Child-friendly justice: Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties

Estonia

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This country report for Estonia presents the results of the social fieldwork research for the second phase of the FRA Children and Justice project. The first phase focussed on the legal and social professionals, the second phase focussed on the children themselves. The data for this report was gathered in 2014 and the analysis was conducted and finished at the end of 2014. Thus, this report constitutes the developments and situation in Estonia only up to the end of 2014. The comparative report combining the results of all countries participating in FRA Children and Justice project was published by FRA in 2017.

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EXECUTIVE SUMMARY

The target group of this research were children who were involved in a judicial proceeding as a party, victim or witness when they were between 10-14 years of age. The main aim of research was to collect personal narratives of these children's experiences, mainly focusing on the events related to the child's participation in hearings. For data collection, a combination of qualitative and quantitative methods was used. The method of data collection, the interview guide as well as reporting template and other methodological documents were designed and provided by the FRA. The research took place in parallel in 9 EU countries and the interviews with children were conducted in 2014. This report on Estonia was made public in 2017, after the FRA published its comparative report involving all countries in spring 2017.

The initial sample for Estonia consisted 35 children, of whom 29 interviews were conducted. Six children cancelled at the last minute their participation because of different reasons. There was a prescription of obligatory two meetings with every child, where the first meeting's aim was to introduce the child to the research in general and ask his/her consent to gather additional background data about his or her case hearing's (type of case(s), time of hearing, place of hearings, etc.). The additional data on every case was also gathered from relevant adult persons (e.g. child protection worker, legal guardian or parent of the child) who have access to the case file and could provide objective information about the case. In some cases, such persons were not reachable, did not exist at all or were not willing to the share information with the researcher. All data collection was based on the principle of full confidentiality, anonymity, and written consent was taken both from the child as well as from the parent (or a person representing the child).

In many cases, participating children were willing to do the interview immediately and not meet the researcher for the second time. Children were invited to participate in the research from different parts of Estonia, also children of different ethnic origin. The different character of cases, gender and age groups were also considered while composing the sample.

The interview guide was structured with detailed instructions of how the interview should be carried out. At the same time, the interviewers had the occasion to give the child the opportunity to describe his or her personal story on his/her experiences during hearing(s). Also, official information of the proceeding, the character of case(s), people involved, places of hearings, frequency etc was collected and tested during the interview as well as before it. As a result, we had a multiple-case study with children of their experiences of hearing in civil and/or criminal proceedings. The interviews were recorded and transcribed, however, the transcriptions were not traditionally coded and analysed as a qualitative content-analysis, but instead, the information from the interviews was included in a pre-structured reporting template.

The experience of children from the hearings varies enormously and not only because the court cases where children participate are different from each other or the role of children is different. Children are influenced by the process of hearing, but also by the court proceeding and its content. Child's experience in the hearings

depends on how much the child was influenced by the circumstances of the case. For example, when the child is satisfied by the outcome of the proceeding, the hearing is also evaluated by him or her in a more positive way. A simple case of theft where the child is a witness may have less impact on child's wellbeing and may have less potential for traumatizing the child, in comparison with much more serious cases. In cases of domestic violence or custody disputes, children have been already traumatized by their life events, and the fact that they need to discuss these issues further with strangers (i.e. the different parties of a proceeding) or even have a say in their own future, is for them very stressful.

There are ways of making the experience less traumatic, and for this reason the guidelines for child-friendly justice have been established by the Estonian government (e.g. by the Estonian Ministry of Social Affairs or Ministry of Justice). However, we can see that in many cases in Estonia, these guidelines are not followed and the basic rights of the children are violated.

Based on the results of our interviews, we can say that for children, the most disturbing factor in the hearings and court proceedings is a lack of adequate information. Children are often left in ignorance and this can happen at any stage of the hearing. Informing the child does not seem to be a regulated practice. It also seems to happen quite randomly, depending on the professionals involved. The most extreme cases of inadequate informing relate to hearings taking place in the court or at the police, to where children sometimes are taken without any prior warning or without being informed on the reason why he/she is taken to the hearing. This is even worse as children tend to have a great deal of fear of both the police and the court.

Children express less dissatisfaction on the child protection specialists and hearings that are carried out by these specialists. These seem to be more child-friendly and children are more informed and are less traumatized even when not informed. However, it should be considered that many cases/children/contacts for our interviews were received from the child protection workers. This could be one of the reason why those children reported more child-friendly hearings conducted by the child protection workers. However, this is somewhat speculative argument and one cannot claim that the child protection worker gave our research team contacts of so-called more positive cases. Nevertheless, this possible tendency cannot be ignored.

In principle, the right to be heard was acknowledged by all children. Many were pleased that they could influence the final decision-making. Children often mentioned during the interviews that persons who carried out the hearing were kind and friendly people; however, they could not help them because the problems still follow the child. Many children reported about difficulty of decision making, especially in custody cases where they had to choose between two beloved parents. Also, in criminal cases where children took the role of a witness, children reported on their fears of the offender. For this reason, it is difficult to completely list positive aspects mentioned by the children, because for a child it was difficult to separate the events that happened to them beforehand from the juridical proceeding *per se*.

In addition, the Estonian cultural and historical context should be considered when talking about children's rights. Estonian society is still in the process of integration to so called Western values and there are still different attitudes towards notions like human rights, and especially towards children's rights. This idea is still new and too abstract for some professionals working with the children, as it is also for the children themselves. Children's rights are understood by some professionals as the rights for consumption and are frequently used

as opposite to obligation. There is a widely-spread utterance often used by professionals working with children: "*They know too much about their rights, but know nothing about their obligations*" or "*There is too much talk about rights, but too little about obligations*". Such exclamations demonstrate the underlying attitudes towards children's rights. Professionals follow European standards on human rights and talk to children about their rights as obligations (i.e. obligation which stems from their official service provision guidelines). However, the topic is in fact still on an abstract level, and children rarely have the opportunity to practice it in their actual lives. The situation is however different in different regions of Estonia: our interviews with children and results from the previous phase of children in justice project (51 interviews with Estonian legal and social professionals), show that in North-East Estonia (*Ida-Virumaa*), and among Russian speaking children, the topic of children's rights exists on a particularly abstract level. This can explain why some children answered the questions connected with rights too formally and were not willing to further engage with this topic. This may result from the lack of specific interpretation of the meaning of the notion, but also from the lack of knowledge of the children.

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1. Research methodology

1.1. Research Team

Table 1. Research team

	Background	Experience and qualifications	Roles and functions during this phase
1. **Kristjan Kaldur**	University of Tartu / Institute of Baltic Studies	Project manager, analyst, part of the previous phases.	Project manager; coordinating the interviewers and interviews; quality control
2. **Judit Strömpl**	University of Tartu	Experience in qualitative methods and research; interviewing children. Part of the previous phases.	Responsible for methodology; recruiting and interviewing children; training of the interviewers; advising the interviewers
3. **Marre Karu**	Analyst of Social and Labour Policy PhD in Sociology	Experience in qualitative methods and research; interviewing children. Part of the previous phases	Methodological advice; interviewing children; training of the interviewers; analysis of the interviews
4. **Merle Linno**	University of Tartu	Experience in qualitative research, interviewing children, in child protection practice	Interviewer
5. **Beata Zharkovski**	University of Tartu	Experience in qualitative research, interviewing children	Interviewer
6. **Kati Valma**	University of Tallinn	Experience in working and interviewing children as a child protection specialist in Tallinn city government	Interviewer
7. **Maria Zhuravljova**	University of Tartu, Narva College	Experience in qualitative research, interviewing children, youth work; child protection specialist in Narva city government	Interviewer
8. **Anna Markina**	University of Tartu	Experience in qualitative research, interviewing children	Interviewer
9. **Anastasia Pertsjonok**	University of Tartu	Experience in qualitative research, interviewing children	Interviewer
10. **Ingi Sutrop**	Institute of Baltic Studies	Experience in qualitative research, interviewing children	Interviewer

1.2. Training of the research team

There were two training seminars for the team. The first was held prior to the start of recruitment and interviewing to prepare the research team and particularly the interviewers for the project. The second seminar was held after all the interviewers had gathered their first experiences with the interviews. It served the purpose of reflecting, sharing experiences and discussing the problems they encountered. The second seminar also aimed at further improvement of the recruitment channels and strategies.

1st preparatory seminar

On March 6th 2014, the preparatory training for interviewers was held in Tartu at the premises of the University of Tartu. In total, there were 11 participants, including 8 interviewers and 3 organisers/trainers (the core team members of the project who had been involved also in the previous stages of the project). The training lasted for six hours (including a lunch break) and the topics covered included:

- An introduction to the FRA project and research
- Results and experiences from previous phases of the project
- An overview of the concept of Child friendly justice, including the Guidelines on Child Friendly Justice requirements and experiences of the Estonian system
- A review of the interview schedule and interview templates
- Presentation of informational materials and different child-friendly interviewing methods
- How to deal with difficult interview situations and other practical interviewing questions
- Discussion of the recruitment channels and procedures used and the locations of the interviews
- Protection measures, preparatory meeting with children, informed consent and information gathering.

The participants were instructed to read the materials before the training for the smooth and comprehensive conduction of the seminar. The core team prepared PowerPoint presentations with key points for each of the topics and group assignments, but much of the training involved interactive discussion about questions that the interviewers had, sharing experiences with interviewing children and also discussing difficult cases and finding solutions to them. One part of the training involved a role play, where one of the interviewers played a role of an interviewee and the other interviewer had to carry out part of the interview. This allowed participants to imagine themselves on the other side of the interview process and thus were able identify questions that might be problematic for respondents.

The seminar was considered quite useful, in that all participants were active in both sharing their positive and negative experiences with interviewing children. Discussion regarding project details were also valuable, especially in terms of the interview schedule and recruiting procedures. As a result, a common understanding of the aims, focuses and procedures of the study were created and many questions were answered.

However, some questions raised during the training regarding the methodology were still left open after the seminar. Regarding recruitment, one open question was how to deal with children when they prefer to talk about their experience already during the first contact (meeting) with the interviewer. For example, is it possible

to ask the child for an agreement to collect additional background information via e-mail or a telephone call? Another issue was how to deal with the differing levels of trust between child protection workers and interviewers? The Estonian research team consists of members with different professional background. Some interviewers have long-term practical experiences as child protection workers and some have research related extensive networks and contacts with practitioners (social workers, psychologists, etc.) who know interviewer well and trust them information about children's background. However, at same time several interviewers lacked such contacts. This is relevant because child protection workers are quite often under a great deal of scrutiny by the Estonian media. In a small society like Estonia, publicity regarding specific cases can result in a painful set of problems for child protection workers. As a result, some social workers or other specialists were very reluctant to cooperate with or providing relevant background information. Thus, the question was how can interviewers who lack connections with social workers build up the level of trust that would be needed to get their active participation?

Other question that was lively discussed focused on some contradictions identified in the instructions of the interview guide for conducting and reporting interview data. On one hand, the questionnaire (interview schedule) is strictly standardised, with a detailed structure of obligatory questions, which assume asking many and specific (sub) questions about the facts of the proceeding (e.g. exact date, time, place, frequency, people participated, of hearings). On the other hand, the focus on the perceptions and experiences of the child assumes free narration by the child. It was discussed that the strict structure of the interview questionnaire (and reporting template of the interviews) may not allow needed flexibility, which is an issue that often arises within qualitative research methodology.

It was also discussed that the cultural context of the society/country may not be so well included in the analysis of results. The cultural context, however, is also important when evaluating the usage of different kind of materials during the interviews.

In addition, not only the cultural context, but other factors connected to age, psychology, health, etc. of a particular child should be taken into account when reporting the results. As a result, comparative qualitative research, with its strong bent towards the quantification of qualitative observations can be limiting in terms of its explanatory power. We concluded that child friendly interviews should be flexible, so that interviewers could ask the questions that are most relevant for each particular child.

For example, the Estonian culture is not as talkative as other cultures are considered to be. People do not talk so much about their feelings, and coping with everyday life related problems is more a person's own duty than something to be shared with others. Children learn this during their socialisation. Talking about family relations with people from outside is also a difficult issue. Many children among our interviewees were frustrated because of the bad relations between their parents, or because their mother was punished or appeared in bad light during the proceeding. Children were extremely hesitant to talk about these topics with the protection workers or with us. However, they expressed sometimes that the most difficult memory relates to bad relations in their family. In addition to the cultural context, particularities related to the age, psychological, societal, health, etc. of a child should be considered when reporting the results. For example, some of the

interviewed children have been traumatized during their early childhood and they have not gotten adequate therapeutic help to this day.

The collection of information before the interview and the practical arrangements required for preparatory meetings were discussed. Also, the interviewers pointed out that when choosing the interviewing techniques one should consider the age of children – some of the interviewees will be old enough to be treated as adults in the interview and no special measures (drawing, pictures) were considered not to be necessary.

All the FRA guidelines were discussed and participants pointed out some contradictions between the strict regulations and prescriptions on the one hand, and the general child-centeredness as the ruling principle of the study on the other hand. The team decided to prioritize this principle and seek to be as child-centred as possible during data collection. We also decided to consider the approach from the sociology of childhood, which follows the principle of giving child-participants themselves the decision and preference regarding the best data collection method. Thus, we offered children to use cards, draw and to do other children-like activities during the interview, but we did not press them with these measures and if they did not wish for them, we did not use them. As we could see, it was a good decision, because in some cases drawing was the best way to connect children, but in other cases they did not want them at all. We also discussed the set time limit of the interview, which would be run over in cases where we needed to use the cards extensively.

2nd seminar: a reflection

The second seminar took place on the 13th of June in Tartu, at the premises of the University of Tartu. The meeting had two main objectives: to share experiences regarding the interviews conducted so far, and to discuss problems with recruitment. The seminar was aimed at improving the interviewing and recruiting process, but also served as an opportunity for the interviewers to express their feelings and share their experiences which caused them stress and difficulties. Thus, in some ways it functioned as a group therapy session for the interviewers.

In addition to free discussion and sharing of experiences, there were three major blocs of discussion:

- recruiting strategies and the balance of the sample;
- additional details of interviewing (e.g. using the child-friendly cards with the explanations of concepts; questions that had not been covered well previously)
- further instructions regarding the templates (e.g. the recording of quotes; analysis of nonverbal aspects of the interviews)

During the seminar, interviewers talked about difficult and unexpected situations during the recruitment of children. Sometimes parents were not willing to allow the child's participation; however, they did not directly refuse, but used different methods of soft manipulation: e.g. promising to call back but not calling, or asking to be called at a specific time (e.g. "call me tomorrow on two o'clock") but then not picking up. As a result, and to increase the number of participants, the need for additional recruitment channels was identified, such as via churches, social workers in school, specialist in municipalities etc.

Another difficulty that the interviewers encountered was that it was very difficult to obtain full information on the case prior to the interview, because often no one had the full overview of all the hearings for the child (for example in case of children in care). In addition, the question of controversial information was raised – children and adults often provide different information, and this was, in some cases, solved by reading the court decision documentations (which raised again privacy and ethical questions, i.e. how much in detail the interviewer should know the case).

One of the conclusions made by interviewers was that even more than the hearings and professionals, it is the parents who often traumatize their children. Because of this kind of frustration, trauma and other negative feelings could not be connected with the hearing itself, but to the relations in the family that connect with juridical proceedings. This very often was the reason why children did not want to participate in interviews. At the same time, this thematic area (i.e. family-related issues) was not included in the questionnaire.

Furthermore, to strengthen the contact with the child and build trust, interviewers would often talk about topics that were not directly related to the subject of the interview. This was especially important for interviews with children in substitute homes.

Follow-up meetings with children and concluding the interviews were also discussed. It was emphasized that the role of interviewers was not to provide psychological help or therapy. It was also concluded that supportive materials (emotion cards, drawing equipment, modelling with paste) works very well. The need for preparatory meetings was also re-emphasized, however, in many cases, the children expressed the wish to carry out the interview immediately, which is a wish the interviewer always tried to respect (see more in chapter 1.7).

In addition to two organized seminars, regular de-briefing meetings and supervision of interviewers was organised on an ad hoc and individual basis, including intensive exchange of e-mails among and between all participants in the research.

1.3. Ethical approval

In Estonia, there is no legal regulation that requires ethical approval (as of 01.11.2014).

1.4. Recruitment channels and process

In total 75 (as of 12.09.2014) official recruitment channels were contacted, excluding personal contacts of the research team members. The research team and interviewers filled in and updated regularly a common online (secure) document to keep track of the recruitment channels used and the results of these contacts (i.e. the list of interviews).

