



Review

The Participation of Children and Young People in the Child Protection System: A Systematic Review

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Abstract: Objectives: This study aims to investigate children’s experiences regarding their involvement in the justice system and explore the different facets of their participation, the mechanisms and practices applied, and criticisms and improvements to the justice system. Materials and Methods: A systematic review was conducted through consultation with EBSCO, Web of Science, Pubmed, and PsycArticles. Five articles were included to understand the perspectives of professionals, children, and young people regarding their participation in the justice system. Results: The children and young people involved in the justice system have negative experiences with its professionals, who doubt their ability to understand, devaluing their opinions. The children give up expressing their experiences, reducing participation and creating barriers with professionals. The children say that greater encouragement from judges reduces stress and makes the process more comfortable, increasing their participation. The professionals reveal that the mechanisms used in the system reinforced this lack of participation, despite its initial objective of integrating and including children and young people in the justice system. In general, the child’s legal guardians are better informed about their rights and procedures and have a greater opportunity to give their opinions than children and young people. Conclusions: Despite the advancement and improvement in procedures and mechanisms used to ensure children’s participation, they still have negative experiences about the system itself and the professionals, which reduces their participation.

Keywords: children’s participation; justice system; investigation; children’s rights; child



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1. Introduction

The 20th century was fundamental for children’s rights in the most varied contexts of society, like an increase in the appreciation of childhood, as well as a recognition of the need to be able to respond to and satisfy the needs of children and young people (Sani 2013). Thus, this century has seen the evolution of the concept of children and the recognition and awareness of the need for their protection (Comissão Nacional de Proteção de Crianças e Jovens em Risco n.d.), enshrining the Convention on the Rights of the Child (UNICEF 2019).

The evolution and definition of children’s rights have undergone multiple changes (Goulart 2021; Sani 2013; Sottomayor 2014). At an international level, the following stand out: the drafting of the first declaration that mentioned the need for child protection, known as the Geneva Declaration of 1924; the creation of the United Nations Children’s Fund (UNICEF) in 1946; the Universal Declaration of the Rights of the Child that was recognized by the Universal Declaration of Human Rights in 1959; and the approval of the Convention on the Rights of the Child in 1989. Among the various rights recognized, the rights relating to physical and emotional integrity, the participation and involvement of the child in areas that concern him, as well as the rights related to his inclusion and integration in a family

that is capable of providing affection and security, ensuring their most basic needs, are currently the five rights declared to be of greatest importance by society and the community in general ([Comissão Nacional de Proteção de Crianças e Jovens em Risco \[CNPCJR\] 2011](#)).

Article 12 of the Rights of Children created in the United Nations Convention establishes and justifies the right of children to express, directly, their perspectives and opinions on topics that affect them (according to their age and level of maturity), as well as their right to have opportunities to be heard in judicial and administrative contexts and procedures.

According to the [Instituto de Apoio à Criança \[IAC\] \(2021\)](#), a Portuguese institution for child support, the term justice system is composed not only of judicial processes and organizations but also of different professionals, authorities, and services whose content is related to courts. Furthermore, juvenile justice is commonly considered an area of the justice system that specializes in attending children's cases. On the other hand, this term's definition varies from country to country; while some relate it to courts that judge children's criminal processes, other countries include, for this term, child protection cases.

The [Council of Europe \(2013\)](#) defined the term child-friendly justice as justice that is more friendly to children and young people, referring to justice that is accessible, adapted and appropriate to their age, needs, and rights. This concept of child-friendly justice focuses on a multidisciplinary approach and aims to assess the legal, psychological, social, emotional, and physical, as well as cognitive situation of the child and/or young person ([Council of Europe 2013](#)). According to the [European Union Agency for Fundamental Rights \(2015\)](#), transforming the justice system into a more child-friendly justice system has benefits in terms of protecting children and increasing more meaningful participation, as well as improving the operations and processes of justice. A justice system adapted to the child and youth population must, therefore, follow the following criteria: guarantee the child and/or young person receive information about their rights and their participation, according to their development and capacity, as well as their age and level of maturity; train professionals about children's rights, legal procedures, and processes, as well as about child psychology, specifically their communication; and, finally, implement a multidisciplinary approach that knows the child, providing support and advice ([Council of Europe 2013](#); [Laucci 2009](#)).

