

Child victims in the Union - Rights and Empowerment CURE

CHAPTER 4 Recommendations of the CURE project



THE CRIME VICTIM COMPENSATION AND SUPPORT AUTHORITY

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CHAPTER 4

Recommendations of the CURE project

Background document to the recommendations

A major objective of the CURE project was to develop two sets of recommendations. The CURE recommendations in this chapter are the final outcome of the studies made in the course of the project, the discussions at the CURE conference in December 2009 and the deliberations made by the expert group.

The CURE recommendations are the result of deliberations made by the two project leaders and the international group of experts. Accordingly, they hold no legal status. It was never a major goal to develop a proposal for a legal instrument in the project. This notwithstanding, it is hoped that they should be considered by the European Commission in its future work with replacing the 2001 Framework Decision on the standing of victims in criminal proceedings, when considering other policy options for improving the situation of crime victims and also in its work to safeguard the rights of the child in the European Union's policies. In this way, the recommendations could be seen as a contribution to the public consultation on the rights, support, and protection of victims of crime and violence, launched by the Commission, as well as to the ongoing work in the Commission to develop a strategy on the rights of the child. The recommendations will be delivered to the Commission for them to consider their possible uses.

The first set of recommendations is directed to the Member States. It appears appropriate already at this point to point out that a primary proposal emanating from the CURE project is that the Member States should make the recommendations known to the legislature and to the criminal justice professionals involved with child victims in their Member State.

An important feature of the recommendations is their universality with regard to different kinds of crimes and different groups of children. It must be stressed however, that they do apply first and foremost to crimes directed by one individual against another individual or to violations of criminal laws in the Member States. The recommendations are not developed to fit situations involving abuse of power and international crimes. It is also important to underline that a basic assumption is that children who are victims of crime should not be treated as perpetrators. The CURE recommendations are

directed to children who are crime victims but the situation of child victims is sometimes overlapping with that of a child witness and the recommendations could consequently apply also to child witnesses.

The intention is that the recommendations should serve as a guide and as a basis for action in the present and future work with child victims in the Member States. Because of their general character, it is presumed that policy makers could draw on them in their work. They could, for example, be used in the legislative process and in various contexts which has the aim to raise awareness on the plight of the child victim. But they could also be used in other practical contexts, such as training, in seminars and in the setting up of various structures for dealing with victimised children. Preferably, the recommendations should contribute to a changed outlook where all victimised children are seen as vulnerable and treated per se, but they may also be used in contexts where certain groups of child victims are dealt with.

The recommendations have first and foremost been developed for the ministries of justice in the Member States but they might also be useful for professionals in the criminal justice system. The possibilities to distribute the recommendations, within this project and afterwards, are for natural reasons restricted and therefore limited to certain central agencies. The objective is that the ministries will circulate and make the recommendations known to local agencies in the criminal justice system, the police, the prosecution authorities, and the judiciary and to stakeholders in their Member States. The partners of the project have a special agreed responsibility to distribute the recommendations to authorities and key actors in their Member States. The recommendations will also be available at the CURE website www.childvictims.se.

To develop recommendations is a balancing act between stating what is obvious to some and being visionary. When reading the recommendations, it has to be considered that they cover a wide geographical area, the 27 Member States in the European Union, which represent different legal standards but also very different attitudes towards children. Since they are developed within a project and intended for further development, the objective has not been to take into account every aspect of national law, but rather to aim for a raised standard. In this way, it is imagined that they can be used in the short term as well as in the long term.

The aim has been that the recommendations should reflect the standards of the Convention on the Rights of the Child, the European Convention on

Human Rights and its case-law concerning children, and the Framework Decision on the standing of victims in criminal proceedings. The recommendations have, with some exceptions, a general character but they cover a fair amount of contexts and situations which make them inclusive and extensive. Priority has been given to making them user-friendly. The recommendations could serve as a kind of shopping list and the different sections could very well be read separately.

The partners and the participants at the CURE conference have been given possibilities to remark on the draft recommendations. Apart from that, they have been submitted for consultation and commented on by a number of persons in the Union with profound expertise in issues related to children as victims of crime; judges, prosecutors, victim support workers and representatives of international organisations working with children's rights.

As regards the relationship between the different parts of this chapter, the recommendations directed to the Member States begin with a statement of principles. It has been included to encapsulate some basic assumptions of a general character that are applicable to all the recommendations.

The recommendations are divided into headings covering the themes of the project and a number of related matters. There is for example a section on protecting the child from hardship, which includes some basic and comprehensive issues. This section covers matters related to the investigative stage as well as to the appearance in court and relates to the length of the proceedings and support during the entire process. A specific heading has also been devoted to training because this issue was considered as crucial when summing up the discussions at the final session of the CURE conference.