Recruitment channels included:

- Child protection specialists
- Social workers

- Victim protection shelters
- Children and women's shelters
- Law Offices and lawyers representing children
- Prosecutors and their staff
- Courts
- The police
- Psychologists
- Substitute/foster homes
- Specialized schools
- Child protection departments and social departments of municipalities
- County governments
- Estonian Social Work Association
- Ministry of Social affairs
- Office of the Chancellor of Justice / Child Ombudsman

The recruitment channels were contacted either via e-mails or phone. In addition, official letters requesting support were sent. The initial list of recruitment channels was compiled before the recruitment process started, but it was complemented throughout the process as recruitment proved to be more complex and challenging than initially expected. In order to co-ordinate the interviewers and interviews, an online table was created.

As indicated, recruiting children was more challenging than expected because it was difficult to reach parents and children with experiences that would meet the requirements of the study. It was especially difficult to find children with experiences within criminal proceedings, as these are usually more traumatizing for children due to the nature of the incidents they involve. It was also indicated during the previous stage of the study (1st phase, interviews with specialists) that in criminal cases, hearings often are less child-friendly in comparison with civil proceedings where children are seldom taken to the court and are heard in more friendly environments. Also, children-witnesses of criminal cases are more often involved as offenders and/or suspects in criminal cases.

Contacting via professional lists *(e.g. the list of Estonian Social Workers Association)* did not prove to be successful. Using personal contacts with professionals who had experience with such cases was more successful. In addition, finding children who are living in care was easier than finding children who are living with their families. Social media was also used to try and recruit participants (as well as to disseminate information regarding the research). One of the contacts was found via Facebook, where a mother of one child saw the invitation and volunteered. It was very useful to have practitioners as members of team (i.e. child protection specialists) who have personal contacts both with children and families, but also with other child protection specialists and police.

Despite to the fact that a wide selection of recruitment channels were used to find children for the study, only a few channels proved to be productive. The most successful recruitment channels were with child protection

specialists, but also substitute home personnel, both providing nine contacts. Four interviewees were found through police contacts, three children from the shelters, two via court and lawyers. One contact was provided by one of the municipalities and one parent contacted the researchers directly as a response to the public announcement in Facebook.

Table 2. Successfully conducted interviews by recruitment channel

Channel	Number	Share
Child protection service/specialist	9	31%
Substitute home	9	31%
Police	4	14%
Children shelter	3	10%
Court/lawyer	2	7%
Parent (public announcement in Facebook)	1	3%
Municipality	1	3%

One of the problems with recruiting children was assuring their voluntary participation. In several occasions, the interviewer got the impression during an interview that the child was reluctant to speak of his/her experience, although he/she was given a chance to refuse or to stop the interview at any point. In some cases, it may have been a result of the adults (i.e. the recruitment channels) convincing the child to participate against their will and child agrees out of respect or fear. It also may be that the child agreed in order to please the adults. Furthermore, it is very difficult to identify the actual reasons why children agreed to participate.

1.5. Sample

Table 2 provides an overview of the main characteristics of the sample. In total, 29 interviews were carried out. The sample is relatively balanced by the gender, as nearly half of the interviewees were girls (45%) and other half (55%) boys. Children were relatively young: nearly half (49%) of the children were younger than 14 years at the time of interview. 24% were 14 and 27% older than 16-18 years old.

The sample takes into consideration the fact that about 30% of Estonian population is of other ethnicities, mainly of Russian descent. Therefore 24% of the sample (7 interviewees) were of other ethnicities than Estonian: 6 Russian and one German (although they all had Estonian citizenship).

Table 2. Overview of the sample by different characteristics

	Number	Share (%)
Gender		
Male	16	55
Female	13	45
Age at the time of interview		
10	4	14
11	2	7
12	4	14
13	4	14
14	7	24
15	0	0
16	2	7
17	3	10
18	3	10
Ethnicity		
Estonian	22	76
Non-Estonian	7	24
Proceeding type		
Civil only	14	55
Criminal only	7	28
Civil and Criminal	8	17
Number of proceedings		
1	18	62
2	8	28
3 or more	3	10
Type of cases		
Custody case(s)	13	55
Domestic violence	4	7
School violence	1	3
Other violence	3	10
Custody and domestic/sexual violence	3	7
Custody and theft	3	10
Giving minor alcohol	1	3
Theft and phone threats	1	3
Role in the case		
Party	16	55
Victim	4	14
Witness	2	7
Party/Victim	2	7
Party/Witness	3	10
Witness/victim	2	7
Average number of hearings per child*		
Average	4,9	
Criminal	2	
Civil	6,5	
Criminal/civil	4,4	

When looking closer to the cases that the children were involved in, we can see that 14 were involved in civil proceedings. All these cases relate to custody conflict between or against parents. 7 children (28%) were involved as victims or witnesses in criminal cases. Eight children (17%) had experience both in civil and criminal proceedings. In case of both civil and criminal cases there are custody conflicts against parents with an additional criminal case against parents who were abusive towards their children (5 of 8 children had such situation). In two cases, the child was already placed into substitute home when he or she was involved in a criminal case (see EE-II-08; EE-II-11). In one case the mother of the child initiated a criminal case against father and his wife, the stepmother of the child with whom the child live and blamed her in physical violence against the child (EE-II-14). Majority of children had experience with only one proceeding (62%), but there were also those who were involved in two (8 children, 28%) and in three or even more proceedings (3 children, about 10% of the sample).

Most children were involved in custody disputes (16 children, 55%). Six of the children (20%) were involved in cases of domestic, school or other violence (either as victims or witnesses). Six children had experience with two types of proceedings (see Table 2 for more precise description).

Children were mostly parties in the proceedings (in 16 cases, 55%). Four of the children taking part in the study were victims and two were witnesses. Seven children had multiple roles to play in proceedings. Two were both parties and victims; two witnesses and victims and three parties and witnesses.

When counting all the experience of children regarding the hearings, we can see that on average there were nearly five hearings per child (4.9). If we leave out one extreme case (23 hearings), the average number of hearings is 4.2 per child. The number of hearings for children in criminal cases was significantly lower (2 on average) than the average number of hearings in civil cases (average 6.5 or 5.4 if the extreme case is left out). However, one has to keep in mind the different nature of the hearings. Not all hearings took place in a court or police station. Especially in civil cases, hearings were often carried out in very different locations (e.g. children's homes or child protection specialist's offices) (see chapter Right to be heard).

Since many of the children had multiple hearings spread over time, we focus on the age of the first experience with the proceedings (Table 3). The largest share of children was ate the age of 12 during their first hearing (21%, 6 children). Five children in the sample were 14 years old. Six of the children were younger than 10 years old.

There are some children in the sample whose first experience with hearings were at a very early age – the youngest one was involved in a custody case since she was 5 years old. She had experience with several hearings since the proceeding lasted for five years (EE-II-17).

The next two youngest children, aged 7 and 8 were also involved in a custody cases. Later these children are involved in both, criminal and civil cases. In terms of criminal cases the child was youngest at age 9 when involved in criminal case. Average age of children participating in civil cases was 11 years old. With criminal cases, the average age of children at their first hearing was approx. 12.5 years.

Table 3. Child's age at the time of first hearing

Age of the child	Number of children	% of the sample
5 years	1	3
7	1	3
8	2	7
9	2	7
10	3	10
11	3	10
12	6	21
13	3	10
14	5	17
15	3	10

Finding and contacting participants was the task of interviewers, who mostly used their own networks for this task. The group of interviewers had an online excel table (in Google Docs, with secured connection and link available only to the research team) where all potential participants, whose initial information was gathered (gender, age, place of residence, court case, contact person, etc.), were filled in. This helped everyone to see the real-time process of forming the sample. Interviewers were in contact with each other and could discuss the current cases. In some instances, one or another child was redirected to another interviewer, because of the place of residence or for other reasons, for example, the interviewer knew the child or the family. First contact with a potential participant depended on the actual person. When the child lived with their parent, then the interviewer first contacted the parent via telephone or e-mail. Parents had the first opportunity to decide whether to participate in the research or not. When they were in substitute homes, other options were available for contacting children. In some cases, the head of the substitute home herself decided who would be the better candidate to participate, or directly asked the children for volunteers to participate in the research. In one case, the substitute home offered a meeting with children and researchers, to give children the opportunity to decide about participation. In every case, there was one important fact: the so-called gatekeepers were very careful and when they did not already know the researcher, they were not willing to help the research regardless of supporting letters and other referral mechanisms. When the first contact was made, the argument made most often (and was most successful) was the opportunity to help to develop a more child-friendly justice system or help other children in similar situations.

1.6. Protection mechanisms

1.6.1. Interviewees

The first and most important protection measure to assure that children were not traumatized used before interviews was a very careful selection process. The interviewers tried to obtain enough information prior to the interview to exclude children with particularly traumatizing experiences. However, it was not always

possible, because not all the informants knew about the traumatizing experiences of children. For example, one of the child protection workers referred a child whose situation appeared to be relatively normal and thus would be a good participant for our research. However, when the interviewer contacted stepmother, she indicated that the proceeding was too fresh to the boy and that she thought it would not be healthy to discuss the whole story. They decided that the interviewer would wait and contact the stepmother several months later. When the months passed and the interviewer called the stepmother, she said that the boy was doing better and that he was willing to participate in the interview and share his experiences. When the interviewer later called the stepmother to setup a time for the first meeting, she was not reachable for two weeks. After three weeks when the interviewer thought that this child was no longer available to participate, the stepmother called the interviewer and explained that the situation had changed. The boy was no longer willing to participate, because some relatives from the other part of the family physically attacked him due to the situation.

A primary reason why local municipality child protection workers sometimes do not know the real situation of the child is because they are not in daily contact with children to assess their psychological condition. They work more with case records, not with a real child. When children are placed into a substitute home, the educators know much more about the child's situation, but they might not know about the case records of this specific child. In principle, this means that in order to collect sufficient information about children, there should be more people involved in the recruitment effort. As a result, our researchers would seek out contact with as many different people around the child interviewed as possible.

Preparatory meetings were also an important protection measure, as they enabled interviewers to spot any distress or discomfort in children before the actual interviews. These meetings were also used to build up the confidential relationship and also in some cases to allow children to choose the location of interviews. For example, in one case the interview was planned to take place at the child's mother's office where he often spent his time after school (EE-II-04), but he actively expressed that he dislikes the idea of talking in that location, therefore the interview took place in the cafeteria where he felt more relaxed and talked more freely. Whenever possible, the most child-friendly location was chosen.

Careful explanation of the purpose and course of the interview took place, although in some cases it was clear that the child did not see much importance in that information. During all interviews, the children were provided an opportunity to cancel or stop the interview. Because there was a lack of qualified psychotherapists, we had to rely on our own skills and knowledge to offer protection to participants before, during and after the interview. Before the interview, we carefully gathered information about the potential participants and with very difficult cases or in case of a lack of information, we decided not to invite the child into the research. For example, there was a 16-year old girl's telephone number provided by a child protection worker who used to work with this child years ago. The child protection worker described the girl as a vulnerable girl being repeatedly victimised by her father who was physically violent toward her. The girl was placed several times in different substitute homes and into foster families. The child protection worker knew that she was living with a foster family near Tallinn, but did not know how she was doing. Because we had no other adult contacts for the girl and we were unsure if we would find her in good or in bad situation, we decided not to approach her.

During the interview, we were careful and tried to provide friendly and safe environments. When we saw that one or another question was not welcomed by the child, we did not press it and changed the topic. When the child showed fatigue, we offered him or her a break. We also provided them food or sweets and talked with children on other topics of interest. We also used drawing and other handcraft methods to help them relax and offered to finish the interview whenever they wished.

The most difficult task was to provide protection to children after the interview, because of deficits in the Estonian child protection system in general. As brought out before, there are not many qualified psychotherapists in Estonia, and even those who are, are very hard to reach. Officially, all our participants had his or her child protection worker, substitute home personnel or parents to protect them. However, just in case we had one psychotherapist in reserve who had agreed to help if such kind of help or support was needed. However, there was no need for such help.

1.6.2. Interviewers

Training and support for interviewers were important protection tools in two primary ways. By preparing interviewers before the interview, common or typical mistakes that could adversely affect children were eliminated/reduced. Secondly, support offered to interviewers after they started the process was important to ensure their emotional well-being and prevented any negative outcomes that could result from an interviewer feeling 'burnt out', upset or traumatized by the experience.

This first approach took place primarily during the preparatory seminar, which helped to prepare interviewers for the unexpected aspects of recruiting and interviewing children. The second meeting proved to be therapeutically beneficial, as it allowed the interviewers to share their complicated and perhaps stressful experiences, receive feedback and also recommendations on how to solve these situations. For instance, one of the interviews (EE-II-00) was initially regarded to be unsuccessful by the interviewer as it was very difficult for the child, the background information received was only partial and significant specifics regarding the child's mental state was missing. However, two interviewers met the child three times and the girl gave her consent to participate in the interview. There were free conversations and playing with the girl and it seemed that she was ready to talk about her experiences in the juridical proceeding. However, when she heard the first question about hearing, she started crying and was unable to say a word. However, during the meeting with the research team and other interviewers it was concluded that this kind of experience is also very informative and it should not be regarded as unsuccessful.

Constant availability of the project manager and senior experts was also very important since it provided interviewers with emotional and practical support related to making decisions on potential interviewees, interview locations etc. This took away some of the decision-making burden of the interviewers and enabled sharing of responsibilities when difficulties arose.

1.7. Methods and procedures

1.7.1. Background information

Background information was received from the main contact person prior to the interview. The main contact persons (i.e. recruitment channels) usually were either child protection specialists, personnel in shelters or substitute homes etc. In some cases, parents also provided information.

Most of the background information was received before the first preparatory meeting with children. This was necessary to make sure that the child and his/her experience was suitable for the purposes of the study and to ensure that there were no special needs or problems associated with the child that would make it difficult or harmful for the child to take part in the study. After the first meeting, the contact person was contacted to verify the gathered information and fill any remaining gaps. This was done either by e-mail, phone or in person.

1.7.2. Informed consent procedure

As a rule, during the first meeting the researcher introduced the informed consent to the child. After that, the informed consent by adult representative was signed and before the interview the child also signed the consent. Information about the research was repeated multiple times. When the child wished to do the interview during the first meeting, the informed consent was signed by the child before the official interview was started.

1.7.3. Preparatory meeting

The preparatory meeting took place in all cases, i.e. information was provided to the children in advance (so interviews did not start right away), they were informed of the purpose of the study and the procedure that was being taken for the study and interview. In 16 cases this was done a day or several days before the actual interview, in 13 cases the interview was carried out the same day.

Table 4. Information on preparatory meetings

	Number of interviews	% of interviews
Preparatory meeting, interview different days	16	55%
Preparatory meeting interview same day	13	45%

In some cases, the preparatory interview was held by two interviewers (EE-II-00; EE-II- 07; EE-II-08). It happened that from one substitute home we received preliminary information that there were approximately six to eight children who were willing to participate in the research. That was the first reason why two interviewers went together to the substitute home to introduce the research and to make preliminary agreements. However, when they were there, children were asked to choose which of the two they wished to talk to – as a result, children choose both of them. Nevertheless, there is an additional added value when

conducting interviews with two interviewers, especially when carrying out interviews with traumatized children. Two interviewers can divide the roles of observer and questioner and can help each other if unexpected situations arise. Thus, on one hand it was the children's choice, on the other hand it was helpful also for the interviewers. In principle, all interviews with children could be done with 2 interviewers, however, there are also several issues of resources and feasibility contra multiple interviewers for one child.

Forty-five percent of the children wished to have the interview immediately after the preparatory meeting (this also means that there were no other persons accompanying them), although they were offered a chance to reconsider and have the interview another day. This deviation from the rule set by FRA is explained by the thorough briefing of the child beforehand – most of the children had been explained and informed of the research repeatedly by the parent or by the recruitment channel (or both), and/or were in contact via phone with the interviewer beforehand.

Very few children had an accompanying person during the preparatory interview (EE-II-14 had a father).

1.7.4. Interview set up

The most common location for interviews was in the children's home. Since many of the children in the sample were living in a substitute home, interviews were also carried out there (12 interviews), either in child's room or other rooms chosen by the children. Five interviews took place at Children's Home (substitute home). Six interviews took place in quiet cafeterias, which allowed the interviewers to treat children with something nice to eat or drink, and provided a relaxed atmosphere for an interview. Despite the public nature of the cafeteria, all the interviews were carried out in privacy and without disruptions. The only concern with these interview locations was the quality of the recordings, which were somewhat poor due to background music. However, there were no substantial losses.

Two interviews took place in the offices of a social worker and a child protection specialist – rooms that were already familiar to the children. Since several interviewers were working at the university, two interviews were carried out at the university. One interview took place in the interviewer's office and the other in a career counselling room. None of the chosen interview locations seemed to have any negative effects on the quality or the course of interviews.

Table 5. Locations of the interviews

Location	Interviews	%
Child's home	5	17
Substitute home	12	41
Cafeteria	6	21
Office of social worker/child protection specialist	2	7
University rooms	2	7
Public library	1	3
Child's workplace /pizzeria/	1	3

Most interviews were carried out by one person interviewing the child (25) and four interviews were carried out by two interviewers conducting the interview. In most of the cases (24), there was no accompanying persons during the interview.