The concept of 'participation', according to [Equit and Purtell \(2023\)](#), is considered a term as multifaceted as it is complex, with a high probability of it being frequently misinterpreted. This term is defined by [Lansdown \(2009\)](#) as a word that describes different forms of social involvement. Thus, there are multiple concepts of what participation concretely means. To ensure participation by children and young people, they need to have space to do so, so they can express their point of view and have an audience that listens to them ([Equit and Purtell 2023](#)). The [European Union \(2024\)](#) publishes a recommendation {SWD(2024) 98 final} on developing and strengthening integrated child protection systems in the best interests of the child. According to the same source, there is still no evidence, in almost many states, that the protection needs are guaranteed, especially because there is no clear participation in most matters that concern them.

[Bennouna et al. \(2017\)](#) concluded, from a Delphi study with 52 child protection experts, that there is an imbalance of power between children and responsible adults, which ends up causing adults, in their testimonies and opinions, to not consider the best interests of the child.

According to [Diaz et al. \(2019\)](#), some groups are greatly harmed, namely those who are dependent on services and cannot abandon these same services of their own free will, as is the case with children and young people in foster care, as they feel that they must be satisfied and grateful with any type of service received, whether of good or bad quality. According to [Muench et al. \(2017\)](#), there is a lower probability of these children challenging the service received and, therefore, accepting what the responsible adults decide. As a result, this population ends up lowering their expectations when it comes to receiving a fair service that meets their needs. This experience of hiding worries and complaints can then lead to negative effects and emotional damage, creating a feeling of guilt because

they consider that they are not confident enough to complain when they feel something is wrong or when they are not happy (Pert et al. 2017).

In his study, Eriksson (2009) states that it is essential to consider and define children as social actors, both in the research process and with other social actors. According to Eriksson and Näsman (2008), the participation of children and young people in research can create and enable opportunities for them to feel that their experiences have been validated and recognized, as well as facilitate their recovery and improvement after victimization. Hurst (2015) considers that, although it is essential to protect this population, the concept of vulnerability is used too loosely and can lead to the exclusion of the benefits that participation in research can bring. Regarding the advantages, the participation of children and young people in research can, according to Davis (2009) and Tisdall et al. (2009), bring the following: pedagogical benefits, as the child will be able to learn from this experience; the potential in terms of policies and laws, promoting social change and the exercise of rights; the possible improvement in services; development and improvement in dialogue between children and adults, which, consequently, could lead to the promotion of the protection of children and young people; and, finally, through the different perspectives and experiences of this population, it may be possible to bring greater understanding and knowledge about social problems and themes. According to Rouncefield-Swales et al. (2021), the inclusion of this population as partners in research processes also contributes to improving research design, increasing the accessibility of its methods, and ensuring that their perspectives and voices are represented.

The exclusion of children from the context of investigation and decision-making has been a controversial issue. According to Husby et al. (2019) and Morrison et al. (2019), children and young people often face this controversy to be recognized. Despite developments in valuing children's perspectives, there are many times when their research contributions fail to make a profound and significant difference to the power relations present in research practice (Chamberlain et al. 2019; Cooper 2017). According to Bucknall (2014), although children are consulted and listened to on this topic, many report feelings of frustration when they feel that their contributions do not make any difference or improve their lives. Hakli et al. (2018) consider that the situations that make children feel a lack of recognition and, ultimately, disrespect and devaluation for their experience and opinion can have emotional implications.

Most of the time, it is the adults responsible for the children who decide whether to accept their participation in studies (Powell and Smith 2009), in addition to other adults involved in this decision-making, such as ethics committees and professionals, among others. Therefore, the involvement of children and young people in the investigations goes through several stages and several negotiation processes, making this participation difficult to obtain (Turner and Almack 2016).

