes	Courts and other appropriate public bodies
UK-S	No	No	In part ⁵	No*	-

Endnote to Table A5.1

1 If the child (when adult) applies for a position in the army or federal police.

2 Information disclosed for filling a public post or granting a permit.

3 Only in respect of educational measures / sanctions.

4 When the sentence is executed if the imprisonment was not more than one year or if the sentence has been mitigated or pardoned upon the decision of the President of the Slovak Republic.

5 Under the Rehabilitation of Offenders Act, a conviction becomes spent after a period of time. Custodial sentences of more than two and a half years never become spent.

No* = the protection does not appear to exist according to the information reviewed during the course of this study.

- = not applicable.