Table 6. List of accompanying persons

Accompanying persons	Number of interviews
No accompanying persons	24
Project manager of substitute home where child was living	1
2 friends	1
Grandmother	1
Colleague was working nearby	1
Mother part of interviews	1

One of the girls (EE-II-02) said she would like her younger sister to participate also, but the sister refused, then she decided to be alone. In one of the cases, a 7-year old sister was drawing next door (EE-II-05), but was not involved or disturb. In another case the grandmother insisted on being present despite the fact that the interviewer requested privacy (EE-II-19). She was silent and did not disturb the interview, but it is possible that her presence influenced the child's answers.

With one exception (where a child invited two friends with her), there were no more three people present in the interviews (i.e. interviewer, interviewee and either accompanying person or second interviewer).

Table 7. Interviewees by gender, age at time of interview and type of proceeding

Age/gender	Boys			Girls			All boys and girls			
	civil	crime	multiple	civil	crime	multiple	civil	crime	multiple	
10-12	1	3	3	2	0	2	3	3	5	11
13-15	4	1	1	1	2	1	5	3	2	10
16-18	3	0	0	1	3	1	4	3	1	8
All age groups	8	4	4	4	5	4	12	9	8	29
All participants by gender			15			14			29	

Urban vs rural settings

8 of 16 boys were from urban settings, 7 from rural, and 1 living place changed; 5 of 13 girls were from urban, areas and the other 8 from rural settings. However, it is not very clear whether children's residency changed during or after the proceeding or not. For example, some children used to live in rural areas and after placement to substitute home their living place changed. This is because the substitute homes are usually in urban areas. In cases of Russian children, the situation is different, because the substitute home (SOS Children's Village) is in rural area (small city), while children are from larger towns in North-East Estonia.

1.7.5. Materials

Supportive materials were used to provide playfulness to distract the child from the interview situation to something more familiar like drawing. These materials were very useful in several cases. In addition, in one case the child was interviewed in the cafeteria where drinking his tea and having his burger provided the needed "escape" for him if he did not want to answer or needed a short break from the questions. However, it may have proved to be a helpful tool for children, from the researchers point of view these materials distracted children and they concentrated less on the questions and thus gave less answers. It is a challenge to find a balance between the protection and support and fulfilling research purposes.

Using cards is a special method for interviewing that was used when needed, such as when children have difficulties expressing their feelings and experiences. However, during the interview where the central idea is to focus on personal experience, it may sometimes disturb more, both the interviewee and interviewer. In many cases during our interviews, it was a very good tool to use when the child was frustrated during the interview and needed calming down or redirection of attention. However, with younger children simple drawing was used more successfully. For some interviews, the cards were too many and they needed at least some intellectual effort from children, which was not achievable for some children. For older children, it was too "childish" to use these cards, which they also noted on their own. However, in some cases when the child had problems understanding the terms used during the interview, the cards were used to help them to understand the concepts. We learned that in order to use these kinds of cards in a more substantial way, more time would be needed for the interview.

The children were provided with contacts of the interviewer and research team and were provided with an opportunity to contact them for any purposes, but none of the children did so. Several children were also followed-up with the enquiry of the letters to be written by the child to be read at the conference (i.e. the presentation of results of the 1st round of child rights' research).

1.8. Research challenges

Selecting the interviewers:

In Estonia, one of the key criteria for selecting interviewers was related to regional diversity. It was significant to include Russian-speaking interviewers (3 in total) to enable interviews in the mother tongue for all children. Another principle was not to use child protection workers or psychologists to do interviews with their own clients. Interviewers were also selected who had earlier experiences in qualitative research, researching children and sensitive topics. This, criteria however, became somewhat of a negative factor, because people who had experience in qualitative research faced stress because of the contradictions in instructions and the interview structure: to listen to the child narrative and at the same time to obtain factual data about hearings and court proceedings.

Training the interviewers:

Training the interviewers was a difficult task due to the complexity of the research. The research design and procedures were highly regulated and it took time to explain all the nuances of the procedures; also, many questions regarding the exceptions arose. It was also difficult to prepare interviewers for unexpected cases where the contact person withheld significant information and the interview turns out to be very stressful for the child. In case of such situations, we decided to stop asking questions and instead raised other topics, or suggested doing something that would calm the child down (e.g. drawing, using cards).

Identifying and using the recruitment channels:

A personal approach was most effective in recruiting. Mailing lists of professionals, which are very useful when spreading information among a large group of people, did not prove successful as a recruitment channels. Most likely people do not feel obliged to respond to the request for help unless contacted directly. This is perhaps even more relevant for the complex target group that was recruited for this research. Using child protection specialists active in the field as interviewers proved to be very helpful since they could also act as recruitment channels for other interviewers due to personal contacts with children in the target group.

Sampling the participants:

The sample is slightly biased due to the fact that it was difficult to find appropriate children who have been part of criminal cases. Due to the nature of the target group, the majority of the cases in the sample did not have very damaging impacts on children (e.g. extreme cases). This means that the results may be biased towards the better experiences and the worst cases of child-unfriendliness were excluded.

Identifying and using the protection measures:

One of the challenges in Estonia regarding protection measures and recruitment was caused by the fact that many of the children in Estonia are not Estonian by their nationality and language. There is a substantial minority of Russian-speakers in Estonia (31% of the population) and therefore six interviews were also held in Russian (by the native speakers). Also, the researchers had few tools to ensure protection after the interviews. In very difficult cases, referral to or consultation with a psychologist was available, but nobody needed it and children themselves were not willing to deal with these topics any more. We also were not sure always that a referral to a psychologist was the best protection mechanism. For example, one girl (EE-II-01) told us that she was once referred to a psychologist, who was a very kind person, but did not help her, because the only thing she needed (in the child's opinion) was for her parents to communicate with each other in a proper way. In another case, after the interview we learned that the child (EE-II-00) was already registered to a psychologist and was scheduled to have therapy.

Conducting the preparatory meetings and the interviews:

One challenge was the difficulty in assessing the maturity and suitability of children to take part in the research. The people who were the first contacts for the research team did not always adequately assess the psychological state of the children. In some cases it seems that children only agreed to participate out of fear or to try and please the adults. For example EE-II-02 was offered for an interview by the mother of the child. The child,

however, was very anxious and had difficulties in concentrating –issues that also appeared to be a problem for the parent as well (possibly caused by a very long and complex divorce and custody case). The child, however, agreed to participate, although it proved to be a very difficult interview. There were other cases where in hindsight the children should not have been involved in the study, but were not assessed properly by the professionals who referred them (e.g. EE-II-00). In a few cases, even the preparatory meeting did not help to identify the mental state of the children or their actual reluctance (see more on that in the previous chapter). Therefore, it is safe to say that adults surrounding the children may not always be able to take into account child's best interests in these kind of situations, even if they are professional child protection specialists.

Receiving significant background information beforehand:

As indicated above, the assessment of the parents or the child protection specialists on the child's preparedness and suitability to be interviewed was not perfect. In several cases the children were anxious and not very cooperative so that it was difficult to interview them (EE-II-00 and EE-II-04). Some interviewees needed more than two meetings and still did not open up to answer difficult questions related to their hearings. It was not known what happened with the child, because the child protection worker did not want to tell any details about the case, she just repeated: "It was a terrible thing what happened to this child". Therefore, we can guess that there was something terrible if the child almost starts crying every time when the topic turns to hearings. Even though she was open to communicate with interviewers (EE-II-00). In this particular case, the child visited a child psychologist once and at the time of the interview she was still on the waiting list to receive psychotherapy. In Estonian substitute homes the children living there are so called social orphans, whose parents are unable to raise their children. Many of parents have serious alcohol addiction and as a rule, children had experienced both neglect and domestic violence. Therefore, these children may have serious problems in their socialisation and mental development. As a result, abstract notions like time, frequency, distance, repeatability and so on are hardly understandable for them.

The children do not always remember what took place when and by whom – this may be due to the fact that the cases are often complex and long-lasting. But it also may be due to the fact that smaller children don't have very adequate perceptions of time, or of the differing roles of the various strange adults' who are involved in these cases. Especially when they are frustrated or upset because of what is happening in their family and/or between their parents.

One child admitted that during the hearing, when he did not understand the question or when he did not want to talk about the topic, he said either "I don't know" or "I don't remember". He never asked explanations or never expressed his discomfort verbally. Thus it is likely that this strategy may also have been used during the study interviews. It is also important to note that children do not always express themselves and give information in coherently verbalised forms, especially frustrated, traumatized children and children with learning disabilities.

For several children the issues discussed were clearly too abstract. It mainly concerned younger children (e.g. EE-II-15), but also older ones seemed to have difficulties over discussing more abstract or hypothetical aspects.

It was often difficult to keep the attention and focus of children on the desired topic – the court proceeding and not the content of the proceeding. Smaller children especially could not distinguish between these two much and were more interested in speaking of the most hurtful things they experienced (e.g. loss of the parent; conflicts between the parents), not the procedures which were not as significant for them as the cause for the case itself. It was a minor issue for them. The question therefore may be how to support children to deal better with the situation and less about the court procedures and child friendliness of the hearing. The hearing was not often the most traumatizing aspect of the experience, even if it was not particularly pleasant (with exceptions, of course where the proceeding was not carried out in a very child-friendly manner).

1.9. Conclusions

Selecting the interviewers:

We invited interviewers with experiences in qualitative research, working in child protection and/or in youth research. The last two criteria helped in finding interviewees, as child protection workers were able to refer participants to other interviewers. Also, in Estonia it is important to have some personal acquaintances among practitioners to be trusted. However, during the discussions with team members, it seemed that in some instances the first criteria - research experience - was more of an obstacle than a positive factor. It seems that for the methodology used in this research, it may be better to invite interviewers without previous experiences in qualitative research and train them strictly according to the instruction offered by FRA. In this case, they would not have difficulties in reconciling the strict instructions of the interview guide with the more flexible nature of qualitative research, which focuses on meaning construction during human interactions in context of an interview.

Although these issues were mitigated during the conduction of interviews and filling out reporting templates, this is an important lesson for future research and fieldwork.

Training the interviewers:

The first training was a very interesting and useful learning process for the whole research team. However, some questions were left open that were addressed only after the first interviews were done. It was decided to follow the instructions as much as possible - in order to ensure the comparability with other countries participating in the research. But at the same time the decision was made to not give up our ability to listen to the child and go with him or her in the interview if needed. It was agreed that this would also be the understanding of a child-friendly methodology. Children should feel comfortable during the interview and sometimes this requires interviewers to 'leave the script.'

One question appeared during the training and discussions and especially when receiving FRA feedback to the transcriptions and reporting templates: the cultural differences that are sometimes left implicit in this research. Notions of child-friendliness, child wellbeing, children's rights, etc. - despite the existing general standards -, have some differences in meanings depending on cultural contexts. In Estonia, the court and child protection historically have been paternalistic systems. This means that professionals (judges, child protection workers)

had the right to decide what is best for a child, without any need to ask the opinion from the child or their parents. Professional positions gave the assurance that authorities knew better what the right decision was. Today the discourse of human rights and children's rights has "disturbed" these traditional paternalistic ideas. This is not yet very thoroughly studied in Estonia, but the change in discourses is in process, although it seems not easy to leave the old paternalistic attitudes towards decision-making and to adapt to new democratic ideas based on human rights. Concepts related to child-friendly proceedings and children's rights appear to still be alien ideas in Estonia. As a result, they are more connected with European Union regulations and are not ideas being developed in Estonia from the inside (see also the discussion on that in the results of the first round child rights research). Further dialogue on the subject in required for Estonia to move forward in internalizing these concepts and ideas.

Identifying and using recruitment channels:

Social capital was very useful in recruitment efforts as the project team leveraged their previous work/research contacts to cultivate referral sources and recruit participants. For this reason, former and active child protection workers or youth workers were more successful in recruitment, who in turn shared contacts with other interviewers. It was also one reason to invite some experienced practitioners as interviewers into this research project.

Sampling the participants:

It was difficult to compile an appropriately balanced sampling, because of different reasons. One factor is that it was very difficult to convince parents to let their children participate, so it was sometimes easier to invite children from substitute homes, where the interviewers have acquaintances. This also implicitly explains the fact that more traumatised and more vulnerable children are easier to be recruited into research. On one hand, we can conclude that parents care more about well-being of their children and they do not experiment with research. However, on other hand, there could be another reason: they are afraid that the child could tell something that parents would better keep undisclosed.

Identifying and using the protection measures:

See paragraph 1.8

Conducting the preparatory meetings and the interviews:

See paragraph 1.8

2. Findings from interviews

2.1. Right to be heard

There is a right to be heard given to children by law. According to the Code of Civil Procedure (*Tsiviilkohtumenetluse seadustik*), a minor who is at least 10 years of age must be heard by the court in family law cases, and if necessary, the court can hear younger children as well (§ 5521). Since the study included only children who had some kind of experience with hearings, we cannot conclude from this sample how well the right to be heard is met in Estonia. Instead we are looking into the process of hearings themselves - where, by whom and how children are heard and more importantly, children's views on the right to be heard. Special attention is paid to some complex issues and controversies that arise when involving children in the court processes for hearings.

First of all, we can conclude that the hearings differ largely in their numbers, frequency, location and participants – the variety is especially large in civil cases. This confirms again the conclusion from the previous stage of the research (i.e. study of professionals): there is a lack of guidelines and fixed procedures,1 which means that the experience of children in proceedings varies widely and depends on the professionals who are involved. In addition, the nature of proceedings where children were involved varied also largely. The experience in case of multiple hearings or very long-lasting hearings is much different from short and clear cut cases. Multiple cases can last not so long, but there are more hearings by different officials; while in custody cases children reported about one hearing. Hearings are conducted, as a rule, by child protection workers. Even when other people are involved in hearings, the central person is the child protection worker. Some custody cases could last for years. For example, the case of EE-II-04 – a 10 years old boy lasted for 3 years. However, as a rule, civil cases do not last for so long and there are not so many hearings as in multiple cases.

Very often the hearings in both civil and criminal cases were very stressful for the children, but not always. There were also children who said that everything was fine and they did not find anything particularly troubling about the hearing. However, when interpreting the results regarding the children's perception and overall assessment on the participation of in the proceeding, one has to take into account the bias in the sample. Children with the most traumatic experiences refused to participate in the study. Moreover, quite a few children were not very talkative and answered very briefly without expressing much of their feelings. The factual details of the case are not very clear, because children very often do not remember the timing or the number of the hearings, they also often don't know who were the professionals involved in the hearings.

[1] It should be noted that there is a general guideline on the assessment of the well-being of a child (e.g. the material situation of the family, the health and development of the child, the labour market situation of the parents etc) for the child protection workers. The material is developed by the Estonian Ministry of Social Affairs, (2009) "Lapse ja perekonna hindamine" ("*Guide for child and family assessment*"). However, this is not explicitly a hearing guide in civil or justice proceedings.

2.1.1. Location of the hearings

The hearings took place in very different locations. As we can see from the table 9, most hearings were located in different places. That means that the child was visited at home first and then was asked to come to the child protection worker office, or the child was visited at school, at home and was asked also to the courthouse. There were 19 cases when the children were heard in different places, but every each is different and unique in its case. The places what were mentioned among them were: home of the child or substitute home, school of the child, police office, child protection worker's office, courthouse. With criminal proceedings, the most common location for hearings were police departments (13 cases),2 of which four were in child-friendly rooms and the rest ordinary offices. The child-friendly rooms were used in cases where the child was a victim of abuse and violence (case of child abuse EE-II-02; case of sexual abuse EE-II-18; domestic violence EE-II-27; physical abuse EE-II-28), one victim was also heard in the psychiatric hospital (EE-II-16). Therefore, most severe cases involving severe abuse were treated with care and heard in special conditions. Children being either victims or witnesses in school violence or other one-time incidents were heard in the regular police office. One child involved in criminal case (physical assault by other children) was heard in the school in the principal office.

Table 9. Location of hearings by type of case

Location of hearing	Civil case	Criminal case	Multiple case
Courthouse	3		
Police office		4	
Child-friendly room in police		2	
School of the child		1	
Multiple locations	10	1	8

In case of civil proceedings, most of the children had experienced a number of hearings that took place in several places. The child's home (including a substitute home) and child protection workers offices were the most common places for hearings. 13 children had hearings that took place at home (this includes the child's home, mother's home, father's home and also substitute homes. 12 children visited child protection specialists' office for hearing(s) and all these cases were civil cases.

When in court, children often were heard in the offices and less often in the courtroom and during the public hearings. In a few cases, the hearing took place at school (e.g. EE-II-08; EE-II-25; EE-II-17), three civil cases in judges' office; a psychiatric hospital (EE-II-01; EE-II-16) and once even in a cafeteria at the library (a custody case, EE-II-016). Most of the children had multiple hearings (civil cases) in multiple locations and the place of hearing did not seem to depend on whether it was a criminal or civil case (see table 9). As an example of multiple hearings, there is an 11-year old boy (EE-II-14), who took part in two civil proceedings, one lasting for a year, the other one for four years. He has been heard at least 16 times and the locations included court, home of his

2 However, the law does not state that the hearing has to take place in the police department.

father and mother, office at social services, a special room in the police station, the school and even a supermarket where the child met with a judge.

