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Civil Society Committee on the
Rights of the Child (CSC-RC)

Comité de la société civile sur les
droits de l'enfant (CSC-DE)

Workshop on Child hearing and participation #1

Good practices for the child hearing process – examples from Projeto-12 Portugal

2023 May 9th

Report by Pr. Em. Michel Grangeat – Chair of the CSC-RC

The aim of the workshop was to share the experience and knowledge of the participants about child hearing and participation through the dissemination of the results of projet12.

The theme of the workshop is **crucial** in the context of the European Union (which has funded Project12) and the Council of Europe (in relation to the CJ/ENF-ISE objectives).

Both institutions aim to develop **the participation of young children and adolescents** in all matters that affect their lives; in line with UNCRC article 12, GC n°14, and the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

As stated by this document, in its item 112, '*children have the right to express their views and opinion on any issue or case that involves or affects them. They should be able to do so regardless of their age, in a safe environment, respectful of their person. They have **to feel at ease** when they talk to a judge or other officials.*'

A complex application

The implementation of such a recommendation is not straightforward and necessitates both an **adaptation** of the material conditions of the hearing, depending on child's level of development, and a **specific skills and competences** for the professionals in charge of the hearing.

The interest of the research conducted by Project 12 is to address these complex issues in a way that is practical, in-depth and based on scientific knowledge and methods.

The results of Project 12 are presented by **Joana Alexandre** - Lecturer and researcher at the Center for Research and Social Intervention (CIS-Iscte - Lisbon) and **Rute Agulhas** - Psychologist specializing in Clinical and Health Psychology, Psychotherapy, and Psychology of Justice (Portugal).

[Click here to watch the video](#) of the presentation.

The main aim of Project 12 is **to help children and young people** learn more about their rights. The project pays particular attention to their right to be heard and to express their opinions. It refers to article 12 of the Convention on the Rights of the Child. It offers resources (in English) tailored to children, roughly according to the age of kindergarten, primary and secondary school.

Project 12 is in line with the [guideline on child-friendly justice](#) adopted by the Council of Europe in 2010, and the United Nations Convention on the Rights of the Child, in particular Article 12 (right to participation). Implementing child-friendly justice entails **training those responsible for children's hearing**. This involves preparing, conducting and concluding the hearing.

To this end, the project is proposing '[An Action guide & a Guide to best practices](#) for professionals to good practice for adults in charge of children's hearings'.

This guide is presented in the video from minute 24.

All this material has been **evaluated by groups of children and by professionals**. These evaluations enabled the researchers to modify the material and adapt it better, particularly for adolescents.

*For more details of this assessment procedure, **watch the video from minute 30.***

The following sections of this report focuses on this practical guide, which would benefit from appropriate distribution in Council of Europe member States.

Enabling children to anticipate their hearing

It is important to prepare children and young people before the hearing. To this purpose, the project offers [videos](#) for children and questions for adults. Preparing the setting for the hearing also plays an important role.

Ideally, there should be a quiet **waiting room** and a **hearing room**. The hearing room should be **calm, warm, private and secure**.

Judges and lawyers can choose whether or not to use their **professional uniforms**. Some children like this formal dress, while others find it intimidating or frightening. To **minimise these possible negative effects**, an adult can explain to the child before the hearing that, like police officers or firemen, judges and lawyers wear special clothes that shows they have these roles.

A series of **videos** and a **glossary** explain what a hearing procedure is in different contexts and provide concrete information on children's rights, the people who work in a court and how a hearing is conducted. All the documents are in an **age-appropriate format** (3-6 years; 7-10 years; 11-14 years).

This guide provides a list of questions that **children frequently ask themselves without daring to ask** adults:

- What is a hearing procedure?
- Where will I be heard?
- Who will speak with me?
- Can I bring a toy?
- What if I don't know the answers?
- What if I want to cry or if I'm really anxious?

How to conduct an interview with a child

An audition interview can be structured in **three parts**: initiation, heart and conclusion of the audition.

To initiate the interview, it is essential to first explain **the role of each professional** in the room and the **purpose** of the interview. Next, it is best to assess and clarify the **child's expectations and representations**. Children and adolescents often think that the decision depends solely on them.

The document uses the **metaphor of a jigsaw puzzle**.

Let's imagine I'm doing a jigsaw puzzle. Each person here has important information about the situation and each person shares their information with me. You have good information and are an important piece of the jigsaw. It's with all the pieces of the jigsaw, when I see the complete situation, that I can make my decision.

