CURE is co-funded by the Prevention of and Fight Against Crime Programme, European Commission Directorate-General Justice, Freedom and Security. It is run in co-operation with partners in eight Member States and one candidate country: The Ministries of Justice in Belgium, Finland, France, Italy, Romania and Croatia, the Victims and Witnesses Unit of the Scottish Government, the Office of the Public Defender of Rights of the Slovak Republic and the Portuguese Association for Victim Support (APAV).
Child victims in the Union
- Rights and Empowerment

A report of the CURE project 2009-2010

Disclaimer:
The sole responsibility of this report lies with the Crime Victim Compensation and Support Authority. The European Commission is not responsible for any use that may be made of the information contained herein.

The Crime Victim Compensation and Support Authority
Sweden
Respect me so I would respect others.
Forgive me so I could forgive.
Listen to me so I could listen.
Do not beat me so I wouldn’t beat.
Do not humiliate me so I wouldn’t humiliate.
Talk to me so I could talk to others.
Do not laugh at me.
Do not offend me.
Do not ignore me.
Love me so I could love.
I am learning life from you.

This poem is originally from the “Childhood without violence” campaign realised in 2001 in Poland by Nobody’s Children Foundation, State Agency for Solving the Alcohol-Related Problems and the Emergency for the Victims of Domestic Abuse Blue Line.
# TABLE OF CONTENTS - THE CURE REPORT

**ACKNOWLEDGEMENTS** .......................................................................................... 1  
**EXECUTIVE SUMMARY** ..................................................................................... 4  

## CHAPTER 1 The CURE project ........................................................................... 12  
1.1 Introduction ....................................................................................................... 12  
1.1.1 Background .................................................................................................. 13  
1.1.2 The Crime Victim Compensation and Support Authority .................. 14  
1.1.3 The objectives of the CURE project ......................................................... 15  
1.1.4 Beneficiaries and target groups ............................................................... 15  
1.1.5 The Swedish Presidency of the European Union ................................. 16  
1.2 The CURE approach ....................................................................................... 17  
1.2.1 A twofold perspective of the CURE project ......................................... 17  
1.2.2 A rights-centred perspective ................................................................. 17  
1.2.3 Empowerment of child victims .............................................................. 18  
1.2.4 The holistic approach of the CURE project .......................................... 18  
1.2.5 The themes of the CURE project ........................................................... 21  
1.3 Methodology .................................................................................................... 23  
1.3.1 Introduction ............................................................................................... 23  
1.3.2 The expert group and reference groups .............................................. 23  
1.3.3 The role of the partners ......................................................................... 26  
1.3.4 The studies of the CURE project ........................................................... 27  
1.3.5 The CURE conference ........................................................................... 28  
1.4 International standards .................................................................................. 30  
1.4.1 Introduction ............................................................................................... 30  
1.4.2 Vulnerable victims of crime .................................................................... 31  
1.4.3 Child victims and children’s rights ......................................................... 33  
1.4.4 The Convention on the Rights of the Child ........................................ 33  
1.4.5 The UN Guidelines on Justice in Matters involving Child Victims  
   and Witnesses of Crime .............................................................................. 35  
1.4.6 Initiatives on child victims at the international level ............................. 37  

## CHAPTER 2 The surveys ..................................................................................... 40  
**Part 1 General questions to the ministries of justice** ...................................... 40  
2.1. The studies and the methods of reporting ............................................. 40  
2.2 Addressing the issue of child victims ..................................................... 42  
2.3 Rights of child victims in the criminal justice procedure .................... 50  
2.4 Provisions aimed to facilitate the situation of the child victim ............ 52  
2.5 Measures applying to certain groups of child victims .......................... 55  
2.6 Protection of child victims in transnational cases .................................. 56  
2.7 The UN Guidelines on Justice in Matters involving Child Victims and 
   Witnesses of Crime ....................................................................................... 57
2.8 Strategies to prevent repeat victimisation against children .................................. 58
2.9 Major problems of the child victim in the criminal justice procedure ... 60
2.10 Improvements at the EU level ............................................................................. 62

Part 2 Thematic questions ....................................................................................... 63
2.11 Information ......................................................................................................... 63
2.12 The child victim during investigation ................................................................ 69
2.13 Legal representation of child victims .................................................................. 81
2.14 The child victim’s appearance in court .............................................................. 87
2.15 The question form directed to the police .......................................................... 98
2.16 The question form directed to the European Network of Ombudspersons for Children .......................................................... 105
2.17 Questions directed to NGOs ............................................................................. 109

CHAPTER 3 Interesting development and best practices ......................... 118
3.1 The CURE approach to best practices .............................................................. 118
3.2 Child Abuse and Neglect in Eastern Europe (CANEE) ...................................... 119
3.3 Multi Agency Risk Assessment Conference (MARAC) ..................................... 121
3.4 The Children’s House Model ............................................................................. 123
3.5 The MUSAS projects .......................................................................................... 128
3.6 Recognition, criminal process and co-operation between authorities - a report from the Police College in Finland .......................................................... 130
3.7 Investigative interview training of police officers in Sweden; ......................... 133
3.8 The Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking ...................................................................................... 135

CHAPTER 4 Recommendations of the CURE project ......................... 138
Background document to the recommendations ..................................................... 138
Statement of principles of the CURE project ......................................................... 142
Recommendations to the Member States of the European Union ..................... 145
Recommendations to the European Commission ................................................ 161
Main conclusions of the CURE project .................................................................. 166

Appendixes ............................................................................................................. 169
Appendix 1 Question form to Ministries of Justice ................................................. 170
Appendix 2 Question form to Police ....................................................................... 174
Appendix 3 Question form to ENOC ..................................................................... 175
Appendix 4 Conference programme ....................................................................... 176
Appendix 5 Abstract of the keynote speech at the CURE-conference ........... 178

References ............................................................................................................. 181
ACKNOWLEDGEMENTS

The success of a project like CURE is to a great extent dependent on information from many persons representing different institutions, organisations and professions. A great number of persons have given us different kinds of information, but also great support during the course of the project. Without naming or forgetting anyone, we want to express our deepest gratitude to all of you.

First of all, we owe a great debt of gratitude to the international group of experts for the time they have spent so generously on the project and for sharing their expertise with us. We are also grateful to Mrs Birgitta Engberg, Detective Superintendent at the Police Academy in Stockholm, who participated and contributed with her expertise at two of the expert meetings.

A special thanks goes to our contact persons in the partner Member States, who have bestowed us with so much information and helpful comments: Vicky de Souter, Attaché, Ministry of Justice, Belgium, Vlasta Kovačević, Head of Sector for Human Rights and Free Legal Aid, European Union and Human Rights Directorate, Ministry of Justice, Croatia, Mervi Sarimo, Senior Planning Officer, Ministry of Justice Finland, Didier Leschi, Head of Department Access to Law and Justice and Community Work, Ministry of Justice, France, Emilia De Bellis, Judge, Director of the Human rights’ Office, Department of Judicial Affairs, Ministry of Justice, Italy, Frederico Marques, Technical Advisor to the Board of APAV and project officer, and Carmen Rasquete, Adviser & International liaison officer, Portuguese Association for Victim Support (APAV), Portugal, Mădălina Manolache, Legal advisor and Daniela Mihai, Counsellor for European Affairs, European Affairs Department, Ministry of Justice, Romania, Bill Hepburn, Head of Victims of Crime Branch, Victims, Witnesses, Parole & Life Sentence Division, Criminal Justice Directorate, Scottish Government, and Lenka Bodnárová, JUDr., Legal officer, the Office of the Public Defender of Rights, Slovakia.

The question form to the ministries of justice was dispatched through the Permanent Representations of the Member States to the European Union with the kind assistance of Mrs Linalotta Petrelius-Ndisi, Legal counsellor at the Permanent Representation of Sweden to the EU. We want to express
our sincere gratitude to the persons at the Ministries of Justice, the police, the ENOC network and the non-governmental organisations, who have spent time and put efforts in responding to the CURE question forms and a number of other questions. Also our contact persons in the Member States, where we have had no partners, receive our appreciation.

There are some persons to whom we are particularly indebted for their valuable assistance and helpful comments:

Polina Atanasova, ENOC Secretariat, Council of Europe,
Christina Back, Social worker, team leader, Children’s house (Barnahus) in Linköping, Sweden,
Zuzana Baudysova, Founder and Director, Our Child Foundation, the Czech Republic,
Ann-Christin Cederborg, Professor, Department of Child and Youth Studies, Stockholm University, Sweden,
Cathy Cobley, Senior Lecturer in Law, Cardiff Law School, England,
Peter Csonka, Head of Unit, Criminal Justice, Directorate-General Justice, Freedom and Security, European Commission,
Simon Deacy, Chief Superintendent, Police/CPS Victim and Witness Care Delivery Unit, England/Wales,
Helena Ewalds, Development Manager, National Research and Development Centre for Welfare and Health (STAKES), Finland,
Ruth Farrugia, Advocate and Senior Lecturer, Faculty of Laws, University of Malta,
Ezzat Fattah, Professor emeritus, School of Criminology, Simon Fraser University, Canada,
Pietro Forno, Vice Prosecutor in charge of offences against juveniles, Ministry of Justice, Italy,
Patrick Geary, Legal Co-ordinator, Child Rights Information Network (CRIN), England,
Joanna Goodey, Dr., Head of Department, Freedoms and Justice European Union Agency for Fundamental Rights (FRA)
Bragi Guðbrandsson, General Director, Government Agency for Child Protection, Iceland,
Frank Hengeveld, Executive Officer, Victim Support Europe, the Netherlands,
Sanna-Mari Humppi, Researcher, Police College of Finland,
Peter Irgens, International secretary, Children’s Rights in Society (BRIS), Sweden,
Maria Keller Hamela, Director for Foreign Co-operation, Nobody’s Children Foundation, Poland,
Malin Källström, Detective Superintendent, National Police Board, Sweden,
Michael Lamb, Professor, Faculty of Politics, Psychology, Sociology and International Studies, Cambridge, England,
Patrik Lillqvist, Superintendent, Domestic Violence Unit, Stockholm County Police, Sweden,
Lars Lööf, Head of Children’s Unit, Council of the Baltic Sea States (CBSS), Sweden,
Christian Maes, Honorary First Solicitor-General, Court of Appeal of Ghent,
Anu Mantila, State Prosecutor, Office of the Prosecutor General, Finland,
Zdravko Miočević, Legal officer and Deputy Principal of the Center for Child Protection, Zagreb, Croatia,
Thomas Mueller, Programme Manager Europe, Child Helpline International, the Netherlands,
Peter Newell, Child Rights Information Network (CRIN) and Co-ordinator of the Global Initiative to End All Corporal Punishment of Children,
Marianne Ny, Head Prosecutor, Prosecution Development Centre in Gothenburg, Sweden,
Monika Olsson, Director, Division for Crime Policy, Ministry of Justice, Sweden,
Frida Peterson, Senior Research & Policy Officer, Victim Support Scotland,
Nadia Pollaert, Director General, International Bureau for Children’s Rights (IBCR), Canada,
Sandy Ruixton, Independent policy advisor and researcher, England,
Detlef Schroeder, Head of Programmes, European Police College, CEPOL,
Tora Wigstrand, Director, Division for European Union Affairs, Ministry of Justice, Sweden,
Renate Winter, Ex president, member of the Appeals Chamber of the Special Court of Sierra Leone, Undersecretary General of the UN, President of the International Association of Youth and Family Court Judges and Magistrates,
Anna Zito, Co-ordinator, Rights of the Child, European Commission,
Inger Åsebo, Head of Barncentrum (Children’s Advocacy Center), Stockholm, Sweden.

Finally, we would like to point out that the responsibility for any errors or inaccuracies in the report remains that of the CURE project leaders alone.
EXECUTIVE SUMMARY

Child victims in the Union – Rights and Empowerment, CURE, has been a project on the situation of victimised children in the criminal justice system. It has had the ultimate aim to provide recommendations for an improved position of child victims in the European Union. The CURE project was initiated and run by the Crime Victim Compensation and Support Authority in Sweden during 2009-2010.

Child victims are identified as a vulnerable group of victims in the legislation of many Member States. Over the last couple of years, the legislative activity on issues related to certain groups of child victims and witnesses has been high. This has led to the establishment of a number of procedural safeguards aimed to protect the child victim from hardship in the criminal justice process. These are primarily concerned with how the child victim is interviewed and with ways to avoid that the child victim is confronted with the suspect.

The surveys

Information

Although a need for information about the criminal justice system adapted to children has been recognised in some parts of the Union, few Member States have addressed the issue of how information is actually provided to a child victim who enters the criminal justice system. Only a few Member States have adopted child-specific legal provisions on information to crime victims. Neither has general information about the rights of child victims and their possibilities to receive support been developed in many Member States. Above all, there are no indications on structures or policies for the provision of information to the child victim. The measures that have been taken seem ad-hoc-like and scattered.

Telephone helplines set up for children at risk and for crime victims exist in most Member States and they are considered as possible sources of information.

The investigative interview

Almost no governments refer to child-friendly mechanisms for reporting crimes. Several Member States report about a legal obligation to notify crimes against children to social welfare authorities. Legislative measures have
also been taken to regulate the balance between the professional secrecy imposed on certain groups of professionals and the need to protect a child in danger, but the impression is that the opinions on mandatory reporting of crimes against children vary considerably in the Union as well as within the Member States.

Most Member States have adopted special procedures for the hearing of children in criminal proceedings. These are mainly characterised by the objective to prevent the child victim from being heard repeatedly and by the involvement of psychological expertise.

The need for interview rooms adapted to children appears to be accepted in the majority of the responding states, although most Member States have not given priority to modifying their premises to this need. From this follows that child-friendly interview rooms are available throughout the Union, but in a scattered manner.

Very little information has been supplied by the Member States about the persons present when the child victim is interviewed and the timing of the interview.

The information indicates that it is commonly recognised that only trained professionals should conduct investigative interviews with child victims, and that such training is called for in many parts of the Union. In spite of this, training activities on the situation of the child victim, which target different groups of criminal justice professionals and which are conducted in a consistent manner, do not seem to be common. Clear requirements on qualifications with regard to training on this matter is lacking in many Member States. Neither are guidelines entirely devoted to the interviewing of child victims at hand in all parts of the Union. It is essential that such guidelines are set in place and applied in training of investigative interviewers.

**Legal representation**

Where there is a conflict of interest between the child and the parent, the law in many Member States provides for possibilities to appoint an ad hoc curator or a lawyer to represent the child victim. Less consideration is paid to legal representation of child victims in other circumstances. The issue of who should look after the interests of a child victim to be legally represented in criminal proceedings, independently of his/her parents or guardians, has largely been left unanswered. Nor are the skills or the training of persons...
representing the child victim in the criminal proceedings an issue of concern. If access to justice is to have a practical meaning, the child victim must be able to be legally represented independently of the child’s parents and guardians.

**Appearance in court**

The information from the Member States seems to indicate that it is a recognised principle in the Member States that young child victims should not appear in court. This principle is manifested by the possibilities which exist in all Member States to allow pre-trial evidence, i.e. recorded statements in the court. The legislation that conveys this principle depends on a number of circumstances however and is curbed in different ways. The issue of whether the child should be summoned to be heard in court is often assessed on a case-by-case basis. A number of Member States have set up age limits with respect to the hearing of child victims/witnesses in criminal proceedings.

Although legislative and/or other measures have been taken to reduce the number of interviews with child victims in most Member States, and although in theory, there are manifold possibilities to hear the child victim outside the court, repeat questioning of child victims stand out as a major problem in many Member States.

When the child is obliged to appear in person in the court, very few Member States report about mechanisms aimed towards informing and preparing the child victim for this experience.

With regard to the delicate question of whether the child victim should appear in court to testify, flexibility is key. This necessitates a legislation that is not too rigorous and professionals who are familiar with the needs of victimised children.

**Support to child victims**

Few specialised services for support to child victims have been set up within the criminal justice system and NGOs are often considered as the obvious service providers to crime victims. It appears as if the majority of the Member States do not consider support provided to child victims in the context of the criminal justice process as the responsibility of the state.

Two forms of NGOs may be of relevance when child victims are in need of support: organisations working to support children and victim
support organisations. All the responding organisations are able to help child victims, but too few are specialised in assisting the child victim in the context of the criminal justice process. Many organisations have insufficient resources which makes it difficult for them to expand their activities and to specialise.

The NGOs are important in their role as providers of assistance to child victims. But they are also bearers of knowledge on child victims. In this role, they contribute to advocacy on issues of concern for the child victim, and to help raise awareness and opinion on the situation of child victims. Other functions which they assume are to initiate co-operation with the actors in the criminal justice system and to conduct training for other professionals. In this way, they have an important task in contributing to the implementation of legislative and policy objectives. In view of this, Member States should not only recognise these NGOs, but also encourage their establishment and financing, without renouncing the State’s ultimate responsibility for supporting child victims in the criminal justice process.

**The police**

Police units and police officers that are authorised to deal with child victims are in place in most parts of the Union. Few of them seem to be exclusively specialised on victim issues or on children, but act on a wider mandate which comprises juvenile delinquency and domestic violence. Specialisation has still not developed in a coherent manner. In spite of this, the view of the police on their role vis-à-vis the child victim very much amounts to specialisation.

**A holistic approach**

Information on mechanisms, working methods and training which are characterised by a multi-professional approach is scant. Not many examples have been given of co-operation between various professional groups and between these professionals and NGOs in the Member States. In this respect, the Barnahus model is notable as an outstanding example of a multi-disciplinary approach in dealing with child victims.

It is difficult to assess how the UN Guidelines on Justice in Matters involving Child Victims and Witness of Crime are employed on a national level, but they are not accessible in many of the languages of the EU Member States. Very little information is provided about efforts to minimise the length of criminal proceedings when child victims are involved.
A holistic approach towards the child victim should also embrace the prevention of repeat victimisation. It is not possible in this context, to distinguish a clear pattern on what is done in this respect. It is essential that the Member States address groups of children at risk of being repeatedly victimised, other than those who are subject to domestic violence and human trafficking.

Summing up

Rights and empowerment

The declaration that child victims have the same rights as other victims might be correct in theory but is a qualified truth because of the limited possibilities for child victims to access their rights. This can be illustrated by the right to information, which lacks practical meaning if the information is not adapted to children and the right to be heard, which is likewise of no significance if the views of the child victim are not considered.

The possibility for child victims to take legal action following a crime is for natural reasons restricted. This notwithstanding, a view of children as subjects of rights must imply that when children are subjected to crime, they should be equipped with tools to access information. They should be provided with legal representation, independently of their parents and they should be given possibilities to give their view on if and how they should be heard in court.

Research and experience have shown that it is crucial for the child victim to know what has already happened and what will happen in the criminal justice process. To leave children without information is not only to ignore their rights, but it may also instil a sense of insecurity into the child victim. This may impact on the quality of the statement. It is equally important that there is someone available who can listen to and support the child victim before, during and after the criminal proceedings.

Broadening the perspective

It is clear that legislation and policies designed for child victims have developed for the better over the last couple of years. In spite of this, only certain groups of child victims are regarded as vulnerable. The most striking outcome drawn from the information on procedural safeguards and special measures available to child victims is that most of them are surrounded by restrictions with regard to the age of the child and the crime committed. These restrictions have the most severe crimes in view. In relation to the individual child victim they may be discretionary and haphazard. Applying
the principle of the best interests of the child should not be restricted to certain crimes. In view of this, the expansion of offences for which the child victim can qualify for testimonial aids and special measures should be promoted.

All children develop at a different pace and have evolving capacities. For this reason, all child victims below 18 should automatically be eligible for special measures.

**Best practices**

The apparent lack of best practices set up to facilitate the situation of the child victim in the criminal justice process must be considered in view of how the concept of best practice is looked upon. Legislation with the purpose to benefit child victims has been enacted in the Member States. In this general sense of the word, best practices are put in place. There are however, very few examples of concrete activities conducted in the Member States to realise the standards. A possible contention is that the awareness of the actual management of child victims is poor outside the agencies of the criminal justice system and outside the circle of people who are closely involved with support to child victims. In view of this, there is a need for exchange of information on working methods and policies between the Member States. But it is just as important to raise a discussion on the concept of best practice and its tenor, and to encourage studies and research on practices that can facilitate the experience of the child victim in the process.

**The future**

Today, the issue of child victims is often dealt with in the context of crime reduction and juvenile delinquency. This applies on a theoretical level, when strategies and action plans are outlined, but also in practice when professionals are trained and specialised units are set up. Awareness-raising and knowledge of the child victim can be realised within a broader framework, but should above all be recognised as a separate issue that deserves attention.

One conclusion from the studies in the CURE project is that the situation of the child victim, and the support which child victims should receive in the context of the criminal justice process, is not sufficiently considered in criminal justice policies. The overall picture and the holistic approach called for in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime seem to be missing. The situation which child victims face in the justice system requires rights which are justiciable
and a strategic approach in criminal justice policies. One way to improve the legal protection of the child victim is through binding legislation and through child-specific provisions in particular.

Structured mechanisms based on a multi-disciplinary approach are also needed to empower the child victim to meet the needs of the criminal justice process. Although standards and strategies are necessary, flexibility is key when assisting a child victim in the process. To be able to meet the needs of the individual child victim, general and specialised training for criminal justice professionals is required. The ambition to provide training to criminal justice professionals must be bolstered by clear criteria, and cover all the groups in the criminal justice system.

Maybe it is fair to say that the Member States have reached about half way. Looking at child victims as a separate group in the context of the criminal justice process is a very new phenomenon and there is no real discourse on this matter. Certain groups of child victims have been prioritised, notably victims of sexual crimes and trafficking in human beings. The result is that many child victims fall through the cracks. The age limits set up with respect to safeguards and protective measures may counteract the child perspective. Child victims have common needs by virtue of being children. With respect to this fact, the measures taken in the Member States appear as disconnected and fragmentary.

The CURE project should be seen as a first step to highlight issues of concern but further research is needed to gain knowledge on the implementation of law and policies. The next steps should deal with putting the standards into practice. One major conclusion from this project is that there is a need for evidence-based research on ways and means to assist the child victim in criminal proceedings.

A number of actors have shown interest in advancing the plight of child victims at the level of the EU. With a view to the actions envisaged in the Stockholm programme, the 2009 Council conclusions on support to persons who fall victims of crime in the European Union and the future strategy on the rights of the child, various possibilities are at hand. A major goal in the CURE project has been to establish a minimum standard of legal protection and support of child victims in the criminal justice process. To achieve this, the European Commission and the Member States are invited to draw on the CURE recommendations with a view to:
• develop national strategies protecting the child victim in the criminal justice system,
• develop child-friendly information directed to children who are crime victims,
• bring forward and exchange research and best practices related to the situation of the child victim in the European Union,
• further the development of European guidelines on investigative interviewing of child victims,
• include issues related to the situation of the child victim in the criminal justice process in common training for criminal justice professionals at the level of the European Union.
CHAPTER 1
The CURE project

1.1 Introduction
Child victims in the Union – Rights and Empowerment (CURE) is a project on the current situation of victimised children in the criminal justice systems. CURE has had the ultimate aim to provide recommendations for an improved position of child victims in the European Union. The acronym CURE, with its double connotation, is intended to arouse associations to a positive development of legislation and support to child victims. Although child victims seldom can be cured in the criminal justice process, the overriding objective must be that secondary victimisation can be avoided by means of rights and empowerment and that the criminal justice system contributes to the recovery of the child victim.