The 13 recommendations directed to the European Commission elicit the child victim's position in different settings where the Commission has a role to play, primarily in its work with the rights of crime victims and to strengthen the rights of the child, and consequently they refer to various documents with policy objectives relating to the position of children and crime victims in the Union.

The conclusions are intended to sum up the essence of the two sets of recommendations and the project as a whole. They can stand by themselves or be read separately, although they are linked to the recommendations.

At the time of writing, no measures to follow up on the CURE project are planned, but the hope is that the project will inspire and be food for thought, new ideas, and also initiatives which will realise some of the ideas in the recommendations. Response and feedback in the Member States is more than welcome and can be provided through the CURE website.

Statement of principles of the CURE project

The child victim as a rights holder

- The United Nations Convention on the Rights of the Child affirms that children are right holders and therefore Member States should ensure the effective recognition of child victims with regard to their human rights. The child victim has the right to be treated with respect and dignity in the criminal justice process.
- In a modern society, governed by the rule of law, children should be made aware of their rights. For this reason, there is a need for development of policies setting out what information about rights and support should be given to child victims and how this is to be done.
- Children should be considered and treated as children and not as mini-adults in the criminal justice process. The special status of children must be taken into account in all dealings with child victims.

Reasons for meeting the special needs of the child victim in the criminal justice process

- The common needs of children require the establishment of special measures developed to empower the child victim in the criminal justice process.
- Failure to respond to the child victim's needs properly can lead to grave damages to the physiological, mental, spiritual and psychological development of the child victim but it can also lead to negative impact on future reports of crime and increase the risk of future offending.
- Assistance to the child victim should be developed, not only because it will support just outcomes and effective procedures, but for the child's own sake.

General considerations

- Children should be defined and considered as children in the context of the criminal justice process up to the age of 18.
- Legislation and policies targeting the child victim should always consider the best interests of the child, the principle that every child has the right to be treated fairly and equally, regardless of

his or her or the parent's or legal guardian's race, ethnicity, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.

- Irrespective of the type of criminal victimisation, the child victim deserves to be taken seriously by professionals in the criminal justice system.
- The rights of the crime victim should be given the same priority as the offender's, also when children are subjected to crime, but the procedural guarantees established to protect the child victim must never compromise a fair trial.

A holistic response to the child victim in the criminal justice process

- Justice for the child victim cannot be achieved by one single individual, but requires a co-ordinated response from the various agencies and professionals of the criminal justice system.
- Tangible change to current practices requires a fundamental change in the attitudes of the criminal justice professionals towards the child victim, and for this reason, an inclusion of the child perspective and knowledge on the reasons behind the exposure of children to crime in training for these groups.
- Improving assistance to the child victim and facilitating his/her participation, and co-operation with the criminal justice system requires, unless the person concerned is suspected of the crime, that the role of parents, caregivers and families of victimised children in the criminal justice system is recognised, and that as far as possible, their needs are met.
- Because child victims should not bear the sole responsibility for providing relevant information in a criminal investigation, and in the interests of ensuring the accuracy and completeness of information gathered during criminal investigations, it is imperative to improve the interviewing skills of all staff involved in these investigations who may gather evidence or information from other persons of interest, including but not limited to the suspect.
- It is crucial that also child victims, whose cases are not formally processed through the criminal justice system, should have the same access to support and treatment foreseen for child victims whose cases are being heard.

Involvement of the child victim

- As children are rights holders, decisions aimed to improve the situation of the child victim in the criminal justice system should be subject to input and participation of the children themselves.
- The provision of special measures targeting the child victim should, as far as it is possible, be underpinned by informed decision-making.

Changes are needed to respond to the needs of the child victim in the criminal justice process

- It is the responsibility of the Member States to ensure that the child victim is guaranteed legal remedies and offered adequate support, following a crime.
- There is a need for a developmental perspective in the criminal justice system, recognising that the needs of children change concurrently with age. Taking into account different degrees of maturity and individual circumstances, age on its own should not be a constraint in establishing the right to legal action and the enjoyment of special measures for the child victim.
- Measures relating to investigative interviewing and the subsequent appearance of the child victim in court should be based on empirical research showing that children, if properly questioned, can be credible witnesses.
- Children who are victims of acts committed by other children that constitute abuse, harassment, defamation and slander (bullying) should be treated as victims of criminal offences.