The person in charge of the audition then explains **the rules of the interview**. It is best to remember that:

- the child should not hesitate to say that he/she does not understand the question
- he/she has the right not to answer
- he/she can ask questions

These rules may seem obvious to legal professionals, but they are **often the opposite of what children experience at school**. So it's worth pointing them out.

Building trust

Confidentiality rules could represent **an obstacle to the quality of the interview** and reduce the child's confidence. The person in charge of the interview should specify, where appropriate, whether everything said by the child will be reported to the parties, i.e., in most cases, to the parents. If this is not the case, it should be specified that only **a summary report of the main points retained for the court** will be transmitted. It would therefore probably be necessary to ensure that, at the end of the interview, the child **knows what will be transmitted** and to what extent he or she can express an **opinion** on this content, or even ask for it to be **amended**.

For more details of this issue of confidentiality, watch the video from minute 22.

The guide is not very explicit on this issue of confidentiality, which remains an **obscure area** in many legislative systems. This is a sensitive issue, however, as judges have to find a **balance** between informing children of their rights and maintaining the spontaneity of their statements.

As regards the conduct of the interview, the guide is very comprehensive on how to ask the questions. Here, we only present the list of **questions to avoid**:

- Questions that are too limited or too closed, leaving **few alternative answers**.
- Questions in the negative, which are too **ambiguous** for children.
- Questions that **contain the answer** are obviously forbidden.
- Questions beginning with "**why**", as these often lead children to believe that they have made a mistake and need to justify their answer.

The most effective questions relate to **the progress of action**; in short, those that begin with **who, what, how, where**.

The guide also offers a **range of communication techniques**. These techniques build a more positive relationship between the child and the adult in charge of the interview. They also ensure that the child sticks to the reality of the situation.

At the end of the interview, it is important to give the child **the opportunity to add an important point** or ask a new question. It's also a good idea **to congratulate the child** on his or her participation.

Factors that affect the quality of a child's hearing

The guide details practices adapted to children's age, development and maturity. For each age, a table shows the **state of cognitive development**, what is **easy** for the child and what will be more **difficult**. The guide suggests solutions for the interviewer.

The adult conducting the interview must also **be aware of his or her own cognitive processes and biases**. Attention should be paid, in particular, to when and how to make a decision, including deciding which question to ask.

Adult cognitive functioning relies on processes that can be seen as automatic **shortcuts based on a limited set of cues**. They facilitate rapid decision-making, particularly when there is pressure to make a decision in a short timeframe; including during an interview.

This fast functioning is very **useful in general everyday situations**. These kinds of shortcuts allow us to draw conclusions and fill information gaps. They are the result of formal learning and experience.

Decision-making altered by preconceived ideas

This rapid and practical cognitive process involves **biases that can distort the relevance of the decisions made**. This is particularly true in specific situations that need to be assessed on a case-by-case basis. Two biases are often detrimental to good decision-making:

- **Confirmation bias**: pay attention to information that is consistent with previous beliefs, expectations, or assumptions.
- **Illusory correlations bias**: considering that there is a relationship between variables even when such relationship does not exist. A common example is 'if someone cries when giving evidence, it means that they are telling the truth', or 'if a child does not cry when he/she is in a situation of alleged domestic violence, it means that the violence has not taken place'.

When it comes to making a decision, certain past experiences or situations are readily available in our memory. As a result, we tend to **make decisions based on the results of these past examples, which appear to be more common and therefore more reliable**. However, the situation being judged may be closer to other examples that are less frequent and therefore less available in our memory.

The need for training in children's hearing

Awareness of these cognitive functions and biases is [an important step in avoiding their negative effects](#) during the decision-making process involving children and young people. On a more positive note, **knowing how to conduct an interview**, and in particular a semi-structured interview, is a useful tool for encouraging and respecting what children have to say.

These professional skills are rather specialised and often counter-intuitive. They certainly require initial training. Above all, they require **ongoing training support**, because they are also built through experience.

This webinar was held on 2023 May 9th

It has been designed by Herminio CORREA from [Parents International](#) and organized by the Civil Society Committee on the Rights of the Child (CSC-RC) of the Conference of INGOs. He was chaired by Michel GRANGEAT, Pr. Em. at University Grenoble Alpes and chair of CSC-RC, and technically supported by Annelise OESCHGER from INGO-Services