CURE has been carried out at the Crime Victim Compensation and Support Authority in Sweden. CURE is co-funded by the Prevention of and Fight against Crime Programme, (ISEC) of the European Commission, Directorate-General Justice, Freedom and Security. It has been run in cooperation with partners in eight Member States, the ministries of justice in Italy, Finland, France, Belgium, Romania, the Victims and Witnesses Unit of the Scottish Government, the Office of the Public Defender of Rights of the Slovak Republic, and the Portuguese Association for Victim Support (APAV) and with the Republic of Croatia.

The report is divided in four chapters. The first chapter covers the reasons underpinning the decision to carry out the CURE project, the structure of the project, working-methods and the legal framework that serves as a basis for the project. The second chapter outlines the result of the studies on the legal position of the child victim. The third chapter is about interesting development and best practices and the fourth chapter presents the two sets of recommendations developed in the project and the main conclusions.

This report is not about the causes, consequences and problems of criminal victimisation of children. Many others have elaborated on these matters. With a few exceptions, the issue of child victims in the criminal justice process has not been given much attention at an international level. Too many children must confront the criminal justice system as victims of crime. For reasons of humanity, in view of increased knowledge and in accordance
with international victim’s rights instruments, we all have an obligation to empower the children who have been disempowered by crime.

Little Piglet in A. A. Milne’s stories about Winnie the Pooh found it difficult to be brave when being just a little Piglet. It has been our belief that child victims should not have to be afraid when entering the criminal justice system. If all of us strive together, we can empower the little Piglets to go through the criminal justice process in a more confident way.

1.1.1 Background

Children are more exposed to crime than other groups of individuals. Children subjected to crime are also particularly vulnerable when entering the criminal justice system. The reasons are connected to the fact that this system is not adapted to children. This means that child victims and witnesses do not have the same access to justice as adults. It also might lead to secondary victimisation. Not responding to the needs of child victims might be detrimental to the well-being and development of these children. Another effect is lack of confidence in the judicial system.

It is a well-known fact that the criminal justice process is not always sensitive to the needs of child victims. Investigating crimes against children is a difficult task with a number of particular problems. This applies in particular to violent and sexual crimes but the difficulties are not necessarily restricted to these kind of crimes. For this reason, it is imperative that adults act on behalf of the children and that legislation as well as policies are designed to secure the legal safety of child victims. Another matter which comes to its head when dealing with child victims is how to strike the balance between rule of law and consideration to the needs of child victims. Working methods and procedures must be developed to empower child victims to provide evidence that meet the requirements of the criminal judicial system.

The decision to conduct a project on child victims can be traced back to what is described above but also to current development in two different areas in which the European Union is an important actor: the mainstreaming of children’s rights and the furtherance of crime victims’ rights. The ongoing activities in these areas provide opportunities to come forward with proposals on how to improve the situation of child victims.

Protection of crime victims is recognised as a central concern in the European Union. The Council Framework Decision on the standing of victims in criminal proceedings which provides for minimum rights of crime
victims, states that victims who are particularly vulnerable should benefit from specific treatment best suited to their circumstances. The recent European Commission report on the Framework Decision shows however that implementation on victim’s rights is poor in general. It is easy to conclude that it is even poorer when it comes to child victims.

A number of very serious crimes against children have trans-national character but there are great disparities as to how the EU Member States treat child victims. To safeguard and secure children’s rights in the Union, child victims should have the same protection, irrespective of where the crime has occurred. In view of this, international co-operation is needed and measures which can bring added value at the level of the European Union must be identified. With regard to the forthcoming work on crime victims and children’s rights in the Union, it was considered urgent to raise the issue of child victims at the level of the European Union.

1.1.2 The Crime Victim Compensation and Support Authority

The Crime Victim Compensation and Support Authority is a national authority in Sweden, subordinate to the Ministry of Justice in Sweden, which acts for the needs and interests of crime victims. The rights of crime victims to information and to correct treatment are defined as the main priorities of the authority.

The authority has national responsibility for three areas: criminal injuries compensation, the Crime Victim Fund and the Centre of Competence. State compensation to crime victims is administered in accordance with the Act on Criminal Injuries Compensation. The responsibility of the authority includes information on the compensation scheme, assistance to the public in matters related to damages and compensation and administration and payment of compensation. The authority also has a reclaim department which reclaims money from offenders liable to pay damages to crime victims.

The Crime Victim Fund has the purpose to provide economic support to different activities improving the situation of crime victims. Persons in Sweden convicted of crimes which are punishable with prison are obliged to pay a surcharge to the Crime Victim Fund. Resources from the Crime Victim Fund are paid to public bodies, private activities, non-governmental organisations and researchers for activities benefiting crime victims.
The overall ambition of the Crime Victim Compensation and Support Authority in its capacity as Centre of Competence is to reach individual crime victims, to give the general public a broader understanding of reactions to crime and to train professionals in the judicial system. The Centre of Competence is responsible for information to crime victims in Swedish and in other languages and it publishes a newsletter, a report on its jurisprudence and runs two web-sites.

The authority has previously conducted three projects on the situation of crime victims in the European Union. It published a comparative survey on the systems of legislation, compensation and support to crime victims in the Member States of the European Union in 1999. Following an Expert Meeting on Compensation to Crime Victims in the European Union, the European Commission was invited to elaborate on a number of recommendations developed at the meeting in a Green Paper, in order to establish minimum standards on compensation to victims of crime. Between 2002-2003, the Crime Victim Compensation and Support Authority conducted a project on assistance to cross-border victims in the European Union.

1.1.3 The objectives of the CURE project

CURE is a project which addresses the specific needs of child victims in the criminal justice procedure. The fundamental and overall objective of CURE has been to improve the position of the child victim. This is supported by two long-term objectives; to support child victims and prevent repeat victimisation. Paying heed to these ends, the specific objective is to provide a solid basis for recommendations on an EU policy for child victims.

The report is aimed to contribute to awareness raising on the problems of the child victim in the criminal justice process and the measures taken in the European Union Member States to facilitate their situation. The long-term objective is that a higher priority will be given to child victims on a national as well as on an EU level and that this will lead to changed attitudes of the criminal justice professionals.

1.1.4 Beneficiaries and target groups

The obvious and the main beneficiaries of the CURE project, and those who should profit from the project in the long run, are children victimised from all sorts of crime in the Member States of the European Union.

The target-groups on the other hand, will benefit from the project in a shorter perspective. The prime target-group are the ministries of justice in
the Member States. In the second place, the target-group is professionals working in the criminal justice systems. It is our belief that the professionals meeting child victims will benefit from improved knowledge on child victims.

Thirdly, and as far as it has been possible, the objective has been to reach some of the services providing assistance to child victims, run by NGOs and governmental or municipal bodies. In the last place, all those who meet child victims in the context of the criminal justice procedure should be seen as target-groups of the project although it will not be possible to reach out to all of them.

1.1.5 The Swedish Presidency of the European Union

From 1 July until 31 December 2009, Sweden held the Presidency of the EU Council of Ministers. One of the priority issues of the Swedish Presidency was co-operation to combat crime. The work programme of the Swedish Presidency says that effective crime fighting should be balanced with measures that guarantee the rights of individuals and that EU co-operation should focus on measures for individuals, covering both the rights of a person who is the victim of a crime and of a person who is suspected of a crime. Crime victims was considered as a prioritised issue and highlighted in a number of contexts during the Swedish Presidency.

As a result of a Swedish initiative, Council conclusions on a strategy to ensure fulfilment of the rights of and improve support to persons who fall victims to crime in the European Union, (2969th Justice and Home affairs Council meeting Luxembourg, 23 October 2009) were adopted during the Swedish presidency in October 2009. The conclusions are intended to raise the level of ambition in the field of crime victims and guide the future work in the area. Furthermore, it is contended that there is a need to agree on a common strategy guiding the work in the area of crime victims and that this strategy should be guided by a number of principles. The conclusions outline a number of priorities and actions that should be undertaken to fulfil the strategy. The situation of vulnerable victims is given particular attention in different contexts of the conclusions. One of the guiding principles is that assistance and protection must be offered to crime victims in order for them to exercise their fundamental human rights. Among other guiding principles, access to information and the need to treat victims professionally are mentioned.
The guiding principles are subsequently concretised by a number of actions. Of particular interest in relation to the CURE project is facilitation of the participation of victims of crime in criminal proceedings, in accordance with the role of victims in the relevant justice system and further development of victim support. Organisations acting at national, regional or local levels throughout the European Union should be given possibilities of offering appropriate service to persons who fall victim to crime.

One ambition of the Swedish presidency was to adopt a new strategic work-programme for justice and home affairs following the Hague programme that extended between 2004 and 2009. The new work programme, entitled the Stockholm Programme - An open and secure Europe serving and protecting the citizen, is characterised by its vision of a more secure and open Europe where the rights of individuals are safeguarded. Examples of measures to strengthen the rights of individuals are minimum rights for suspected and improved support to crime victims. The Stockholm Programme is the first work programme on justice and home affairs, in which crime victims are highlighted and provided with a heading of its own. Special attention is given to victims who are vulnerable or who find themselves in particularly exposed situations. In addition, the Stockholm Programme highlights the rights of the child. The European Council also calls upon the Commission to identify measures, to which the Union can bring added value, in order to protect and promote the rights of the child. Children in particularly vulnerable situations should receive special attention, notably children who are victims of sexual exploitation and abuse as well as children that are victims of trafficking and unaccompanied minors in the context of Union migration policy.

1.2 The CURE approach

1.2.1 A twofold perspective of the CURE project

The CURE project is characterised by a twofold perspective, visible by the fact that the project concerns legal rights as well as promising practices. The two directions in the project are however very much interrelated. This could be exemplified by the fact that children can be empowered by the provision of rights but that means are also needed to give the rights a real value.

1.2.2 A rights-centred perspective

Children have the same general human rights as adults but because children are particularly vulnerable, their special needs for protection are recognized by means of additional rights. Child victims and witnesses are more dis-
advantaged and more vulnerable than adult victims and children in general. From this follows that they require additional protection and additional rights.

A rights-based approach in relation to children implies that children are considered as holders of rights and that implementing standards should not be seen as a charitable process. In the context of the CURE project, the rights-based approach implies that the international standards on victim's rights and the children's rights framework are the underlying basis of the studies and the assessment of possible improvements for the future. More concretely, the Convention of the Rights of the Child, the UN Guidelines on Justice involving Child Victims and Witnesses of Crime and the Framework Decision on the standing of victims in criminal proceedings are benchmarks for the analyses in the project. The essence of the rights-based approach in the CURE project is the emphasis on the fundamental rights of crime victims and of children. The objective is to raise awareness on these rights and to contribute to implementation and compliance of them.

1.2.3 Empowerment of child victims

The concept empowerment alludes to several of the basic cross-cutting principles related to children’s rights, the dignity of the child, the best interest of the child, protection of the child and child participation. In the CURE project, the word empowerment was chosen for different reasons. First of all, as a victim of crime, a child becomes disempowered. A child victim may also be disempowered in the criminal justice procedure in different ways. The very first proof of this is the fact that legal personality is not recognised as a right for children in the Convention of the Rights of the Child. Although this may be motivated for natural causes linked to minority, a range of measures are needed to remedy the situation and empower children to access justice.

But the concept empowerment is also related to the holistic approach of the project. With regard to their role as crime victims, children have to be empowered to go through the criminal justice procedure and with regard to their role as potential crime victims, children have to be empowered not to become victims again.

1.2.4 The holistic approach of the CURE project

The CURE project is marked by a holistic view on child victims. This view applies to several aspects of the project and the aim is that the holistic view should be reflected throughout the project and in the final outcome, the report and the recommendations.
The word holistic has been increasingly used in various contexts related to crime victims over the last years. Generally implying a perspective which addresses all aspects of a problem, the concept lends itself very well to the problem of child victimisation. A holistic approach to victim assistance has become more apparent in international documents as well as in policies over the last years. In the programme "Building a Europe for and with Children", the Council of Europe stresses a holistic perspective in various documents.

In accordance with the Council of Europe recommendation (2006) 8 on assistance to victims, a holistic approach should be understood as various measures which states are encouraged to adopt with the overall aim of alleviating the negative effects of crime on victims and helping the victim's rehabilitation in the community. It also reflects the ways in which the different actors and institutions in society should interact with victims. A holistic approach is said to embrace not only support services offered to victims, but also the provision of information to victims, victim protection, social measures, selection and training of staff working with victims, aspects of criminal and civil justice systems, compensation and mediation.

**Protection of all child victims**

For the purpose of the CURE project, holistic has a slightly different and wider connotation than in other contexts. To start with, in the CURE project, the beneficiaries are children subject to criminal victimisation. The project is based on the view that child victims of crime have unique and similar needs, irrespective of the crime they have been subjected to and that for this reason, child victims deserve special measures and support.

The Convention on the Rights of the Child mentions various groups of children that may need additional protection from adults. Child victims and witnesses of crime are among these groups. In view of this, a core issue in the project is the aim to extend protective measures to all victimised children. An important part of the connotation given to the word holistic in the CURE project is consequently its universal application with respect to children.

**Support to child victims and prevention of repeat victimisation**

The CURE project is first and foremost about support to child victims. By applying a holistic approach, we would also like to include aspects related to prevention of repeat victimisation or victimisation which can be attacked by special prevention measures. Special prevention measures are defined as such measures which are necessary to prevent children who have been victim of crime from successive risks and crimes.
In the explanatory memorandum to the Council of Europe recommendation (2006) 8 on assistance to victims, the phenomenon known as “repeat victimisation” is described as the only aspect of crime reduction which does have immediate relevance for people who have already been the victims of crime. Research in various European countries has confirmed that once a crime has been committed, the possibility of a similar crime being committed against the same victim, or the same household, increases dramatically.

The basis of the approach of the CURE project towards repeat victimisation is characterised by the view that an adequate and correct reception of child victims by the agents of the judicial system will strengthen the confidence in the justice system. This in turn will make young people inclined to report crimes and increase the general safety. The discussions in the project have centred on the cycle of violence and the relationship between crimes against children and the risk of later becoming a victim or perpetrator of violence. This necessitates a prompt and adequate response from the criminal justice system to young offenders as well as to young victims in order not to turn the victims to offenders and to prevent re-offending.

The age of the child victim
Another aspect of holistic has to with child victims and age. The cross-cutting principle of non-discrimination is part of the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. Guideline 18 establishes that "age should not be a barrier to a child’s right to participate fully in the justice process. Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child’s age alone, as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance."

The need for a multidisciplinary approach
The holistic approach is based on the view that victims should be assisted throughout the judicial procedure and treated in such a way that prevents secondary and repeat victimisation. From this follows that a multidisciplinary approach is also part of the holistic view on child victims. The UN guidelines recommend professionals to make every effort to adopt an inter-disciplinary and co-operative approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, education, health, legal and social services. This approach may include protocols for the different stages of the justice process to encourage co-operation among entities that pro-
vide services to child victims and witnesses, as well as other forms of multi-
disciplinary work that includes police, prosecutor, medical and social servi-
ces and psychological personnel working in the same location.

At the heart of the holistic concept is a comprehensive view on how the
criminal justice system should respond to the needs of child victims. In
other words, legislative provisions are not sufficient but training of justice
professionals, policies, working methods and routines must be
co-ordinated and applied in a consistent way, and with evaluation
and monitoring of legislation and policies. In view of this, the setting
up of integral strategies for investigation and assistance of child vic-
tims in the criminal justice procedure captures the spirit of the holistic
approach. It can consequently be concluded that the holistic approach
is very much connected to the major conclusions of the project: the pro-
motion of a minimum standard for child victims at large, the recom-
mendation that Member States should develop national strategies for
investigation and assistance of child victims in the criminal justice pro-
cedure, the objective that age alone should not be a decisive factor in estab-
lishing the right to legal action and enjoyment of special measures.

1.2.5 The themes of the CURE project
The CURE project focuses on four themes. They have been established
with respect to the complex matters which child victimisation entail and the
great variety of procedures employed when a child victim enters the criminal
justice process. In short, the themes were launched to reach tangible results
in the project.

The CURE project has primarily focused on the pre-trial stage and the trial
part of the criminal justice process. This means that some issues related
to compensation, confidentiality and treatment are not within the scope of
this project. This notwithstanding, a number of issues related to the stages
following the criminal proceedings is obviously of great importance to the
child victim and needs to be further looked into.

The themes have been applied on the study of the legal position of the child
victim and the study on best practices. Some main aspects have been identi-
fied for each theme. These aspects have been stressed in the studies and in
the report. The themes deal with information, investigation, legal represen-
tation of the child victim and the appearance of the child victim in court.
1. Information
Information is closely related to the cross-cutting principle in the Convention of the Rights of the Child, the right to participation. When picking out themes for the project, information was an obvious choice because it is the condition for the fulfilment of other rights. Two aspects of information have been distinguished: the legal obligation to provide information to the child victim and the existence of child-friendly information provided to the child victim.

2. The child victim during investigation
This theme is mainly directed on interviewing of the child victim and concerns various means to prevent hardship during the interview. First and foremost, the theme is about the numbers and the duration of the interviews. An important aspect of the interviewing at this stage is whether guidance has been developed on a national level to direct the persons involved with questioning the child victim.

The other direction of this theme targets the persons involved in the questioning, i.e. the professionals responsible for interviewing the child and the persons who are allowed to be present at the questioning. A crucial issue with respect to interviewing, which is collateral to the other issues, is the professional requirements and training of the interviewers.

3. Legal representation of the child victim
Given the legal position of a child victim in the judicial procedure and the vulnerability of the child in this context, from a legal as well as from a human perspective, legal representation forms an important part of the consideration for the child victim in the judicial procedure. This is an aspect which is particularly relevant if the suspect is a member of the victim’s family.

Two aspects of legal representation have been distinguished: The issue of whether the child has to look after the issue of representation for himself/herself or if this is managed by other bodies at their own motion, and secondly the professional requirements of the legal representative.

4. The child’s appearance in court
The issue of whether the child victim should appear in the court is central to the child victims as well as to how other parts of the procedure are conducted. A key matter related to this theme is whether the child is regarded as a competent and reliable witness. Other aspects which have been of specific interest are whether the child victim has to be personally
present in the courtroom and the conditions which determine the child’s possible presence. Also measures taken to facilitate the child’s appearance in court have been in focus.

1.3 Methodology

1.3.1 Introduction

In June 2009, the Crime Victim Compensation and Support Authority and the CURE project was granted means from the Prevention of and Fight against Crime programme (ISEC), Directorate-General Justice, Freedom and Security of the European Commission. The project was scheduled to run for 16 months. The starting point of the project was on the 6th of May 2009 and CURE was finalised in September 2010.

The project leaders have been Mrs Anna Wergens and Ms Anna Sigfridsson, lawyers at the Crime Victim Compensation and Support Authority in Sweden. The project was implemented with the assistance of an international group of experts, the nine partners, an internal reference group at the authority and a network of contact points in the Member States.

1.3.2 The expert group and reference groups

A group with renowned international experts assisted the project leaders in the development of the major documents of the project. The expert group met with the Director-General of the Crime Victim Compensation and Support Authority and the project leaders on four occasions. During the course of the project, the experts were consecutively consulted on a number of issues.

At the first meeting with the group of experts in May 2009, the project plan was presented and the role of the partners and the group of experts was discussed. The question form directed to the ministries of justice and to the police was presented and comments were provided by the experts. At the second meeting in October, best practices and the contents of the conference was on the agenda. The third meeting in February 2010 was devoted, in its entirety, to the recommendations to the Member States. At the last meeting in June 2010, the topics discussed were the main conclusions of the project, the recommendations directed to the European Commission and the final report of the project. The members in the expert group have been:

Paulo Valente Gomes
Mr Gomes is Chief Superintendent and Director of the Higher Institute on Police Sciences and Internal Security in Lisbon, Portugal. In this role, he has been involved with issues related to crime prevention and support to crime
victims. He has contributed to the development of training on crime victims and related issues for the police in Portugal. Mr Gomes has participated in several committees and expert groups at a national level and in the European Union, the Council of Europe and the United Nations, in fields such as international police co-operation, crime prevention, community policing, counter-terrorism and civil crisis management. Since the establishment of European Network for Crime Prevention in 2001, Mr Gomes has been the head of the Portuguese delegation.

Marc Groenhuijsen
Mr Groenhuijsen is professor in criminal law and criminal procedure at Tilburg University, the Netherlands and the founder and director of the International Victimology Institute in Tilburg, INTERVICT. Mr Groenhuijsen is also a part-time judge in the Court of Appeals in Arnhem. His research covers topics like European criminal law, principles of criminal procedure and victimology. He has published over 250 articles and written or edited 24 books.

In 2007, Mr Groenhuijsen was awarded the Dr Hendrik Muller Prize for Behavioural and Social Sciences from the Royal Netherlands Academy of Arts and Sciences. He has also been a member in several working-groups in the Council of Europe. Among many other international engagements, he is a member of the board of the International Organization for Victim Assistance (IOVA). Mr Groenhuijsen is President of the World Society of Victimology.

Carl Göran Svedin
Mr Carl Göran Svedin is a physician and a psycho-therapist, with special focus on child physical and sexual abuse in Sweden. He is professor of Child and Adolescent Psychiatry at the University of Linköping. He is one of the initiators and the former project leader of the first specialised unit for abused children in Sweden, *BUP Elefanten*, which was established in the city of Linköping in 1995.

Carl-Göran Svedin is a member of the board for the Nordic Association for Prevention of Child Abuse and Neglect (NASPCAN) and of ECPAT Sweden. He was a member of the Council of Europe’s Focus Group Social support for children at risk of, or who have been victims of abuse, violence and exploitation. Since 1998, he has been an expert for the Council of the Baltic Sea States (CBSS) in the co-operation project “Children at risk in the Baltic Sea Region”.

Mr Svedin was the Course Director of the first multi-professional university training on crimes against children. He has written and edited a wide range of books, reports and papers and has also contributed to the development of training material for professionals, for example the expert reports on sexual abuse of children, published by the Swedish National Board of Health and Welfare in 1998 and 2000.

**Ksenija Turković**

Mrs Ksenija Turković is a professor of criminal law at the University of Zagreb and she is also vice-rector for international relations at this university. She has been member of the Board of Open Society Institute in Croatia, and she is the National Co-ordinator for European Sourcebook of Crime and Criminal Justice Statistics as well as the National Co-ordinator for the International Crime Victim Survey (UNICRI). In 2007, she was elected president of the board of the Center for Human Rights in Croatia.