Recommendations to the Member States of the European Union

A. GENERAL MATTERS

Objective

To establish a holistic approach towards the child victim and children who are potential victims of crime by means of legal procedural safeguards and policies.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. ensure full implementation of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA), as a first step to improve the status of the child victim in the criminal justice process,
2. ensure that all children subjected to crime are considered as particularly vulnerable victims in legislation, so that they can benefit from specific treatment best suited to their circumstances,
3. put in place legal provisions with the objective of guaranteeing that the child victim is always treated with respect and sensitivity,
4. in developing legislation and policies, but also in practice, give special attention to child victims with special needs,
5. give particular attention to the situation of the child victim in legislation, policies and programmes designed to fight domestic violence,
6. give particular attention to the situation of the child victim in legislation, policies and programmes related to juvenile delinquency,
7. recognize children who have witnessed violence in close relationships by ensuring that these children can enjoy protective measures, but also by striving towards the possibility for these children to receive compensation for their suffering,
8. extend eligibility for special measures and procedural safeguards to child victims below the age of 18,
9. promote the expansion of offences for which the child victim can qualify for testimonial aids and special measures,

10. in the development of legislation and policies, give due weight to the views of the child victim through studies of their needs, attitudes and experience of the criminal justice system,
11. develop national guidelines or protocols governing the management of cases involving child victims in the criminal justice system,
12. set up a structure for multi-disciplinary co-operation between institutions of the criminal justice system, social authorities, the health care system and non-governmental organisations, at national, regional and local levels, to ensure the effective management of cases involving child victims and to prevent children from being repeatedly victimised,
13. ensure that provisions aimed to protect the child victim in the criminal justice process are consistently applied and enforced throughout the country,
14. promote the monitoring and evaluation of measures to assist the child victim in the criminal justice process, including the review of national and local guidance and training materials to ensure they are fit for purpose and outline correct policy,
15. promote the establishment of independent human rights institutions for children endowed with as broad a mandate as possible, but also ensure that existing National Ombudspersons for children have adequate resources to carry out their mandates and specifically to assist child victims,
16. translate the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Resolution 2005/20) into the official languages of the European Union and ensure that they are publicised, disseminated and used, notably through the training of professionals in the criminal justice system, but also as a reference in other contexts,
17. promote the development of a child-friendly justice system in accordance with the ECHR case-law and the implementation of the coming [Recommendation containing] Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice developed by group of specialists on child-friendly justice (Final Draft CJ-S-CH (2010) 12).

B. AWARENESS

Objectives

To change the attitude towards the child victim in the criminal justice process, and to sensitise professionals and the general public to the rights and the special situation of the child victim.

To achieve these objectives it is recommended that the Member States of the European Union should:

1. make available disaggregated data on victimisation of children and its consequences by means of national surveys on the nature and extent of victimisation, including analyses of trends according to age, sex, location of the crime etc,
2. allocate resources to research on legislation and practices with the aim of improving the position of the child victim in the criminal justice process, but also implement findings of empirical research with this aim, for example by means of pilot projects,
3. work towards a raised consciousness of politicians on the position of the child victim, through the provision of information from the criminal justice system and non-governmental organisations,
4. strive towards awareness-raising on the functioning of the legal system for professionals who meet children in different settings outside the criminal justice system, such as social workers and teachers,
5. promote human rights awareness among children by including elements about children's rights and other fundamental rights and freedoms in elementary and secondary education,
6. take measures to raise awareness among children on the importance of reporting crimes, and on how and where to report crimes, for example by means of information campaigns in the media,
7. engage in co-operation with other European Union Member States in order to exchange experience on legislation, best practices and measures to assist the child victim, for example by means of networking and translation and dissemination of implemented studies,
8. make use of funds from the European Union for national and international projects, training and other activities directed at the child victim in the criminal justice process.

C. INFORMATION

Objective

To ensure that the child victim, in the context of the criminal justice system, is provided with general and specific information which is adapted to the child victim, including at a minimum the items that are already established in international and national standards.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. enact legislation on the provision of information to the child victim,
2. ensure that as a minimum, the child victim is informed about the items established in article 4 of the Framework Decision on the standing of the victim in criminal proceedings, and that consideration is given to information of special importance for the child victim, such as the availability and function of testimonial aids,
3. develop a national policy for the provision of information to child victims, including the use of different forms of information (oral as well as written), an accountability system, means to monitor and evaluate this policy, and a system for co-ordination among the actors involved with providing information to child victims,
4. develop information about the justice process, the actors and their roles, directed to children, in order to facilitate their interaction with the criminal justice system,
5. encourage the publication of information available to adult victims, in child-friendly language and design, to children of different age groups and levels of understanding and at different stages in the legal procedure, for example by means of e-learning, games and written information for various age groups,
6. make sure that public spaces frequented by children are used to give messages about the criminal justice system, children's rights and victim support systems,
7. develop and provide targeted information for child victims with Special needs,
8. ensure flexibility in the provision of information to the child victim, so that when appropriate, information is also passed on to parents/ caregivers,

9. make use of new technologies easily accessible to children, to disseminate information for child victims,
10. further various forms of legal assistance which could facilitate the provision of information to the child victim, such as counselling services, the appointment of a lawyer and/or a case manager for the child victim, citizens advice and support centres.