Eight of the children took part of the court proceedings and were actually heard in the courtroom during the trial. All these cases were civil cases and were related to custody rights. Additionally two of the children were taken to the court and were heard in the courthouse, but not during the proceeding. In our interviews, none of the children who were part in the criminal cases were heard in the courtroom, which is in accordance with the findings from the 1st Phase of the research where pre-trial hearings in criminal proceedings were assessed as more child-friendly.3 Children expressed the most distress regarding hearings that took place in the courtroom, courthouse and the police department not just because these environments are not child-friendly, but also purely because they were in the court or in the police. Therefore, children heard in neutral locations (with slight exception of schools) assessed these locations better. As one girl explained why it was scary to be in the police department: "*because… it is the police, so it kind of means that you did something wrong…*". One of the boys (EE-II-11) said that if things have anything to do with court, he feels guilty even if he has not done anything wrong. One girl told the interviewer that hearing rooms should not be friendly, because people have to "feel scared" before the court (EE-II-08).

These places appear scary and threatening to children even if they actually have not done anything wrong. The offices of child protection specialists, even if not child-friendly, appeared to cause much less distress. The offices were often described as ordinary or normal. e.g. "*Perfectly normal office: cabinets, table, chairs, some toys, papers*" (EE-II-19). Thus in these places the hearings can be conducted with less stress.

However, it can be said that more than the actual place of the hearing, other aspects of the hearings were crucial in determining how the child felt about them. Two of the most crucial elements were the level of privacy at the location and whether or not hearings were unexpected - occurring without any prior warning.4 These two elements were especially evident in some cases where schools were involved. For example, in one case (EE-II-17) the hearings took place at school, which is a familiar environment for the child and could be therefore regarded as a good and safe location to conduct them. Nevertheless, the fact that the hearings took place during school hours and lessons, they were always unexpected, frequent and the rooms lacked privacy, so that the child felt the hearings were very disturbing and also distracted from her studies. Moreover, she was always invited out publicly in front of others (i.e. being asked to leave class to attend a hearing). Another girl who was a victim of an abuse was taken from the school by the police in a uniform and she was very disturbed when 'everyone started whispering and gossiping' (EE-II-18). In these cases, it is important to approach the child more discretely in order to respect the child's privacy.

In other situations, the hearing took place at home while some family members who were also involved in the case were present (e.g. EE-II-01). However, while some of the children felt that their family members were of

3 However, should be bear in mind that the number of interviews conducted is too small for the overall generalisation of the Estonian system in this regard.

4 In the Code of Civil Procedure (§ 552), this is not directly stipulated whether the hearing must be with prior warning or not. It is only vaguely stated that "The court hears a child in his or her usual environment if, in the opinion of the court, this is necessary in the interests of the matter" (https://www.riigiteataja.ee/en/eli/504092014001/consolide).

great support (e.g. EE-II 19 had a grandmother supporting), others felt that they lacked privacy during the hearings (see more in chapter 2.3. right to protection and safety).

The waiting rooms were available in 8 cases, all civil. In fact children did not assess the waiting rooms. When children are waiting for a hearing or a decision of their future life, for them to assess the room where they are is not an important thing. The frustration of waiting itself can distort the assessment. None of the children who were part of criminal cases had access to waiting rooms (locations were mainly police offices and a few cases in schools). According to the interviews, the hearings were almost never accompanied with any child-friendly information materials. Only in one case the interviewer learned that the child was provided with information on psychological help (EE-II-28) after being a victim of violence at school. However, it is very difficult to assess whether the children involved in criminal proceedings reported longer waiting times vis-à-vis children in civil proceedings. The respondents in our research are children who were frustrated of the situation that was discussed with them during the interviews. Taking this into account, evaluating this kind of situation is difficult, because for some children waiting for example for 5 minutes for the hearing is frustrating, and thus this objectively short period of time could be for him/her subjectively a very long time.

2.1.2. Professionals involved

According to Estonian law, a child protection specialist is the first of several professionals who works with cases where children are involved. This is also confirmed by our findings. As a rule, the first specialist who connects with the child is the child protection worker when a civil case is launched. Child protection workers try to find child-friendly locations for the first meeting with a child, and also try to avoid manipulation of the child by parents (this was also found in the 1st phase of the child right's research). Therefore, they often go to child's school for a talk. Usually the child protection specialists agree that school is a good neutral place for the first contact. Later when they are already known by the child, they can invite them to their office.

The role of other professionals could be different. Professionals like school psychologist or social pedagogue could be the first contact person and also be the trusty person for the child, who inform the child protection agency about a child in need or at risk. Unfortunately, our data from the child interviews (as well as from the 1st phase of the research) can not confirm this as a very common practice. School psychologist and social pedagogue are usually invited to the hearing by the child protection workers.

In civil cases, judges and attorney's-at-law are working together with child protection workers. Thus, in many of our cases the child protection worker had a central place during the hearings - both as a hearer or as a support person during hearings by the lawyer or a judge. In criminal cases, the police has a more important and central place in hearings. The police officer can carry out a hearing without the child protection worker. However, as described in the 1st phase of this research, police officers and child protection workers prefer to cooperate when dealing with children's cases. According to law, the child protection worker who is the official representative of the child in custody cases in court, is present both in hearings by the judge or by other lawyers, and during the court procedures. It should be also taken into account that child protection workers quite often do not name their meetings with children explicitly as hearing, but as a conversation with the child (but which can

also be translated as hearing, and can in a legal sense also be hearings). Therefore the number of hearings could have different interpretations. Some conversation could not be defined by the child as a hearing. In our interviews, for example, many time the hearing done by a lawyer was mentioned as "the hearing", but meeting with child protection specialists were mentioned mostly as a process without strict dating and location.

Child protection specialist was therefore the most likely person to be present, but in 6 cases there was no child protection specialist involved in the hearings. Five of these cases were criminal cases and one a civil case where a social worker was present (EE-II-24). With two exceptions, all children were either heard by or in the presence of a child protection specialist or in a few cases a social worker. This does not mean that the child protection specialist was always present when the child was heard – most of the children were heard more than once and by more than one specialist. However, it does indicate that in each of the cases there is at least a specialist whose main priority is the protection of the child's interests.

In addition, nearly all children were heard by one or more legal experts (most often a judge, lawyer or a police officer). Only a few did not (e.g. EE-II-17 was heard only by child protection workers).

Three of the children had a hearing with only one specialist – all of the cases were criminal and children were heard by the police without a presence of child protection specialist. According to the Code of Criminal Procedure §70, the involvement of a child protection official, social worker, teacher or psychologist in the hearing of a minor is mandatory if the body conducting the proceedings has not received appropriate training and if, 1) the child is up to 10 years of age (in case of being witness) and repeated hearing may have a harmful effect on the mind of a minor, or 2) the witness is up to fourteen years of age and the hearing is related to domestic violence or sexual abuse.

Due to the nature of the cases and age of children, involvement of specialists was not compulsory (it is not known if these police officers had special training). The cases were considered not very traumatic for the children (physical assault in a bus (EE-II-25), witness of a fight (EE-II-26) and victim of one-time assault on a street (EE-II-28)), as told by the children themselves. In two cases family members were present to provide support. Nevertheless, the 13-year old girl was afraid of the police in which case having a child protection specialist present would have been beneficial for her.

Three children (2 civil, 1 criminal) had two specialists involved in the hearings; 13 children were heard by three specialists, six children by four specialists, one by five and three children by as many as six specialists. In most of these cases, as mentioned earlier, one of the specialists was a child protection specialist. 12 children had a meeting or hearing with a lawyer, 16 children with a judge and 19 children with a police. All children involved in criminal cases were head by a police. It should be noted that police were seldom involved in civil cases. Police as a rule is not involved in custody cases when the decision is connected related with whom the parents of the child will live. However, in cases of violence against the child, police can be involved, but in these cases we could identify these more as multiple types of case.

Sometimes other kinds of specialists are involved. For instance, social pedagogue was mentioned twice, judges assistant, school teachers or directors were also identified. Another group of specialists that the children interacted with were psychologists – in six of the cases the psychologists were mentioned as specialists involved

in the hearings. In addition to that children received psychological help and met with psychologists outside of the hearings (15 of the children). Psychologists could be involved in all types of cases if the child is deeply frustrated by the ongoing proceeding. See more on the psychological help below in chapter 2.3.1. professional support. It is quite remarkable that the information regarding the number and types of specialists involved in the cases came mostly from the adult informants, not directly from the children interviewed. Children are not always sure who these specialists were who were involved during the proceeding, especially if they are younger or if there has been many professionals involved over a longer time.

One of the crucial elements of the child-friendliness was the attitude of professionals involved. In this regard, the experience varied a lot and it is not possible to generalize - not all children gave assessment to all professionals they encountered, therefore it is very difficult to take a broad view on some groups of professionals, as information on the assessment of different professionals is only partial.5 Many (less than 50%) of the children felt that the professionals treated them well or „normally", some of them were said to be very friendly and supportive: "*Of course everyone was very friendly to me*" she said (EE-II-01). One of the boys (EE-II-23) liked the lawyer very much and enjoyed meetings with her. He described her as "*a very nice person, didn't take everything so seriously like others do sometimes, she took easy.*"

At the same time, there were children who had very negative impressions and experiences with the people hearing them. For instance, a 14-year old victim of abuse felt that she was treated with distrust and that police officers were "cold" towards her. She felt that she was treated as an adult, by the police. She also felt that nobody paid any attention to the fact that she was stressed. She felt that the police officers were more concerned with the case and evidence than her wellbeing. Since the case was about her abusive father the whole thing was very sensitive, but the questions were asked in very bluntly (EE-II-16). In another case, the child felt very stressed and scared. She described a child protection worker as "a mean person" and refused talking to her: "She asked questions but I didn´t answer them" (EE-II-00). Another child felt she did not receive any support from the child protection specialist in the court – she did not say a word throughout the whole court hearing (EE-II-08). In some cases, the hearing is scary for children just because they are afraid of the police (EE-II-10). The police and the court seem to have a threatening reputation among children.

The fact that many strangers were present caused stress for some children (e.g. EE-II-05; EE-II-18; EE-II-07). For one of the boys (EE-II-05) the main issue was that during the hearing there were many people whom he did not know at all and this put him under a lot of stress, so he did not want to talk. This is also an indication that privacy is a very important issue for children. For a 13-year-old girl the presence of many people was made even worse because she was recorded (EE-II-18). Four specialists were present – a police officer, child protection specialist, psychologist and a social worker. Although the child disliked talking in front of a camera,

5 When interpreting the data, one should consider that with a sample size of 30 children, it is difficult to present results in a quantitative way and generalise opinions of children towards one or another group, or situation. On the basis of data collected, it cannot be sure whether the experiences and impressions of children are so called objective facts or represent the objective reality. What children tell represent their impressions, or it may even be the case that the same child could in different part of the interview assess the same police officer both positively and negatively.

because she did not know who exactly would watch the video tape, she was nevertheless understanding and knew that this method enabled her to avoid going to the courtroom.

In most of the cases, the gender of the professionals involved in the case was not raised as an issue, with one exception. For a girl who had been abused by her father it was very important that both, the child protection worker and the police officer were women (EE-II-18). In some of the cases other child-friendly aspects of the hearing did help – for example some children found consolation in toys that were present in the room. At the same time, there were children, who found child-friendly methods of interviewing, toys or supportive activities unnecessary.

2.1.3. Number of hearings

As a rule, criminal cases mentioned in our study were shorter than civil cases. The criminal cases lasted a maximum of two years, but mostly ended in one year or less. Among the civil cases there were seven which lasted less than a year, but there were many which lasted 2 years (3 cases), 3 years (2 cases) or even 4 years (2 cases). However, it should be kept in mind that sometimes meetings with child protection specialists or social workers are not counted as hearings and sometimes they are. It is not possible to distinguish which of these meetings actually involved hearings that had other purposes. Thus, the exact number of the hearings reported should be treated with some caution.

Table 10. Number of hearings by type of cases

Number of hearings	Civil case	Criminal case	Multiple case	Altogether
1	2	2		4
2		2	3	5
3	4			4
4 and more	5	1	3	9
Number of hearings unknown	4	1	2	7
Altogether	15	6	8	29

Children involved in criminal cases are heard usually only once (4 cases) or twice (5 cases). Children who were involved in civil cases (i.e. custody cases) had much more extensive experience with hearings, especially the ones who have been part in more than one proceeding. One child's informant reported the child having two hearings, two cases two and four have reported three hearings. All other children had more hearings, so it was often difficult to count how many. It is difficult to generalise whether children assessed multiple hearings within once proceeding better, compared with having only one or two hearings. There was one case where a boy was heard 3 times within one civil case (EE-II-12) – the first and second hearing he assessed as friendly, quick, understandable etc. Nevertheless, he was very surprised when he found out that there is going be one additional (the third) court hearing. During this third hearing, he wasn't satisfied anymore because he did not understand why one further hearing was planned, he felt that there were too many people at the courtroom, he sometimes

did not understand the translation, and he felt that only person supporting him was the translator. However, there is also no systematic indication that multiple hearings would have been for example tiresome for the children interviewed. For example, for the case of EE-II-12 it may also be that the fact of being (alone without any support) at the courtroom (first two hearings were not held in the courtroom) made him more critical towards the third hearing, but not the fact of having multiple hearings per se.

Moreover, some of the children do not count regular meetings with child protection specialists as hearings, although they may have been a form of hearing. For instance, a 17-year old boy (EE-II-03) who had two hearings with a judge and regular meetings with a child protection specialist over four years had reported having only two hearings. At the same time, a 14-year old girl whose custody case lasted only 3,5 months reported (by an informant) taking part in 23 hearings as all the meetings with child protection specialist were also included. Four children were heard once, all in criminal cases (a victim of domestic violence EE-II-16, a victim of school violence EE-II-25 and a witness in criminal case EE-II-26, domestic violence EE-II-27). The information regarding the duration between different hearings is not very comprehensive, as in many cases, the children as well as the informants were not sure of the exact dates when the hearings took place.

Most children were heard 1-2-3 times, singles - over ten times. One of the custody cases involved for instance seven hearings: twice by a lawyer, twice by a child protection worker and three times by a judge (EE-II-23). At the same time, there were also some really extreme cases where the child could have as many as 23 hearings in total (civil case EE-II-22), most of which took place at school by a social pedagogue but also by a child protection officer. This 13-year-old girl was heard also by police officer and once by a lawyer. Usually, in these cases there were multiple proceedings. For instance there were several cases where the custody was at first assigned to a relative (e.g. sister or uncle) who was not able to fulfil the responsibility or became abusive, so a new custody case was opened (e.g. EE-II-20; EE-II-23) or the disagreements and accusations with the parents lasted for years (EE-II-04). In some of these cases it was not even possible to count all of the hearings and meetings with professionals. At the same time, it is not possible to assess whether the number of hearings was appropriate unless the child expressed very clearly that the hearings were repetitive and did not involve any new questions (EE-II-17).

At the same time, there was a 14-year-old girl who was a victim of abuse and for her even two proceedings was too much. She held an opinion that one should have been enough (EE-II-18). It should be kept in mind that age effects are not possible (or very difficult) to pin down in a qualitative analysis with a limited number of interviews. Cases are not comparable, e.g. some young children had no problems, yet on the other hand some of the older ones did. It is difficult to generalize or make substantial conclusion on age effect, however, on the basis of our sampling we can tell that there are single cases of hearings of children under 10 years of age. Most participants had their first hearing when they were between 12and 14 (see table 4). It seems that children are involved in proceedings when they are old enough to be accepted as an appropriate participant. At the same time children's assessment of hearings were not so much connected with their age, but the seriousness of the case and their personal maturity.

Often children cannot distinguish between different hearings or different proceedings. Some of the children had been involved in both criminal and civil proceedings (e.g. EE-II-18) or several civil cases (EE-II-04), but

when providing information and reflections on these, they were not able to differentiate between the cases. In criminal cases children reported more often about negative experiences. For instance, an 18 year old girl had difficult memories about her experience as a witness in a theft case (EE-II-08). During the case she was at first one of the suspects, then later, when the offender was attested, the girl was not informed about that of the final verdict. As a result, she was afraid that she would be unjustly punished for a year afterwards. As a result, the three- years old experience left her with feelings of humiliation for how she was treated during and after the hearing.

Children mentioned representatives of different professions, but mostly child protection workers or social workers were mentioned as child-friendly, while prosecutors and police officers were not regarded as not friendly. However, this can be connected with the fact that mostly criminal cases are heard by police officers or prosecutors and these are more unpleasant experiences for children.