Mrs Turković has written and edited 7 books and 19 papers, and has translated the Croatian Criminal Code into English.

Mrs Turković is a member of many renowned organisations, for example the World Society of Victimology, the European Society of Criminology, the American Bar Association, New York State Bar Association, the Croatian Society of Victimology, Croatian Association of Psychiatry and Law (Vice President), Croatian Society of European Criminal Law.

Mrs Turković is currently the vice chair of the Council of Europe Group of Specialists on Child-friendly justice (CJ-S-CH).

**Ilse Vande Walle**

Ms Ilse Vande Walle is a social worker who has worked for Victim Support in Belgium. She has among other things, co-ordinated a project “Child support”, which aimed to raise awareness and knowledge about the situation of child victims. Within this project, she elaborated an education method and a training template. As a result of this project, the MUSAS-project, co-ordinated by the Portuguese Association for Victim Support (APAV) was conducted in a number of European Member States. In this project, Ms Vande Walle trained volunteers and trainers in the Member States, in order to implement the training templates in accordance with the national needs.

Ms Vande Walle currently works on an international free-lance basis as a trainer for professionals and volunteers in NGOs but she also meet children directly in her work as a Victim Support volunteer. She is consulted as an
expert in different settings, nationally and internationally, among others for the elaboration of the UNODC on-line training package for justice professionals on child victims and witnesses of crime.

The Swedish National Network on Crime Victim Issues
The Crime Victim Compensation and Support Authority commissioned the Swedish National Network on Crime Victim Issues to have a consultative role and to anchor the CURE project on a national basis. This multi-professional group, which meets regularly, has the objective to increase awareness on the situation and the problems of crime victims and to facilitate co-ordination between different groups confronting crime victims in Sweden.

Contact persons
An ambition was to establish a contact-net with experts in the Member States which were not partners in the project. The intention was to address professionals representing different occupations in the judicial systems of the Member States in order to raise awareness of the project on different levels. Another aim has been to collect information on child victim issues and on best practices. The contact persons have also been consulted for comments on the draft recommendations directed to the Member States.

1.3.3 The role of the partners
The main task of the partners has been to provide information on the situation of child victims and to facilitate contacts with professionals and experts in their respective Member States. The partners have provided information on issues related to the themes of the project, assisted with answers on in-depth questions related to the studies and conveyed questions to persons with expert knowledge.

The CURE partner meeting
In October 2009, a joint partner and expert meeting was organised in Stockholm. The objective of the meeting was to give information on the aims and objectives of the project, to clarify the role of the partners and to provide opportunities for the partners and experts to network. In order to the information exchange aspect, the partners were also asked to hold a short presentation on their respective Member State’s current work on child victims in the criminal justice process. The presentations brought important information to the project and opened for discussions and questions to partners and experts, as well as to the project team.
It was found important to offer a practical and down-to-earth insight in the reality of child victims. In view of this, Ms Ilse Vande Walle, was asked to hold a presentation on children’s reactions to crime. She pointed to the stress which child victims experience is in many cases caused by adults who want to protect the children from more harm by not talking about the trauma with the child. Ms Vande Walle highlighted the fact that many adults are afraid of talking to children and believe that they will make it worse by talking about what has happened. Ms Vande Walle conveyed the message that children see, hear and sense much more than adults can and will understand. In view of this, she stressed the importance of acknowledging the child victim by giving him/her accurate and timely information on the event, the crime and the proceedings of the case. This is crucial to help the child to cope with the feelings and to help the child in his/her healing process. A conclusion of the presentation was that children are able to handle the truth and that it is crucial to make them involved in the process.

A study visit at Barncentrum Stockholm (Children’s Advocacy Centre in Stockholm) was organised in order to illustrate the Children’s House model to the partners and the experts. Barncentrum is a joint responsibility of the City of Stockholm Social Services Administration, the police, the public prosecutors, the Stockholm County Council paediatric medicine service, the Stockholm forensic medicine and the child- and youth psychiatry in Stockholm. The basic idea of the Children’s Houses is that professionals from the different authorities meet at one place and that the environment is adapted to children. The child is interviewed and medically examined at the centre. The centre offer crisis interventions for children who have experienced domestic violence, physical abuse sexual abuse, and to adults accompanying the child victim to the investigative interview.

1.3.4 The studies of the CURE project

Two studies have been conducted within the project. The major study was based on a question form on the legal position of the child victim directed to the ministries of justice in the Member States. The question form was divided in two parts with general and thematic questions. The general part focused on how the Member State has addressed the issue of child victims in the criminal justice procedure and rights of child victims. The final question in this part concerned major problems for the child victim in the criminal justice procedure and what is needed to overcome this. The second part of the question form focused on the themes of the CURE project.
The other study reflected the practical aspect of the project and was directed at best practices to facilitate the situation of child victims in the criminal justice system and to empower them to go through the criminal justice process. Questions on best practices were directed to the ministries of justice. Questions have also been directed to members of the European Network of Ombudspersons for Children (ENOC), to the European Police College network (CEPOL) and to victim support organizations and child organizations in all Member States as well as to partners and contact persons.

The aim of the studies have been to give an approximate picture on the child victim’s current standing in the criminal justice process in the Member States, the activities and co-operation between professionals in the criminal justice system and other actors to help child victims go through the criminal justice process.

Together with the outcome from the discussions at the CURE conference which was held in Stockholm in December 2009, the findings from the studies have been used as the basis for the elaboration of the recommendations directed to the European Commission and the Member States of the European Union. The aim of the recommendations is that a minimum standard on the reception of child victims in the criminal justice process will be established in the European Union.

1.3.5 The CURE conference

In the darkest time of the year, between 3-4 December, 75 participants from 25 European Union Member States gathered in Stockholm for the CURE conference. The conference was organised as a part of the Swedish Presidency of the European Union and was one of the meetings on the official agenda of the Presidency.

In accordance with the project plan of the CURE project, the objective was to gather policy makers, representatives from the ministries of justice in the Member States as well as professionals in the criminal justice system to this conference. In addition, representatives from the European Commission, the Council of Europe, the United Nations Office for Drugs and Crime (UNODC), the Network for Ombudspersons for Children (ENOC), UNICEF, the Innocenti Research Centre, INTERVICT, the Fundamental Rights Agency (FRA), Child Helpline International (CHI), Victim Support Europe (VSE) and the Child’s Rights Information Network (CRIN) were represented at the conference.
The ambition was that the conference should mirror the twofold approach of the CURE project and its different themes. Another objective was to provide a picture of the current development with regard to child victims in the criminal justice process. The aim was not to give the participants another gloomy picture of the current situation but rather to enlighten them on what could be done to empower child victims in the criminal justice process.

The first day of the conference focused on the legal framework and the background of the project. Mr Ezzat Fattah, professor emeritus at the School of Criminology, Simon Fraser University, Canada honoured the CURE conference by giving a key-note speech. The audience was urged by Mr Fattah to reflect on the current view of child victimisation. Mr Fattah demonstrated how criminal victimisation in many contexts has been emphasised, at the expense of children who are victimised in other ways, for example by acts of war, poverty, disease, homelessness and unavailability of education. Another point made by Mr Fattah was that many children are “sacrificed at the altar of justice”. Mr Fattah finally alluded to the difficult and sensitive question about the essence of the “best interest of the child”, stressing the need to define and clarify the interests of justice in this context of child victimisation.

The CURE project, its objectives, the work in progress and the legal framework was presented. Ms Lioubov Samokhina, representing the Council of Europe Programme Building a Europe for and with children, presented some Council of Europe instruments with particular relevance for the child victims and outlined the terms of reference of the Group of Specialists on Child-friendly justice (CJ-S-CH).

An obvious topic of the conference was the role of the European Union with regard to crime victims. Two speakers gave different perspectives on this matter. Firstly, Mr Peter Csonka, outlined the state of affairs with regard to crime victims in the European Commission and Mr Sandy Ruxton, elaborated on the role of the Union in the to develop a strategy on the rights of the child.

During the last part of the day, the topic was professional perspectives on working with child victims. During this session, Professor Michael Lamb gave a lecture on the cornerstones of investigative interviewing. He was followed by Mrs Renate Winter, who talked about the position of the child victim in the criminal justice process from a judge’s perspective. Mr Thomas Mueller finally, presented the work with child victims in Child Helpline International.
The second day of the conference was devoted to the current state of affairs on child victims with the intention to elicit some good practice and visions for the future. The participants were divided in working groups according to their various professional backgrounds. The chair persons of the working groups were assigned to introduce the issue and to conclude the discussions to the audience. The outcome of the discussions has been used as a basis for the elaboration of the recommendations directed to the Member States and the European Commission.

A presentation of the extensive project, Victims in Europe (VinE), promoted on behalf of Victim Support Europe, concluded this part of the conference. Representatives of the Portuguese Association for Victim Support (APAV) emphasised the result of the VinE-project pertaining to vulnerable victims and children.

In the final part of the conference, the chairs of the working groups reported on the conclusions of the respective working groups. The conference was summed up by Mr Simon Deacy, Chief Superintendent, who gave some reflections, based on personal experience as well as on professional expertise, on the theme empowerment of child victims.

The conference finally came to a dignified end by the presence of the Swedish Minister for Justice, Mrs Beatrice Ask. The Minister explained why and how the Swedish presidency had contributed to place crime victims on the agenda of the European Union and concluded the conference by encouraging further co-operation on an international as well as on an inter-professional level.

1.4 International standards

1.4.1 Introduction

Over the last decades, there has been recognition that a fair and efficient judicial system demands consideration to the interest of crime victims. This has implied a growth of victim’s norms and crime victims have come to prominence in the international law. Some general principles applying to crime victims have developed and claims have been raised on rights of crime victims. The development of international standards is important not only because they create rights and set out obligations of the state but also because they legitimise action at national level by means of policy-making.

The cornerstones of the international victim’s rights instruments may be summarised as follows;
• respect and recognition,
• right to be informed about the progress and disposition of the case,
• a right of the crime victim to provide information to decision-makers,
• legal support and counselling,
• protection (from threat, violence and protection of private life),
• compensation from the offender,
• compensation from the state

The victimological perspective presupposes a conception of crime as directed against the individual and its interests. The proliferation of victimology has brought about recognition of the crime victim as an actor with interests of its own in the criminal justice process. Within the United Nations, the European Union and the Council of Europe, a number of documents on crime victims have been developed, the international victim rights instruments which can be viewed as an area of its own in the international law. Before proceeding to the stance of vulnerable victims’ in the victims rights instruments, it must be established that through the international victim’s law instruments, a minimum standard has developed which also apply to child victims.

1.4.2 Vulnerable victims of crime

The reference to vulnerable victims is a recent feature in international law and few international victims’ rights instruments mention vulnerable victims. The fact that not all Member States distinguish between victims in general and vulnerable victims must be seen in view of this fact.

Within the framework of a project on protection of vulnerable victims conducted during the Czech Presidency of the European Union in 2008-2009, it was concluded that it would be difficult to agree on a definition of vulnerable victims. This notwithstanding, the need for a definition of vulnerable victims has been a topic for discussion at the level of the European Union over the last year, and in particular in the context of the forthcoming proposal for an amendment of the Framework Decision. An issue that has been raised over the last years is if and how the existing standards can be adapted to groups of particularly vulnerable victims.

The UN Crime Victim Declaration does not mention vulnerable victims explicitly but makes reference to vulnerability by stating that “attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors”. Among the factors which give rise to special needs, age is mentioned. With respect to the fact that children, by
virtue of being children, often are close to their parents and for this reason may become witnesses to crime, it is important to note that the definition of victim in the Crime Victim Declaration includes, “where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization”.

The forerunner of the Framework Decision, the Council of Europe Recommendation (85) 11 on the position of the victim in the framework of criminal law and procedure does not mention vulnerable victims. One of the most recent victim’s rights instruments, the Council of Europe recommendation (2006) 8 on assistance to crime victims, does however deal with vulnerability. According to this recommendation, States should ensure the provision of assistance to particular groups of victims, who can be considered vulnerable either by virtue of their personal characteristics (as in the case of children or people with physical or learning disabilities) or of the type of crime they have been exposed to (e.g. domestic violence, sexual violence or organised crime). Such victims should benefit from special measures designed to suit their situation. The need to prevent repeat victimisation, in particular for victims belonging to vulnerable groups is also stressed in the recommendation. With respect to children, specialised training should be provided to all personnel working with child victims.

The Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA, 15 March 2001) is the natural starting point in the context of a European Union project as well as in any account of victim’s rights because of its position as a binding instrument in the field of crime victims. But the Framework Decision is important also from the point of view of vulnerable victims. It does not include any explicit references to minors but it refers to vulnerable victims in articles 2, 4 and 8. The very basis of the other articles on vulnerable victims is article 2.2 which establishes that ”Each Member State shall ensure that victims who are particularly vulnerable can benefit from specific treatment best suited to their circumstances”. Although instructive and endowed with qualifiers, article 8 sets out the principle that Member States shall ensure that vulnerable victims are protected from the effects of giving evidence in open court.

Finally, it deserves to be mentioned that the draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power notes among progress done the last few years, the establishment of programs to protect victims of crime who are vulnerable, for instance because of gender or age. The draft Convention also establishes the principle of non-discrimination, but states that this is done without prejudice to the provision of special justice and support, suited to victims who are particularly vulnerable because of age, gender, disability or other characteristics.

1.4.3 Child victims and children’s rights

It was in their role as perpetrators that children first caught attention in the field of crime prevention and criminal justice. Standards on juvenile justice consequently appeared before the international community was ripe to deal with children as victims of crime.

A number of international instruments address crimes against children but without specific references to their position in the criminal justice procedure. Among the most important are the Optional protocols to the Convention of the Rights of the Child. Other such instruments are the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In the European Union, the Framework Decision on combating the sexual exploitation of children and child pornography must be mentioned.

The Council of Europe Convention of Children against Sexual Exploitation and Sexual Abuse was adopted in 2007 and will come into force on 1 July 2010. It deals with prevention, fight against sexual exploitation and support to the victims of such crimes. With respect to the CURE project, it is important to note that the Convention includes articles which deal with, programmes to support victims, encourages people to report suspected sexual exploitation and abuse, and to set up telephone and internet help-lines for children. Article 14 of the Convention deals with assistance to victims and states that victims of sexual exploitation and abuse should receive assistance in the short and long term. At the time of writing, only three of the European Union Member States have ratified the Convention.

1.4.4 The Convention on the Rights of the Child

The ground-breaking instrument on the basic human rights of children is the Convention on the Rights of the Child, (CRC) which is also one of the core human rights instruments, and the main benchmark in the field of children in a number of areas.
First of all, it must be established that the Convention is not merely a declaratory instrument laying down principles but also an instrument conferring obligations on states ratifying the convention, irrespective of whether incorporated in domestic legislation or not. Not all the State parties make the Convention directly applicable. The Committee on the Rights of the Child has in a number of concluding observations expressed its concern that some of the articles are not fully reflected in the legislation and in some state parties, including some of the European Member States, the concern is the direct applicability.

All children have the same rights and all the rights in the Convention are interconnected and of equal importance. Although the Convention recognizes that many rights may be achieved "progressively", States must allocate the maximum extent of its available resources for the implementation of the Convention.

The four core principles of the Convention all have an intrinsic connection to the situation of the child victim: the right to survival; the right to develop to the fullest, the right to protection from harmful influences, abuse and exploitation and the right to participate fully in family, cultural and social life and devotion to the best interests of the child.

Some articles are of special interest in the context of the CURE project. To begin with, according to article 1, a child means every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier. The articles in the Convention which are closely connected to the situation of child victims, are those which aims to protect the child from danger and exposure in different ways, notably article 11 on kidnapping, article 19 on protection from all forms of violence, article 35 on abduction, sale and trafficking, article 36 on other forms of exploitation, article 38 on war and armed conflicts and article 39 on rehabilitation of child victims.

The right of the child to be heard holds a special position with regard to child victims. The Committee has stated that article 12 is connected to all other articles of the Convention, which cannot be fully implemented if the child is not respected as a subject with her or his own views on the rights enshrined in the respective articles and their implementation. For this reason, the Committee has stated in its General Comment no 12 that the right of the child to be heard means that “State parties are encouraged to introduce legislative measures requiring decision-makers in judicial or administrative proceedings to explain the extent of the consideration given to the views of the child and the consequences for the child.”
Regrettably, the Convention on the Rights of the Child does not include a complaints mechanism. Under article 44 of the Convention, State parties accept the duty to submit regular reports to the Committee on the Rights of the Child, the body of experts charged with monitoring States’ implementation of the Convention and the Optional Protocols, on the steps they have taken to put the Convention into effect. Governments’ reports to the Committee on the Rights of the Child give a picture on the situation of child victims in the country, although not an exhaustive one, and explain some measures taken by the State to realise their rights. The Committee sometimes holds general discussions on certain themes and several of them have dealt with violence against children. State parties are requested to provide relevant information on special protection measures for certain groups, for example children in situations of exploitation, sexual exploitation and sexual abuse.

1.4.5 The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The instrument that most specifically deals with children in their position as victims of crime is the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime which was adopted in 2005. The guidelines form part of the body of United Nations standards and norms in crime prevention and criminal justice. Prior to the adoption of the guidelines, the UN had adopted Guidelines for Action on children in the criminal justice system, which in one of its sections, were concerned with child victims.

The guidelines deserve attention for a number of reasons, not least because they were aimed to complement the UN Crime Victim Declaration but also because of the elaborate process by which they were developed. The guidelines were originally developed by the International Bureau for Children’s Rights (IBCR) an international non-governmental organisation (INGO) based in Montréal, Canada. After years of revision and consultation, they were transposed to a UN resolution adopted by the Commission on Crime Prevention and Criminal Justice as resolution number 2005/20.

The document comprises a total of 46 guidelines and was adopted with a view to achieve the following objectives:

- To assist in the review of national laws, procedures and practices so that they ensure full respect for the rights of child victims and witnesses of crime,
- To assist Governments, international organisations, public agencies, non-governmental and community-based organisations and other interested
parties in designing and implementing legislation, policies, programmes and practices that address key issues related to child victims and witnesses of crime

• To guide professionals and volunteers working with child victims and witnesses of crime in their day-to-day practice

• To assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

Another reason to give attention to the guidelines is that they are the only document of its kind. The guidelines represent good practice based on the consensus reflected in contemporary knowledge and relevant international and regional norms, standards and principles. Their weight is underlined by how they have been referred to by the Committee on the Rights of the Child. For these very reasons, the guidelines have served as the basis in the CURE project. This is also the explanation that the CURE project would like to promote knowledge, distribution and use of the guidelines in the EU Member States. The guidelines are available in four official UN languages. To make them widely known, it is obviously imperative that they become translated to the languages of the European Union. The guidelines are also available in a child-friendly version, developed by UNICEF and UNODC in co-operation. The CURE project would like to urge the EU Member States as well as the European Commission to make use of this excellent document in their work with child victims.

The guidelines establish four guiding principles for Justice for Children Professionals dealing with child victims and witnesses: dignity, non-discrimination, the best interests of the child and right to participation. A number of efforts have been taken to complement the guidelines. In 2009, the Model Law on Justice in Matters involving Child Victims and Witnesses of Crime was issued. It was followed by the Handbook for Professionals and Policymakers on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. The Model Law is intended as a tool for legislators and for drafting legal provisions on assistance to and the protection of child victims and witnesses of crime, particularly within the justice process. The handbook is based on international best practices in the treatment of child victims and child witnesses by the criminal justice system. During 2009 and 2010, a training pack was developed with the purpose to assist justice professionals who work with child victims and child witnesses of crime and informal justice providers in their daily practice and to encourage the development of a fair and effective Justice for Children system.
1.4.6 Initiatives on child victims at the international level

**UN Violence Against Children study (VAC)**

In 2001, on a recommendation of the Committee on the Rights of the Child, the General Assembly requested the Secretary-General to conduct an in-depth study on the question of violence against children and to put forward recommendations for consideration of the Member States for appropriate action. Mr Paulo Sergio Pinheiro was appointed as an independent expert to lead the study.

The Study on Violence against Children is the result of a global effort to paint a detailed picture of the nature, extent and causes of violence against children and to propose clear recommendations for action to prevent and respond to it. This is the first time that an attempt has been made to document the reality of violence against children around the world. The study provides information on the incidence of various types of violence against children, for example within the family, schools, alternative care institutions and detention facilities. Thousands of people have contributed to the study by means of consultation, and children and young people have been active in that process.

The Study on Violence against Children emphasises children’s rights to physical and personal integrity and outlines obligations of the State parties to protect them from all forms of physical or mental violence, including sexual and other forms of exploitation, abduction, armed conflict, and inhuman or degrading treatment or punishment. It also obliges the state to enact preventive measures and ensure that all child victims of violence receive the support and assistance they require. In October 2006, the report was presented to the UN General Assembly. A special children’s version of the report and an educational booklet for children over the age of 12 was also published.

The recommendations in the UN Secretary-General’s Study on Violence against Children, which are of special interest for the CURE project, are the creation of accessible and child-friendly reporting systems and services, enhancement of the capacity of all who work with and for children and strengthening of the international commitment. The CURE project draws on these recommendations as well as on the appeal of the UN Independent Expert to consider a review of children’s rights.

**Building a Europe for and with Children**

Further to the third Summit of Heads of State and Government of the Council of Europe in Warsaw 2005, a three-year programme covering
various dimensions relevant to protecting children from violence, Building a Europe for and with children, was launched. The programme comprises two closely related stands: the promotion of children’s rights and the protection of children from violence. The programme embraces a great number of activities, a campaign against smacking and a website on child-friendly justice.

The programme’s main objective is to help decision-makers and other actors concerned to design and implement national strategies for the protection of children’s rights and the prevention of violence against children. The Strategy for the years 2009-2011 was adopted by the Committee of Ministers in November 2008 and provides guidelines on how standards for children can be improved.

A group of specialists has been commissioned with the objective to produce comprehensive guidelines on child-friendly justice and to assist Member States in ensuring that children have favourable access to justice. In that process, it has considered the views of children and young people. Around 30 partners throughout Europe have contributed to this consultation. A questionnaire was sent to children and young people to find out their views on knowledge of rights, access to justice, decisions that concerned them and the main messages of the Council of Europe guidelines. The replies have been taken into account in the drafting of the new guidelines. The draft CURE recommendations have been shared with the group of specialists (CJ-S-CH) to create synergies and with the aim to give added value to CURE and to the group’s work on the guidelines on child-friendly justice.

Towards a Strategy on the Rights of the Child
The issue of child victims at the level of the EU must be viewed against the wider development of the response of the European Union to children’s rights and the legal framework in the European Union.

Not long ago, the main actor with regard to children’s rights in Europe was the Council of Europe. In recent years, the approach of the EU towards children’s rights has become stronger and more active.