Family Group Conferences (FGCs), although not part of the legal system, are a mechanism used to facilitate the inclusion as well as the participation of children in decision-making linked to the educational system and the justice system, specifically, the protection and promotion of children (Merkel-Holguin et al. 2019). Depending on the legislation of each country and the articulation that may exist between this model and the justice system, different practices may be observed. According to Huntsman (2006, as cited in Frost et al. 2014), there are three types of mandates for an FGC: a best practice mandate, in other words, when a professional considers that this model is beneficial to the case and can organize conferences within the local system; a procedural mandate, when the authorities decide to adopt this model as policy; and finally, a legal mandate, when this model is legally required to be implemented.

This practice, first adopted in New Zealand, allows for the recognition of children and young people as partners in the justice system (Connolly 2004; Merkel-Holguin et al. 2019). Like other similar practices, the FGC provides the family of the child and young person with the opportunity to participate and interfere in the decision-making, as well as allows children and young people the opportunity to become involved in the protection

and promotion system (Merkel-Holguin et al. 2019). In the United Kingdom, Court Witness Supporters were created and implemented to provide emotional support as well as familiarize children and young people with legal procedures (Alberto 2020).

Despite the benefits brought by children's participation in this context of justice, there are still objections that limit children's participation, specifically regarding the content of the case (van Bijleveld et al. 2013). In other words, depending on the seriousness of the child's situation, professionals will decide whether it is appropriate or not to involve the child and allow them to participate.

According to Bennouna et al. (2017), despite fears about discussing more sensitive topics with children, many professionals state that these same topics should be explored as long as researchers ensure the protection of children from harm by adapting data collection methods to the capabilities and the context of each child and young person, while also guaranteeing confidentiality. Bennouna et al. (2017) add that what should decide whether it is appropriate to involve children are not the topics to be discussed but rather the procedures applied and the context in which this information collection occurs.

It is of greater importance and relevance to explore the knowledge of this population about their participation in the justice system and that of the professionals themselves, who are both in contact with the child and youth population, as well as with the procedures and mechanisms of this same system.

Therefore, the objective of this review is to answer the research question, "What are the experiences of children and young people in child protection system, in terms of their participation?". The purpose is to reinforce the way of understanding the experiences lived by children within the scope of the justice system, identifying failures, promoting improvements, and activating mechanisms to increase children's participation.

Assuming that these experiences and opinions are often not vocalized directly by the child, it is of utmost importance to include the voices of professionals in the justice system who are in constant contact with these children and young people and have opinions on this same topic.

2. Material and Method

The studies analyzed were published in English between 1989 and 2022 and in the following different databases: EBSCO, Pubmed, Web of Science, and PsycArticles.

The search expression of (child*) AND children participation AND justice system AND research AND children rights; Pubmed with the search expression of (child*) AND (children participation AND justice system AND research AND children rights); Web of Science with the search expression of ALL = (child*) AND (children participation AND justice system AND research AND children rights); and, finally, PsycArticles with the search expression of (child*) [ALL] AND (children participation AND justice system AND research AND children rights) [All].

To obtain articles capable of answering the research questions, only full articles from peer-reviewed scientific journals were considered, which met all the following inclusion criteria: (i) studies related to the participation of children and young people in all contexts of the justice system; (ii) studies related to children and young people's perceptions of their participation in the justice system; (iii) studies related to the perceptions of professionals involved in the justice system regarding the participation of children and young people; (iv) and studies related to the procedures and mechanisms applied to guarantee the participation of children and young people. Articles were excluded if they (i) did not refer to the participation of children and young people in the justice system; (ii) did not refer to professionals in the justice system on this same topic; (iii) and only referred to the health and school context as well as studies focused on young offenders.