The negative or positive assessments by children are related, in our opinion, with different circumstances. For example we can notice how the child's social status and family background (which are connected with each other) can influence the attitudes of the professionals. For example, children from substitute homes reported more often about negative experiences during hearings conducted by the police. It seems to us that children from families at risk are treated by the police differently, compared with children from so-called normal families. Because children in substitute homes are so called "social orphans" whose parents have multiple problems, these problems seems to be carried over to the children and professionals don't trust them as they may trust other children.

The process of hearing - understanding

It is fair to say that children did not always understand the hearing and therefore they were not able to provide adequate information and opinions. Many children admitted that they had problems understanding the questions (e.g. EE-II-02; EE-II-17). For instance, one of the 13-year-old girls admitted that she did not know the meaning of some words and in that case she had trouble in understanding: "*in these cases I started imagining what this word could mean*" (EE-II-17). In one case (EE-II-11) the documentation (court order) that was handed over to the child was not in his native language, so he could not understand what it said. In total, it can be said that in 10 cases the understanding was poor or very poor and this was not dependent on the child's age during the hearings. Among those children who said that they didn't understand was the child whose first experience with the hearings was at age 5, but also four 14-year-olds and one 15-year-old did not understand the questions, the language or the text they were provided.

At the same time, there were children who said they had no problems understanding the process. In total 12 children said that they had no problems with understanding whatsoever. The average age of these children was not remarkably higher than the age of those who had severe problems with understanding and their age ranged from 8 years to 11 to 15 years old. Additionally, there were two children who said that they asked questions if they did not understand something during the proceeding, which also led to a good understanding (9-year old and 14-year old). The rest of the children fell somewhere in-between with their assessment of their comprehension – between being poor and excellent.

Several children emphasised that they understood the court proceeding and the hearing, because they thought they were somewhat special or different than other children. For instance they explained it with the fact that they had been reading a lot of books throughout their childhood. One of the children repeated several times that she has a rational mind. This was, on the one hand making an opposition between "ordinary" children and themselves and also providing them a sense of pride. The conclusion here may be that according to the children's estimations the smarter ones with wider vocabulary understand the proceedings, others less so.

In some cases, one feels slightly doubtful towards child's assertion that everything was clear and understandable for the child. For instance (EE-II-15) a 12-year old boy said that he had no problems with understanding any part of the hearing. At the same time, he insisted that he was heard by the judge in the court, although the child protection specialist claimed that in fact he was heard by the police in the child protection specialists' office. Also in other cases one cannot be sure if the simple answer "yes" to the question of "did you understand everything" does prove that the court proceeding was in fact clear and understandable for the child.

In some cases, understanding the hearing and the questions seemed to be worsened by the anxiety and general mental state of children during the hearings. The most drastic example is a 12-year boy (EE-II-04) who admitted that he became very absentminded and did not pay much attention to the questions during the hearing as he was mentally disturbed during the whole process of his parents' divorce so that he needed medication to ease his stress and aggression.

Another aspect of this concerns children whose mother tongue is Russian. Usually in these cases there is was a translator in the court (e.g. EE-II-12) who helped the children to understand. At the same time, in one of the cases the court decision that was sent to the child was only in Estonian (see more in chapter 2.4. on non-discrimination).

2.1.4. Why the experience was experienced as negative

In general, children were glad that they were heard and involved in the proceedings and they understood it was significant for the case. Some of the most repeated arguments were that they were able to help, that their participation helps to solve things faster, and that their involvement may make sure that these things will not happen again with other children. However, there were many complaints about how and where the hearings took place and often the main cause of trauma was not in the proceeding or the procedures of the hearing, but the content or the subject of the case. For some children it caused absolutely no problems or emotions ("it was no big deal" EE-II-15), but for others it was a very painful and difficult experience. For instance, some children were very stressed due to the complex situations with parents and/or uncertainty regarding their future, not about the hearing procedure itself. As one 17-year old boy said when he was asked if there was anything positive in the hearings: "*it is never positive if you are taken away from your parents*" (EE-II-17). Another child also explained that "*The whole process was a negative experience, I have not had any time to consider the positive aspects*" (EE-II-01).

Therefore, it can be said that the treatment of a child in a hearing was not the most crucial determinant of the child's mental/emotional wellbeing. One of the boys was very disturbed and traumatized, but it was the divorce

and fight between his parents that caused him to become psychologically unstable which also influenced his experience and assessment of the hearings (EE-II-04). Another child who had assessed the child protection specialist to be "mean" had still another reason for being upset. "*Are you sad because you were not treated good at this hearing?" (she shakes her head as a denial) "Are you sad because of the outcome and because you were then taken to a substitute home?" (nods) "Yes"*(EE-II-00).

At the same time, there were a few cases which were not emotionally difficult for the children as they did not find the court or the hearings traumatizing. For example, a boy who was involved in a case of simple school fight (EE-II-25) felt very relaxed about the court and the hearing and he was happy that he got a day off from school.

The other main negative emotions that children experienced regarding their involvement in the hearings, especially the custody cases, were the burden of responsibility, guilt and shame. In the case of custody cases, the sense of responsibility and also guilt were felt. Several children felt that the decision solely depended on their words and choice. Because these children did not fully understand the procedures and aspects that are taken into account when making a decision, the children felt that their future and their parents' future was in their hands only. Thus, from this perspective, they felt very bad that they had to choose between their parents. For instance, one child (EE-II-02) seemed to feel guilty that her mother lost custody rights and the child lived in a substitute home. As the interviewer concluded: "*She probably felt guilty and had a feeling that the separation from her mother was a result of her statements." Also, one girl who turned to the police to report her being a victim of domestic violence felt very much responsible for doing so: "It was my decision*", she said (EE-II-16).

There was another child (EE-II-1) whose sayings during the custody case started another (criminal) proceeding towards her mother who had been violent towards the children. *"I didn't think that they will start a criminal proceeding from this, but it was, against my mother, of course against me directly wanting it. But well, I guess it was necessary."* The child did not find this situation to be good „I'm still a child, I consider, and I should not start this kind of proceedings against my parents." Obviously, the child had no idea what her sayings may bring along. She also said that more than meeting the judge or being in the court, she was nervous because she had to make life-changing choices.

On the one hand the right to be heard is very important for the children, but it has to be taken into account that the children's sayings may influence the outcome of the proceedings and may hurt the children emotionally by causing them feelings of guilt. Therefore, when informing a child, it has to be made very clear that the opinion of the child is very significant for the case, but it is still only one factor in the final decision. The child should not bear the burden of sole responsibility. There has to be a balance found regarding the sense of responsibility and this can be dealt with only by adequately informing and supporting the child.

The feeling of guilt was present also in other kinds of cases. For example, one boy was taken to the police as a witness in a criminal proceeding, but he was not informed of the content or the reason of the hearing. So, he felt as if he was going to be blamed for something (EE-II-10) until the hearing took place and he was told that he was not accused of anything. In addition, when the police come to school, children are afraid at first that they are accused of something (EE-II-25: *"I wondered if I had done something bad again")*

There were also children who expressed very clearly that they wanted to go to court. One boy, for instance, was testifying in a case where he oversaw a theft and he wanted to make sure that the "bad" get their punishment. He was also convinced that it was his testimony that did prove the "bad guys" guilt, although according to the contact person, this was not exactly the truth. Also in some cases where it was very complicated and unpleasant for the children, they dealt with the situation by justifying this experience for themselves by repeating that it was a necessary thing to go through (e.g. EE-II-01).

In cases where parents' neglect, alcoholism or violence was involved, children felt ashamed to speak and said that they did not want everyone to know (EE-II-02). This means that if the child is uncertain that their testimony will be kept in confidence, they may not give all the information needed to make a decision in the child's best interest. Although it was not asked or recommended directly by the children, one can infer that feelings of shame and fear of everyone knowing might be eased through very clear explanations of the procedures, especially in terms of privacy questions. In these cases, children may be more open to share their view and experience if they feel certain that the information will not made public and also that the parents (or other perpetrators) will not know what the child said. As is discussed further in chapter 2.3, unfortunately there were cases where the trust of the children was broken.

2.1.5. How important is the right to be heard?

It cannot be said that the right to be heard is universally expressed to be important to all children, nor the difference between civil vis-à-vis criminal proceedings in this regard. There were those who found it extremely important that children have a say in the issues that concern them (EE-II-03), there were those who did not have a very strong opinion and there were also those who said that it was not important to them at all and they would have preferred to not attend the proceeding. For instance, a 14-year old boy said that "*It made no difference, it wasn't important to me*. (EE-II-19). This is however more important in civil cases. In criminal cases where children are witnesses or victims, the process to be heard is more difficult and as such not so important for children. They express an understanding that hearing in these cases was not in their interest.

An issue that proved to be again complicated is the appearance that the children's words are taken into consideration. Children generally with some very clear and painful exceptions felt that their words mattered and their position was taken into account. However, this is not true for everyone. Some children expressed their doubts: *"I had an opportunity to talk, I have been heard, my wishes have been taken into account, although not as seriously as they could have been."*(EE-II-01).

Likewise, the significance of hearings for the children varies. For some children, it was important that they were heard or invited to court. Like this 12-year old boy who was invited to the court as a witness to the theft. He felt important and felt that his testimony helped to punish the bad. (EE-II-15). Also, often in custody cases, children felt they want to have a say in this. However, in some cases the children did not find it significant. One of the children did not know why he was heard, but he did not agree with the interviewer who proposed that perhaps because they wanted to hear his opinion (EE-II-12). Therefore, the court did not give an impression to the child that his opinion mattered and was important to the case.

In some cases, the hearings were very thorough, in others it happened that the judge asked only one word from the child. For instance, one child (EE-II-19) was asked by a judge if he wants to live with his grandmother. He answered "yes" and that was the whole hearing by the judge. Although he had been heard also by child protection specialist, the content and quality of the hearing of the child can vary a lot. This also supports the results from the previous stage of the research where it appeared that there are no clear instructions on involving children in the proceedings which leaves it up to the particular professional to decide how, where and to what extent to hear the child.

2.2. Right to be informed

It seems that there is no unified way of informing children regarding their role in the case, hearings or procedures and also lack of legal provisions. The children are informed mostly by their parents or child protection specialists but the quantity and quality of information seems to vary and in some unfortunate cases children are left without any information. There were many cases where children indicated that they received no information or explanations. This is especially important, because it was clear that there is a very strong connection between being scared, anxious and traumatized with a lack of information.

In addition to often not understanding the process and their role in it, they were not informed in advance and very few received any written information materials. Some children were offered materials regarding the proceedings, but they were not interested (e.g. EE-II-12).

During the interviews, we could distinguish three different kinds of information children saw as relevant:

- Information about the proceeding and child's role in it (e.g. why, where and how the hearing takes place; what will happen with the information; how it influences the situation; will the other participants know what the child is saying)
- Information about the case in general (e.g. details of the fights between the parents, the decision of custody)
- Information about the rights of the child (e.g. right to refuse, right for protection, information).

Although the aim of the interview was not to discuss the details of the case, but to concentrate on the procedures of the hearing, many children preferred to discuss the case and not the hearing. It was very difficult if not impossible for children to conceptually distinguish between these two in order to provide us the desired information for this research.

Information and proper informing, in general, was one of the most crucial issues for many children. For several children lack of proper informing was the most traumatizing aspect of the proceeding as it caused fear and anxiety. There were also others who mentioned that they appreciated that he was informed about events that happened to him and the calm and friendly style of communication with him (EE-II-03). There were cases where the most basic information was lacking – the child was not sure why (s)he was heard, what is the case and if (s)he is being accused of something or not. Fear of being accused of something was present in the cases

where child had no information (e.g. EE-II-11). In some cases, children did not dare to ask questions to get more information (e.g. EE-II-07), but at least in one case the child was refused of more information on what will happen ("*you will see*") (EE-II-11).

Table 11. Overall assessment of the children on their informing on the case

	boys		girls	
	N	%	N	%
very well informed	1	6	0	0
Sufficient	4	25	2	15
partial	6	38	1	8
poor/very poor	3	19	9	69
not clear	2	13	1	8

Girls are much less satisfied with the extent of the information that they received about the case. In three cases, for instance, this was mainly influenced by the fact that their hearing took place at school without any prior notice. Also, one of the children was taken without any explanations to the police station for a hearing.

Out of seven non-Estonians in the sample (6 Russian and 1 German origin), six reported that they were poorly or very poorly informed, and one child was partially informed. Among 22 Estonians, six children were poorly or very poorly informed. It is not clear what has caused this kind of disproportionate informing – is it due to the nationality of the children, the language, the type of case, the regional differences in practices or any other factors. Due to the low number of children in the sample, one also has to be very careful not to generalize this situation to the whole population.

Providing appropriate information for witnesses seems to be especially lacking among the group that was interviewed. When children are not informed about the results of a case, emotional pain can be caused for witnesses. For example, as described above, an 18-year old girl went from being a suspect to a witness in a theft case. However, after testifying, she was not informed by police about the outcome of case. It was not until she met a girl by chance who told her that the real thief was found that she stopped being afraid that she would be blamed again for something she didn't do (EE-II-08). For 12 of the interviewees, informing was considered to be poor or even very poor, according to their own assessment. Three of these cases were criminal, five civil and four were both civil and criminal cases. Therefore, inadequate informing is not dependent on the type of the case.

In six cases children assessed that they were informed sufficiently – all of these were civil cases. They were informed by the professionals whom they were in contact with, or by the parents. Only one child said he was very well informed about everything (criminal case). All these children also said they had no problems with understanding the content of the hearings (language, questions, documents). In addition, there were six children in whose case it can be said that the informing was only partial – some part of the process was not well covered, or some documents were not explained etc. There is no connection with the type of case. In three cases, it was not clear from the interviews how well the children were informed.

2.2.1. Information about the proceeding and child's role in it

The majority of the children were not satisfied with the amount of information they received regarding their involvement in the proceeding, the hearing and the procedures that followed. Many children were not able to describe in any details what exactly was explained to them, when the information was given or by whom. The children had a clearer understanding and point of view regarding this when they felt deprived of information in some way and were disturbed by the consequences. However, there were a few children who believed they were very well informed. For instance (EE-II-25) a 12-year old boy was informed about all the steps of the case, starting from the reasons of slight delay between the incident and the interview with the police office (EE-II-25, see also EE-II-03).

Inadequate informing often concerned hearings that took place unexpectedly for the children – as they were not informed in advance that they were going to be taken to the hearings. This was especially disturbing and frightening to some children who were approached at school during the school day without any prior warning. For example, one of the children (EE-II-17) who had hearings at school indicated that she was never notified in advance and that the hearings always took place during class. She asked to change the place and time of the hearings, but was told it was not possible. Other children expressed that they would have liked to be informed about the hearing beforehand (e.g. EE-II-07; EE-II-08; EE-II-18).

Also, some children were not adequately informed as to why they were heard at all. In one case (EE-II-10) the police came to the orphanage, asked questions and did not explain why the girl was questioned (she was regarded to be a witness to a theft). She repeated several times during the interview that she was "*scared because I didn´t know what the whole thing was about, because the investigator didn´t say: 'don´t worry, we know that you are not guilty*." Another child described meeting with the judge: "*They did it unexpectedly, nobody notified me. The judge visited unexpectedly, nobody warned me and then she was here and I had to talk and I did not understand*." She told the interviewer that she "*..did not understand, why the judge even came here*." (EE-II-02)

In one case, where the child was a witness, he got the invite personally: "*a black car came next to the house and a man gave me an invite*". The child did not know what was going on and thought he was the accused one because nothing was explained. The child protection worker called the next day and explained him what the invitation was about. A week later, the proceeding took place and three weeks after that he heard about the results. Only after that, he found out that he was not accused. (EE-II-11)

One of the children also pointed out that after the hearing the child should be informed of what will happen with the information that they provide: "*in the end of the meeting they should say clearly, this we take into account, this we don't, it is not relevant and we decide this.*" (EE-II-01)

One of the children emphasised that he would have liked to have more information about the court proceeding – he was not invited there and no one ever told him what exactly was discussed there. His mother informed him about some of the proceedings, but she was not present all the time herself (EE-II-03). He recommended to the child protection workers to ask the child if he/she is interested in more information. Since some of the

children felt that they had too much information, this is probably most important to realise and find out to what extent the child desires information about the proceeding, the procedures happening etc.

EE-II-09 had to wait in a room in the courthouse for two hours without knowing that the court session was already going on and she learned this only after it was finished. She did not know if she would be invited in or if she would meet her parents during the process – of which she was very scared. She had previously expressed a wish not to go to the court, but this was ignored. as a result, she had two very stressful hours waiting.