The Lisbon treaty has had implications for this approach, since according to article 3 of the treaty, protection of children’s rights is introduced as an objective for the Union’s policies. The ratification of the Lisbon Treaty has given the European Charter of Fundamental Rights a stronger legal status and accordingly, a better recognition of children’s rights. The fact that the EU has gained legal personality and will be able to accede to international treaties may also impact on its possibility to further the rights of the child.
The Fundamental Rights Agency (FRA) has children’s rights as one of its thematic areas.

In 2006, a communication from the European Commission was issued: Towards an EU Strategy on the Rights of the Child, in which the Commission proposes to establish a comprehensive EU strategy to effectively promote and safeguard the rights of the child. This communication recognised that the European Union can bring essential and fundamental added value in the field of children’s rights. The work towards a strategy on the rights of the child should be characterised by a cross-cutting approach covering different areas, such as criminal and civil justice, health and education as well as internal and external actions. The communication declares violence against children as an issue of increasing concern within the EU in recent years. Children who are victims of trafficking in human beings and sexual abuse are stressed in the communication. One measure that is scheduled in the communication is the attribution of single six digit telephone numbers (116 xyz) within the EU for child help-lines and for child hotlines, dedicated to missing and sexually exploited children. At the end of the document, the Commission calls on the Member States, on the European institutions and on other stakeholders to take an active part in the development of this strategy and to contribute to its success.

The communication established some main objectives as well as six specific objectives to guide the work towards a strategy:

1. Capitalising on existing activities while addressing urgent needs
2. Identifying priorities for future EU action
3. Mainstreaming children’s rights in EU actions
4. Establishing efficient coordination and consultation mechanisms
5. Enhancing capacity and expertise on children’s rights
6. Communicating more effectively on children’s rights

Several of the objectives are related to the objectives of the CURE project, above all the aim to identify future areas of intervention for EU action.

Further to the Commission’s communication, the European Forum on Children’s Rights has been launched and an inter-governmental group with high-level representatives has been established. The work on the rights of the child in the Commission is led by the citizenship and fundamental rights unit at the Directorate-General of Justice, Freedom and Security. In accordance with the objectives in the communication, a co-ordinator for the rights of the child has been appointed.
CHAPTER 2
The surveys

2.1. The studies and the methods of reporting

The CURE report is a desk study conducted at the Crime Victim Compensation and Support Authority. The report is mainly based on three question forms directed to the ministries of justice, to the police and to the members of the ENOC network. In addition, a number of questions have been directed to the partners of the project and to experts in the Member States. A minor study has been carried out by means of questions directed to NGOs acting in the field of victim support and child support in the European Union.

The main purpose of the study is to provide a picture of some general tendencies with regard to the situation of the child victim in the criminal justice process. Based on the information provided through the question forms, the aim has been to present suggestions on how to improve the situation of the child victim in the criminal justice process. The questions directed to the ministries of justice were limited to matters within their competence and did not aim to study compliance with legislation.

The question form on the legal position of the child victim was distributed to the ministries of justice in 29 countries. In addition to the 27 Member States of the European Union, the Scottish Government and the ministry of justice in Croatia, which have been partners in the CURE project, received the question form. The response rate has been considered as satisfying. Information was provided by all the European Union Member States, except for Bulgaria, Hungary and Malta. For different reasons, two sets of answers were supplied from two of the Member States. This information has been considered but has not been included when the number of Member States is accounted for in the report. It should be noted that the Scottish criminal justice system, under the devolved Scottish Parliament, is separate and distinct from the criminal justice system in England, Wales and Northern Ireland. For this reason and because the Scottish government has been a partner to the project, the situation in Scotland is accounted for separately. In July 2010, answers from 28 respondents had been received. This means that information from 26 Member States has been considered in this chapter.
The respondents obviously have had a choice in selecting how they would like to present the situation in their country, which information they would like to provide and what they would like to stress. The information provided by the respondents to the CURE project must therefore be seen as a result of a selective process. There is an intrinsic dependency on information provided by the respondents in a project of this kind. The interest and commitment for the issues dealt with in the CURE project varies considerably between the Member States. This explains why the information provided is sometimes patchy and difficult to interpret. This chapter describes what the Member States have reported about. The absence of information on a certain issue could not necessarily be interpreted as if legislation and measures are lacking in this Member State. This means that it is not possible to attain complete accuracy in a study of this kind and the report can not aspire to be exhaustive. The focus has been to elicit general tendencies in order to underline problems, progress and the need for improvement in the Member States.

Not all examples provided in this chapter are chosen because they stand out as better than others. When a number of respondents have provided information on the same kind of legislation or the same kind of measures, examples have been provided. Promising practices and interesting development are presented in a separate chapter, but also some of the examples in this chapter are chosen because they stand out as being interesting.

As far as it has been possible, we have stated the number of respondents that have provided information on a certain issue. When the information has not been sufficiently specific, we have provided rough estimates and made assessments of the number of Member States that belong to a certain category.

The structure of the question forms to the ministries and the ENOC members was based on questions with yes and no options. It has not been found constructive to name and list the Member States which have provided no respectively yes answers. Due to the uneven distribution of information between the respondents, such an account could easily be unfair and give misleading results. The objective has not been to expose individual countries and to compare the Member States but to avoid “naming and shaming”.

As far as it has been possible, the information provided from our respondents has been quoted. The legal terminology may therefore vary between different sections of the report. For reasons of space and clarity, some
When analysing the information, a number of questions appeared, especially with regard to respondents who were very brief in their responses. In view of the schedule and the scope of the project, the possibilities to come back to the respondents for supplementary information have been very limited. The follow-up of information was for this reason restricted to the partners of the project.

2.2 Addressing the issue of child victims

Legislation addressing the child victim

One way of describing how the child victim has been addressed is by reporting on how children’s rights have been placed on the agenda of the governments. Many Member States did so in relation to the first question in the question form. The development of a children’s rights perspective in domestic legislation and policies may entail attention to the position of the child victim. Such a perspective may be reflected in statutes, national strategies or other measures seeking to raise awareness and inform about children’s rights. On the most basic level, the protection of child victims in the judicial system is in some Member States guaranteed in the constitution. This is the case in Belgium and in Romania, where the principle of best interest of the child is inscribed in the constitutions.

In about half of the responding Member States, the protection of children is the subject of a special law on the rights of the child or on the protection of minors. These laws often provide a general legal framework for upholding the rights of the child and usually cover a broad spectrum of children’s lives. Examples of this kind of legislation are the Child Protection Act in Estonia, the Law on protection of children at risk (law nr. 147/99) in Portugal, the law 272/2004 on the protection and promotion of the rights of the child in Romania and the Children (Scotland) Act 1995.

A number of Member States have provisions targeting crime victims within the framework of criminal law and in legislation on state compensation to crime victims. A group of seven Member States has reported about separate laws which specifically govern the situation of crime victims in the criminal justice procedure. The Victim Support Act of 2003 in Estonia provides the basis for the state organisation of victim support, conciliation service and compensation of psychological care, paid within the framework of provision
of victim support services and the payment of state compensation to victims of crime. In Romania, the law 211/2004 on measures for ensuring protection for crime victims includes provisions on psychological counselling for victims of certain crimes, including minor victims. The law 35/1995 relating to aid and assistance to victims of violent crimes and crimes against sexual freedom sets out the legal framework for the offices of victim assistance.

Several Member States report about legislation which addresses child victims within the framework of the criminal procedural law. In the Czech Republic, a new act, No. 141/1961 Coll. from 2009, amending the Code of Criminal Procedure, aims at protection of child victims. The act on Investigation of Sexual Crimes against Children (1009/2008) in Finland has the aim to make the investigations of child abuse in different parts of Finland more uniform.

Member States have also provided information on legislation targeting certain groups of child victims. In Italy for example, the law no. 269 1998 is concerned with exploitation of child prostitution, child pornography and sexual tourism.

**Legislative amendments**

In many of the Member States, amendments in legislation which relate to crime victims have been made over the last decade. If we look at the situation of the child victim, such amendments have also been made in many Member States the last ten years and in quite a few Member States, even more recently. Also measures of a non-legislative character are being taken in a number of Member States. In Denmark, the State Attorney has issued an announcement, no 2/2007 on the management of cases involving sexual abuse of children, and about the recording of statements made in such cases.

Several Member States have made either changes pertaining to child victims in their codes of criminal procedure or changes are underway. In Greece, new articles were introduced in the Code of Penal Procedure 2007 and 2008. They provide for, among other things, the co-operation of a child psychiatrist or psychologist during the interview of the child victim and the registration of the witness testimony by means of electronic storage. The Irish Criminal Evidence Act was amended by a number of articles brought into force in 2008, dealing with the interviewing of certain groups of victims under the age of 14. Amendments pertaining to child victims are foreseen in the Codes of Criminal Procedure in Estonia and Germany.
Legislative changes of a more general nature which possibly may affect the child victim are either enforced or expected in some of the Member States. In France, the Order no. 2007-1605 has provided for the appointment of a member of court, responsible for crime victims at every regional court. The mission of this person is to ensure that the rights of the victim are taken into account during enforcement and execution of the judgment and to provide counselling to crime victims following a judgment. In the Netherlands, a new law on crime victims, coming into force in 2011, will cover the period from the victim’s declaration to the end of the detention of the offender. This new act aims to establish services tailored to the needs of individual victims and will ensure the establishment of a single office, where different services are available to crime victims.

The responsibility for child victim issues

Two Member States have special units within their governmental organisations which are concerned with protection of youth or victims of crime. In France, the central administration of the Ministry of Justice includes a Directorate of Legal Protection of Youth (DPJJ) which is responsible for all matters relating to justice for children. This directorate works in close co-operation with the department of Access to Law and Justice and of Victim Support (SADJAV). In Italy, the Department for Juvenile Justice is mandated primarily to deal with child offenders, but the children’s services under the justice administration established by local authorities also provide assistance to victims.

The issue of how the child victim is dealt with in the criminal justice process involves a number of institutions and requires cross-governmental activities and shared responsibilities. The fact that victim issues do not belong to just one ministry is sometimes seen as a challenge. In Finland, at least three ministries are involved with issues related to child victims; the Ministry of Justice, the Ministry of Interior and the Ministry of Social Affairs and Health but a national working group dealing with domestic violence, including children, has been established to co-ordinate the expertise in different areas and to guarantee a multi-professional perspective in issues related to these groups of crime victims. It comprises of representatives from the Ministry of Justice, the Ministry of Social Affairs and Health, the police, the immigration authorities and the Ministry for Foreign Affairs. These groups reports back to an equivalent inter-ministerial group in charge of these matters.
National plans and sectoral strategies

In many Member States, the issue of child victimisation is addressed, not by means of tailor-made activities and strategies targeting child victims, but through comprehensive strategies or programmes dealing more generally with either children’s rights, violence against children or juvenile delinquency. These sectoral strategies might cover the situation of the child victim in the criminal justice process. They might serve a purpose by setting out objectives, identifying deficiencies and following up on measures. It is difficult to assess to which degree the specific situation of child victims is taken into consideration in these comprehensive plans. The Youth Crime Action Plan in England 2008 includes support to child victims. The strategic National Action Plan for Children 2008-2012 in Slovakia has commissioned duties related to child victims on state bodies, for example the creation of a programme to promote and protect children who are victims of human trafficking, training for professionals about victims of sexual abuse, commercial sexual exploitation and training of the police on treatment of child victims in the criminal proceedings.

In 2008, the Finnish government adopted a second internal security programme for the years 2008-2011 which addresses violence against children. This programme foresees the establishment of the Children’s house model in Finland, which will provide comprehensive assistance to child victims of sexual and physical abuse. It also sets out the objective that Victim Support Finland should be able to work nation-wide and that a 24-hour free-of-charge national 116 helpline for crime victims will be set up under the administration of Victim Support and the Ministry of Justice.

Plans which target the fight of sexual exploitation should be mentioned in this context. The German Federal Ministry of Justice has developed an action plan on the protection of children subjected to sexual crimes, Aktionsplan zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung dated 2003. This action plan, which is currently being updated, deals among other things with enhancing the protection of child/juvenile victims as witnesses in criminal proceedings.

Ombudspersons for Children

The existence of National Human Rights Institutions (NHRI), and Ombudspersons for children in particular is an important means to implement children’s rights. Almost half of the responding Member States; Belgium, Croatia, Cyprus, Finland, France, Lithuania, Luxembourg, the Netherlands,
Spain and Sweden refer to Ombudspersons for Children, with regard to how child victims are addressed in their countries. There are however Ombudspersons also in other Member States, totally in 20 of the 27 EU Member States. It should be observed that a decision to establish an Ombudsperson for children was recently made in the Netherlands, whereas in France a decision was made by the government in 2009 to reduce the autonomy and powers of the equivalent institution.

There are other forms of institutions outside the criminal justice system which may deal with issues related to child victims. A few Member States refer to such institutions, which are supported by the government. The National Observatory for Childhood and Adolescence in Italy, supported by the Italian National Childhood and Adolescence Documentation and Analysis Centre, is responsible for studies, research and collaboration with NGOs working to protect children and for the reports to the Committee of the Rights of the Child.

**Telephone helplines for children**

All the responding Member States except one have either established or support helplines for children. Many of them refer to these services in responding to the question on how child victims are addressed. These helplines often constitute the main achievement in the field of support to child victims/witnesses which is not related to legislation. Important as they are, it must still be noted that most of these helplines are set up to assist children on a more comprehensive level and in a number of diverse areas, such as family, relationships and labour. The majority of these helpline operate on a nationwide basis and are accessible on a 24-hour basis.

In 2007, the European Commission made a decision to reserve the number 116 111 to helplines for children. This number is considered as a harmonised service of social value. Helplines with this number are in operation in 13 Member States, but only two respondents, Estonia and Romania, refer to them in their responses to the CURE project.

The so called blue-line telephone helpline in Slovenia deserves to be mentioned because it is set up to ensure a more effective support to children experiencing violence who can call the helpline anonymously and for free. It forms part of a project entitled, “We, the grown-ups, are here to help you” which is run by the Ministry of Labour, Family and Social Affairs, in cooperation with the Ministry of Education and Sports.
A number of different helplines are devoted to children in France. The internet site 119, *Allô enfance en danger*, has a special area for adolescents and children, specially intended to provide information and answer questions from children. There are also helplines that provide guidance to children on how to consult a lawyer, for example the permanent free telephone helpline at the unit for minors at the Paris Bar. The Bar of Lyon has established a free consultation for children, inspired by the Canadian model “I talked to my lawyer on Wednesday“.

A number of Member States have instituted helplines for crime victims which are also open to child victims. The Ministry of Justice in Austria funds the victim support hotline, run by the association Weisser Ring, where child and adolescent victims, may receive information, free of charge, on their rights and on victim support. The children and adolescent hotline *Rat auf Draht* provided by the Austrian broadcasting co-operation, which is accessible by telephone as well as on the Internet; www.rataufdraht.orf.at, is well-known and provides information and help to children and adolescents, anonymously and free of charge.

Ireland has the National Crime Victims Helpline as a central point of contact for all victims of crime. As well as providing information and emotional support, the helpline acts as a resource for NGOs and for the police in helping to ensure that victims of crime can access support appropriate to their needs, and by referring victims to the appropriate service in their local area. This helpline is funded by the Commission for the Support of Victims of Crime, operating under the aegis of the Department of Justice, Equality and Law Reform.

Several Member States have established telephone lines or websites with the purpose of providing tips for Internet users on how to report illegal content/sexual abuse of children. Save the Children Finland, for example, maintains the *Nettivihje* tipline website for Internet users where they can report illegal content and sexual abuse of children.

**Awareness-raising**

To begin with, there are a few projects aimed to raise awareness on children’s rights in a larger context, but which to a certain extent addresses child victimisation. The project “Children Ombudsmen - the young collaborators to the Public Defender of Rights in Slovakia” has the ambition to involve children as active participants in society and to make protection of children’s rights and enforcement of the Convention on the Rights of the Child effec-
tive. Children in schools, foster homes and other institutions are elected as Children’s Ombudspersons, with the objective to liaise between the children and Public Defender of Rights of Slovak Republic, and to help their peers to enhance their rights in contact with schools or local authorities.

Campaigns related to prevention of violence among young people have been carried out in some Member States. The Ministry of Justice in Poland has been involved in a campaign called “Children - witnesses of special care”, addressed to prosecutors and judges.

Measures benefiting child victims often form part of more comprehensive efforts directed to specific forms of crime, such as juvenile delinquency, sexual exploitation and domestic violence. Such measures may comprise the procurement of resources, information on children’s rights and the setting up of programmes for prevention and training.

**Research and studies**

Very few Member States refer to surveys on the situation of the child victim in the criminal justice process. More often, they refer to studies of a more general nature dealing with violence against children. In Romania, the National Authority for the Protection of Child’s Rights, the World Bank, the World Health Organisation and UNICEF Romania conducted a national study in 2001, entitled “The abused and neglected child in Romania - Prevalence, risk factors, ways of prevention and intervention”.

The Swedish National Council for Crime Prevention has conducted regular questionnaire-based surveys of a representative, systematically selected sample of pupils in the ninth grade of compulsory schools since 1999. The primary aim of these surveys is to determine the prevalence of crime among pupils. In England, there are plans to extend the British Crime Survey (BCS) to include young people to provide national data on the prevention of victimisation and support to young victims of crime.

With regard to the specific issue of how child victims are treated in the criminal justice process, three examples can be given. In Estonia, the Ministry of Justice is carrying out a survey to analyse the competence of specialists in the judicial system and of child welfare officers on the interviewing of child victims. A review of evidence provided by children in England identified a number of concerns about the way young witnesses give evidence in court. The government subsequently issued a public consultation paper in June 2007, “Improving the Criminal Trial Process for Young Witnesses”, which sought views on areas such as the choice for young witnesses in how to give
evidence, enhancement of special measures provisions, the use and availability of newer technology for giving evidence and pre-trial support for young witnesses. The study “Measuring up?” is an evaluation of how the English government’s commitments to young witnesses in criminal proceedings have been implemented. Based on interviews with 182 children, the study examines changes between the study in 2004 and reforms since that time.

Non-governmental organisations

All respondents have referred to NGOs, either as a response to the question on how the issue of the child victim in the criminal justice procedure is addressed or in the context of other questions.

Most Member States are able to provide some form of support and assistance to child victims, either through NGOs or governmental services, but it has to be stressed that the NGOs have a dominant role in this respect. There were 15 respondents providing information on specialised services run by NGOs which are directed to child victims and which may provide support during the criminal justice process. It is sometimes difficult to know if the services referred to are provided on a permanent basis. In some Member States, there are also a few services which are in a grey zone between NGOs and governmental or municipal services. In France, 177 associations for crime victims are authorised and subsidised by the state covering the whole French territory. These associations are specialised by categories of crimes and groups of victims.

Funding of NGOs working to support crime victims and children is one way of addressing the matter of child victims. It emerges from information provided by at least 13 respondents that a number of victim support organisations are financially supported by the state, but the information provided on this matter is not inclusive and it is not possible to assess to which degree funding is provided. In Austria, victim support organisations are assigned and funded by the Ministry of Justice in order to provide victims of violent acts, threat or sexual offences with assistance. In Croatia, the system of funding NGOs means that every year the Ministry of Family, Veterans’ Affairs and Intergenerational Solidarity invite tenders for financing of projects, developed by organisations of civil society dealing with children, from the state budget. Organisations in Cyprus receive government grants through the grants-in-aid scheme implemented by the Social Welfare Services under the Ministry of Labour and Social Insurance. The Commission for the Support of Victims of Crime in Ireland was established by the Minister
for Justice, Equality and Law Reform and disburses funding for organisations which provide support to crime victims. The Portuguese Victim Support Association (APAV) is supported by a diversity of sources. One of them is through a protocol with the Government of the Portuguese Republic but over 50% of the funding comes from sources other than the Government.

2.3 Rights of child victims in the criminal justice procedure

The international victims’ rights instruments comprise basic rights for crime victims which could be summarised as the right to respect and recognition, the right to receive information, the right to provide information, legal support and advice, protection from threats and violence and protection of the private life, compensation from the offender and compensation from the state. The UN Guidelines on Justice In Matters involving Child Victims and Witnesses of Crime (Resolution 2005/20 2005) have established some principles with respect to the position of the child victim in the criminal procedure, which are close to these rights: The right to be treated with dignity and compassion, the right to be informed, the right to be heard and to express views and concerns, the right to effective assistance and the right to be protected from hardship during the justice process.

The general rights of crime victims can not be more than summarily dealt with here, since it is a vast topic to cover. Some of the crime victims’ rights, which also child victims should enjoy, are not within the terms of this project. The right to protection and the right to compensation are consequently not dealt with in this report. Whereas some rights of crime victims apply only to victims in their roles as parties, there are also rights which are granted also to victims who are witnesses in criminal proceedings.

The role of the crime victim and rights of crime victims

According to the 2001 Framework Decision on the standing of victims in criminal proceedings, the crime victim shall have an appropriate role in his/her criminal legal system. The Member States shall recognise the rights and legitimate interests of victims with particular reference to criminal proceedings. In the majority of the Member States of the European Union, the child victim may participate as a party to the criminal procedure and bring private proceedings. Some of the rights accorded to crime victims in international law are often granted to the injured party. In Austria for example, the victim may become a private participant, privatbeteiligter, in Portugal a defendant or assistente, in Belgium an injured party personne lessee. Some respondents make reference to rights which victims may enjoy as parties in the proceed-
ings, for example the right to submit evidence and to appeal. According to the Romanian Criminal Procedure Code, the crime victim may become a party to the criminal proceedings if the victim constitutes himself/herself as an injured party. The decisive concept with respect to the legal standing of the crime victim in Estonia is victim. The new Criminal Procedure Act in Croatia coming into force in 2011 explicitly introduces the crime victim as one of the participants in the criminal proceedings.

In countries with common law jurisdictions, the victim is not a party and no rights are granted to him/her. The Code of Practice for Victims of Crime in England and similar documents set out the service which crime victims may expect from agencies.

It may be concluded that a large group of Member States claim that the child victim has the same rights as other crime victims. The right which most of the respondents refer to is the right to participate. This statement has been given different connotations by different respondents; i.e. the right to participate in the case as a party by filing a charge for prosecution and/or the right to claim for damages and act as a civil party. The right to take part in court proceedings is a legal right which is granted to every injured person in the Czech criminal procedure according to the Code of Criminal Procedure of the Czech Republic. The Organic Law 1/1996 on the Legal Protection of Minors in Spain recognises in general terms that minors are entitled to be heard in any judicial proceeding in which they are directly involved.

The Victim Personal Statement practiced in some of the common law jurisdictions might be seen as a form of victim participation. By means of a personal statement, a victim may outline the impact the crime has had on them.