D. REPORTING AND ACCESS TO JUSTICE

Objectives

To ensure that as many crimes against children as possible are reported and that to this end, they can be reported by the children themselves, and to ensure that crimes against children are investigated with full respect for the child victim and his/her rights.

To achieve these objectives, it is recommended that the Member States of the European Union should:

1. ensure that, professionals called upon to work in contact with children, report to services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of a crime and that confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to such reporting,
2. ensure that if mandatory reporting is in place and the alleged child victim does not have a final say, the child victim should have information about what is being reported and why, in a child-friendly language and a sensitive manner,
3. improve mechanisms which can facilitate that suspected crimes against children can easily be made known to investigating/law enforcement authorities, for example by means of anonymous notification,
4. establish specialised units within the police, which are accessible throughout the country and which are authorised to deal with child victimisation, and trained to manage these cases in an effective and child-sensitive way,
5. set up procedures which ensure that the safety concerns of the child victim are addressed as a priority in the investigation and that meas-

ures are set in place which ensure the safety of the child victim at all stages of the justice process,

6. set up procedures which guarantee a thorough planning of pre-trial investigations involving child victims in order to prevent unnecessary hardship, considering the need for and timing of medical examinations, assessment of support measures and confidence building measures,
7. ensure that procedures governing the investigation of crimes against children do not degrade the integrity of the child,
8. where appropriate, strengthen the confidence between the child victim and the prosecutor, for example by allowing the prosecutor to meet with the child before the trial in order to acquaint himself/herself and build rapport, and by allowing the prosecutor to attend the interview with the child victim,
9. raise awareness about the fact that the child victim may be confused, re-victimised or even feel violated by a decision that the investigation in the relevant case has been closed. For this reason, a child victim who has expressed a wish to this effect, should be informed of the outcome of the complaint, including an explanation as to why the investigation has been closed because of legal matters.

E. PROTECTING THE CHILD VICTIM FROM HARDSHIP

Objective

To empower the child victim to go through the criminal justice process by providing him/her with specific assistance, i.e. support related to the child victim's involvement in the justice process, and thereby reduce as far as possible, secondary victimisation caused by justice professionals.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. put in place provisions and mechanisms to expedite the criminal justice process in cases where child victims are involved, and reduce the time they have to spend on court premises,

2. put in place legal provisions with the objective of guaranteeing, as far as possible, that the contact between the child victim and the offender is minimised throughout the justice process, for example by setting up separate waiting rooms and by allowing police officers to accompany the child victim on the way to and from the courtroom,
3. put in place legal provisions with the objective of guaranteeing that the child victim is being offered free emotional support during the criminal justice process and afterwards, if that is necessary,
4. while respecting the general need to expedite the criminal justice process when a child victim is involved, give consideration to the fact that the child victim also may be in need of measures aimed to prepare him/her for the criminal justice process, as well as of confidence-building measures and time to address fears and concerns,
5. ensure that the timing and length of all interactions and contacts with child victims are adapted to the age and individual situation of the child victim,
6. make sure that an assessment of the individual support needs of the child victim is made at an early stage in the criminal justice process,
7. promote measures which enable the child victim to receive support throughout the justice process, by means of a single-point contact, such as a case manager or a support person, and that mechanisms are put in place which enable authorities to appoint such a support person at their own motion,
8. with due regard to the need for approval of the court in appropriate cases, give consideration to the wishes of the child victim in nominating a support person,
9. set up national requirements with regard to professionals/volunteers acting as support persons,
10. enhance awareness and knowledge in the criminal justice system about the need for child-sensitive communication, non-verbal communication, and the importance of cultural and gender sensitivity in all interactions with child victims,
11. ensure accessibility of interpreters who are competent to deal with child victims.

F. INVESTIGATIVE INTERVIEWING

Objective

To make sure that interviews with the child victim are conducted by trained professionals in a way which reduces the risks for secondary victimisation, while at the same time maximising the value of the testimony.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. develop national guidelines for interviewing child victims, in accordance with applied research, including basic criteria and guidance for a structural and consistent use,
2. promote the use of structured interview protocols,
3. put in place legal provisions with the aim of avoiding unnecessary repeat examination of the child victim, and for this purpose, encourage the systematic use of audio-visual recording of any interview with the child victim,
4. with due consideration to the need for preparation and the individual situation of the child victim, ensure that the investigative interview is conducted as soon as possible, and that the length of the interview is adapted to the child victim and kept to a minimum,
5. in the planning of the investigation, allocate time for measures to find out the capacities of the child victim, for example the child's level of development, communicative and cognitive understanding,
6. inform the child victim about the conditions and circumstances surrounding the interview, the objectives of the interview and the fact that the interview is being recorded, and ensure that the right to remain silent is always made clear to the child victim,
7. always give the child victim time and opportunities to describe in his or her own words what has occurred, and for this reason, encourage interviewers to initially, and as much as possible, with regard to the purpose of the interview, use open-ended questions that encourage free-recall narrative accounts,
8. restrict the number of participants present in the interview room, by ensuring that the presence of more than one interviewer at one time is carefully considered with regard to the individual circumstances of the