The analysis of the articles in question went through two phases: the first corresponded to the reading and analysis of the title and summary of each article, and the second included the full reading of the articles selected from the first phase, meeting the inclusion and exclusion criteria mentioned above. Initially, 357 articles were found, and then duplicate

articles were eliminated. Thus, 331 articles remained, and 26 articles were removed. The titles and abstracts of each of the articles were then read and analyzed, with 304 articles with themes that did not contribute to the objective of the study in question being excluded. The full text of each article was then read, eliminating articles according to the inclusion criteria and exclusion criteria. At this stage, 22 articles were excluded from this study because they did not meet the criteria previously defined, such as the following: not focusing on the topic in question; focusing on evaluating participation models; focusing on carrying out social reports; focusing on young offenders; and not being able to access the article.

In the end, five articles were selected, as shown in Figure 1, according to the PRISMA system (Page et al. 2021).

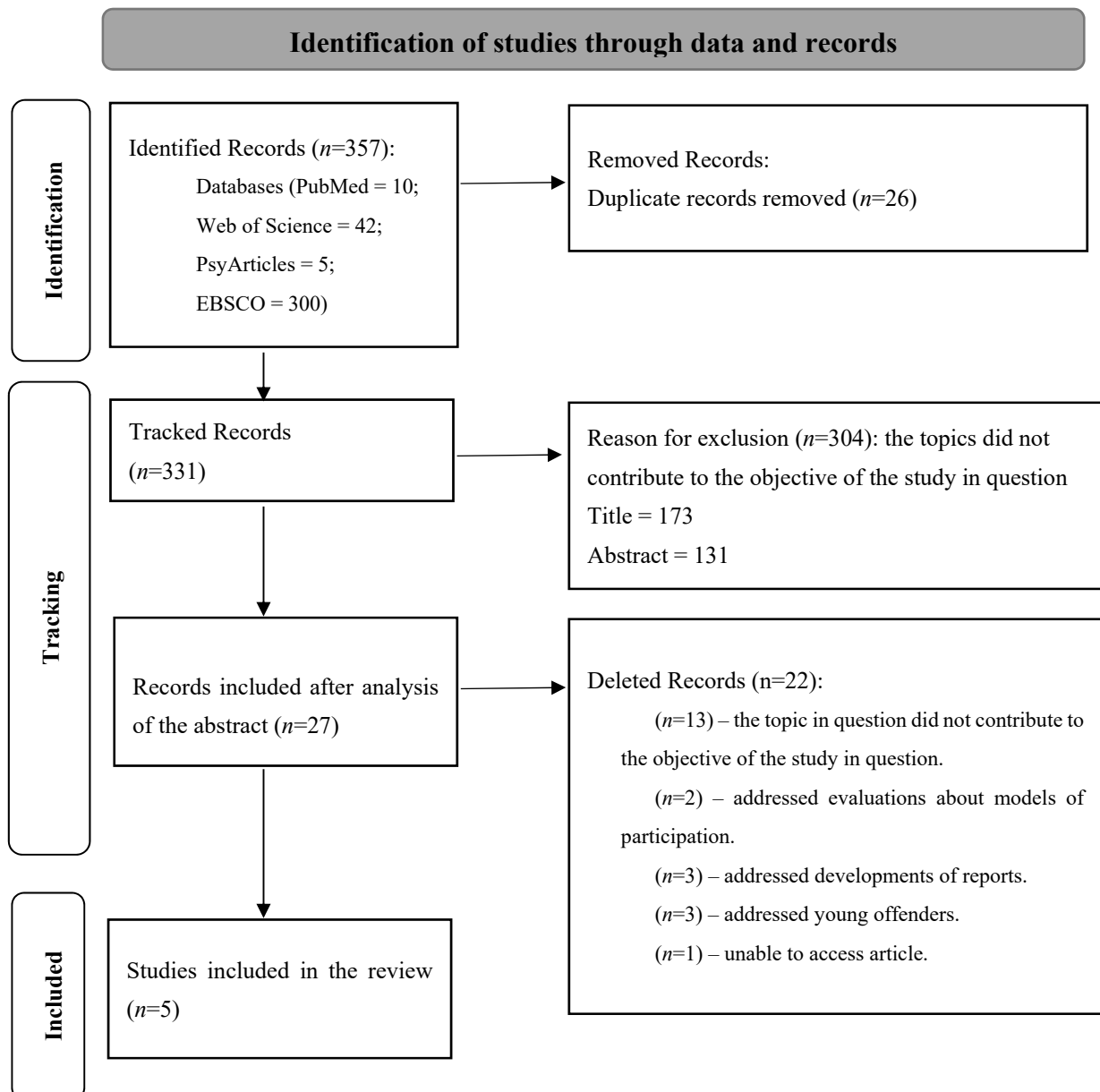


Figure 1. Flowchart of literature review process.

The Quantitative Research Assessment Tool (QRAT) was used to assess the methodological quality of each study included in this review, helping researchers to evaluate the merit of the research studies. The QRAT consists of 12 items¹ focused on the methodological characteristics of the studies (cf. Table 1). Items can be rated −1 [non-presence], 0

[presence in part], 1 [with presence], or NA (not applied), except for item 12, where NA is not an option. According to the QRAT specifications, studies with lower scores should be considered with more attention and care, compared to studies with higher scores, which are methodologically more robust. Most of the studies in this review (60%) had a score of 3 or above, which means that these studies have a methodological quality considered strong.

Table 1. Quality and Risk Bias of Quantitative Studies.

Study ID	Item 1	Item 2	Item 3	Item 4	Item 5	Item 6	Item 7	Item 8	Item 9	Item 10	Item 11	Item 12	Total Score
Berrick et al. (2019)	1	1	1	0	1	1	1	1	1	1	-1	1	9
Diaz et al. (2019)	0	1	0	-1	1	1	NA	-1	-1	1	NA	1	2
Merkel-Holguin et al. (2019)	1	0	1	1	1	1	1	0	0	1	-1	-1	5
Mitchell (2022)	1	0	-1	-1	1	1	NA	-1	1	1	NA	1	3
Weisz et al. (2011)	0	0	0	0	1	1	1	0	-1	1	-1	-1	1