**Additional rights granted to child victims**

With the general rights of all crime victims as a starting point, a large group of respondents refer to further rights which apply to vulnerable victims and/or to child victims and where the objective is to protect the child from hardship during the justice process. For a comprehensive overview of such specific provisions, the reader can consult section 2.4. An example of how child victims are provided with additional rights can be found in article 44 of the new Criminal Procedure Act in Croatia, which will enter into force on September 1, 2011, and which stipulates that “Other than the rights to which the victim is entitled as referred to in article 43 and other provisions of this act, a child or a minor under the age of 16 who is a victim of crime
shall be entitled to a legal guardian, confidentiality of the personal data and exclusion of the public at the trial”.

**Legal competence**

The matter of legal competence is fundamental in view of how it affects the possibility of children to take legal action, to access justice, to initiate proceedings and to participate in person in proceedings. The child’s restricted competence to take legal action may influence the right of the child to participate directly in the process. The child victim’s right to be heard is for this reason exercised by a representative. There are, however, some rights which only the child can exercise and which do not belong to the legal representative: the right to provide testimony and the right to express views.

Whereas the right to report crime might be considered as a right to all victims, the right to submit a charge requires legal competence. The age when young people may bring private charges differ between the Member States. In Belgium, France, Germany and Sweden a person must have reached the age of 18 to do so. In Croatia and Slovenia, a child must reach the age of 16 to be able to submit a private charge and in Greece, a child may file a complaint in person when he/she has reached the age of 12.

### 2.4 Provisions aimed to facilitate the situation of the child victim

The third question in the general section of the question form was concerned with provisions enacted with the specific purpose to facilitate the situation of the child victim in the criminal justice system. Most respondents provided elaborate answers to this question and this information is accounted for in other sections. Here a summary is provided to illustrate the various forms of protective measures set in place in the Member States. It should also be added that apart from legislative provisions, a multi-professional approach in managing cases involving child victims and measures to ensure a child-friendly environment and child-friendly information are also part of what is done to facilitate the situation of the child victim.

In a number of Member States, provisions have been enacted for the protection of vulnerable victims and witnesses. These are denominated as procedural safeguards, special measures and special treatment. As was shown in the conclusions from the project and conference on protection of vulnerable victims during the Czech presidency in 2009, few Member States have established a definition of a vulnerable victim.
It may be concluded that in many Member States, age is an element which may constitute vulnerability. In some Member States, all minors under the age of 18 fall within the category of vulnerable witnesses, whereas in quite a few Member States there are restrictions with regard to age. Part II of the Youth Justice and Criminal Evidence Act 1999 in England provides that all children under 17 years of age are automatically eligible for special measures to assist them to give evidence in court. Scotland’s current legal definition of vulnerable witnesses includes children below 16 years of age. Other Member States do not use the concept of vulnerable victims in legislation and practice although they may have provisions targeting child victims. Child victims may also be considered as vulnerable due to the relationship between the victim and the suspect. In addition, and as will be shown later, the type of crime suffered is another element that constitutes ground for vulnerability.

Most of the procedural safeguards for child victims are found in the codes of criminal procedure. A group of Member States has enacted specific laws for the protection of children which may include provisions that protect the interests of child victims. Others are found in laws dealing with certain types of crime, for example the Law 66/96 Provisions against Sexual Assault in Italy. The common law jurisdictions provide for special measures to assist children to give evidence in court and entitle child victims to an enhanced level of service.

Not all provisions could be denominated as rights in the true sense of the word, for the reason that they are not always enforceable. The provisions could be divided in a number of categories. This categorisation is not exhaustive and another division is plausible. To a certain extent, the categories are over-lapping. One way of summarising the information provided by the respondents on provisions aimed to facilitate the situation of the child victim is in the following areas:

**Facilitation of the child’s testimony**

Various kinds of provisions which relate to the testimony of the child victim are described in the section on interviewing and on the appearance of the child in court. The most common of these concern the recording of the statement of the child victim and various ways to avoid repeat questioning.

**Avoiding confrontation with the suspect**

The provisions in this group concern the possibility to hold hearings *in camera*, to avoid a confrontation between the child and the suspect when
the child is present in court, measures taken with regard to the court premises and provisions to avoid disclosure about the child’s personal data or the image of the child.

**Legal representation**

Child-specific provisions on legal representation of crime victims is not a general feature but about half of the responding Member States make it possible for child victims to have legal representation when there is a conflict of interest between the child and the parent, or when the guardian is not able to protect the interests of the child victim for other reasons.

**Child-sensitive provisions**

A great number of Member States have enacted provisions aimed to sensitise professionals on the particular situation of the child victim in the criminal justice process. One way to describe these provisions is that they have been developed to prevent secondary victimisation of child victims. Some of the provisions aim to protect the child from hardship on a general level, by paying attention to the vulnerability of the child victim and by urging professionals to take special care of him or her and to treat the child victim with respect. Some of these provisions have the aim to protect the child during questioning.

**Specialised services for support**

A minority of the respondents have reported about specialised services for support of child victims set up within the context of the criminal justice system. To begin with, there are in some Member States, facilities which are not exclusively established to support the child victim but which may be used to assist the child victim; the Children’s Hearing System in Scotland and the child services of the administration of justice in Italy. Under supervision and with support of the Ministry of Justice, the Greek Minors Protection Society provides support to child victims.

With regard to services with the sole aim of supporting the child victim in the context of the criminal justice process, dedicated centres of expertise that are specialised in hearing child victims are established in connection to the university hospitals in larger Finnish cities. In Sweden, Children’s houses are set up in many places. In France, there are Medical Judicial Units established in hospitals to manage cases involving child victims with a multi-professional approach.
In Romania, according to Law no. 211/2004 regarding some measures for ensuring protection of crime victims, free psychological counselling is provided to victims of certain crimes by the services for victim protection and social reinsertion of criminals. It is offered for a period of maximum 3 months, but for victims under the age of 18, it is provided for maximum 6 months.

Certain groups of crime victims, adults as well as children, in Austria have according to Sec 66 Par 2 new Code of Criminal Procedure, a statutory right to psycho-social and judicial assistance free of charge. The Austrian victim assistance services (Prozessbegleitung) are available for victims who have become victims of deliberate acts of violence, dangerous threats or whose sexual integrity have been violated, provided this is necessary regarding their individual situation. The services include company to the police and to court for questioning and preparation before the trial. This assistance is also available to close relatives of persons who died from a criminal act and to other relatives who witnessed the deed. It is funded by the Federal Ministry of Justice. The services are not directed specifically to child victims but several victim support organisations have specialised on child victims and on psycho-social and legal assistance to this group. Also in Croatia, article 43 of the Criminal Procedure Act stipulates that the victim of a crime has the right to effective psychological and other expert assistance and support provided to crime victims by bodies, organisations and institutions in conformity with the law.

2.5 Measures applying to certain groups of child victims

The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime recommends in guideline 16 that the justice process and support services available to child victims and witnesses and their families should be sensitive to the child’s age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socioeconomic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. The next guidelines state that in certain cases, special services and protection will need to be instituted to take account of gender and the different nature of specific offences against children, such as sexual assault involving children.

All respondents, with the exception of two, make references to victims of sexual crimes. One group of respondents refers to children who are victims of human trafficking. Another feature which is apparent from many responses is that younger child victims are provided with special measures in many Member States.
2.6 Protection of child victims in transnational cases

The information provided to the question about measures taken to ensure the child victim protection in transnational cases mainly concern victims of human trafficking. Seven Member States have not provided information to this question.

An important measure brought up by some respondents is the ratification and implementation of the Council of Europe Convention on Trafficking in Human Beings. The Convention has now been ratified by 19 Member States in the European Union: Austria, Belgium, Bulgaria, Cyprus, Denmark, France, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, the Slovak Republic, Slovenia, Spain, Sweden and England/Wales. The Republic of Croatia, partner of the CURE project, has also ratified the Convention.

The majority of the Member States, 17 respondents, refer to provisions and or measures on human trafficking. Most of these measures have been enacted or implemented during the last few years. In addition, a number of acts and protocols are under way of being amended or extended within the near future. Only nine Member States in this group refer to provisions which are directed specifically towards child victims.

In England, a National Referral Mechanism for identification of victims was introduced in 2009, aimed to assist local authorities and other agencies to identify, support and refer potentially trafficked children to a competent expert authority. This measure is being evaluated with promising initial results. The helpline Child Trafficking Advice and Information Line, funded by Home Office and Comic Relief and based at the NSPCC, is well established and used by all agencies.

In France, a joint working group for the protection of victims of human trafficking was set up in 2008 by the Ministry of the Interior and the Ministry of Justice. It will report on victims of human trafficking in general and the exploitation of children in particular.

The National Plan for Combating Trafficking in Human Beings 2009-2011 in Croatia envisages a series of measures, for example continuous operation of safe-houses for child victims of human trafficking and training of students and persons employed in the field of education.

The law on Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law were enacted in Cyprus in 2007. They
include specific provisions on child victims which provide, inter alia, for a national mechanism of co-operation between governmental services and non-governmental organisations for the identification of victims and the safeguarding of their rights.

The public authorities in Romania have the responsibility to elaborate a national strategy for the prevention and eradication of child trafficking and a mechanism for its co-ordinating and monitoring. Reports have been elaborated by the Ministry of Administration and Interior (ANITP), which served as a national co-ordinator and rapporteur in cases of human trafficking during 2005-2008. These reports include disaggregated data on the number of child victims.

In Sweden, the government has issued an action plan on combating prostitution and human trafficking beings for sexual purposes, in which a number of governmental agencies are commissioned to conduct various tasks. With the UNICEF guidelines on protection and rights of children exposed to human trafficking, the Social Welfare Board and UNICEF have elaborated a check-list/support for professionals, who in their work might meet children who are victims of trafficking.

The Crime Victim Compensation and Support Authority is commissioned to develop training for employees within the judicial system and the Swedish Migration Board on how to meet persons exposed to prostitution and human trafficking. A training programme has been designed for people working specifically with these issues at the Swedish Police, the courts, the Prosecution Authority and in Swedish Migration Board. One part in the programme is to improve knowledge on children exposed to human trafficking and prostitution.

2.7 The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime have been published in three of the official languages of the United Nations: English, French and Spanish. Guideline 45 and 46 recommend professionals to use the guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses, and evaluate their implementation. Among the respondents, only Poland has translated the guidelines to their language. This means that 20 of the responding Member States do not have the guidelines in all their official languages. In addition, Bulgaria has translated the guidelines to their official language.
2.8 Strategies to prevent repeat victimisation against children

One of the headings in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime is about the right to special preventive measures. This section emphasises the need for special strategies for child victims who are particularly vulnerable to recurring victimisation. In line with this recommendation, the State has a responsibility to include measures to prevent repeat victimisation within the general provision of services to victims.

Many respondents have had difficulties with the understanding of the concept repeat victimisation and it is often mixed up with the concept secondary victimisation. For this reason, almost half of the respondents have provided information on ways to avoid secondary victimisation caused by the agents in the criminal justice process. This means that the information on strategies to prevent repeat victimisation is very scarce. It has been found worthwhile to account for some interesting examples, although not all of them are connected to the themes of the CURE project.

In the information which actually dealt with strategies to repeat victimisation, most references focused on violence in the family and juvenile delinquency, which are two types of crimes where there is typically a risk for repeat victimisation of children. A number of Member States also declared that they have run or are running projects and programmes on children’s use of the Internet and how children may stay safe when using new communication technologies, including ways and means to report such crimes. Surprisingly, none of the respondents referred to the use of restorative justice interventions.

In Finland, a proposal aiming at effective intervention and prevention of repeat victimisation was put forward by a working group in the Ministry of Justice in 2009. According to this proposal, assault is not to be seen as petty if it is directed against a person under 18 years old who is dependent on the offender.

The French Penal Code includes a provision saying that any individual, professional or ordinary citizen, can be prosecuted for a criminal offence, if he or she is aware of a situation in which a child is subjected to violence and does not assist this child.

In Cyprus, the Domestic Violence and Child Abuse Office of the police headquarters maintains a national registry of all domestic violence incidents
reported to the police. Since 2004, there is also a registry on child abuse cases. This database allows the tracking of repeat offences against the same child as well as of repeat offenders.

The Introductory Act of the Courts Constitution Act in Germany, sec 17 no. 5 sets forth a general obligation to pass on data related to individuals resulting from criminal proceedings, in order to avoid that a child is exposed to repeat victimisation.

A few respondents refer to action plans which may deal with vulnerable persons and juveniles from a general perspective. The Lithuanian government is working on the implementation of the National Programme for Prevention of Violence against Children and Assistance to Children for 2008–2010, which will ensure that information on how to avoid violence is provided to children and that specialists working with children have opportunities to improve their qualifications.

The Youth Crime Action Plan in England was published in 2007 and includes a package of measures to help prevent young people from getting involved in crime. The objective of the action plan is to provide child victims with individual support and to build resilience and self-esteem, but also to be responsive and accountable to young people as well as the wider community. Five projects on support to young victims of crime have been piloted to ensure that good practice is taken forward, to improve support for witnesses to attend court, and to provide young people with better information on dangers and risks.

When children are at risk in Portugal, as perpetrators or as victims, entities with jurisdiction over child issues can intervene. If they are not able to solve the situation, local Committees on Protection of Children at Risk can intervene with various measures. These are official and autonomous non-judiciary institutions with the aim to protect the rights of the children in the community. The committees propose and arrange, for example parental/family support, foster care or institutional care. If the parents/carers or the child do not consent to the suggested intervention or if a protection agreement is repeatedly breached, the case can proceed to a court intervention.

There is one local committee per municipality and each of them is composed of an enlarged committee and a restricted committee. The enlarged committees raise the awareness on children's rights in the community and establish prevention programmes, whereas the restricted committee analy-
ses and evaluates referred cases, make a diagnosis and execute the promotion and protection measures which are needed.

The Portuguese National Commission for the Protection of Children and Young People at Risk is responsible for monitoring and support to the local committees.

In Scotland, the nation-wide Children’s Hearing System deals with the care, protection, guidance and control of children up to the age of 16 years. A fundamental principle is that children who commit offences and children who require care and protection as victims of crime or as victims of maltreatment are dealt with in the same system, as these are often the same children. At the centre of the system are Children’s Reporters, who are based in each local authority area. The Reporter investigates each referral. A Children’s Hearing is held if compulsory measures of intervention are required.

2.9 Major problems of the child victim in the criminal justice procedure

Introduction

The last question in the general section of the question form was concerned with the view of the governments of the problems which child victims may encounter in the criminal justice process. The information provided from members of the ENOC network has been considered in conjunction with the information provided by ministries, to make the picture fuller. Consideration has however been taken to the different sources in the account below. Five ministries of justice chose not to answer this question. Some of them declared that they are not in a position to do so.

Three major issues

It is possible to distinguish three issues which stand out in the information provided to this question: repeat questioning of child victims, the length of the proceedings and lack of trained professionals. Taking into account other information from the Member States during the course of the project, lack of co-operation among bodies in the judicial system and other actors, primarily the NGOs, should also be included in this group.

The answer which is by far the most common one with respect to problems of child victims concerns repeat questioning which is mentioned by seven ministries and by a number of Ombudspersons for children. Unfortunately, the information does not provide an explanation as to why repeat questioning is such a great problem.
A recurrent issue which is brought up by five Member States is the length of proceedings. Looking at the total number of answers from the ministries and the ENOC members together, 14 Member States provide comments on this topic. It is commented how lengthy proceedings might impact negatively on child victims. Explanations are not given to why this is such a problem. It may be inferred that the problems with regard to lengthy procedures may be caused by general delays in the criminal justice procedure, lack of consideration for the particular situation of child victims, and the fact that cases involving child victims may require expert opinions. It is pointed out that the problem of lengthiness is particularly problematic when the perpetrator is in the same household as the victim.

A continual issue which appears in many contexts of this study is the lack of trained personnel. The connection between indifferent attitudes towards child victims and lack of training is pointed out by some respondents. A few respondents bring up the importance of specialisation. One respondent indicates that the child victim has problems which might be caused by the failure of the court to control the proceedings. All in all, six ministries have commented on shortcomings related to training of criminal justice professionals and how it affects the child victim. Some of the respondents from the ENOC network have also provided comments which are closely connected to lack of training, and they deal with high formalism, lack of professionalism in interviews with child victims and unprepared professionals.

**Other problems of child victims**

Problems related to lack of co-operation is mentioned by two ministries. It should be recognised that the problems of repeat questioning, referred to by so many respondents, might be caused by lack of co-operation. Eight of the respondents representing the ENOC network claim that the co-operation is insufficient.

The lack of legal protection, or in other words the importance of regulations in law, is underlined by a few Member States. It is pointed out that provisions which do not have a binding character are not always followed. A cause for anxiety of the child victim is lack of information. This is commented on by two ministries and also mentioned by a few respondents in the context of secondary victimisation. In the Member States which represent common law jurisdictions, two ministries refer to problems which are related to cross-examination of the child victim.
The contact between the child victim and the suspect, and problems emanating from the fact that the suspect and the victim are not separated during the court session is another matter which several respondents have found important to mention.

The existence of regional differences as regards training of professionals and provision of support is mentioned by two ministries. Lack of technical devices and the need for newer technology is mentioned by two ministries and a few others have mentioned lack of child-friendly premises. The information from Italy stresses in several contexts, that the role of the media with regard to the protection of anonymousness and privacy of the child victim and his/her family, is seen as a crucial issue.

Finally, some comprehensive themes should be mentioned. One of them is that the state is not able to provide adequate support to child victims and that the available support is restricted to what is provided by a number of NGOs. A related issue is the lack of support and rehabilitation provided to child victims after the judicial proceedings have been completed. Another matter inferred from the information is the gap between the law and the practice. The Dutch and French respondents have explicitly commented on the general lack of attention to the child victim and his/her situation in the criminal justice procedure, but this matter also comes through indirectly in information provided by others.

2.10 Improvements at the EU level

Eleven Member States provided responses to the question on what could be done to improve the situation of the child victim at the level of the European Union. Most of them dealt with important issues which could be addressed by the Union, whereas other mentioned particular ways to address these issues. Among the issues considered important to bring up at this level, repeat examinations, co-ordination between the bodies involved with child victims and psychosocial support were mentioned. Four of the respondents mentioned the collection and sharing of best practices whereas two respondents mentioned how the 2001 Framework Decision on the standing of victims in criminal proceedings could be used. Another respondent advocated a horizontal instrument for protecting the interests of child victims. One respondent preferred the exchange of best practice to the imposing of new legal obligations.
Two respondents were in favour of setting up a group of expert or a special working group that could deal with the position of the child victim in court procedures and possibly provide recommendations for possible improvements.

One respondent highlighted the role of the EU in establishing criteria for interviewing child victims in a child-friendly way. On the pattern of legislative reforms in Germany, the German ministry of justice emphasises the importance of rising the age-limit for specific protective provisions to the age of 18. This age limit is meant to comply with the age-specific stress situation of child/juvenile victims during criminal procedures and with the age limits underlying numerous international conventions for the protection of children and juveniles.

Part 2 Thematic questions

2.11 Information

Introduction

The right to be informed is one of the fundamental rights of crime victims but also of child victims and witnesses of crime. With regard to the specific situation of the child victim, the right to information is also closely connected to the right to be treated with dignity and compassion and the principle of child participation. For many child victims, lack of information is a great source of anxiety. The matter of trustworthiness of child victims is very much connected to the provision of information. A child victim who is informed and who knows what to expect of the procedure will become more trustworthy.

Guideline 19 in the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime establishes the principle that child victims and witnesses, their parents or guardians and legal representatives, from their first contact with the justice process and throughout that process, should be promptly and adequately informed, to the extent feasible and appropriate, about a number of matters. The guideline includes an extensive and detailed list, however not exhaustive, of what information should be provided. This specification includes general rights as well as information on the progress and disposition of the individual case.

Two questions in the CURE question form dealt with information. The first one focused on information as a legal right, and the other on information developed specifically for child victims. The intention with these questions
was not to scrutinise the content of information provided to child victims, but to assess how general information on rights of victims and children are provided to child victims, and to study the existence of possible child-specific regulations.

**Information to crime victims as a legal right**

With regard to the first question on information as a legal right, some Member States inferred that the question concerned only child victims, others have answered with a view on the duty to provide information to all crime victims. With this in mind, the overview led us to conclude that a legal obligation to provide information to crime victims is found in most Member States, most often in the Codes of Judicial Procedure or in legislation governing the pre-trial stage. This right may be general or it may be qualified with respect to the position of the victim in the criminal justice process or the crime committed.

Six Member States report that they have not established an obligation to inform crime victims in legislation. Some of those Member States belong to jurisdictions with a common law system. In these countries on the other hand, the needs of victims are met by standards of service which may place stricter requirements on the authorities than the civil law jurisdictions.

The provision of information is sometimes seen as a part of the obligation to treat crime victims respectfully and carefully. Some respondents claim that the right to receive information follows from the victim’s right to be heard.

A distinction has to be made between provisions on information to victims in their role as injured parties and as victims. The Criminal Procedure Act in Slovenia for example, stipulates that the investigating judge and the presiding judge have to acquaint the injured party and the private prosecutor with their rights, for example to inspect the file and the material evidence.

Four Member States refer to provisions which establish a duty to provide information to victims of certain crimes. In Greece, a person who is subjected to a crime that is related to the personal and sexual freedom, even if he/she is not a civil claimant, has the right to be informed about the particulars of his/her case and the release of the offender. The information from Spain indicates that not all crime victims require the same level of information. Victims of crimes against life and physical or mental integrity, crimes against sexual freedom, gender crimes and violence in the family and terrorist crimes are able to require a higher level of information than others.
From the information provided within the CURE project, it is seldom evident which actor should bear the ultimate responsibility for information to child victims. Generally speaking, it appears as if the task of providing information to child victims is usually assigned to the police, the prosecutor and/or the investigating judge. In Estonia, the judge has an explicit obligation according to article 282 of the Code of Criminal Procedure, to explain to victims and civil defendants some of the rights and obligations of crime victims.

Five respondents have provided information on the timing of the information to crime victims but only one refers to specificities when children are victims. In Austria, the provision of information to victims of sexual offences should be provided prior to the first examination at the latest. The Code of Practice for Victims of Crime (2006) in England sets out a framework which establishes very precise and short limits for the provision of information. Children and other vulnerable victims are entitled to an enhanced level of service under the Code of Practice. This means that they should be kept informed of the progress of the police investigation within three days of key events, like arrest and bail and that they should be informed of any change in the case, and of dates and results of court hearings as well as about the verdict and sentence in the case within one day.