- case, and make sure that the suspect and his/her defence lawyer are not present in the same room as the child victim during the interview,
9. make efforts to ensure that the child victim, if interviewed on more than one occasion, is interviewed as far as possible by the same person,
 10. put in place mechanisms that make specialised training of forensic interviewers obligatory, and subsequently make continuing in-service training available and promote that training of forensic interviewers include repeated practices, feedback on monitored simulations and systematic analysis of actual recorded forensic interviews,
 11. for the purpose of interviewing, make premises available which are equipped with appropriate technical devices and managed by staff trained in audio-visual interviewing techniques,
 12. make child-friendly interview rooms available nationwide and establish a national standard for furnishing child-friendly rooms and waiting-areas, with respect to the security of the child victim as well as the child's feeling of safety,
 13. as far as it is deemed appropriate and necessary, ensure that an expert is available to listen to the interview in order to assess the immediate need of treatment,
 14. ensure that statements made by child victims with disabilities are not assessed in the same way as statements made by child victims who do not have these disabilities.

G. LEGAL REPRESENTATION

Objective

To ensure legal assistance and representation to the child victim throughout the justice process.

To achieve this objective, it is recommended that the Member States of the European Union should:

- I. put in place provisions which guarantee that, in a conflict of interest between the child victim and the parents/caregivers, an appointment of a lawyer as legal representative is always made to the child victim, and that the responsibility for this appointment lies with the legal authorities,

2. put in place provisions which guarantee the right of the child victim to be represented independently from the parents, by enabling the appointment of a lawyer or other representative to the child victim, paid for by the state, from the outset of the investigation throughout the justice process, on application of the child victim, a representative of the child or by the court at its own motion,
3. ensure specialised training on children's development, reactions to crime and child-sensitive communication for lawyers representing child victims.

H. APPEARANCE IN COURT

Objective

To safeguard the rights of the child victim to be heard, while when appropriate, allowing the child victim to testify outside the court.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. ensure that, as far as it is possible and in accordance with the principle of the best interest of the child, the child victim is not obliged to appear in person in the court room,
2. with regard to the child victim's appearance in court, establish procedures which allow sufficient flexibility with regard to the individual needs of the child victim, his/her specific age and maturity and the individual circumstances of the case,
3. inform the child victim, with regard to age and maturity, well in advance of the trial, about the possibilities and potential consequences with regard to various alternatives of participating/appearing in court, give the child victim the possibility of expressing his/her views on this and give due consideration to the views expressed by the child in this matter,
4. ensure that cases involving child victims are dealt with in child-friendly courts, staffed with public prosecutors and judges specially trained in matters related to child victimisation,
5. put in place legal provisions so that as a main rule, holding the hearing in full or partially behind closed doors, can be justified by the presence of a child in the trial,

6. ensure that competency tests are not mandatory for the child victim to testify and that these tests are made only if there are compelling reasons and the best interests of the child victim so require,
7. ensure that if the child victim appears in court, he/she is prepared for this in a developmentally appropriate way, for example by means of a court orientation, child-friendly devices or multi-media explanations, informing the child victim about the court process or by information from a judge or a person designated to support the child victim during the justice process,
8. further that the child victim is not required to take a formal oath before giving evidence,
9. promote that the judge has the discretionary power to determine, in a particular case, the measures and facilities which are necessary to question the child victim in a child-sensitive way,
10. promote that, where possible, the child victim's testimony in the court room is made in the presence of only the judge, the public prosecutor, the child's lawyer and the defence lawyer,
11. promote that, if the child victim appears in court, questions are not addressed directly to the child by the defendant or his/her lawyer, but by either the judge or an expert appointed by the court,
12. guarantee that the child victim is not cross-examined by unrepresented suspects and encourage judges to make use of their power to interject at examinations, so that the child victim is not subjected to intrusive questions encroaching on his/her private life,
13. ensure that different testimonial aids are available, such as opaque screens, one way mirrors, video-conferencing, and closed circuit television, and that in accordance with the child's age and maturity, the child is given the opportunity to select or influence the selection of testimonial aids to be employed,
14. encourage that recorded statements of the child victim are given the same evidential value as 'live statements' in court, provided the necessary safeguards for the tape-recordings are fulfilled, for example the use of a time-running mechanism, or the presence of the defence and public prosecutor in a separate room.