Another child who had expressed a wish not to go to the court had to wait behind the courtroom door for about an hour (EE-II-11) and he met his parents in the corridor, even though he did not want to meet them. Before the court, the child asked what will happen, and he was told: *"if you come, you will see", "I wanted more information but I guess I didn't have to know as much*" (EE-II-11)

Children get also very little information on what is going to happen in the court, including what are the rules and procedures. For one child this caused a really unpleasant situation: "*I didn't know when to stand up and then I got yelled at: "you should stand up when you talk to a judge*!"" (EE-II-23). Another child said that he knew what was going to happen in the court only because he had seen it from the movies (EE-II-05) which obviously is not an adequate method of informing children.

The fact that the child is not informed about the process of the hearing and also the way the statements are used may have a direct impact not only on the child's wellbeing, but also the course of the investigation. For instance, one of the children said that she disliked talking in front of a camera, because she did not know who exactly would watch the video tape (EE-II-18). This may influence what and how she expressed herself and gave statements.

Children who had been in the court several times, described the second time in court or to the police as less stressful, because they already knew what was going to happen. There was a vast difference between the first and second experience and it may be said that it is caused by the lack of information which caused children anxiety and fear. As the interviewer described a case of a 16-year old boy (EE-II-12) "*He was also a little anxious regarding the first and third hearing. The first time he was anxious because he did not know what would happen. On the third time, he did not know why he had to go again*."

Here is a description of one of the court cases where the child was very poorly informed, as explained by the interviewer:

"It was confusing, why he had to go again. When the proceeding started, he did not understand anything because everything was in Estonian. There were 10 people in the room and the, child did not know them. Nobody introduced themselves and the child didn't ask. They introduced themselves after the proceeding, but the child did not care by then and he does not remember who those people were. The child was a little anxious prior the court proceeding, since he had no idea what was going to happen. Nobody told whether the parents would be present, he had to ask himself." (EE-II-12)

2.2.2. Information about the case

Information on the content of the case seemed to be very significant for many children. As mentioned earlier, the case and the result of the proceeding influence children and their lives in a long run – especially in custody cases. This is why children were more concerned with this kind of information.

Being informed of the content and details of the case seemed to be one of the most controversial issues in the interviews. Some of the children felt they wished to be more informed; others felt they were informed too much. It may be that the child is very clear about not wanting to know too much about the case, the arguments and the details of the conflict between her parents (EE-II-01). The girl said that she *"got a feeling that I've been informed too much, especially when it started to mess with my private life, school, studying and other*" (EE-II-01)

At the same time this information may be confusing for the child. One of the 10-year old boys at first said that he does not want to know anything about this "*I don't know, because I was not told. This is none of my business! Why was I dragged into this mess?*" (EE-II-04). A bit later he said that "*I'd like to know more than I need – about the things between mommy and daddy. I would like to go to court to see what is going on.*" (EE-II-04). Another child (EE-II-09) was informed by the child protection specialist about the developments of the case and indicated that she had also been speaking with neighbours who lived in the same building. The girl said that on one hand, she didn´t want to hear this, but on the other hand, it was nice that they wanted to keep her informed. She liked to be involved but she didn´t want to hear how her parents are and what happened to them.

Therefore, it may be concluded, first, that children are not always sure what is better for them – more information or less information. On the one hand being informed is painful since it is information about the conflict between their parents, at the same time the situation is easier to understand if it is clearer what is happening. This may indicate that one has to choose very carefully the content of the information that is provided to the children – not all information is needed and beneficial for the child. The information provided to the child has to be on the aspects of the proceedings that are helpful for the child – on the procedures, reasons and causes for the hearings, but not the details of the case and, for instance, on the arguments between the children. Children need to know what is happening with them personally and what will happen in the future. Secondly, the balance between informing the child and protecting the child is very fine and difficult to find and maintain.

2.2.3. Information about the rights of the child

This kind of information was discussed least. Only some children had a clear understanding of their rights in the hearings and proceeding as a whole. There were some examples where the mother told the child that he should go to the hearing, but if she really does not want to, then she does not have to go (EE-II-06). At the same time there were children who, without knowing if they have a legal right or not, expressed their wish not to go to the court, but were still taken there.

Also, some children knew that they had a right to ask for a break, but most of them did not do so. They also were sometimes scared to ask questions if they did not understand something.

2.2.4. Understanding the information

Regarding the understanding of the information provided, there are two kinds of information that should be considered: 1) information given to them regarding the proceeding and their role in it that is provided before the hearing 2) the questions and information that is given during the hearing. Children have to understand the questions that are used during the hearing so that it can be carried out appropriately. Understanding the information that was given to children was easy for some children and less so for others and was somewhat dependent on the age of the children. For instance, a 16-year old boy did not have any problems with understanding (EE-II-20) while an 11-year old girl admitted that she did not understand the questions, because "*the words were difficult*" (EE-II-02). During the interview, she also did not recognize the terms "attorney" and "advocate" that were given her in order to help her to remember who was involved in the hearing.

The right to be informed proved to be one of the most controversial topics through the interviews. In several interviews, it was discussed quite extensively (e.g. EE-II-01; EE-II-05) while in several others it appeared that children were ambivalent regarding if, to what extent and how to inform children of the course of the court proceedings. Children often gave controversial answers regarding the amount of information they had received.

For example, in one case (EE-II-02) the child said the judge's visit was unexpected, although the child protection worker claimed that child was informed prior to the judge's visit. This may indicate that the child was informed, but it was not assured that the child understood what was told to her. Unfortunately, this was one of the most traumatizing aspects of the hearings for the child – the fact that the visit was unexpected. Among the children who refused to participate in the interview was at least one child for whom the court proceeding was traumatizing due to the fact that she had problems understanding it the legal jargon that was use, but she was still expected to have an opinion on.

Although many children complained that they did not understand the proceeding or the information offered, many did not ask for explanations. Some said that they were afraid to ask questions. Therefore the good connection with the person informing the child is very significant, and it should be stated clearly to the child that it is ok for them to ask questions. One of the children said the reason he understood all the information that was given to him was because he was informed by his mother whom he trusted and was free to ask questions (EE-II-03). Therefore, to ensure comprehension, it is better if someone the child trusts can inform them, ask questions and explain things.

Court invitations are sent in Estonian language, but there is a large non-Estonian Russian-speaking minority in Estonia. One of the children who received a court invitation which was in Estonian was very confused by this and expected this document to be in Russian instead. As a result, he did not understand the document. During the court proceeding, however, there was a translator (EE-II-12). When the child received papers, the

police officer handing them over did not explain what these papers were about, but made a joke which implied that the child will be sent to prison.

One of the children admitted that he had to sign some papers in the court, but he did not read them, because he was not interested (EE-II-12). What is problematic here is that no one made sure that he understood what he was signing.

Table 8. Overall assessment on the understanding of the information during the hearings

	Boys		Girls	
	Number	**%**	**Number**	**%**
no problems/asked if did not understand	10	63	6	46
poor/very poor	4	25	6	46
Partial	1	6	1	8
not clear	1	6		

It does not appear that there are remarkable gender effects to the understanding of the case. There are some small differences – few girls assess their understanding poorer than boys, but it seems that reasons other than gender are relevant. For example, the average age of girls during first hearing was 12 and for boys 11. When we look at the ethnicity of the children, we find that there are seven non-Estonians (six of Russian origin and one German). Out of seven non-Estonians four (57%) reported that they understood information poorly. Six out of 22 Estonians had assessed their understanding poor (27%). In addition, one of the Russian children had partially good experience – everything happening prior to the court was well understood, but the court proceeding remained unclear. Two non-Estonian children indicated that they did not have problems with understanding.

It must be concluded that the child's right to be informed is not well met in Estonian court cases. This is quite predictable, because during the first phase of the FRA study (interviews with professionals), the right to be informed was a confusing concept for experts. It may come from the aspect that they are not aware of the different types of information regarding the procedures and the child's role it was often neglected. It is interesting, but children did not give any concrete suggestion how to improve their understanding. They just repeated that hearers should be kind persons. This is understandable, because children do not know about special methods of working with children during juridical processes.

There were several suggestions provided by the children on how to improve their understanding, for example, a 18-year old girl (EE-II-10) provided a list of suggestions which sums up very well also recommendations that other children provided:

1. Give the child more information about the case.
2. Give the information 1-2 weeks before the hearing.
3. Give feedback after the hearing.
4. Ask questions in a manner that would be understandable for the child.
5. The child should not come to police alone, there should always be an adult together with the child.

Also, other children emphasized the importance of (better) prior informing, in order to make children understand what is happening to them (e.g. a 14-year-old girl EE-II-18; a 13-year old girl EE-II-17; a 14-year old boy EE-II-11). For instance, one 14-year old girl (EE-II-18) pointed out that it should not happen that the police would come to school unexpectedly. She also found that written information – brochure or information sheet – would have made her feel safer (as did a 16-year old boy EE-II-12). A 14-year old boy (EE-II-11) also pointed out that the child should know what is his role in the proceeding. A 16-year old Russian boy in Eastern-Estonia (EE-II-12) pointed out that the court invitation should be in two languages.

2.3. Right to protection and safety

2.3.1. Professional support

As mentioned above, the proceedings or the life situations that are the subject of the proceedings are often traumatizing or disturbing for the children. Although much of the trauma is caused not by the hearings but by the content of the cases (the custody disputes, bad relationships, domestic violence etc.) the children should be provided with psychological support. Psychologists seem to be available to the children in these situations and quite many children did meet with a psychologist or other professionals. Psychologists are the most common source of support that is offered, but a few were also helped by a psychiatrist. There were also some children who were not offered psychological help (e.g. EE-II-00; EE-II-07; EE-II-08; EE-II-10) or not at the right moment or in right way. One of the girls who had to go to the court and was terrified of it described her lack of support: "No, nobody spoke with me about it, nobody cared. It was like: ok, now you have to go to the court, [orphanage] teachers will come with you... and that all it was." (EE-II-09)

The next extracts from our interview data help to understand the situation:

"The girl was keen to emphasize that it should not happen that the police comes to school unexpectedly and is dressed in uniform. Therefore, the girl suggested that informing children about hearings should be arranged through parents. She said "Maybe, I don't know, like, a parent, a mother or father could tell". The interviewer adds: "When I asked the child if she would have liked if someone would have given her an information sheet or a brochure regarding the court proceedings, hearings and such, she responded by saying: "Yes". She said that written materials would have made her feel safer".

From this extract from interview EE-II-18, one can see that children sometimes cannot express what is the way to get information and therefore they start from trusted people. However, when the researcher offers them some additional information, they learn from that and the repertoire of choices widen.

Children provided us with concrete list of suggestions, e.g.:

EE-II-17

- it is necessary that children know about the hearings beforehand; knowing a few days or a week ahead would make a difference

EE-II-10

- give the child more information about the case
- give the information 1-2 weeks before the hearing
- give feedback after the hearing
- ask questions in a manner that would be understandable for the child
- the child should not come to police alone, there should always be an adult together with the child

EE-II-11

- child should get more information before the proceedings
- information should be given by a legal representative
- child should know in which role he will be during the proceedings

EE-II-12

- it is important that the interpreter and social worker were involved, who informed the child prior the court proceeding. The child did not like that everything was in Estonian – the proceeding and the invite
- the invite should be in two languages
- it would be better to give the invite to parents or social worker
- information materials, brochures etc would help the child
- someone should explain, what will happen at the court
- someone should ask whether the child wants to participate

The perception regarding the necessity and effect of the professional help varied a lot. There were some who attended regular meetings (8 of 29 children) with a psychologist and found it helpful (EE-II-04), but others who found it unnecessary or even harmful (at least 3 of interviewees). For instance, one child (EE-II-01) found psychologist visits unnecessary and also something that did not let her to forget the unpleasant memories. "*It was painful for me to tear out old memories; I wanted to go on with my life*." (EE-II-01) Several children said that they did not need help, they were fine (EE-II-15). Moreover, one boy said that he had one appointment with a psychologist and "*it turned out I'm a normal boy*". (EE-II-03) This may indicate that the psychological help is associated with abnormality and therefore should be avoided. In addition, the boy found the psychological testing to be very formal and not very personal (EE-II-03). At the same time this boy reported about a supportive child protection worker who was in tight contact with him and his mother during the hearings, informed them about all events and maybe this was the reason why he felt himself safe and protected. Here it is important to add the effect of time and good experiences after the proceeding. This young man told us during the interview that when the decision was first made he was upset, but four years later thinks that it was the best decision for him.

Some children did not associate psychologist sessions with help or support. For many children, support was mainly received from their parents or friends, and some mentioned child protection workers. At the same time, some children who had child protection specialists with them, did not mention receiving support from them. It is impossible to say whether this was due to the fact they did not feel support from these people or because they were not conscious of the support they felt as it was so natural. It may also be that the word "support" is too abstract for them to associate it with a person accompanying them to stressful situation.

Not only psychologists can protect a child, but even more often there were substitute home teachers, child protection workers and parents who provide children feeling of safety. Furthermore, lawyers and police officers can cause feelings of security or insecurity. It should be mentioned that Russian-speaking children from the Northeast region reported more often feelings of insecurity and especially those who were involved in criminal cases as victims or witnesses (EE-II-09, EE-II-10, EE-II-11). When comparing participants of civil cases and criminal cases, one should emphasize that Estonian children who were involved in hearing as witnesses of criminal cases felt a less friendly attitude than those of civil cases.

To sum up this topic it should be emphasized that when professionals do their work well, it is at the same time child-friendly and protective and children can appreciate it. On the other hand, when the professionals are accusative towards witnesses (see for instance, EE-II-8, EE-II-9) they can cause frustration and pain for children.

One positive finding from our data is that some psychological support is available to all children. At the same time, our findings indicate that there should be more regular psychological help to children living in substitute homes. For example, one 10-years old girl (EE-II-00) had a first contact with a psychologist who evaluated her situation. However, after this contact, she had to wait for three month to start the therapy.

2.3.2. Privacy

The privacy of children was discussed multiple times. Children were not fond of having strangers around them when discussing their private matters, especially in custody cases and domestic violence cases. Children are often ashamed, as mentioned earlier, of the situation at their homes.

For example, one child complained that he had to say in front of many strangers and also his parents with whom he preferred to live (EE-II-05). It was especially hard when the judge asked with which parent he preferred to live with. There were several cases where one of the most worrying things for the children was the fact that they had to say which parent he/she prefers to live with and that the parents will know their preference. "*I have always been thinking that, if you want to live with your father, then mother is sad, and when you want to live with mother, then father is sad. It was very difficult*" (EE-II-05). Since it was not explained to children that they do not need to make this decision in front of their parents, they felt unnecessary fear and anxiety that they need to face their parents and say which of them they prefer to live with. This fear was present more often than needed – children did not typically have to make this choice in front of their parents. Children reported difficulties having the responsibility to decide whether they will stay with their mother or father.

Furthermore, the fear of having their confidentiality broken was justified in some cases. There was a domestic violence case (EE-II-08) where the privacy of the child was violated when her statements were given to the perpetrator (the mother) and her sister to read. "*My mother and sister read those things I had said about them. That was the worst thing for me, they had said that nobody will read what I am telling, except them [judge and child protection officer].*" The fact that the relatives of a child had read the statement had an actual impact on the outcome of the proceeding and the relationships between the child and her sister.

While sometimes it is impossible to avoid discussing private matters in order to make a decision, there were also cases where the privacy of children was disregarded without any need. One of the children was very much disturbed by the fact that while being a witness in one case, the police investigator opened his file and discussed in front of other people his life which had nothing to do with the case (the fact that he had repeated some classes at school and that he had fled from an orphanage) (EE-II-10).

Privacy was also related to the location of hearings. It appears that the location of hearings was not always very well chosen in terms of privacy. For example, one of the hearings (EE-II-17) took place at school in the head-teacher's office which was passed by other persons from time to time. She proposed that it should have taken place in the child protection specialists' office where no one goes. School came up regarding the privacy issue also in another context – as it was pointed out in the chapter on right to be informed, several children were approached by the police or social workers at school, during school hours and in front of other students which means that it became public that the child was involved in some kind of court proceeding or trouble.

There were no cases where the media were covering the cases or posing any problems to the privacy of the children or their families.

2.3.3. Safety

Another issue that was brought up quite often was concerns about safety, especially regarding the criminal case hearings that took place in the court. While there were no actual threats to children during these hearings, there had been several cases where children were afraid of someone's' behaviour and therefore did not feel safe. For instance, a 18-year old girl who was involved in a custody case (EE-II-09) had a traumatic experience in the corridor of the courthouse where she had to wait. She had conflicting relations to her parents and the father was violent to her. She was terrified of meeting them accidentally there (she did not attend the hearing taking place courtroom), but she did meet her father who threatened her by yelling "*it is not over yet.*" This whole experience was unnecessary (as she was not needed at court) and very traumatic for the child.

This most often concerned children who had been in court without being properly informed about the purpose of their being in court. There were several children who went to the court terrified of the possibility that they will see their parents and/or perpetrator. For instance, a girl (EE-II-09 A) who was a victim of domestic violence was taken to the court where she in fact did meet her father who had a chance to threaten her. This kind of encounter is something that children fear and should be avoided. However, it seems to us that these kinds of situations are not rare in Estonia. It was a case from previous stage of the research when a brother and sister were involved into a criminal case and they were extremely afraid of the offender and they were

promised not to go to the court. They were several times heard, but at the end, they should go to the court too and face there the offender whom they were scared.