**Information adapted to children**

The objective that information should be understood by the victim is considered in different ways by the respondents. Whereas one respondent maintains that information should be provided to the child victim by his/her parents, others refer to the general responsibility which public agencies have to make themselves understood. Seven respondents bring up the importance of adapting information to the child victim, declaring that it should be provided in an appropriate manner according to age and development. The Czech Republic has a provision in the Code of Criminal Procedure, saying that the child victim shall be informed proportionately to his/her age. Information from the Polish respondent points to the necessity of respecting the specific nature of the recipients of information as well as the rules of comprehensible and transparent presentation when informing child victims. In Spain, the importance of providing information to child victims in a clear and accessible language is made clear in the instruction 8/2005 on the duty of information regarding the protection of victims in the criminal process. The German Code of Criminal Procedure, sec. 406h, stipulates that the aggrieved person should have informa-
tion about his/her rights and this information shall be provided as early as possible, in a language which the aggrieved person understands.

**Child-specific information to crime victims**

As regards information developed specifically for child victims, the view on information to child victims as a legal right is in some Member States seen as derived through the ratification of the Convention of the Rights of the Child. This is the case in Italy and in France.

With regard to information targeting child victims, the picture is very scattered. Eleven of the responding Member States have reported that no such information has been developed. Four respondents have provided responses which are difficult to interpret, or which are about information that is developed on an ad-hoc basis or on a small scale.

In some Member States, for example in Belgium, Croatia and England, specific information to child victims is developed and distributed on a local or regional level and within the framework of projects, alongside information from governmental or criminal justice agencies.

In Member States where the right to information is established in the legislation, most respondents claim that the information given to child victims is the same as for all victims. Very few of the responding Member States report about child-specific provisions with regard to information that should be given to the child victim/witness. The exceptions are Croatia, Portugal, Romania, Spain and England. The new Criminal Procedure Act which will begin to apply in Croatia in 2011, regulates the rights of victims and injured parties in the criminal procedure. The law cites children, juveniles, victims of criminal offences committed within the family and victims of sexual abuse as particularly vulnerable groups who are granted a wider scope of rights.

In a few Member States, provisions on information to child victims have been put in place in other laws than in the Codes of Criminal Procedure. This is the case for example in Portugal, where according to the Law on Protection of Children at risk from 1999, there is an obligation to inform the child, the parents, the legal representative or the guardian on the rights of the child, on the proceedings and on the motives for possible intervention.

Historically in the Scotland’s Children’s Hearing System (SCRA), victims of youth crime, adults as well as children, were legally not able to be provided with information about the outcome of the offences committed against them. The Criminal Justice (Scotland) Act 2003 now has given powers to the
Principal Reporter to give victims of youth crime the opportunity to receive information about the outcome of offences against them by a child or young person, whilst also protecting the child’s right to confidentiality. A Victim Information Team to help deliver this service to victims has been set up and was rolled out across Scotland from 2009.

In France, the absence of child-specific provisions on information to crime victims is explained by how the Council of State and the courts have considered the issue of direct applicability of the Convention of the Rights of the Child.

Two respondents refer to a duty to inform the child victim about special measures for giving evidence. In Belgium, an obligation has been established in law to inform the child victim on why an audiovisual recording of the interview should take place and about the fact that the child can interrupt the recording.

Among the 13 respondents which claim to have developed child-specific information, a few refer to NGOs or to institutions outside the criminal justice system as providers of such information. Two respondents refer entirely to NGOs whereas some Member States in this group refer to agencies supported by the state as well as to NGOs. In Portugal for example, the Institute of Child Support provides information about children’s right from a general perspective but the Portuguese Association for Victim Support (APAV) has developed a platform with information to child victims. Victim Support Scotland has a website with information to young victims of crime in different age groups, www.crimeandyoungpeople. Victim Support Sweden also has a special section with information to young people on its website. A project has also been piloted by Victim Support Sweden with the aim to open a chat-line with young crime victims. In Romania, the National Authority for Child Protection drafts and advertises information materials in co-operation with specialised NGOs working with children. The distribution involves ministries and authorities which activate county and local networks.

The Children Support Centre in Lithuania, which is supported by two ministries and by the prosecutor’s office among others, has published an information brochure entitled “When a child testifies at trial.”

In eight Member States, either the ministry of justice or a body in the criminal justice system, is responsible for the development of information to child victims, either through a website or through written information.
In Estonia, the police are responsible for such information which is provided on two specific websites, one for children and one for young people: www.politsei.ee. The Irish Court Service has developed an information booklet and a DVD for young witnesses, Going to court, available on the website www.courts.ie.

Within the framework of the CANEE project, information material about the procedural rights of crime victims, adapted to child victims has been issued in the countries which are members of the network. In Poland, such information is developed by the Ministry of Justice in co-operation with the Nobody’s Children Foundation. It explains the basic rights of child victims participating in the criminal investigation according to the Code of Penal Procedure. The Ministry of Justice distributes this document to all children summoned to witness, together with information on the date and place of the interview.

The support centres for young victims of crime in Sweden, that are staffed with social workers, serve as sources of information to child victims. The web-site of the French Ministry of Justice includes a special section with information to crime victims, with a section devoted to for young people entitled Ado Justice, www.ado.justice.gouv.fr/php/index.php. In England/Wales, the website of the Crown Prosecution Service has a specific section devoted to young victims and witnesses. This website features, among other things, “Millie the witness”, a booklet which describes in simple words and with child-friendly pictures, a child being witness to a crime and the disposition of the case. It is intended to be used by adults when preparing a child to give evidence.

**Helplines for children**

The toll-free telephone lines for children which have been established in most Member States may serve as important providers of information, also to child victims. Some Member States refer to bodies with a mandate to protect the rights of children as providers of information on children’s rights in general, and possibly also of information to child victims. The Children’s Rights Ombudsman Institution in Lithuania has set up a toll-free phone line for provision of information on violations of children’s rights.

Some Member States report about several helplines for children. In Estonia, the organisation Lapsemure has its own forum as well as a helpline via Skype. The National Children's Helpline in Estonia was launched in January 2009 with an accompanying website. It is designed primarily for children,
but is also open to calls from adults seeking advice, counselling and services. The helpline operates 24 hours a day and allows people to inform the authorities of any child in need. Calls are free of charge from both fixed lines and mobile phones and callers can be assisted in Estonian, Russian and English.

### 2.12 The child victim during investigation

#### Introduction

The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime do not subsume recommendations about the investigation under a specific headline, but several of the guidelines are applicable during the pre-trial stage. One of them is guideline 13, which says that in order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner. This guideline should be read in conjunction with guideline 42, which is about training, and which in paragraphs h-k stresses the need for appropriate adult-child communication skills and interviewing and assessment techniques to minimize any trauma to the child, while maximizing the quality of information received from the child.

Most of the guidelines under the headline “The right to effective assistance” are applicable during the investigation. In guideline 30 d, Member States are, among other things, urged to use interview rooms designed for children, interdisciplinary services for child victims integrated in the same location, recesses during a child’s testimony and hearings scheduled at times of day appropriate to the age and maturity of the child. In the same section, professionals are recommended to limit the number of interviews with child victims. Special procedures for collection of evidence from child victims and witnesses should be implemented in order to reduce the number of interviews, statements, hearings and specifically, unnecessary contact with the justice process, such as through use of audio-visual recording.

The section on the child victim during investigation in the CURE question form include seven questions, 2 A-F; ranging from the reporting of crimes to the investigative interview. It has to be stressed that due to the limited time and resources in the project, with regard to the analysis of this theme, emphasis has been made on the investigative interview.
Child-friendly reporting systems

It has been shown that young people are more likely to be victims of crime than adults but are less likely to report crime to the police. Six Member States have provided information saying that minor victims can report crimes in the same way as other citizens. From this follows that in these Member States, there are no age restrictions and no specific requirements for children with regard to the reporting of crimes. In Italy, when a victim has not reached 14 years of age, a criminal complaint has to be lodged by the person asserting parental authority, or in case of conflict of interests, by a special guardian or by a non-profit association working to assist children.

With respect to special procedures for reporting crimes against children, very little information is provided by the respondents, although about a third of the responding Member States refer to the existence of specialised units within the police or to specially trained police officers. A few respondents refer to NGOs or to help lines, which may be administered by state agencies or private entities.

Only one Member State, Austria, has referred to a duty, emanating from the Code of Criminal Procedure which rest upon public authorities and officials, to report a suspicion of a crime to the police or the prosecution authorities. This duty, which is not restricted to crimes against children, is obligatory insofar as it may take precedence to a relationship of personal trust which otherwise may hamper the duty to report.

Nine Member States report about the duty of public officials to notify suspected crime against children. An example of such a duty is found in Finland. According to the Child Welfare Act (417/2007), which entered into force 2008, early intervention is easier, and the duty to notify is wider than previously. A great number of professionals are obliged to notify. Among these are social and health-care services, education services, youth services, the police service, parishes or other religious communities. These groups must notify the municipal body responsible for social services, without delay and notwithstanding confidentiality regulations if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare on account of the child’s need for care, circumstances endangering the child’s development, or the child’s behaviour. The authorities which are bound by professional secrecy are not entitled to report directly to the police but should report to the social services.
In a group of Member States, children have a possibility to notify social welfare authorities about crimes committed against them. This is the case for example in Austria, Croatia and the Czech Republic. In Germany however, youth welfare offices or social services are not legally entitled to accept complaints of criminal offences but these services might assist the child with advice and in other ways.

In Slovenia, the social service centres have a further obligation to report criminal offence, since according to the Criminal Procedure Act, all state agencies and organisations with public authority are bound to report criminal offences liable to public prosecution which were brought to their notice in some way.

With respect to this matter, reference can be made to the Belgian system that does not provide for an obligation to report for persons bound by a professional secrecy, but for a right to report as stated by article 458bis of the Criminal Code. Concerning child abuse and neglect, a model has been elaborated that offers persons the possibility to report to a multidisciplinary composed advice and assistance organisation. In the Flemish part of the country, this organisation is the Confidential Centre on Child Abuse and Neglect (Vertrouwenscentra Kindermishandeling), and in the Walloon part of the country it is the Team SOS Children (Equipe SOS Enfants). These have some particularities in their working methods but the main principles are the same. They act as complaint centre for professionals and non-professionals, who may approach the centres with questions, suspicions or anxieties concerning the abuse or neglect of a child. When confronted with a complaint, these centres assess and evaluate the situation and the seriousness of the case in different ways: directly by contacting the minor, parents or other persons close to the child. If the situation is alarming, a crisis intervention is possible. The starting point for the assistance provided is the concrete needs of the child in the concrete situation. The persons representing the centre are bound by professional secrecy. When the security of the child cannot be guaranteed, other steps are considered, such as notifying the office public prosecutor’s in juvenile affairs.

In Denmark and in Scotland, police officers may visit the home of the child, either when a report is made, or prior to the first interview, to build rapport with the child.

Two respondents refer to the possibility to report crimes at the Internet. In the south of Sweden, the police department in Malmö has piloted a project
where children may report crimes to the police via the Internet. The staff has been trained to chat with children and to listen and talk with them about what they have been exposed to. If it appears as necessary, an interview may be done through the chat. In England and Wales, projects have been piloted with the aim of facilitating the reporting of crimes by children through intranet systems at schools.

**Age limits with respect to evidence**

One question in the section on the child victim during investigation was concerned with possible age limits in the Member States, imposed on children giving evidence as crime victims during the pre-trial stage. The information gave a unilateral answer since all respondents answered that no age limits are applied with respect to evidence at this stage.

It may be contended that the issue of the child’s capacity to testify is generally subject to an individual assessment and that very often, experts are involved in assessing the child’s capacity, taking into consideration the developmental level of the child. Generally speaking, the only limit mentioned by the respondents is the possibility of the child to communicate. In addition, one may contend that the younger the child, the more likely it is that an expert will be called on to give an opinion.

**Pre-trial statements as evidence in court**

Closely connected to the question on age limits for the provision of evidence was question 2 E about whether pre-trial statements from child victims were allowed. In all the Member States, video-recorded statements given by the child victim during the investigation may be used as evidence in court. The conditions to conduct recorded hearings with child victims vary to a great extent. It is difficult to give a fair and complete picture of the situation. The reasons are the scarce references to practice in the information provided by some Member States. Another reason is that the evaluation of whether the statement should be used in court, quite often seems to be made on a case-by-case basis, either by the prosecutor, the judge or another person. Guidelines for assessing these situations may be found in guidelines or other policy documents. This is one aspect dealt with in this project which requires further in-depth studies.

In Belgium, the public prosecutor or the investigation judge can demand an audiovisual recording of the interview with the consent of the child victim. If the minor is less then 12 years old, his consent is not necessary and it is sufficient to inform the child about the fact that the interview will be recor-
ded. An audio-visual recording is done for a list of offences mentioned in the article 91bis of the Code of Criminal Procedure, i.e. sexual and violent offences and of offences of human trafficking. With regard to other offences, a statement can be recorded if it can be justified by serious and exceptional circumstances.

The Criminal Justice Act 2003 in Croatia rules that a video-recorded statement will be admissible provided that the witness is unavailable to testify for a specified reason.

The Italian Code of Criminal Procedure provides that “the examination of a witness under the age of 16, who has already made statements at the evidential hearing during the investigation, incidente probatorio, or at the trial in cross-examination with the person against whom such statements are to be used..., shall be admitted only if it concerns facts or circumstances different from those which were the subject of the previous statements, or if the judge or any of the parties deem it necessary on the basis of specific needs.

The rule established in 17 cha 11 and 21 § in the Finnish Code of Judicial Procedure states that a child victim below the age of 15 does not appear in court unless it may prove necessary and because the defendant has not been given the possibility to question the child victim. According to a proposal from a working group appointed by the Ministry of Social Affairs and Health in 2008, child victims of sexual crimes below the age of 16 should under no circumstances be heard in court if it is not necessary to prove the charge. (Ministry of Social Affairs and Health report 2009:30)

Statements given by child victims in Spain can be recorded in order to be reproduced but can not replace the statement in the plenary session of the court. The issue of if and when statements should be recorded is a matter dealt with in an instruction from 2002. The Spanish Supreme Court has admitted statements of minors in practice since 2006, but this is a policy which demands a change in the Code of Criminal Procedure.

A general rule which follows from the principle of a fair trial is that the suspect should be given the possibility to ask questions to the witness. This right takes different expressions in the various Member States. In Lithuania, the suspect asks the child victim questions through the pre-trial investigation judge, and in Sweden, the defender can ask questions through the person who conducts the interview. In Italy, a new witness interview shall be admitted only if it concerns facts or circumstances different from those which were the subject of the previous statements. This should prevent the defen-
der from requesting a new interview with questions that he or she could have put during the pre-trial stage.

**Responsibility for interviewing the child victim**

In question 2 G, an enquiry was made about the actor with main responsibility for interviewing the child victim. Looking at the information as a whole, the impression is that most often, the police have this responsibility. Some of the respondents provide information on other actors, who are either present or who have a complementary role in the questioning. In Ireland, the Criminal Evidence Act 1992, as amended in 2008, says that either the police or another trained person should be in charge of the interview. In Cyprus, the social welfare services have been granted the capacity to question child victims when the statement is video-recorded.

The involvement of the prosecutor in the interviewing process is mentioned by a few respondents. In Croatia today, the investigating judge has the overriding responsibility for the interview, but amendments of the Criminal Procedure Act (OG 152/08), will place interviewing under the competence of the police and the state attorney. In Sweden, the handbook from the National Police Board on investigation of crimes in close relationships says that the prosecutor should be present at interviews in the pre-trial stage with child victims, in order to be able to guide the questioning, to ask questions through the leader of the investigation and possibly to correct mistakes. In some Member States, such as in Italy and Slovenia, the investigating judge has a role in the questioning of child victims at this stage. The Code of Criminal Procedure in Poland stipulates that actions in the preparatory proceedings shall be conducted by the court.

**Requirements on the investigative interviewer**

Requirements on the skills of the investigative interviewers have been set up in most Member States. Only two Member States have answered that specialised training is not a requirement to interview child victims. It has not been possible to get a full picture with respect to the content of the requirements. Two Member States, Belgium and Cyprus, stress that when the interview is video-recorded, it has to be conducted by a trained person.

Among the Member States which claim that the investigative interviewer must have training to perform interviews with child victims, ten respondents have not provided references to legislation or policies. This is the case for example in Austria and England, where it is regarded as a best practice that the persons who conduct the interviews with child victims are trained.
Some of these Member States refer to the possibilities of the interviewer to specialise and to receive training by means of available training courses. This is the case in Poland and France, where the Special Unit for the Protection of Minors and the Special Unit for the Prevention of Juvenile Delinquency in the gendarmerie have officers with special training. In Belgium, 550 police officers with specialised training to interview child victims are part of a nation-wide network set up for this purpose.

Some countries which have provided references to requirements on specialised training on investigative interviewers are Croatia, Ireland and Sweden. In Croatia, interviews with the child victim are conducted by a police officer specialised in juvenile delinquency, except when it is not possible because of the special circumstances of the case.

In Finland, sec 11 in the Decree on Criminal Investigations and Coercive Measures (575/1988) states that where possible, the interview should be carried out by a police officer acquainted with the task of interviewing children, and if it considered necessary, a doctor or an expert must be consulted before the interview. As a rule, investigation of crimes against children is channelled to investigators who have professional skills and particular competence in investigating this type of crimes. The equivalent act in Sweden, the Preliminary Investigation Ordinance, rules that interviews with child victims should be held by a person with competency.

In Germany, it is considered that the basic training for the police and the prosecutors provide a sufficient level of skills to conduct these kinds of interviews. In some Member States, such as in Italy, it is claimed that the training on issues related to domestic violence cover children as victims of crime.

Since 2007, the Swedish National Police Board has been responsible for ensuring that every local police authority commands the necessary qualified expertise to prevent and investigate cases of violence committed by men against women and violence against children. The Board is also required to adopt measures to ensure that all personnel who investigate matters involving children subjected to violence undergo training specifically tailored to their tasks and assignments. The project included the creation in 2007 of a new, more extensive training programme for personnel responsible for questioning children.

Some respondents also mention the requirements on the experts that take part in the investigative interview or throughout the investigation. This is the case for example in Greece, Italy and particularly in Spain, where a psycho-
social team is responsible for the interview with a child victim. In Finland, the police can agree that the child will be interviewed through an expert, but a police officer must always be present when a child is interviewed, although not necessarily in the same room. The decision to use a specialist interviewer is always at the discretion of the leader of the investigation.

**Child-sensitive measures and practices during the investigation stage**

The responses provided to the question on child-sensitive measures during the investigation stage could be divided in information on emotional and practical assistance during the investigative interview, and information about the premises where the interviews take place.

Apart from being represented by statutory representatives, most Member States have referred to the possibility of the child to be accompanied in the criminal justice procedure, but it is not always clear from all of these respondents whether this applies to the investigative stage. The right of crime victims to psycho-social assistance in Austria covers the preparation of the trial. In Belgium, the victim has the right to be assisted by a person of age of his choice, except by motivated decision of the public prosecutor or the investigation judge. If these persons are of the opinion that this assistance would not be in the best interest of the child victim or to reveal the truth, it might be refused.

A number of Member States have enacted provisions with the purpose of sensitising the justice professionals on the situation of the child victim. According to the announcement 2/2007 in Denmark, issued by the State Attorney on management of cases involving sexual abuse of children, the police and the public prosecutor must assess if there is a need for special consideration to a witness who is due to give evidence in court. If this is the case, the court must be informed. In assessing this matter, account should be given to the age of the victim.

In Finland, a group of prosecutors are specialised in cases involving domestic violence and violence against children. They are placed in five different local units and led by a head prosecutor. Each prosecutor has been assigned contact persons within the local units. In this way they form a nationwide network in the area covering crime against children and domestic violence. The tasks are to keep up-to-date with these specific areas and the international development, in order to raise the quality of investigations and to train other prosecutors in this specific area.
Finally, the time-limits established for preliminary investigations involving child victims must be mentioned. According to guidelines for the police on examinations of the children in the pre-trial stage, issued by the Ministry of the Interior of Finland (SM-2006–02026/Ri-2), a child victim must be interviewed as soon as possible after the alleged crime has been reported. The Swedish Preliminary Investigations Ordinance (1947:948) stipulates that a preliminary investigation involving an injured party, who had not reached the age of 18 at the time when the offence was reported, must be completed and a decision reached on whether to prosecute, within three months of the date on which a person was suspected on probable cause of having committed the offence, provided the offence was aimed at the life, health, peace or liberty of the injured party and the crime is punishable by more than six months’ imprisonment. This time limit may only be exceeded, if warranted by the nature of the investigation or other exceptional circumstances.

**Child-friendly rooms for interviewing**

Almost all Member States have mentioned the existence of child-friendly rooms for the interviewing of child victims. Only four respondents made no such references. Very few respondents however, refer to legislation or to other supportive documents with the purport that child victims should be interviewed in an environment adapted for this specific purpose and which allows for recording of statements.

In what sense the so called child-friendly rooms can be characterised as child-friendly is not always clear and information on this specific aspect was not asked for. It can only be claimed that these rooms are somewhat better adapted to receiving children than other rooms. The indication child-friendly often refers to how the rooms for interviewing are designed, furnished and equipped. It has also become clear that the reference to child-friendliness might refer to the location of the room and to efforts to make the environment informal. One respondent has remarked that the buildings in which the child victim is interviewed look neutral. The handbook in Sweden on crimes in close relationships, which also serve as guidance for the investigation of crimes against children, point out that the rooms in which a child is interviewed should be placed separately from other rooms so that the child will not have to confront a great number of people when going to the interview. The same applies in Portugal.

Few Member States provide information on the number or the scope of such rooms. In quite a few Member States, it seems as if child-friendly rooms are available in many parts of the country. In Belgium, these rooms cover the
whole territory. Also in Denmark, there are rooms designed for interviewing children in all police districts of the country. In the Czech Republic, child-friendly rooms are available in certain regions of the country and the objective to ensure optimal use of special hearing units forms part of the national action plan to realise the National Strategy on prevention the violence on children 2009 – 2010. In Croatia today, special child-friendly rooms for conducting interviews with child victims exist in a limited number of police stations, but the financial plan of the Ministry of the Interior for the years 2009-2010 has earmarked funds for equipping 45 rooms throughout the country.

In Lithuania, child interview rooms have been established in five higher level police commissariats as an implementation of the National Programme on Prevention of Violence against Children and Assistance for Children 2005-2007. According to the programme for 2008-2010, an additional six interview rooms for children will be established.

The situation in Poland is notable, not only because of the number of rooms; there are around 300 child-friendly rooms throughout the country. Poland is also exceptional in having set up a system for certifying child-friendly rooms and a standard for interviews of child victims. The standards have been developed in Poland by the Nobody’s Children Foundation in co-operation with the Coalition for Child-Friendly Interviewing.

In Sweden, the establishment of children’s houses implies that child-friendly rooms are available at many places. They are often funded and maintained in co-operation between different actors in the judicial system and the social services. The children’s houses have not yet become nationwide but around 20 such institutions have been set up across the country although primarily in the bigger cities.

It should be added that from the information provided by the police, it becomes clear that the lack of adequately furnished rooms for interviewing child victims is considered a problem in some Member States.