I. SPECIALISED SERVICES

Objective

To ensure the establishment and provision of services directed to the child victim.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. ensure that legal and psychological assistance is available to child victims going through the criminal justice process,
2. establish continuous support of specialised services directed to child victims within the criminal justice system, provided by governmental services and/or non-governmental organisations,
3. provide financial and other support to non-governmental organisations offering assistance and help to children at risk, or advocating for children's rights,
4. provide financial and other support to non-governmental organisations offering assistance and help to crime victims,
5. set up mechanisms for effective referrals to specialised services directed to child victims, including to non-governmental organisations offering assistance to children at risk or advocating for children's rights, as well as to organisations offering assistance and help to crime victims,
6. promote targeted activities aimed to raise awareness of specialised services, available for children at risk of being victimised and child victims,
7. promote the establishment and continuous operation of toll-free, qualitative and around-the-clock helplines for children,
8. promote the operation and maintenance of the harmonised Europe-wide telephone number 116 111 for child help-lines.

J. TRAINING

Objectives

To guarantee that all criminal justice professionals who come into contact with the child victim have specialised training, and that to this end, strategies are established on how to ensure a uniform and nationwide competence on child victims and their needs within the criminal justice system.

To achieve these objectives, it is recommended that the Member States of the European Union should:

1. ensure that specialised basic training and in-service training is available to various professional groups in the criminal justice system, including court staff, and that national requirements are set up with regard to the training of these professionals,
2. ensure that the training of the police includes certification that should be renewed after an established period of time and after regular evaluation of their skills,
3. develop training with a holistic perspective, embracing the need to prevent repeat victimisation among children as well as measures aimed to support the child victims and his/her caretakers,
4. ensure that training is developed and conducted with the objective of ensuring multidisciplinary management of cases involving child victims,
5. further that basic training of different professional actors in the criminal justice system share common foundations in order to acquire a basic level of understanding for the child victim in the criminal justice process,
6. develop training curricula for justice and law enforcement professionals, which include at a minimum; relevant international standards, child-friendly communication and reactions to victimisation,
7. promote the use of the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime in training, for example by making use of the training modules for child victims and witnesses among criminal justice professionals, developed by the United Nations Office on Drugs and Crime (UNODC),

8. promote training on common signs of exposure, symptoms and reactions to crime, directed to groups of professionals which encounter children outside the criminal justice system, facilitating the identification of child victims,
9. include knowledge about child victims with specific disabilities in training on interviewing, and ensure that before these children are interviewed, experts are consulted in order to avoid wrongful practice.

K. PREVENTING REPEAT VICTIMISATION OF CHILDREN

Objectives

To reduce the incidence of repeat victimisation among children, in particular among children vulnerable to re-victimisation, and to improve services for these children in the criminal justice process.

To achieve these objectives, it is recommended that the Member States of the European Union should:

1. ensure that all forms of violence against children are made illegal, and also ensure that if corporal punishment in any setting still remains legal, measures are taken towards its criminalisation,
2. develop comprehensive strategies, which aim to prevent crimes against groups of children especially vulnerable to re-victimisation, such as children subjected to violence in the family, children subjected to crimes on the Internet, children from deprived areas, children from certain ethnical groups and young lesbian, gay, bisexual and transgender persons, and ensure that these strategies are specially tailored to the needs of the child victim and to the nature of the crime,
3. ensure a prompt and accurate response by the police to incidents of violence against children,
4. promote that all justice professionals should be screened for the purpose of determining whether they have prior convictions for crimes against children,
5. adopt national policies on the prevention of certain crimes, committed against children by other children, such as abuse, harassment, defa-

- mation and slander, as well as other criminal acts which would be considered as bullying,
6. promote proximity and support of the police in the community, and amongst children in particular, through specific crime prevention programmes, like neighbourhood watch programmes and co-operative confidence-building and preventive measures in schools,
 7. in training for criminal justice professionals, place special emphasis on groups of children who are likely to be victimised repeatedly.

L. CHILD VICTIMS IN CROSS-BORDER SITUATIONS

Objective

To facilitate an effective and child-sensitive management of cases involving children subjected to cross-border crime.

To achieve this objective, it is recommended that the Member States of the European Union should:

1. ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No 201,
2. ratify the Council of Europe Convention on Trafficking in Human Beings, CETS No 197, which includes articles that specifically address child victims of such crime,
3. set up data collection mechanisms to gather information on the extent of cross-border victimisation among children,
4. develop national action plans or guidelines to address victims of sexual exploitation of children,
5. give due attention to the situation of children who have been trafficked in national action plans on the fight against human trafficking,
6. advance a child-sensitive approach in the development, implementation and assessment of policies and programmes for victims of cross-border crime,
7. take measures to raise awareness among professionals and the public in general on the incidence of child trafficking,
8. establish and support specialised services for the support of child victims of trafficking,

9. make specialised training available for professionals in law-enforcement agencies on the investigation of child trafficking, both on the national and international levels,
10. develop and conduct training with the objective of ensuring multi-disciplinary management of cases involving child victims in cross-border situations,
11. promote European co-operation and exchange of information on the special problems connected to children who are victims of cross-border crime, which promote ways and means to support child victims of cross-border crime, through the criminal justice process.