Note. Item 1—population; Item 2—sample size; Item 3—randomized selection of participants; Item 4—response and attrition rate; Item 5—main variables or concepts; Item 6—operationalization of concepts; Item 7—numeric tables; Item 8—missing data; Item 9—appropriateness of statistical techniques; Item 10—omitted variable bias; Item 11—analysis of main effect variables; and Item 12—ethical approval.

3. Results

Table 2 presents the 5 publications selected for this review, highlighting their titles, authors, years of publication, objectives, and, finally, main results.

As you can see, the selected studies were carried out in the United States (n = 3), the United Kingdom (n = 3), Finland (n = 1), and Norway (n = 1). The publication date of the articles ranges across 2011 (n = 1), 2019 (n = 3), and 2022 (n = 1). Regarding the participants, some studies have only children and young participants (n = 1), other studies have only professional participants (n = 1), while the remaining studies have a mix of children and young participants and professional participants, as well as families of participating children and young people (n = 4). The ages of these participants range from 8 years old to 86 years old.

Table 2. Summary of studies’ characteristics and the main findings.

Autor (Data)	Objectives	Countries/Sample	Instruments	Main Findings
Berrick et al. (2019)	Explore the perspectives of judges/jurors in 4 child protection jurisdictions about parents’ and children’s opportunities to participate in proceedings in their countries.	United Kingdom, Finland, Norway, and the United States N = 1794 judges/jurors.	Questionnaires.	Issues related to providing information to parents and children about their rights and trial procedures received low scores. Children’s experiences of participation are less positive than those of their parents.
Diaz et al. (2019)	Examine procedures about complaints from children and young people in care (along with the perspectives of professionals in the same area).	United Kingdom N = 36 participants: 10 young people (11–17 years old); 11 social workers; 8 independent reviewers; 7 directors.	Semi-structured interviews.	Children do not file complaints, as this would only worsen the situation they find themselves in. When they express their opinions, they do not carry the same weight as those of professionals.
Merkel-Holguin et al. (2019)	Describe the experiences of children and young people at FGC, comparing them with those of their families or professionals.	United States N = 809 participants: 10 children (9–15 years old); 678 family members or figures close to the family (15–86 years old); 121 professionals (23–64 years old).	Questionnaire based on the Family Group Decision-Making Guidelines.	The objective of the FGC is not achieved. Children report having negative experiences regarding their inclusion and participation in decision-making processes.