A few Member States make it possible to interview a child victim in other places than in official buildings. This possibility, which is used for younger children, exists for example in Austria, Croatia and Italy.
Restriction on the number of interviews

A great number of respondents make reference to various means to restrict the number of interviews in one way or another, although the ways to do so differ. All in all, seven Member States refer to legal provisions with this aim. Another group, also of seven respondents, claims that there are restrictions on the number of interviews, but these claims are not supported by references, either to legislation or to policies and guidelines. These responses may be interpreted as if the restriction of the number of interviews is a best practice. According to some of these responses, it is normal procedure that the questioning of a child victim takes place only once.

Four other respondents refer to guidelines on this matter. According to a ruling from the General Prosecutor of Estonia, the child victim and child witness must be interrogated as few times as possible, preferably only once. It should be added that a draft amendment in the Estonian Code of Criminal Procedure includes provisions which will make it possible to hear a child witness/victim only once during the criminal proceedings. In the Scottish guidance on interviewing, Child witness in Scotland, one of the aims is to reduce the number of times the child is interviewed.

About one third of the respondents refer to the procedure of recording the statement of the child with audio-visual techniques as a means to restrict the number of interviews. Audio-visual recordings in Belgium are permitted for a list of offences in the Belgian Code of Criminal Procedure. The guidance Achieving best evidence in England, describes broadly speaking that the use of video-recorded interviews implies that more than one interview should not be necessary. The German Guidelines for the Criminal Procedure require that repeated examination of children and juveniles before the main trial should be avoided and that the use of audio-visual mediums should be considered.

The restrictions of the number of interviews with child victims are, as showed in the examples below, often conditional on the crime committed. The Juvenile Courts Act in Croatia rules that interviews with a child or a juvenile, subjected to certain criminal offences like murder, kidnapping and sexual crimes may be conducted twice at the most.

In Latvia, the Criminal Procedure Law (Special Features of an Examination of a Minor) rules that if a psychologist indicates to the person directing the proceedings that a person under 14 years of age, a minor victim of violence committed by a person upon whom the victim is dependent, or a minor
victim of sexual abuse, may be psychologically harmed by repeated direct examination, this examination shall be performed in the court and only with the permission of the investigating judge.

Minor victims of sexual assault, abduction and human trafficking in Greece should as a rule be interviewed only once. The Code of Penal Procedure states that a supplementary examination may be permitted only exceptionally and if requested by the public prosecutor or the parties.

The Italian Code of Criminal Procedure includes a provision which aims at restricting the number of witness examinations with children under the age of 16. It should be noted that it is not an absolute preclusion for the court to interview the child when this is deemed necessary for deciding the case.

In Poland, the Code of Criminal Procedure, art. 185a, rules that the examination of the child victim shall be conducted only once, but this provision applies to a restricted number of offences connected to the sexual liberty of the child.

In Sweden, the Preliminary Investigations Ordinance rules that interviews with someone below the age of 18 must not take place on more occasions than what is necessary with consideration to the character of the crime and the best interest of the child. A minimum of two sessions of interviews must be expected since the suspect or his defender must have the possibility to ask questions to the child. In practice however, four or five interviews are often made.

Another way to reduce the number of interviews is by means of the procedure used in Germany, where the victim has the possibility to file a charge directly with the District Court instead of with the local court. In Slovakia, the presence of an expert is considered as a means to restrict the number of interviews.

The timing of the interview with the child victim is only brought up by four respondents. Neither is the duration of the interview a matter of concern in many Member States, at least not according to the respondents. An exception is Latvia where the Criminal Procedure Law states that the interview shall not exceed six hours, including interruptions. In the Czech Republic, the general rule is that the hearing of a child, whether witness, aggrieved person or perpetrator is permitted only during daytime and at the latest 10 pm.
Guidelines on interviewing child victims

Of the 26 respondents, ten Member States claim to have guidelines on the interviewing of child victims which apply on a national level. These guidelines may be issued by the police, as in Cyprus and Sweden. The extensive guidelines in England and Wales, Achieving best evidence, is a document emanating from the Ministry of Justice, and in Belgium, guidelines on interviewing are found in the ministerial circular of 16th of July 2001 on the audiovisual recording of the interview with minor victims or witnesses.

In Finland, guidelines issued by the Ministry of Interior govern cases where children and young people are involved. This means that not only child victims but also children who are in conflict with the law are included in these guidelines, which are also used in training of the police. A specialist working group has now been established by the National Institute for Health and Welfare to elaborate national guidelines for investigations of physical and sexual abuse of children.

In Ireland, the Good Practice Guidelines are designed for police who are tasked with interviewing child victims. The guidance Child witnesses in Scotland is a publication published by the Scottish Executive developed primarily for victims of sexual crimes but it may be used with any type of case involving child witnesses.

In some Member States, such as in Croatia, instructions on how to conduct an interview with a child victim are published, although they are not universally applied throughout the country. In Greece, a protocol on how to interview child victims of sexual exploitation, abduction and human trafficking is currently prepared by a committee set up by the Ministry of Justice.

2.13 Legal representation of child victims

Introduction

The questions in the section on legal representation were primarily intended to gather information on the possible right of the child victim to receive legal assistance independently from their parents and guardians. The first and the second questions were somewhat overlapping. Whereas the first question covered legal assistance in a wider sense, the second covered legal representation during the preliminary investigation and in court.

Due to reasons connected with legal competence, the legal interests of a child victim who is involved in criminal proceedings must be guarded by a representative. The most striking outcome is that legal representation of
child victims is in many Member States seen as part of the parental responsibility. The point of departure in these Member States is that parents/carers, or possibly close relatives, are the obvious legal representatives of the child victim. If more professional legal assistance provided by a lawyer is found necessary, it is incumbent on the parents to seek assistance from lawyers according to the normal procedure established within the legal aid system. In line with this view, these Member States have referred to civil regulations on guardianship in their responses. This notwithstanding, a child victim in these Member States may still under certain conditions be entitled to legal assistance and have the possibility to be represented by a lawyer.

**Free legal assistance in the criminal justice procedure**

Thirteen Member States report that specific provisions on crime victims in their systems of legal aid make it possible for child victims to benefit from legal assistance. A small group among these respondents refers to provisions on legal assistance which specifically targets children. A few Member States; for example Austria and Spain, report that legal assistance is dependent on the economic resources of the applicant. Also Finland has restrictions on free legal aid with regard to the economical status of the applicant, but when a child has been subjected to certain crimes, such as sexual crimes, representation is paid for by the state, irrespective of the child’s economical situation. The same applies in Italy where in accordance with legislative decree no 733/09, in cases involving sexual abuse, a crime victim, be it a child or an adult, may be granted free legal aid, irrespective of its income.

The primary legal assistance in Belgium includes free legal advice, practical information, legal information and if necessary, referral to other persons or services. Services are established for everyone, minors included, in the courts, the houses of justice and public welfare services. Within the framework of the second-line legal assistance, there is a possibility to receive assistance of a lawyer.

Some respondents which have reported that child victims are not guaranteed legal assistance are from Member States in which the crime victim is not a party of the criminal proceedings. This does not exclude that advice and legal assistance is available to child victims in these states. In Scotland, for example, child victims may seek information and advice from a solicitor about the course of the court proceedings. A child, who has been the alleged victim of certain offences under the Criminal Procedure (Scotland) Act 1995, can be referred to the Children’s Reporter within the framework of the Scotland’s Children’s Hearings System, (SCRA). If the matter proceeds
to a hearing and then onto court, children’s legal aid would be available to them. In Ireland, the Civil Legal Aid Board may provide legal aid to victims of certain sexual offences, but this is a limited statutory exception to the main rule.

A few respondents report about legal assistance provided to child victims in other forms, for example through NGOs or specialised services. The witness care and the witness service volunteers in England can provide legal assistance to child victims and in the Netherlands, reference is made to legal assistance provided by Victim Support Netherlands. Under the patronage of the Polish Ministry of Justice, an NGO programme called Guardian of a child victim has been established. The so-called child guardians offer basic legal advice but it is not considered that they provide professional legal assistance. Child victims in Spain may turn to the offices of victim assistance which exist in most provincial capitals.

**Legal representation of child victims**

Most of the Member States, almost three quarters of the respondents, state that they have regulations which make it possible for the child victim to be legally represented independently of their parents or guardians in different ways. In Luxembourg, according to the law 1992 on protection of youngsters, a minor, his/her parents or other persons with guardianship of the child, may apply for a counsellor, *conseil au mineur*, who may be appointed by the youth judge.

To begin with, a group of Member States has provided information with the content that the right to legal representation is connected to the status of the victim in the criminal process. Crime victims can be entitled to free legal representation when claiming for damages. In the Czech Republic, a victim may be represented by a legal representative according to the Code of Civil Proceedings, if the person under the age of 15 has the title to claim for damages. The legal representative may be chosen by the injured party. Under the proposal and after the decision of the judge, he or she may be free of charge, when the injured party does not have sufficient financial resources. Pursuant to special regulations, a victim subjected to a crime for which a prison sentence of five or more years is stipulated, has the right to a counsellor at the expense of the state budget, before giving his/her statement in the criminal procedure. This applies also when the victim submits a claim for indemnification, if he/she has suffered grave psychological and physical harm or grave consequences from the crime committed. In Estonia, a
victim may have a so called contractual representative in a criminal proceeding in addition to the legal representatives. If a court finds that the interests of a victim, defendant or third party, are insufficiently protected without an advocate, the court may decide to grant legal aid to the person on its own initiative and pursuant to the State Legal Aid Act.

In Italy, the Code of Criminal Procedure envisages that a special curator is appointed by the investigating judge at the request of the public prosecutor or an NGO working to assist children. In the course of the criminal proceedings, the curator may appoint a defence counsel to assist the child, for example with the civil action for compensation within the criminal trial and with participation in the evidential hearings and in the trial. The counsel can submit claims, when the child is under the age of 14. The counsel assists the child victim on a general basis, by explaining what is happening within the criminal proceedings and by addressing the concerns which a child may have in conjunction with the proceedings.

The right to legal representation is primarily restricted to children who are victims of sexual abuse and human trafficking. In Germany, the Code of Criminal Procedure rules that, upon application, a lawyer shall be appointed at the expense of the state, for crime victims under the age of 18 subjected to crimes such as certain violent offences and human trafficking. An injured party who is a minor in Slovenia shall, from the initiation of the criminal proceedings and onwards, have an attorney to care for his rights, particularly in issues that concern the protection of his or her integrity during examination before the court and when claiming for indemnification. This right applies when the victim is subjected to crimes against sexual inviolability, neglect and cruel treatment and human trafficking.

About one fourth of the responding Member States have conditions to receive free legal representation which are related to the victim’s economic situation. In Austria, the economic status of the child as well as of the guardian may be taken into account. Within the system of second-line legal assistance in Belgium the assistance of a lawyer is partially or totally free, dependant on the family situation and the income of the person.

**Conflict of interest between the child victim and the guardian**

In most of the Member States, the main rule is that the parents/caregivers have the responsibility to act as legal representatives of the child victim. When they can or will not exercise this right, or when their interest is in conflict with the rights of the child, or if it is not possible to safeguard the child’s
interests for other reasons, it is sometimes possible to appoint a legal representative. More than half of the responding Member States refer to such a possibility. It must be observed however, that not all of them refer to cases of conflict of interest but more generally to cases when the parents are not able to protect the interest of the child victim. The German Code of Criminal Procedure, sec. 68b for example, states that a lawyer has to be assigned for the examination of witnesses by the court, if any of their interests meriting protection can not be taken into account in another way. This applies also to examinations by the prosecutor and the police.

A specific procedure is foreseen in Belgium when there is a conflict of interest between the child victim and his legal representative. On demand of the minor or another party, the juge de paix can designate a guardian ad hoc. The same procedure applies in France, where the state prosecutor or the investigating judge designates an ad hoc legal representative for the child when the protection of the interest of the child is not completely ensured by his/her legal representatives or by one of them.

Crime victims in Sweden who are aggrieved persons may be eligible for injured party counsel according to the Act on injured party counsel (1988:609). In special cases, the child victims may be represented by a special representative according to the Act on special representative of children (1999:1997). The right to be represented by an injured party counsel is restricted to certain crimes and applies to adults as well as to children. The injured party counsel shall look after the interests of the injured party and provide support and assistance. According to the legislative history of this act, an injured party counsel should normally be appointed for children who are subjected to crime. The tasks of the counsel are bound up with the injured party’s needs in the legal proceedings as well as outside the proceedings.

The Swedish Act on a special representative of children envisages legal representation in specific cases. A representative shall be appointed in cases where there is suspicion of a crime that can lead to imprisonment, has been committed against someone under the age of 18 years and a custodian can be suspected of the offence, or it can be feared that a custodian is unable to look after the rights of the child, due to the custodian’s relationship with the person who can be suspected. The court may make a decision on an interim basis to appoint a special representative without consulting the guardian. The special representative, rather than the child’s guardian, acts as a deputy who can seize the rights of the child at the preparatory stage and in subsequent proceedings. If compared to the injured party counsel, the authority
of the special representative of the child victim is consequently wider. The special representative may act on behalf of the child at a very early stage of the proceedings and this may prevent family members and/or the suspect from influencing the child victim.

**Responsibility for the appointment of legal representation**

The second question in the section on legal representation was concerned with the responsibility to look after the interest of the child to be legally represented in the criminal justice process. The answers to this question must be considered in view of the fact that in many Member States, the parent/guardian is considered as the legal representative of the child victim in the first hand. Despite this fact, more than half of the respondents have stated that when the child victim has a right to legal representation, agents in the criminal justice process, the prosecutor or the judge, contribute to the appointment of such representation.

In Slovenia, the court shall assign *ex officio*, a lawyer to minors who are parties in the process and who have no lawyer. In Estonia, the social services of the local governments are looking after the right to legal representation of child victims. The police in Finland is instructed to encourage crime victims to apply for a legal representative and also in Spain, the judicial clerk will instruct the child victim about his/her right to have a lawyer appointed and encourage the appointment of a counsel if the victim has the right to legal aid. A crime victim in Sweden should be informed about the possibilities to be represented by a counsel for the injured party. If the victim does not apply for an injured party counsel on his/her own motion, the court may appoint a counsel *ex officio* but when this happens, it occurs rather late in the proceedings.

**Specialised training for legal representatives of child victims**

In the majority of the Member States, no specialised training is required to act as legal representative for child victims in the criminal justice process. A few respondents refer to training developed by victim support organisations with respect to this issue. According to information from two of the Member States, a university degree in law is required to represent child victims. A so called authorised representative in Lithuania must be a lawyer or an assistance lawyer or a person with a university degree in law. In Sweden, according to the Act on special representative of children, only persons who with regard to their special knowledge, experience and personal qualities are considered as suitable, may be appointed as special representatives. It implies that a special representative must have assumed a child perspective.
and have special skills in child communication. The representative must also have strong integrity and be able to handle the delicate situations which often occur when there is a conflict of interest between the parent and the child victim.

Some of the Member States have commented that steps have been taken to raise the issue on specialised training for officials working with children in the criminal justice procedure. In Croatia, the expert assembly of juvenile judges, Juvenile Judges Zagreb, has proposed to the Croatian Bar Association that training should be organised for members who work with children.

A branch of attorneys who have specialised in the defence of children has been established at the Paris Bar in France. Of total 22,000 practising attorneys in Paris 2009, 80 were specialised in cases involving children. These attorneys have received theoretical and practical training and acquired experience in assisting and defending child victims or delinquents but specialisation is not a recognised qualification. The regional courts often have a specialised branch for the defence of children in their bars.

2.14 The child victim’s appearance in court

Introduction

The fourth section in the question form dealt with the child victim’s appearance in court. Two principles stand against each other with regard to this issue: the right to be heard and the need to protect the child victim from the effects of giving evidence in open court.

There is no specific headline in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime which specifically concerns the situation of the child victim in court. The heading “The right to be protected from hardship during the justice process” includes a number of principles which apply to the justice process as a whole as well as to the situation of the child in court. Guidelines in the former group suggest that child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process.

Guideline 28 deals with the need to protect the child from undue exposure to the public and guideline 30 c has the aim to ensure that the trial takes place as soon as practical and that the child victim/witness is protected from being cross-examined and from having direct eye-contact with the alleged perpetrator. Guideline 31 c finally, which is about the provision of support to the child and the appointment of a psychological expert, also concerns the trial stage.
The view on the child victim’s appearance in court

In the first question, information was requested about the view on the appearance of the child victim in court and the relevance of the child’s age with regard to this matter. The main impression from the information provided to this question is that most often the issue of whether the child should appear in court is a matter for the court. In ten Member States, it is claimed that the assessment is made on a case-by-case basis or information along the same line is provided. The individual assessment made by the judicial authorities on whether the child should appear in court may imply that child victims as young as four can give evidence in court about a crime that took place two years earlier, as it happened in a case from recent years, referred to by the English respondent.

In Austria, participation of a child victim in the court may be limited, either on request by the public prosecutor or *ex officio* by the use of audio-visual technique. Very often it is the judge who takes the decision if the child should testify, but a number of Member States commented that an expert opinion about the child’s capacity to testify is often requested in this matter. One has to distinguish between experts appointed to assess whether the child should appear in court, experts who conduct the interview and experts who are appointed to assess the credibility of the child’s statement. The decision to appoint an expert may be determined on the basis of the child’s age. In Portugal, an expert is always assigned to assess the capacity of a child witness under the age of 18 to bear testimony when the case concerns a sexual crime. In the Czech Republic, an expert on child psychology or psychiatry is called upon to assess whether or not the child victim is able to take part in the trial.

In Germany, the court shall appoint an expert to evaluate the credibility of very young witnesses, children under the age of five. Case-law in Sweden has established that generally, there is no reason for appointing an expert unless the child victim suffers from a mental disturbance which makes it necessary to assess the effect of this disturbance on the child’s statement.

Seven respondents report that in their Member States, no age-limits govern the issue of whether the child victim should appear in court or not. Also a few other respondents have provided information with a similar message. The absence of age limits may not exclude that these Member States have provided for special measures which are subject to age conditions.
Another group, also of seven Member States, refers to age with respect to this question. In Finland, children over 15 years of age are presumed to give evidence in court. This means that a child of this age has an independent right, stemming from the Code of Judicial Procedure, to be heard in a case concerning his or her person. In Romania, it is mandatory for children above the age of 10 to be heard in court. Also children who have not reached this age may be heard if the competent authority deems it necessary in order to solve the case. In Sweden, the Code of Criminal Procedure says that if testimony is sought from a person who is under the age of 15 years or who suffers from mental disturbance, the court shall determine in accordance with the circumstances whether he or she may be heard as a witness. According to an analogous interpretation of this provision, statements provided by child victims should be recorded and the child is normally not summoned to appear in court.

In Lithuania, a child victim under the age of 18 is summoned to court only in exceptional cases. In the Netherlands and in Slovakia, it is likewise claimed that the appearance of child victims in the court is generally restricted to a minimum. All in all, six Member States report that in their jurisdictions the personal appearance of the child victim in the court room is restricted as far as possible. In Belgium, only the judge can, by a special motivated decision, demand the personal appearance of the child. If such a decision is made, the Code of Criminal Procedure states that the appearance of the child will be arranged by means of video-conference, unless the minor explicitly expresses a will to give testimony at the court session in person.

The English legislation, the Youth Justice and Criminal Evidence Act 1999, contains a rebuttable presumption that child witnesses will give evidence by video-recorded evidence in chief and live link so that the child does not have to appear in the court room.

It appears from information provided in other contexts during the project that some Member States practice rules of thumb with regard to the child’s age and the decision to summon the child victim to court. In Croatia, for example, child victims below the age of 14 are seldom present at the trial.

Three respondents make references to the capacity of the child to understand questions from the criminal justice professionals. In Luxembourg, no restriction have been established with regard to the personal appearance of the child victim apart from a requirement that the child has a capacity of discernment and in Slovenia, minors, who in view of their age and the stage of
their intellectual development cannot understand the meaning of the right to decline testimony, may not be examined as witnesses except where the accused himself demands it.

In the context of the possible personal appearance of the child victim in court, some respondents make reference to the general principle of the right of the child to be heard. One example of this is to be found in Spain, in which the Organic Law 1/1996 on the Legal Protection of Minors recognises that minors are entitled to be heard in any judicial proceeding in which they are directly involved and which leads to a decision affecting their personal, family or social sphere. In Romania, it follows from Law 272/2004 on the protection and promotion of the rights of the child, that a child, who has the capacity to understand, has the right to freely express his or her opinion regarding any matter which involves him or her. Also the information from France makes it clear that the child shall be provided the opportunity to be heard in any judicial and administrative proceeding affecting him/her.

The child as a competent witness
Not all respondents have provided information on the view of children's capacity to give evidence. Six Member States; Croatia, the Czech Republic, Estonia, Germany, Poland, Spain and England explicitly state that evidence provided by the child victim has the same value as other evidence and that the child victim is regarded as a capable and competent witness. Three respondents comment that the assessment of the evidence provided is made in accordance with the principle of free evaluation of evidence.

Facilitating the appearance of the child in court
The second question in this section dealt with measures to facilitate the child’s appearance in court. The information can be grouped in different headings, dealing with the way evidence is provided by the child victim, with various ways to secure respect for the child victim’s particular situation or with the way questions are directed to the child.

Some information does not however fit under either of these headings. The possibility to provide victim statements in some Member States must be seen in this context. In Ireland, if a crime has directly affected a child who is under 14 years of age, a Victim Statement may be made on behalf of the child by a parent or carer. The statement is supposed to set out the emotional, physical and financial effect that a crime has had upon them. In Greece, an amendment in the Code of Penal Procedure has made it possible to hold a shorter hearing in cases of sexual assault against children.
Most Member States have referred to the possibility of the child victim to be accompanied in the criminal justice procedure. In the Czech Republic, a child under the age of 15 shall be accompanied by a pedagogue or another person with expertise in juvenile education. Such persons may propose a postponement or temporary interruption of the interrogation. In the Scandinavian Member States, the possibility for victims of crime, including child victims, to be assisted by a person who can provide emotional and practical assistance is based in legislation. The English government is setting up a project to help local areas set up specialist young witness support schemes that will provide continuity of support with one supporter for the young witness throughout the criminal justice process.

In Ireland, the Criminal Procedure Bill 2009, which was before the Parliament when information was provided to CURE, includes provisions which will imply that where a child is to give their victim impact evidence via live television link, provision for such questioning is to be done through an intermediary appointed by the court. The court may appoint such an intermediary if, with regard to the age or mental condition of the witness, the interests of justice require the questions to be put through an intermediary.

In England, it appears from the national guidance on interviewing, Achieving best evidence, that an increasing number of judges meet young witnesses before they give evidence. The Code of Practice for Victims of Crime places an obligation on the Crown Prosecution Service to ensure, where circumstances permit, that prosecutors or, if prosecutors are unavailable, other representatives of the CPS introduce themselves to victims at court. In Finland, the prosecutors meet with child victims below the age of 16 to inform them on the procedure and possibly, to reduce some of the tension.