Recommendations to the European Commission

1. THE CHILD VICTIM AND FUNDAMENTAL RIGHTS

Recalling

The Charter of Fundamental Rights of the European Union which recognises children's rights to protection and care and the principle of the child's best interests but also the Lisbon treaty, which serves as a basis for main-streaming and implementation of children's rights in the Union.

Recommendation to the European Commission

The European Commission should ensure that attention is given to child victims in its future work on fundamental rights and in the realisation of its cross-cutting approach towards children's rights in the Union.

2. THE CHILD VICTIM AS A VULNERABLE CITIZEN

Recalling

the Stockholm Programme – An open and secure Europe serving and protecting the citizens, Council of the European Union, Brussels 2 December 2009, 17024/09, which stresses the special needs of vulnerable people in general as well as the need for greater protection of vulnerable groups of crime victims in particularly exposed situations.

Recommendation to the European Commission

The European Commission should identify children victimised from crime, as particularly vulnerable groups of citizens when promoting citizenship and protecting the interests and needs of citizens in the European Union.

3. THE CHILD VICTIM AND THE RIGHTS OF CRIME VICTIMS

Recalling

the Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, (2001/220/JHA) the reports on its implementation as well as the ensuing wide-ranging impact assessment, conducted by the European Commission in order to consider legislative and practical measures to further improve the position of crime victims.

Recommendation to the European Commission

The European Commission should give special attention to child victims in the revision of the present legislation on the rights of crime victims, and when assessing further improvements for crime victims in the European Union.

4. PUTTING THE CHILD VICTIM ON THE AGENDA IN THE EU

Recalling

the Forums on the Rights of the Child, which bring together key stakeholders and which aims to develop and implement strategies to promote the rights of children at national and international levels, and the Justice Forums, introduced as a forum to examine issues in the area of justice and home affairs, to create an environment of open dialogue and to put the Commission in contact with professionals working in the field of justice.

Recommendation to the European Commission

The European Commission and the Co-ordinator for Children’s Rights should make sure that the situation of child victims in the criminal justice process are placed on the agenda of forthcoming Forums on the Rights of the Child and Justice Forums, as well as on the agenda of other events in the field of criminal justice and the rights of the child.

5. THE CHILD VICTIM AND THE STRATEGY ON THE RIGHTS OF THE CHILD

Recalling

the Commission’s communication “Towards a strategy of the rights of the child”, which establishes that the European Union can bring essential and fundamental added value in the field of children’s rights, and which aims to identify priorities for future EU action in the field of children’s rights.

Recommendation to the European Commission

The European Commission should ensure that issues related to child victims are systematically integrated in the future strategy of the rights of the child, as well as in the ensuing evaluation and follow-up of that strategy.

6. THE CHILD VICTIM AND INFORMATION IN THE EUROPEAN UNION

Recalling

That, according to the Council conclusions to ensure fulfilment of the rights of and improve support to persons who fall victim to crime in the European Union, persons who fall victim to crime should have appropriate access to information of relevance to their case and necessary for the protection of their interests and the exercise of their rights, as far as possible in a language that they understand.

Recommendation to the European Commission

The European Commission should contribute to the development of information on the rights of child victims and the support available to child victims, for example through the use of the e-Justice Portal.

7. THE CHILD VICTIM AND CHILD PARTICIPATION

Recalling

The commitment of the EU Member States to increase the participation of children and young people in developing policies.

Recommendation to the European Commission

The European Commission should ensure that in the development of improved support to crime victims in the European Union, children are involved and given a possibility to influence their situation as crime victims.

8. THE CHILD VICTIM AND EXPERTISE IN THE MEMBER STATES

Recalling

the objective set out in the Stockholm programme on the development of action at Union level, which should involve Member States' expertise and which should consider a range of measures, including non-legislative solutions, such as agreed handbooks and sharing of best practice.

Recommendation to the European Commission

The European Commission should make use of existing European networks in order to give attention to child victims in the criminal justice process, and also consider the establishment of a permanent expert committee to deal with issues connected to child victims in the criminal justice process.

9. THE CHILD VICTIM AND TRAINING OF CRIMINAL JUSTICE-PROFESSIONALS

Recalling

The need for adequate training of various professional groups in the criminal justice system, called for in the CURE project by the Member States and various actors involved with support of child victims, and also recalling the Council decision of 20 September 2005 establishing the European Police College (CEPOL) which sets forth, among other things, that CEPOL should contribute to the preparation of harmonised programmes for the training of police, develop training programmes, provide training for trainers and disseminate best practice and research findings.

Recommendation to the European Commission

The European Commission should contribute to training activities at the level of the European Union for criminal justice professionals who meet child victims.