Table 2. Cont.

Autor (Data)	Objectives	Countries/Sample	Instruments	Main Findings
Mitchell (2022)	Explore young people's experiences in the social work system.	United Kingdom N = 60 participants: 10 young people (12–19 years old); 22 family members; 28 professionals.	Semi-structured interviews: individual, in pairs (young person—father/mother; young person-sister/brother), or family (siblings with parents).	Young people suggest that social workers do not believe that they are capable of understanding the situation in which they find themselves. Young people who experience respect for social workers see themselves as partners in decision-making.
Weisz et al. (2011)	Check whether: appearing in court is harmful or beneficial to children; judicial behavior may result in harm or benefit; the child's reactions depend on age differences.	United States N = 93 children (8–18 years): 43 children who attended their trials; 50 children who did not attend.	Questionnaires, interviews, and observation.	Children who attended their trials felt that children should be able to go to trials. Judges can make this experience less stressful and more comfortable through encouraging interactions.

Note. FGC = Family Group Conference.

4. Discussion

Through the 5 articles included in this systematic review, it was possible to analyze them, extracting their main ideas and conclusions, to verify and compare their results and main points. The systematic review presented aims to investigate the participation of children and young people in the child protection system through the perceptions of the children and young people themselves. This topic arose due to the constant need to guarantee the inclusion of this child and youth population in a system of which they are also part, ensuring that they have an active voice in society and, thus, their rights are fulfilled.

This article analyzed studies focused on the participation of children, verifying that, in many situations, they can be at a disadvantage in being informed about their choices and making sure their views are considered (van Bijleveld et al. 2013). This is confirmed by Toros and Lehtme (2023), who state, in their study, that the information given by professionals, such as social workers, is considered insufficient by the children. Although children express their desire to have more active participation in decision-making processes, wanting their voices to be heard and asked, the opportunities are not enough (Lauri et al. 2020). One of the solutions for this problem is to focus on the relationship between the child and the professionals, creating a comfortable and open environment that allows the child to open up and express themselves, avoiding a lack of trust, which could lead to incorrect information (Toros and Lehtme 2023).

The existence of an imbalance of power between this population and the system's professionals was possible to verify in several studies, where children reported having had negative experiences because professionals devalued their opinions, specifically professionals such as social workers (Bennouna et al. 2017; Diaz et al. 2019). According to Diaz et al. (2019) and Mitchell (2022), this is because these professionals do not consider that children and young people have sufficient abilities and skills to understand the situation in which they are inserted and, consequently, to be considered active participants in the system's procedures.

In the study by Berrick et al. (2019), it was possible to verify this mentality once again, as it was found that the involvement of children is less than that of adult caregivers, who are always more informed about justice procedures and have a greater opportunity to be heard. According to Gillon (2019), this has an impact on the experience of children and young people in the justice system, as they wish to receive appropriate and relevant information at each stage of their journey within the system, to be able to make informed

decisions. Information is, therefore, fundamental to ensuring that the participation of this population is meaningful (Beqiraj and McNamara 2016).