2.4. Horizontal issues

2.4.1. Overall assessment of child-friendliness

In many aspects, the child-friendliness was difficult to assess, because children did not remember all the details of the hearings, especially their length or number. They also did not remember often what kind of information was given to them and by whom and when. It may very well be that the hearings were too long or not clear to the children, when assessed objectively, but since children did not remember these aspects, they did not find them important or disturbing. Many children did not seem to have very high expectations for the way they were treated in a court proceeding.

It was very clear from the interviews that if children had any traumatizing experiences, they were very clear in expressing the aspects of the hearing or the proceeding which were most disturbing to them. In all the interviews where the child was disturbed by something, it was a recurring issue which was repeated in multiple answers. It overshadowed everything and therefore one cannot really say if there were also other aspects which were not very child-friendly.

With this in mind, the child-friendliness of the hearings appeared to vary enormously. It could also be that for one child some of the hearings and contacts with the professionals were very nice and child-friendly, but this was overshadowed by one encounter or incident that was traumatizing. There were some cases where everything was done by the book and could be regarded child-friendly. But there were also cases where the children's interests were not taken into account and children were further traumatized due to the treatment they received. However, the main trauma was often not caused by the hearings but by the life situation and the troubles that had led to the court proceedings in the first place (e.g. parents' divorce, disagreements, fights, violence).

The main hearing-related problems that the children pointed out were the following:

- Unfriendly personnel
- Unexpected visits and lack of information
- Breaking confidentiality
- Being invited to the court
- Meeting with parents or talking in front of parents
- Feelings of responsibility

There were many cases which, due to the abovementioned reasons could not be called child-friendly. There were cases where the basic rights were violated, for instance the child's privacy was not respected or the child was treated with disrespect or not informed enough. In some of the cases other child-friendly aspects of the

hearing did help – for example some children found consolation in toys that were present in the room. At the same time, there were children, who found child-friendly methods of interviewing, toys or supportive activities unnecessary. For some children, the child-friendly methods felt unnecessary and they appreciated better those who communicated with her and treated her like to an adult (EE-II-01, who was 14 at the time of interview). In addition, some older interviewees found that they were too old for special child-friendly treatment – for instance one of the boys regarded himself to be an adult at the time he was 16 (EE-II-20). However, this was also a case for some younger children. In one of the cases the interviewer concluded that a 12-year boy was feeling was that police officer was treating him as an adult, with respect. *"I liked the fact that they talked to me like they would talk to an adult. That they did not beat around the bush like they would with a small child* (EE-II-25). There were also other children who were very proud of being treated like adults and not bothered with toys or games.

In addition to these aspects that clearly traumatized children there were other aspects of the hearings that cannot be called child-friendly, but were not discussed extensively by the children so they could be considered not of a crucial importance. This includes the location of interviews, which were not often child-friendly, but other than the courtroom, only a few mentioned the location as really disturbing. The police office was also an exception, but the "normal offices" at school or of child-protection specialists do not seem to disturb children much. It depends, however, more on the friendly communication and not so much on the room itself. There are different rooms for children's hearing in different police offices around Estonia. Police departments in Tallinn and Tartu have special child-friendly rooms, but not in other police offices. Therefore, children who were heard in different locations can give different assessment to rooms in police offices. Nevertheless, even in a nice and child-friendly room the hearing could be unpleasant if the investigator is arrogant or blaming during the hearing (see for example EE-II-08).

Overall, it may be concluded that for most of the children, being involved in the court proceedings is disturbing or even traumatizing. There are serious shortcomings in the child-friendliness of the way children are involved in the proceedings. There are many hearings that are child-friendly and many professionals who know how to treat and involve children in a child-friendly manner. One reason why children have in general better memory about conversations with a child protection specialist may be that, as a rule, child protection specialists have more contacts with children and during that time they become more known by the child (the child has more opportunity to get used with child protection specialist and build more trust her or him). The judges, prosecutors or police officers meet the child generally only once or twice. Children mentioned representatives of different professions, but mostly child protection workers or social workers were mentioned as child-friendly, while prosecutors and police officers were not regarded as not friendly. However, this can be connected with the fact that mostly criminal cases are heard by police officers or prosecutors and these are more unpleasant experiences for children. Nevertheless, in nearly all of the cases there were shortcomings which made the experiences negative for the child. It could be concluded that child's experience with hearings is as negative as is the most disturbing encounter or incident that occurs. Even if the child-protection specialists and psychologists are friendly and professional, the child will still be traumatized if (s)he was first heard by unfriendly police or taken from school unexpectedly.

2.4.2. Non-discrimination

Non-discrimination was a very complicated issue to study. Children do not understand the concept well, even if explained in a child-friendly manner. Also, the question was not discussed on many occasions due to the fact that children got tired of the interview before this. However, in cases with signs of unequal treatment due to some personal characteristics, it emerged from the interview even without directly asking the questions. While in most of the cases children could not detect any kind of discrimination, there were some cases which indicated that there are at least two bases for discrimination: 1) nationality and language and 2) social status.

The most likely basis for discrimination or dismissal of some of the child's rights was their nationality and mother tongue. In the sample, there were several children whose mother tongue is Russian and who lives in an area where the Russian language is dominant. Despite this, all the legal proceedings and documents that were issued were in Estonian. In the court, there was usually a translator who translated and in some cases helped to explain if the child does not understand. The Estonian-language documents (e.g. court invitations or final decisions), however, were in several cases handed to the children by some officials without any explanations and sometimes even with intimidating jokes.

This concerned, for instance a 14-year old Russian boy who was living in an orphanage and who was visited unexpectedly by a stranger who gave him an envelope with a court invitation without any explanation. When the child asked what this was all about, the person only said one word: "jail" (EE-II-12). This kind of improper joke indicates that sometimes the people do not understand the seriousness of the situation and the position the children are in. Instead of helping a child who does not understand the language, they intimidate them. Moreover, it shows that the informing can be very formal and no one is responsible for making sure that the child understands. This boy had to find some adults to translate for him the content of the court invitation to find out that he was not actually accused or blamed for anything.

Another basis for discrimination that could be detected in at least in few cases was social status. Among the children who are involved in court proceedings there are often children who are living in poor conditions, whose parents have problems with alcohol and who themselves have problems at school. This kind of background may influence the attitude of the professionals involved in the hearings.

For example, a 15-year old girl (EE-II-08) felt that she was treated with disrespect by an investigator who called her a name which is used to describe someone that is poor with no education, no manners, and no knowledge of higher class (in Estonian "mats" which translates as a churl, boor or plebeian). The reason was that she was a witness in a theft and had not heard some of the brand names of things stolen. The investigator said with disdain that "*Well, of course a churl does of course not know these [expensive] brands*" (EE-II-08). The girl was most disturbed by being called by this name and felt that they were referring to her living in a substitute home, not having a proper home and being an outcast because of coming from a family like hers. Furthermore, her right to privacy and confidentiality was broken as her testimony was shown to her family.

One girl was very much disturbed by the fact that some facts of her private life were discussed in public while she was in fact a witness and felt being judged by the police due to the fact that she had repeated classes at school.

"*And then he also asked, that I was already 16... no, 17, and how come I am still in 9th grade. He said: "It is weird, my daughter is 15 and she is in 9th grade." And he probably also saw things about my past there [in his documents], so I was not feeling good. I was feeling uncomfortable. I was ashamed, that I am 17 and only in 9th grade...*" (EE-II-10). The child felt that these remarks were disparaging and she felt ashamed and also felt that her privacy was not protected as the police saw documents about her life which had no relevance to that particular case.

These are cases where the children made a connection between behaviour which is not respectful or child-friendly and their personal characteristics or social-demographic characteristics. There were also other cases in the sample where children from non-Estonian nationality or from families of lower social position were not treated with respect or with child-friendly manner, but it is not possible to draw any conclusions regarding discrimination.

Based on our data we can conclude that the reasons for discrimination are first of all the social status of the child – so called social orphans from multiple problematic families who experienced in early childhood both violence and neglect, who are living in a substitute home and are involved into judicial proceeding as witnesses or victims. These children can experience discrimination more often, without important impact of age and gender. Also, belonging to an ethnic minority and lack of Estonian language can be the reason for discrimination.

2.4.3. Best interest of the child

In several cases, it can be concluded that the decisions taken regarding the hearing of the child and the procedures of involving the child were not in the best interest of the child. There were cases where it seems that the court case and getting the evidence was the priority and not the wellbeing of the child. There were also cases where the standard court procedures were carried out even though children were involved (i.e. they were treated as adults).

The most drastic cases concerned court proceedings. Children are often scared of going to the court and it could be recommended that inviting children to the court should be avoided as much as possible, especially when they very clearly express their opposition. As it appeared in the previous stage of the research (first phase of the FRA child rights' study), this may not be possible in criminal cases as the accused has a right to invite everyone to the court. However, in civil cases, especially in custody cases, it can be avoided.

However, there were quite a few cases where children expressed the wish not to be taken to the court, but went anyway, sometimes even without any need. For example, a girl (EE-II-09) was very much afraid of meeting her parents, especially her father and when asked by the child protection specialist if she wanted to go to the court, she said no. Nevertheless, she was invited to the court which made her very stressed and nervous. She waited for two hours in the corridor without any information and finally she was not even invited into the courtroom.

She was there just in case they will decide to involve her in the proceeding. Therefore, child was traumatized without any reason by a long wait, which was made worse when she bumped into her father in the corridor, the thing she feared most, the father then threatened her by yelling "this isn't over yet!".

" *What´s the point of meeting them [the parents]? Yes, we met, but it should not have happened, this meeting! If the court decided that they will make the decision without us, we shouldn´t have been there, we should not have come at all!*" (EE-II-09).

There were other similar cases where children were not actually needed in the courtroom. A 14-year old boy was invited to the court after being already heard by a child protection worker and he was asked only one yes-or-no question regarding the custody. He had expressed his opinion in this regard already earlier. Therefore, one could say that this could be avoided, especially in a situation where children are not well informed.

We could see that some hearings that took place at school did not keep the child's best interests in mind. For instance, one of the girls (EE-II-07) was taken to the hearing as a witness unexpectedly from school, in front of all others with a police car. This gave other children reason for gossip so that the child had a very bad feeling regarding the incident. Since the child was a witness in a not very serious crime, there was probably no urgency - the police could have chosen better how and when to approach the child, so as to not hurt her privacy.

We can see that children sometimes understand the meaning of words very differently. For example, one boy (EE-II-23) explained how he understood 'best interest of a child' as the opportunity to deal with his or her hobbies. He explained that his best interest was disturbed when he was moved to the substitute home and could not attend sport trainings any more that he could practice at home. This is perhaps connected with language particularities - in Estonian "interest" is "huvi" and "hobby" is "huvitegevus", so for him these notions became interchangeable. This example could be interpreted in several ways, to have a hobby and to have the right to continue to practice a hobby could be an important attribute of keeping the child's best interest in account.

In addition to the fact that the way the hearings were organized and carried out were not always in the best interest of the child, there was an accusation of biased decision-making. One of the 14-year old girls pointed out that in custody disputes judges may be biased in their decisions and hold an opinion that mothers should raise the children (EE-II-01). If it is true that judges hold stereotypical views on parenting skills or needs of children then it may be that they may overlook the real evidence and not act in the best interest of the child.

The same child pointed out that there may be a conflict between children's words and their best interests – in situations where parents attempt to manipulate children to get them to say what the parent wants, not what was in the best interests of the children (EE-II-01). Specialists clearly must consider the choices of children, but at the same time it is very important that specialists are able to assess the situation to determine if manipulation or threatening is taking place.

To conclude, one can say that the best interests of the child are not very well taken into account in the court proceedings. It is likely that when the child is a party in the case, the priority is solving the case and the usual procedures are followed even though children are involved. The interests of the child may become secondary or even forgotten.

2.5. Ideas and suggestions from the children

Several children did not criticise anything and did not have any suggestions (EE-II-24). Thus, it appears that some of the children took what was given to them and did not dwell on how it should have been better. This seems to be especially true when the experiences were not extremely unpleasant.

However, many other children gave quite a few ideas and suggestions on how to improve hearings. All the ideas that were given stemmed directly from their own experience. Mainly children recommended changing the aspects that were disturbing to them and all the recommendations concern the basic rights of children and child-friendliness. These include the following:

- People should be friendly and treat children well. Hearers should be polite. Especially witnesses of criminal cases were insulted with how police officers treated them during hearings (EE-II-08). Another child suggested that the professionals involved with children should have a personality tests.
- It is necessary to inform children better about the case; give information in advance before the hearing. Children should understand why they are heard and what is happening. The lawyer should also give information about the procedures in the courtroom.
- Information should also be given about the outcomes of the proceeding. For example, one witness who was first suspect in theft and was heard by police. After hearing she went home and did not know anything about the outcome. She only learned that the real offenders were found from her acquaintance by chance. There was no official notification from the police (EE-II-08).
- The questions asked during the hearing should be understandable to the child. One of the children proposed that perhaps they should be provided the questions that will be asked in advance. One boy, for example, told the interviewer that he never told an adult that he did not understand the question, he just said: *"I don't remember", "I don't know"*. This means adults should know this and use appropriate language that is comprehensible to children. One should also remember that children are different – some might have different disorders and they may differ also by age. The approach taken with a 10-11-year-old might need to be very different from one taken with a 16-17-year-old. One of the children pointed out that hearing proceedings should take into account the age of children and to take more seriously words of older children. Specialists should make sure that younger children are not being manipulated by a parent and that they are able to express themselves freely (EE-II-01).
- There should be better support, for instance, the child should not come to police alone and there should always be an adult with the child.
- The police officer who comes to schools to speak with children should not wear a uniform; likewise, the car that the police drives to carry out the hearing at school should not be a police car.
- Children and the parents should not be heard at the same time in custody cases.
- Confidentiality should be kept, especially when family relations are involved. Many children mentioned that they felt guilty because they gave information about their parents.

2.6. Conclusions

This research shows that there is significant room for improvement regarding child participation in the justice system in Estonia. There are shortcomings in the right to be informed, but also in the right to protection and safety. It was not possible to assess how the right to be heard is being met, because in the study there were only children who have actually been heard. For the most part, it seems that children are involved in the hearings quite extensively – the proceedings last for a long time and children are heard by different professionals several times. Often the proceedings last so long that children do not remember how many encounters and with which professionals they have had. This kind of intensive involvement in the proceedings cannot be regarded as very child friendly.

We can see that there are no precise procedures in place for involving children in legal proceedings. Every experience in the study is completely unique, but if we look at the cases where the child did not have a good experience, one of the common traits usually is that the child has been inadequately informed. This can be regarded a major problem in the system, especially when the child is not approached by their parents or by a child protection worker. There are some cases where the officials, the police or other professionals have been very inconsiderate towards the child, for instance either making improper jokes, marching in to the school with full uniform or breaking the confidentiality of the child. It was also not uncommon that children were invited to the court without any need and also without any explanation. Even though we cannot say how often children are treated in these improper ways, the system should be improved to prevent these incidents from happening.

3. Conclusions

3.1. Summary and main conclusions from the research on the treatment of children in the proceedings

Right to be heard

The interviews with the children showed that there are no unified procedures for involving children in the judicial process – the children had very different experiences with their hearings. The number of hearings varied, as did the locations and professionals carrying out the hearings. This does affirm the findings from the first phase of this research, where the professionals also pointed out that there are no guidelines on how to behave or hear children. As a result, it is difficult to assess whether the hearings were adequate and sufficient or if the professionals did their best to find out the position and experiences of the children.

For example, the professionals considered in Phase I the neutrality of the location of hearings (i.e. schools) as of utmost importance. According to this opinion, neutral locations alleviate the child's fear of unfamiliar and sometimes authoritarian settings such as courthouses or police department. These hearings are usually conducted without prior warning (surprise visits) to avoid parent's manipulation. Children in Phase IIa (preparatory phase by conducting some pilot interviews with children and testing the questionnaire) and IIb (this phase, full interviews with children) reported that these kind of surprise visits (especially to school) was something very unpleasant for them. Hearings at school are not welcomed by the children, because other children and teachers "see what is going on" and as a rule when somebody visits the child at school, that means there is something wrong or serious happening with this child. It is especially relevant when the visitors are police officers in uniform in a police car. For a child, it is always connected with a fear that he or she has done something bad and this is what she or he is afraid that other school people could think. Police seem to be aware of this, one officer who participated in our research in Phase IIa emphasized that she never goes to school in a uniform. Furthermore, several children from Phase IIb reported about such kind of police visits as being very problematic.