Recommendation to the European Commission

The European Commission should integrate the management of cases involving child victims as elements in the future common European police training.

10. THE CHILD VICTIM AND EUROPEAN GUIDELINES ON INTERVIEWING

Recalling

the need for improved competence in the field of investigative interviewing and the need to avoid unnecessary repeat questioning of child victims,

Recommendation to the European Commission

The European Commission should further the development of European guidelines on investigative interviewing of child victims.

11. THE CHILD VICTIM AND VICTIM SUPPORT ORGANISATIONS

Recalling

article 13 of the Framework Decision on the standing of victims in criminal proceedings, which states that each Member State shall, in the con-

text of proceedings, promote the involvement of victim support systems responsible for organising the initial reception of victims and for victim support and assistance thereafter, but also recalling that many victim support organisations suffer from insufficient funding.

Recommendation to the European Commission

The European Commission should contribute to the establishment and continuous support of specialised services directed to child victims in the criminal justice process, provided by governmental services and/or non-governmental organisations, for example by means of securing financial and/or other support to victim support organisations.

12. THE CHILD VICTIM AND CHILDREN’S RIGHTS ORGANISATIONS

Recalling

that the civil society can play an important role in providing assistance to child victims, but also recalling that nowadays, many organisations working for children and children’s rights suffer from insufficient funding.

Recommendation to the European Commission

The European Commission should contribute to the establishment and continuous support of specialised services provided by governmental services and/or non-governmental organisations, directed to child victims in the criminal justice system as well as to those who have not yet accessed this system, for example by means of securing financial and/or other support to organisations working to raise awareness and to strengthen children’s rights.

13. THE CHILD VICTIM AND BEST PRACTICES

Recalling

the need for evidence-based practices to empower child victims in the criminal justice process.

Recommendation to the European Commission

The European Commission should use its different possibilities to fund programmes, projects and research that will bring forward evidence-based practices, practices characterised by a multi-disciplinary approach and which may empower child victims in the criminal justice process.

Main conclusions of the CURE project

Based on the studies conducted within the CURE project, the considerations in the CURE report and the recommendations in this document, the project leaders and the group of experts of the CURE project have reached the following conclusions:

1. Children as vulnerable victims of crime

All children subjected to crime should be considered as particularly vulnerable victims, so that they can benefit from specific treatment best suited to their circumstances.

In setting out legislative provisions and designing protective measures in the criminal justice process, the legislator should consider the common needs of children who are victims of crime, irrespective of the crime they have been subjected to.

Child victims should be defined and considered as children in the context of the criminal justice process up to the age of 18.

2. A holistic perspective on child victims

All actions targeting child victims in the criminal justice process should be permeated by a holistic approach, embracing prevention of repeat victimisation of children as well as secondary victimisation, by means of support to the child victim in the different stages of the process.

Meeting the needs of child victims necessitates a response based on a multidisciplinary approach and collaboration between agencies in the judicial system as well as with non-governmental organisations and agencies outside the judicial system.

The policy responses as well as the individual responses to child victims in the criminal justice process should always consider the need for flexibility, taking into account the individual circumstances as presented in each case, including the seriousness of the crime.

3. The need for a child-specific response

Child victims should, given due consideration to their level of understanding, have the possibility to personally take legal action to defend their fundamental rights and access to justice. To this end, they should have access to legal representation, independently of their parents and guardians, and to child-friendly procedures which may facilitate their access to remedies.

Age should not be the only factor governing the legal protection and provision of support to child victims, but the variable levels of maturity and evolving capacities of the individual child should also be considered.

Child-specific legal provisions and supportive measures should be developed in order to improve access to justice and support to child victims.

4. Empowering the child victim

National strategies protecting the child victim in the criminal justice system should be developed.

Information targeting child victims should be available in a child-friendly language and design. When information to child victims is provided in the course of the criminal justice process, it should be adapted to their needs and provided in accordance with a system of control and a detailed set of policies.

All criminal justice professionals who come into contact with victimised children must be trained to deal with child victims and all investigative interviewers must have specialised training in interviewing techniques and issues related to child victimisation. Special attention should be given to training of judges who try cases involving child victims.

Specialised services directed to child victims, provided by governmental services and/or non-governmental organisations, should be established and given continuous support by the state.

Cases involving child victims should be managed by specialised units within the police and by courts which have child-friendly premises and other facilities adapted to child victims, and which are staffed with public prosecutors and judges specially trained in matters related to child victimisation.

In line with these considerations,

the CURE project invites the European Commission and the Member States to draw on and elaborate on the recommendations with a view to:

- establish a minimum standard of legal protection and support of child victims in the criminal justice process,
- bring forward and exchange research and best practices related to the situation of the child victim in the European Union,

- include issues related to the situation of child victims in the criminal justice process in common training for criminal justice professionals at the level of the European Union,
- develop child-friendly information directed to children who are crime victims.