Another fundamental point focuses on the fear that children have of complaining about something they do not think is fair, which, in turn, reduces their level of participation (Diaz et al. 2019). Most of the time, young people give up, not only on complaining but also on expressing their opinions, which results in a negative psychological and emotional impact, generating a feeling of guilt and impotence for not being able to complain when they are unhappy (Diaz et al. 2019; Pert et al. 2017). Children and young people want to know how to make a complaint (Kilkelly 2010) since information is fundamental to be able to have effective participation and feel included and supported by the system. This is essential for the participation of children, as it is assumed the opinion that the child has regarding their inclusion in the justice system may, in some way, have an impact on the probability of feeling supported in carrying out a complaint (Gillon 2019). Possibly, the fact that some children are included in the justice system takes away their power and creates low expectations regarding the possibility of effective participation, regardless of the quality of the help received (Diaz et al. 2019; Muench et al. 2017). In addition, the fear of consequences and negative attitudes from professionals can harm the way the child interacts with justice services (Mitchell 2022). According to the European Union Agency for Fundamental Rights (2017), this mention of a negative experience felt by these children may not promote participation for other children due to the impact and damage that contact with the justice system may cause.

It was possible to conclude that direct and brief encouragements are considered positive practices that help children feel more comfortable to participate and express their opinions (Weisz et al. 2011). The European Union Agency for Fundamental Rights (2017) confirms that children value friendly professionals who are respectful and listen to them, and this occurs more frequently with professionals who have specialized training, such as Independent Reviewing Officers (Diaz et al. 2019). Gillon (2019) and Weisz et al. (2011) state that children may feel intimidated, which may prevent their participation. Thus, it is assumed that professionals in the justice system can make children's experiences less stressful and more comfortable through positive, direct, and brief interactions with children.

On the other hand, it was found that even the mechanisms and practices designed to obtain greater participation from children end up being seen as something negative in their eyes (Merkel-Holguin et al. 2019). These mechanisms end up having greater involvement on the part of adults than the child and youth population itself (Merkel-Holguin et al. 2019), which could generate feelings of frustration on the part of the children (Bucknall 2014). These situations contribute significantly to a lack of recognition and devaluation of children's perspectives, which may have an emotional impact on them, as previously mentioned (Hakli et al. 2018). It is of the utmost importance to analyze and review the mechanisms and practices that unconsciously limit children's participation to reformulate them so that they contribute to a more child-friendly justice.

Thus, these studies demonstrate the importance of including children in the justice system as well as the importance of reformulating and perfecting mechanisms, making it possible to explore and understand their experiences and realities, identifying the best and worst aspects of the system, and allowing, in the future, to establish mechanisms that allow children to have a more active role in this context.

5. Conclusions

During the reading of each article and the analysis of its results and conclusions, it was possible to obtain fundamental data about the opinions and perspectives that children and young people have regarding their participation in the justice system, as well as the point of view of professionals about this same topic. This topic arose due to the constant need to guarantee the inclusion of this child and youth population in a system of which they are also part of, ensuring that they have an active voice in society and, thus, that their rights are fulfilled.

It was possible to verify that, in general, children and young people inserted in the justice system report negative experiences regarding the quantity and quality of their participation. Furthermore, both the professionals and children criticized this participation in the justice system, specifically the lack of attention on the part of professionals regarding children's opinions.

Regarding the limitations found during the development of this systematic review, it was found that the articles focused on the participation of children and young people in the justice system rarely focus entirely on the experiences and opinions of the children themselves; therefore, there is a great need to deepen this perspective. Despite the weaknesses highlighted, the participation of children and young people is a topic that has had great relevance and, therefore, a great deepening and development over the years to reach and satisfy the main needs of this child and youth population, as well as adapting the justice system and its procedures to this same population. After an analysis of the content of each article, it was concluded that this is a topic that needs to be explored consistently and frequently, given that the presence of children and young people within the justice system is a significant reality in the world. Therefore, it is essential to understand the realities and experiences of this population in the system so that it is possible to establish the current and relevant procedures that avoid causing psychological harm, as well as being able to establish and guarantee a more active participation and presence of this same population in the system, who must be considered as an active participant.

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Note

- ¹ To better understand the questions asked in each of the analysis categories, we suggest consulting this document on the Child Care & Early Education Research Connection [CCEERC] website: <https://researchconnections.org/sites/default/files/2021-04/quantitativeresearch.pdf> (accessed on 12 October 2024).

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