Hearing children in neutral places alleviates the child's fear of unfamiliar and sometimes authoritarian setting, such as courthouses or police department. However, these should be carried out not in schools, but in other type of locations (e.g. child-friendly designed child protection offices, at home with preliminary information of the child and asking from the child where he or she prefer to meet the professional).

The results of Phase I (interviews with social and legal professionals) showed that pre-trial hearing is considered to be more child friendly than the trial hearing. Specially equipped and furnished child friendly rooms are available at police stations. In sexual abuse cases, child friendly techniques are used. Legislation changes in 2011 requires that police officers with special training conduct hearings. Again, according to the findings of Phase IIa and IIb, we conclude that there are some regional differences in the application of these polices: child-friendly and specially equipped rooms are not in every part of Estonia where children go through hearings, but only in larger cities. However, for children the kindness of hearer plays a much more important role than the equipment that is available.

Specialists and professionals, such as victim support workers in criminal proceedings and child protection specialists in civil proceedings, are considered by other professionals as having a relevant role throughout the process. Once again, for the children the most relevant issue concerning the hearing is not the profession of the interviewer, but the behaviour of the specialist. None of the children who participated in criminal proceedings discussed victim support specialists. From this it may seem that there are not many of these professionals in Estonia, or that they are not working with children cases.6 Thus, it is more likely that children could not identify them during their participation in criminal proceedings.

Several initial findings from Phase IIa were confirmed by Phase IIb. For example, the differences between child's involvement in criminal and civil proceeding was confirmed, as well as the statement that children witnesses are in the most vulnerable position.

Right to be informed

One of the most evident problems with hearings regards the informing of the child – children are often left with no or inadequate information, which causes them stress and enables misconceptions. This was also pointed out in the first phase of the study where professionals explained that they are not involved in all the phases of the hearing and therefore they don't know how much information has been given previously to the child about the proceeding.

When looking at the interviews, we can see that depending on a case there may be inadequate information regarding the following:

- The reason why the child is heard, taken to the police or invited to court, including the reasons for repeated hearings. This is more relevant in criminal proceedings.
- Advance warning that there will be a hearing, which is especially important when it concerns hearings in the court or school. This is relevant to both civil and criminal proceedings
- The procedures of the hearing, especially in the court. Relevant in both criminal and civil proceedings.
- What statements or video hearing recordings will be used for, as well as who will see or hear them. This is especially relevant in criminal proceedings when the child is a witness.
- The weight given to the child's opinion (i.e. the responsibility and impact of the child's statement on the final decision). Most important in civil proceedings.
- Content of the legal documents that is provided to the children. It is relevant in both criminal and civil cases.
- How the child is protected from the perpetrator, which is especially important in criminal cases.

6 As of 2014, there are in total 23 victim support specialists working in different parts of Estonia. See more here: http://www.sotsiaalkindlustusamet.ee/ohvriabi-tootajate-kontaktandmed-4/

The researchers get the impression that there is no one who is responsible for assuring that the child is informed sufficiently and in an adequate manner. Also, the professionals who, for instance, deliver the court invitations, are not instructed to treat children with the respect and sensitivity that is needed (at least not always). The general impression is that the staff who is responsible for protecting children's rights and for providing professional support (i.e. the child protection specialists and psychologists) lacks knowledge on children's rights and on the most effective methods of communicating with children. One reason for this might be that their everyday work is connected with regular justice and court proceedings, not with children. In order to make the court system child-friendly it is essential to educate all professionals in the justice systems and provide them with information on children's rights, child-friendly justice and also guidelines on how to inform children adequately.

Protection and safety

It appears that among the children participating in the study there were some cases in which protection and safety during hearings was inadequate. Most of the children are offered professional support i.e. they are offered to meet a psychologist, but not everyone. There are children who felt that nobody cared and supported them (especially when the children are not living with their biological parents, but in a substitute home). Some of the children appreciated the help which was provided to them and found it valuable, others found the visits to the psychologists further traumatizing or simply unnecessary. The support by professionals can be very helpful and is needed in cases where the child is traumatized by their circumstances (i.e. being a victim or party in custody disputes). Nonetheless one must point out that in some cases it appears that at least part of the trauma was caused by the poor conduct of the professionals involved. Therefore, when setting priorities to make the justice system more child friendly, emphasis should be placed on improving the awareness, knowledge and skills of professionals instead of investing in additional psychological help.

The privacy of children is a very significant aspect of hearings and one of the factors that can traumatize children. This includes the ways children are approached by the police or other professional in public settings like school. The first phase of the study concluded that school is a familiar environment for the child and is therefore a good place to carry out the hearing. This may be true, but only if the hearing is arranged and carried out discreetly. Interviews indicated that professionals should be more delicate when approaching children at school. Negative social and psychological effects can be felt by children when they are escorted out of class/school by police in front of other children. Teachers also can play an important role in this, in that the way that they approach children at school might humiliate or scare a child (For example, it should not be said out loud in the middle of class that the police has arrived to take the child away).

A second potential threat to the privacy concerns confidentiality of the children. Interviewees expressed the fear that their testimony might be read by other people. In the case of custody disputes children are especially afraid of what could happen if their parents heard what the child said about them. In one case this became a reality and the family of the child could read the statement of the child. This affected both their relationships and the final outcome of the hearing. This fear might lead children to change their story, which may in turn result in a decision that is not in the best interest of the child. Therefore, the confidentiality issue and the fact that children may be afraid to speak honestly should be taken very seriously and discussed with the child.

Safety is an issue that appears to be a less relevant concern for children, perhaps due to the fact that the sample involved only a few cases where the child had been either a victim or a witness of a serious crime. However, concluding from the one case where a child was needlessly put in a position where he had to face a person who he was afraid of in court, we suspect that this can happen in other cases as well. This might also be true because media coverage was not a factor involved in any of the interviewed children's cases.

Child-friendliness and discrimination

The child-friendliness of the hearings varied enormously and depended most on the professionals involved in the process. However, because most children had a major complaint regarding some aspect of the whole process and contact with the justice system we cannot say that the Estonian justice system is particularly child-friendly.

There are severe shortcomings in meeting the most basic rights of children for information, privacy and protection. There clearly are some excellent professionals who treat children with the utmost respect, have wide knowledge on child-friendly justice and who know how to inform and involve children in the justice process appropriately. However, there are also other professionals who do not know or do not exhibit child-friendliness in their conduct. We cannot say that some groups of professionals are more child-friendly while others are less. Most often, it depends on the specific person. It may also be possible to notice that children are less dissatisfied with the child protection specialists whose main and sole purpose is to protect the child rights. Other experts hearing the children are more likely to be concerned with the case than involvement of the child and therefore without special training the chances may be higher that they are not following the principles of child-friendliness.

Also, some regional differences can be brought out: the children's narratives indicate that in large cities such as Tartu and Tallinn, there are more highly professional specialists so we can expect that the children there are more likely to experience more child friendly treatment. Nevertheless, we had examples of child friendly treatment also from the Estonia periphery (see for example EE-II-03). As indicated above, this shortcoming cannot be overcome simply by making rooms more child-friendly. What is needed is an investment to train staff so that they can serve children in a respectful and sensitive manner.

This can most clearly be seen in cases where the attitude of professionals towards children can be considered discriminatory. There is evidence that some of the children were treated without respect since they are from a lower social class, of a foreign origin and/or do not speak the official language. Furthermore, although the court proceedings are translated into other languages, legal documents handed to children are all in Estonian. This, along with inadequate sharing of information with children can put them into situations where they do not understand what is expected of them.

3.2. Any other issues not covered in previous sections

When assessing the results of this research, one should consider that the analysis is not based on objective data, but by the subjective perspectives of children expressed during the interviews. Thus, our findings in this part

of the study are not a perfect reflection of reality but rather of how the children who enter through these legal processes perceive reality. These perceptions can be influenced both by the interaction with the interviewer, but also by external factors such as the living situation of the child. Furthermore, their current living conditions can affect how participants assess past experiences in the juridical/hearing process. One boy expressed very well these changes in assessment of past events: "Just after the court decision I was angry with this decision, I didn't want to leave home, but now [after 4 years] I think it was a good decision." (EE-II-03)

Therefore, it should be considered that for a child bad things that happened between parents or in the family in general and hearings connected with family events are not dividable. An adult person can abstractly speak about disaster and the way how it was solved by professionals. For a child, however, the whole situation is one complex and interconnected event. When children asses their treatment during hearings, they do it first of all on the basis of their feelings. This does not depend so much on age, but rather on the amount of vulnerability they feel. Children of different ages could be sensitive towards proper or improper treatment. The criticisms by children towards hearings may be an expression of unhappiness with the bad things happening in the family as much as it a judgement of the juridical proceeding. This should be considered when the results of these findings are discussed or taken as a point of reference for policy improvements. This is one reason why it is important to synthesize the results of these interviews with those carried out in earlier phases. For the more thorough and detailed overview, a larger statistical analysis should be conducted to compare results with what been identified in these interviews conducted with children.

The researchers of this report think that the guidelines developed by EU and Estonian ministries according to international standards should be more intensively implemented and the implementation should be controlled by state authorities and by the Children's Ombudsman. There should be an independent institution which, for example, exists in many EU states, e.g. the Protection of Children that has a mandate for monitoring and accept complaints in case the children's right are abused or not taken seriously.

Moreover, professionals need deeper knowledge about children's rights and they need permanent trainings to heighten their professionalism.

It should be also important to think about child-friendly designed child protection offices or neutral rooms (e.g. in shopping centres or youth centres) places where children spend their leisure. However, one of the most important aspects is that the child is informed about the hearing before the first meeting.

2. ANNEXES

4.1. List of Quotes

1. *"Perfectly normal office: cabinets, table, chairs, some toys, papers". ("Täiesti tavaline kabinett, kapid, laud, toolid, mõned mänguasjad, paberid") (EE-II-19)*
2. *"Of course everyone was very friendly to me" (Loomulikult olid kõik sõbralikud minu vastu) (EE-II-01).*
3. *"A very nice person, didn't take everything so seriously like others do sometimes, she took easy." (väga tore inimene oli, ei võtnud kõike nii tõsiselt nagu mõned, ta võttis kõike vabalt). (EE-II-23)*
4. *"She asked questions but I didn´t answer them" ("Ta küsis küsimusi, aga ma ei vastanud nendele") (EE-II-00).*
5. *"In these cases I started imagining what this word could mean". (Siis ma hakkasin kujutama ette, mida see sõna võib tähendada). (EE-II-17)*
6. *"it is never positive if you are taken away from your parents" "Pole kunagi positiivne, kui sind vanemate juurest ära võetakse.". (EE-II-17)*
7. *"The whole process was a negative experience, I have not had any time to consider the positive aspects" (Kogu protsess oli negatiivne kogemus, mul pole olnud aega positiivsetele asjaoludele keskenduda) (EE-II-01).*
8. *"Are you sad because you were not treated good at this hearing?" (she shakes her head as denial) "Are you sad because of the outcome and because you were then taken to substitute home?" (nods) "Yes"*

   ("Kas see (kuulamine) teeb sind kurvaks, sest sinuga käituti halvasti?" (pearaputus)

   "Kas see teeb sind kurvaks, sest peale selle sa sattusid siia?" (noogutus) "Jah")(EE-II-00)
9. *"I didn't think that they will start a criminal proceeding from this, but it was, against my mother, of course against me directly wanting it. But well, I guess it was necessary [...]I'm still a child, I consider, and I should not start this kind of proceedings against my parents "(ma ei arvanud, et sellest algatatakse kriminaaljuhtum, aga sellest algatati ka kriminaalsüüdistus, ema vastu, muidugi minu nagu otseselt tahtmata. Aga noh, ju see siis oli vajalik. [..] Ma olen veel siiski, leian, et ma olen laps ja ei pea algatama selliseid asju oma vanemate vastu.) (EE-II-01)*
10. *"I wondered if I had done something bad again" (mõtlesin, et kas ma olen millegiga hakkama saanud jälle) (EE-II-25)*
11. *"It made no difference, it wasn't important to me".("Seal pole vahet, see polnud mulle oluline".) (EE-II-19)*
12. *I had an opportunity to talk, I have been heard, my wishes have been taken into account, although not as seriously as they could have been." (Ma olen saanud kõik ära rääkida, mind on ära kuulatud, minu soovidega on arvestatud, küll mitte nii tõsiselt kui võiks). (EE-II-01)*
13. *"scared because I didn´t know what the whole thing is about, because the investigator didn´t say: "don´t worry, we know that you are not guilty"." (EE-II-10)*
14. *"[they should say] in the end of the meeting to say clearly, this we take into account, this we don't, it is not relevant and we decide this."([nad võiksid] kohtumise lõpus öelda, selge, seda me võtame arvesse, seda ei ole vaja, las jääb kõrvale, ja me otsustame nii)(EE-II-01)*

15. *"I didn't know when to stand up and then I got yelled, you should stand up when you talk to a judge!" ("ma ei teadnud, millal ma pean püsti tõusma ja siis ma sain õiendada, et sa pead püsti seisma, kui kohtunikuga räägid"). (EE-II-23)*
16. *"They did it unexpectedly, nobody announced me. Judge visited unexpectedly, nobody announced me and then she was here and I had to talk and I did not understand. [..] I didn't understand, why the judge even came here." (Nad tegid mulle ootamatult, sest mulle keegi ei teatanud. Kohtunik tuli ootamatult külla, mulle keegi ei teatanud ja siis ta oli siin ja siis ma pidin rääkima ja ma ei saanud aru. Ma ei saanud aru, miks kohtunik üldsegi siia tuli." (EE-II-02)*
17. *"A black car came next to the house and a man gave me an invite" ("maja kõrvale tuli must auto ja onu andis kutse"). (EE-II-11)*
18. *"If you will come, you will see" [...] "I wanted more information but I guess I didn't have to know as much" („Tuled kohale ja saad teada.[...] Mina tahtsin rohkem informatsiooni, aga vist ei pea teadma") (EE-II-11)*
19. *"I don't know, because I was not told. This is none of my business! Why I was dragged into this mess?" ("Pigem ei tea, sest mulle ei öeldud. Ega see minu asi ei ole! Miks mind sellesse segadusse segatakse.") (EE-II-04).*
20. *"I'd like to know more than I need – about the things between mommy and daddy. I would like to go to court to see what is going on." (Ma tahaksin rohkem teada, kui mul vaja oleks – emme ja issi vahelistest asjadest. Ma tahaks ka kohtusse minna, et näha, mis toimub.) (EE-II-04).*
21. *"I got a feeling that I've been informed too much, especially when it started to mess with my private life, school, studying and other" (Kohati tundsin, mind informeeritakse liiga palju, eriti kui see hakkas segama minu eraelu, kooli, õppimist ja muud)(EE-II-01)*
22. *"The words were difficult" ("sõnad olid keerulised")(EE-II-02).*
23. *"No, nobody spoke with me about it, nobody cared. It was like: ok, now you have to go to the court, [orphanage] teachers will come with you... and that all it was." (EE-II-09)*
24. *„I turned out to be a normal boy" ("selgus, et olen normaalne poiss") (EE-II-03)*
25. *Also, it was painful for me to tear out old memories, I wanted to go on with my life." (Ja veel, mu jaoks oli valus vanu mälestusi üles kakkuda, ma tahtsin eluga edasi minna) (EE-II-01).*
26. *"I have always been thinking that, if you want to live with your father, then mother is sad, and when you want to live with mother, then father is sad. It was very difficult". ("Ma olen kogu aeg mõelnud, et kui sa tahad isa juures elada, siis ema jääb kurvaks ja kui sa tahad ema juures elada, siis jääb näiteks isa kurvaks. See oli hästi raske"). (EE-II-05)*
27. *"My mother and sister read those things I had said about them. That was the worst thing for me, they had said that nobody will read what I am telling, except them [judge and child protection officer]." ("Tegelikult luges mu ema ja õde neid asju, mida ma olen nende kohta öelnud. See häiris mind kõige rohkem, mulle öeldi, et mitte keegi ei saa seda lugeda, mida ma neile räägin, peale nende. [kohtuniku ja lastekaitsetöötaja]").(EE-II-08)*
28. *"I liked the fact that they talked to me like they would with an adult. That they didn't go around the bush like they would with a small child. (EE-II-25).*
29. *"Well, of course* **any churl** *does of course not know these [expensive] brands" ("Iga mats ei teagi selliseid firmanimesid") (EE-II-08).*

30. *"And then he also asked, that I was already 16... no, 17, and how come I am still in 9th grade. He said: "It is weird, my daughter is 15 and she is in 9th grade." And he probably also saw things about my past there [in his documents], so I was not feeling good. I was feeling uncomfortable, I was ashamed, that I am 17 and only in 9th grade... "(EE-II-10).*
31. *"What´s the point of meeting them [the parents]? Yes, we met, but it should not have happened, this meeting! If the court decided that they will make the decision without us, we shouldn´t have been there, we should not have come at all!" (EE-II-09)*

Annotated list of recruitment channels and networks

Included as a separate file

Research materials used

n/a