Very few respondents provide information about the technical facilities to conduct hearings, either with the child in a separate room of the court or with the child in another building. In England, video links which enable children to give evidence without going into the court room are available in all Crown Courts and in 80 % of the Magistrates Courts. Facilities for remote video links which enable child witnesses to give evidence from a completely separate building from which the trial is taking place are available in 62 out of 77 Crown Court Centres and half of the Magistrates Courts.
Provisions aimed to secure sensitivity to the position of the child victim

One fifth of the respondents supply information about legislation of a general character aimed to secure respect towards the child victim. It may obviously be held that all provisions which are aimed to secure special protection are child-sensitive. In this section however, provisions which address the performance of the justice professionals and the possible negative impact of interviews on the child victim are of specific interest. In the Czech Republic for example, the interview of a victim/witness under the age of 15 shall be carried out with the utmost consideration and in such a way that there will be no need for repetition at a later stage of criminal proceedings, if the conditions are such that reviving the circumstances or facts of the crime may have an impact on the mental and moral development of a child. In Lithuania, a pre-trial investigation judge must ensure that if a suspect or his/her defender is present when a victim under eighteen is questioned, this will have a prohibited impact on the victim.

Although the majority of the respondents refer to persons who may escort the child to court and possibly also assist the child in this experience, few respondents refer to other mechanisms with the aim of preparing the child for the trial. An exception is the possibility offered to child victims in England to make a pre-trial visit in the court. In Greece, a psychologist appointed by the court may, in accordance with art 226 A in the Code of Penal Procedure, as amended by law 3625/2007 and law 37 27/2008, have a role in preparing the child for the court experience.

Exemptions on the duty to witness under oath

In six Member States, a child victim/witness below a certain age is exempted from the obligation to give evidence under oath. This possibility exists in the Member States with common law jurisdictions, where the child is not a party, but these rules also apply for example in Greece, Luxembourg and Portugal.

An alternative to this practice is the procedure carried out in Estonia, Latvia and Lithuania, where child victims who has not reached 14 years of age shall not be notified or warned about liability for refusal to testify and about the conscious provision of false testimony.
Closed court sessions

All Member States have taken legislative measures which make it possible to hold proceedings *in camera* in one way or another. In some of the provisions which regulate hearings *in camera*, the victim is decisive to the decision to hold a closed session. The age as well as the characteristics of the victim could be among the features which allow jurisdictions to hold closed hearings when children appear in court. According to the information provided to the CURE project, 11 Member States have provisions which make it possible to have hearings behind closed doors with reference to the participation of a child victim. It has to be observed that in some of the Member States, these provisions apply also to other minors. In the Czech Republic and Estonia, for example, the courts may declare that a court session or part of a session may be held *in camera* in the interests of a minor.

Within the group that reports on provisions which enable closed sessions with reference to the participation of a minor, a number of circumstances may affect the decision on a closed hearing. These circumstances concern the age of the minor as well as the kind of crime which the victim is subjected to. Whereas in Germany the provision on closed sessions applies to all persons under 18, hearings in Finland may be held without the presence of the public when a child victim under the age of 15 is to be heard in the case.

A few Member States have restrictions applying to victims of sexual offences. In Greece, the possibility to hold the trial or parts of the trial *in camera*, with reference to the hardship of the child victim of a sexual crime is provided for in the Code of Penal Procedure, as amended in 2008. In Scotland, the Criminal Procedure Act provides that where a child is to give evidence in relation to a sexual offence, the court may order that the court room is cleared. According to the Youth Justice and Criminal Evidence Act 1999 in England, all children under 17 years of age are eligible for special measures, among which clearing of the public gallery is one, but this possibility is limited to sex offences and offences involving intimidation.

In other Member States, the decision to decide on a hearing behind closed doors is within the discretionary power of the court. In Belgium for example, the offender as well as the victim and the public prosecutor may ask for closed doors, but the court can also decide that the trial will not be open to the public by its own motion.
Various measures to avoid confrontation with the suspect

A variety of measures aimed to ensure that the child victim/witness is not directly confronted with the alleged perpetrator have been taken in the Member States. Most respondents refer to any of these mechanisms which may be grouped in four categories.

To begin with, there are measures which allow the child to give evidence outside the court room. This group includes the possibility to use recorded statements or to allow the child to give evidence through close-circuit television (CCTV) or by means of other testimonial aids. Examples of such measures are provided by the great majority of respondents.

In the second group, measures are found which apply when the child appears in the court room. They are aimed to prevent the child and the suspect from confronting each other by providing the court with powers to remove the suspect from the court room or restricting the presence of the child.

Thirdly, some Member States report about facilities which are related to the court premises and which make it possible to enter the court without being confronted by the offender. Separate courthouse waiting rooms and private interview areas belong to this category. The victim related provisions in the Guidelines for the Criminal Procedure in Germany provide that the court shall arrange for special witness-rooms for crime victims.

Some respondents have provided examples of general efforts to avoid a direct confrontation between the child victim and the alleged offender on a comprehensive level. In Austria, it is claimed that overall care shall be taken to avoid a possible encounter of the child witness with the defendant and other participants in the proceedings.

About one fifth of the respondents mention various ways of evading contact between the child victim and the suspect in the courtroom. These measures are not unconditional and often depend on circumstances related to the crime. When the child victim appears in the court in Finland and Germany, there are possibilities to hear a child victim without the offender being present, if the child would not otherwise reveal what he or she knows about the matter or if it would simply imply considerable detriment to the well-being of the child. In Spain, in accordance with Organic Law from 1996 on the Legal Protection of Minors, the judge may order the child victim to leave the court premises and continue the trial without the presence of the child, if he or she considers that it is in the interest of the minor, or if he or she is requested to do so.
Measures to avoid confrontation with the suspect may also concern the protection of personal data related to the victim. In the Czech Republic, the Code of Criminal Procedure prohibits the provision of information relating to identification of the injured party under the age of 18 and of crimes against sexual integrity, crimes against life and health and crimes against family and youth. Infringement of this prohibition constitutes an administrative or a criminal offence which may result in a financial penalty or imprisonment. In Italy, the Law 66/1996 on Provisions against Sexual Assault protects the personal data and the image of the victim by punishing those who disseminate pictures of the victim, without his/her consent, to the mass media.

**Measures related to premises**

One way of facilitating the appearance of the child victim in court is by means of adapting the premises to the needs of the child. In the Czech Republic, a witness may be summoned to a different room than the room in which the trial is being held in order to avoid a confrontation between the perpetrator and witness. The modern court buildings in the Czech Republic have separate rooms which are designed for witnesses and injured parties but in older buildings, all rooms are used as waiting rooms also for child victims. The Ministry of Justice and the Council of Judges in Lithuania has initiated the setting up of interview rooms for children at twenty-six courts in the country.

In England, separate waiting areas are part of the enhanced level of service provided for under the Code of Practice for Victims of Crime (2006). Courts will endeavour to ensure that where child witnesses are involved in proceedings, they are separated from other witnesses and wait in suitable accommodations. All Crown Court centres and 96% of the magistrates’ courts have separate waiting areas for witnesses, or can make areas available if necessary. Her Majesty’s Courts Service issued a new security policy in 2008 with particular emphasis on the care of young witnesses, ensuring that they are escorted at all times by a parent or carer and that arrangements are made for alternative entry and exit routes from the court building.

**Provisions on questioning of the child victim in court**

One way of protecting the child victim is by means of provisions governing the questioning during the court session. Provisions which are concerned with the questioning are found in a large group of Member States. In Austria, the participation at the interview of other actors in the proceeding may be limited, either on request by the public prosecutor or ex officio by the use of audio-visual techniques.
A group of respondents refer to provisions which allow only the judge to ask questions to the child victim. In Belgium the president of the court, *cour d’assises*, questions the child witness and after that, other parties are entitled to ask questions. The judges, the public prosecutor and the jury can ask their questions directly to the witness but the accused and the civil parties have to ask their questions via the president of the court who may allow the victim the right to refuse answering certain questions. The German Code of Criminal Procedure rules that the examination of witnesses under the age of 18 shall be conducted solely by the presiding judge. The other parties to the proceedings are entitled to ask questions and may request the presiding judge to ask the witness further questions. The judge forwards the questions in a way that is appropriate to the child.

Some respondents refer to the interviewing by means of an expert. According to the procedure in Italy, questions to the child victim may be put by a psychologist. In Austria and Latvia, it is possible to appoint an expert to conduct the interview if a witness is younger than 14. If a witness under 18 years of age is interviewed in Lithuania, Article 186 of the CCP rules that a representative of the state child’s rights protection authority or a psychologist must be invited to help question the child depending on his or her psychological maturity.

In Ireland and in England, questions may be asked to the child victim through an intermediary. The intermediary special measure was rolled out in England and Wales in 2008.

A group of Member States report about provisions aimed to protect the child victim from certain kinds of questions. In Cyprus, the court may intervene during the cross-examination of minors and give appropriate directions to prevent their intimidation by aggressive and intensive questioning or threats. The Youth Justice and Criminal Evidence Act 1999 in England limits the circumstances in which all complainants in sexual offence cases, including children, can be questioned about their previous sexual history. The German Code of Criminal Procedure rules that questions concerning facts which might dishonour the witness can be asked only if they can not be dispensed with. Questions on the private life or the sexuality of the child victim are not admitted in Italy, if they are not necessary to reconstruct the facts of the case.
Exemptions from cross-examination

The notion of cross-examination is a typical feature of the common-law jurisdictions but does not feature in the same ways in all Member States. Accordingly, not all states have rules which specifically concern cross-examination but the child victim may be protected through other forms of provisions. This is the case in Belgium, where the president of the court may allow the witness the right to refuse certain questions. The Swedish Code of Judicial Procedure, chapter 36, § 17, rules that questions inviting to a specific answer by their content or form, or by the way in which they are presented, may not be put unless it is required in order to investigate to which extent the witness’ statement corresponds with the real course of the event. The court shall reject questions that are manifestly irrelevant to the matter at issue, confusing, or otherwise inappropriate.

A small group of respondents have provided information about exemptions from the right to cross-examination when a child victim appears in court. The exemptions may be conditioned on age as well as on the crime committed. In Estonia, an exemption from the right to cross-examination applies to witnesses under 14 years of age and in Slovakia the practice is to avoid cross-examination of child victims below the age of 15. The Irish Youth Justice and Criminal Evidence Act 1999 prevents defendants who choose to conduct their own defence from personally cross-examining child witnesses in cases of sex and violence, kidnapping, false imprisonment or abduction.

The child victim’s possibilities to give views on appearance in court

From a child’s perspective, it might be of great importance if the child may give a view on whether or not to give evidence in court. If this is possible, another important issue is if the child may influence the choice of testimonial aids. The third question in the section on the child victim’s appearance in court was concerned with the possibilities of the child victim to give their view on their possible appearance in the court. This question is linked to the issue of if and how the child is prepared for the court proceedings and the possibility/right of the child to be legally represented. If a child victim is granted a representative independently from its parents, it is more likely that the child is prepared and allowed to give his/her view. This is clear from the information provided by Luxembourg and Sweden.

The possibility to give views on this matter must be decisive of what the law says on the personal appearance of child victims as well as the practice in this regard. This is pointed out by the Greek respondent, who com-
ments that only a child who has come of age is allowed to take part in court. Another respondent points out that the child may give his/her view through the testimony. Six respondents clearly state that it is not possible for the child victim to give his/her view on this matter.

To which degree Member States actually take the view of the child victim in consideration is very hard to establish, but few practices are mentioned in this regard and legislation does not make reference to this matter. The principles on the right of the child to be heard and of the best interest of the child are alluded to. There are some exceptions. According to the English Youth Justice and Criminal Evidence Act 1999, before a decision on special measures is reached, the court is required to take the views of the witness into account. In Austria, witnesses who are obliged to testify, or who have the right to refuse testimony, have to be informed about these circumstances before the interview. This means that the view of child victims on using or waiving these rights has to be taken into account. It is pointed out that in practice it is difficult to explain the legal consequences related to these provisions to very young children. The Criminal Procedure (Scotland) Act 1995 finally, provides that the court shall have regard to the best interests of all vulnerable witnesses and shall take account of the view expressed by them or their parents, except where the parent is the accused.

2.15 The question form directed to the police

Introduction

At the outset of the CURE project, a question form directed to the police in the Member States was developed. This was done to complement information provided from ministries of justice and to identify specificities with regard to the police which could form a basis for possible recommendations. Some of the questions were designed with the objective to identify best practices. In view of this, most of the questions were connected to the issues in the question form directed to ministries of justice and accordingly, dealt with reporting procedures, training and codes of conduct but had slightly different aspects than the questions to the ministries. The question form included eleven questions and is found in appendix two.

The question form was distributed in the summer of 2009 to national representatives of the European Police College (CEPOL) Research and Science Correspondent Network. This was done with kind assistance from Mr Paulo Gomes, Chief Superintendent and Director of the Higher Institute on Police Sciences and Internal Security in Portugal and a member of the CURE group of experts.
Most of the partners of the CURE project contributed to procuring responses from their respective Member States. In total, information was supplied from 13 Member States: the Czech Republic, Finland, Germany, Greece, Ireland, Italy, Lithuania, the Netherlands, Portugal, Scotland, Slovakia and Sweden. A response was also provided from the Republic of Croatia, partner in the CURE project. Information related to issues in the question form was also provided by the Estonian and the Latvian police, although not covering all the aspects in the question form.

Procedures when a crime against a child is reported

As to the procedure followed by the police when a crime is committed against a child, the vast majority, eleven of the responding Member States, declared that the character of the crime is decisive to the procedure that follows. It is pointed out by one respondent that the procedure changes considerably when the crime in question concerns human trafficking. It can be noted that two respondents claim that by and large, the procedure does not differ very much from the procedure followed when crimes are committed against adults. Something that does change when crimes are committed against children, and which was commented on, is the fact that information has to be passed on to the guardian of the child victim, but the response does not tell more about the ways in which information is provided. One respondent maintains that it is the impact on the child victim that is significant for the procedure that follows.

The existence of specialised units and trained officers is referred to by nine of the respondents. Some of them also refer to forensic specialists. The use of these units and specialist resources may, according to the respondents, depend on the age of the child and the seriousness of the crime.

A group of Member States refers to measures taken to ensure the safety of the child, such as arrest and removal of the offender. At least five respondents refer to the involvement of the prosecutor in the investigation of cases involving child victims, but also with regard to this matter, the character of the crime is decisive.

Designated police officers and specialised units

The second question included two separate issues: Firstly, whether designated police and specialised units had been set in place. Secondly, if such units and specialisation had been established, whether they could be considered as being nationwide. It appears from the information that specialised units which may be used for cases involving child victims are available in all but
one of the responding Member States. A group of respondents answered neither yes, nor no to this question but referred to units set up for specific kinds of crimes, such as human trafficking, child pornography or crimes committed in schools.

The information on the degree of specialisation and the accessibility of these units is scattered and difficult to get a grip on. Two respondents, who claimed that crimes against minors are managed by specialised units, refer to units dealing with investigation of crimes against the person or to a department for general crime at the Justice Police. In quite many Member States, the units referred to by the respondents are also commissioned to manage crimes committed by minors.

A few respondents have provided information which indicates that the specialised units are nationwide. Within the Dutch police, departments for youth and sexual offences can be found in each police region. The mobile squads in Italy, specialised in offences against the person, in particular homicides and sexual offences, are present in every provincial police headquarter in the 110 provincial capitals in Italy. A specialised law enforcement section, Carabinieri, National Police and Municipal Police, dealing exclusively with offences against children, has been set up at the Public Prosecutor’s Office in Turin. Specialised units for crimes against minors exist in most of the larger cities in Finland. In the Crime Investigation Division of the Lisbon Metropolitan Police, one police station deals exclusively with sensitive crime, notably crimes against children and youngsters. The Scottish Police Service has Family Protection Units and Public Protection Units which deal with child victims of sexual abuse, serious physical abuse or historical abuse. In Sweden, the organisation may differ between the police districts but domestic violence units are common in many districts. In Croatia at present, one police officer specialised in juvenile delinquency is available in each police station but according to organisational plans of the police, more than 200 police officers specialised in this field are foreseen.

Very few respondents report about the legislative basis or the conditions for specialisation. In the Czech Republic, specialisation of the police is a matter regulated in the law no. 218/2003 governing justice in juvenile cases. This law commissioned the setting up of specialised departments dealing with crimes against children as well as with crimes committed by children. It follows from a decision by the Police General Commissioner in Lithuania, that each police commissariat should have special officers appointed to work with cases involving juvenile offenders as well as child victims.
Reporting mechanisms

The third question was concerned with the existence of mechanisms for reporting crimes adapted to child victims. The responding Member States conceive of mechanisms as being child-friendly through the establishment and maintenance of specialised units and trained officers, but also by the establishment of child-friendly premises. Reporting to the social services is mentioned as well as reporting crimes via e-mail.

Codes of conduct and guidelines developed for the police

The fourth question was concerned with the existence of general guidelines on the management of child victims within the police organisation.

Six respondents claim that national documents have been developed which outline structures for the management of cases involving child victims. The national guidelines in Estonia are issued by the National Commissioner of the Police and form part of the rules governing the police work with children applied on a local level. They also include rulings from the General Prosecutor of Estonia. In Germany, guidelines exist on a federal level but not on a national level and in Sweden, a handbook, (Crime in close relationships 2009) has been developed by the National Police Board, which regulates cases concerning domestic violence, including violence against children.

Some respondents refer to documents which are restricted to certain forms of crimes. Two Member States, the Czech Republic and Finland, report about guidelines which apply to juvenile offenders as well as to child victims. Recommendations on the interviewing of child victims and witnesses are being prepared by the General Prosecutor of the Republic of Lithuania.

Specialised and nationwide training for the police

The information provided to the question on training was in many cases very brief. It is only possible to assess that at least six of the respondents have run specialised training courses on issues related to child victims which may be considered as nationwide.

Two of the respondents state that the training on child victims takes place within the framework of the topic of domestic violence. Training of law enforcement officers on national level, which relate to the situation of child victims, has been conducted in Italy on the so called S.A.R.A. programme (Spousal Assault Risk Assessment). In the Czech Republic, internal guidelines describe the duty of the police to organise, at least once a year, training for police officers which provide the necessary skills to deal with child
victims. The Estonian, Dutch and the Scottish respondents refer to training about the interviewing of child victims.

The Lithuanian Police Training Center offers special training courses for police officers who work with juvenile victims. Some of the topics are about intercourse with children who are victims of violence and interviewing of child victims.

**Time limits applicable to cases involving child victims**

In the sixth question, the issue was possible time-limits that could affect child victims during the investigation. In this question, information was required on time limits for juvenile cases as well as possible time limits for cases involving child victims.

Six of the respondents could not report about any time limits with relevance for the child victim. Three respondents claim that time limits are established for cases that involve child victims. A few respondents also referred to time limits which are applicable to cases which involve juvenile offenders. In Finland and Sweden, time limits governing pre-trial investigations which involve child victims are established in legislation. According to these, the investigation has to be completed within three months.

A few respondents bring up legislation or guidelines with instructions that make crimes against children a priority, and which instruct officials to intervene with urgency, but which do not include precise time limits. According to the Juvenile Courts Act in Croatia, enforcement agencies and the judicial system must act promptly in cases of crimes against children and in cases of young offenders. The Portuguese Criminal Procedure Code establishes that in urgent cases, which include cases where crimes are committed against children and youngsters, criminal police entities must report the crime immediately and through any means to the Public Prosecutor. The same applies if the child is victim of a crime committed by the parent or by any other relative without the reaction of the parents.

**Structure for co-operation**

Two questions were concerned with the multi-professional approach in cases involving child victims, although with two different perspectives. In one question, information was required on established structures for co-operation between the police and other professional groups in the criminal justice system, whereas the other question dealt with non-judicial community structures.
Few respondents report about structures with a multi-disciplinary approach designed for cases involving child victims on a comprehensive level, but again, the use of such structures seem to be dependent on the type of crime committed. All in all, twelve respondents refer to some kind of mechanism for co-operation between the police and other groups. It does not appear as if all these mechanisms could be considered as established structures. Whereas one of the respondents refer to sub-working groups on a ministerial level mandated to discuss prevention of human trafficking and sexual exploitation, other respondents report about structures dealing with many different groups of child victims. Only two respondents refer to protocols governing the co-operation. Two respondents bring up regional and local differences with regard to this matter.

Some references are made to structures for co-operation in cases when there is an allegation of crime committed by a parent or a guardian. In Scotland, there are such structures for cases of family violence. In Sweden, cooperation between professionals is carried out within the framework of the Children’s house model which is described in chapter three.

The lack of an established structure for co-operation in Italy was the reason that a memorandum of understanding between judicial authorities and psycho-social and health care professionals recently has been established.

The issue of community co-operation seems to be quite unfamiliar to many of the respondents. Whereas one respondent report about constant cooperation with others actors in society, two respondents claim that in their Member States, the police usually do not take part in this kind of work carried out by other institutions. Only a few respondents refer to co-operation with agencies dealing with child welfare/child protection services, schools and health care agencies.

The Amber Alert Hellas Programme for missing children in Greece is an example of community co-operation. In 2007, the Minister of Public Order in Greece officially launched the programme. The programme is an emergency broadcasting system used when a child is missing and considered to be in danger. It was created in the U.S.A. in 1996 as a response of the society to the abduction and brutal murder of 9-year-old Amber Hagerman, with the intention of preventing similar incidents in the future. The system enables the public to assist law enforcement authorities in finding a missing child.
The role of the police in the fight against bullying

It can briefly be concluded that the predominant impression is that the involvement of the police in programmes on bullying amounts to participation in schools and in various programmes designed by other actors to fight bullying. It could be summarised as being mainly supportive and few police authorities have conducted their own projects.

In Stockholm, police officers have been appointed as contact persons for a specific school, in order for the pupils to have their own police officers well-known to them. The Helsinki police, together with the local schools, launched a programme to prevent bullying in the autumn of 2009. The objective is to lower the threshold for reporting bullying and to intensify intervention in bullying in co-operation between the police, the school and the social welfare authorities. The police have a dedicated local police team which is responsible for implementing this programme. School liaison officers in Scotland deliver a special programme on bullying to primary and secondary schools.

The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

Most of the respondents claim that the police are aware of the UN Guidelines on Justice in Matters involving Child victims and Witnesses of Crime. Two respondents maintain that the guidelines have been translated in legislation. In Italy, the principles of the guidelines were taken into account in Law 66/1996 on Provisions against Sexual Assault, which also addresses child victims, and in Portugal, the guidelines have been transformed in the Constitution, the Criminal Code, the Criminal Procedure Code and the Act on Protection of Children at Risk. In Sweden, the guidelines form part of the course literature in training run by the National Police Academy for child investigators.

Support provided by the police to child victims

The last question was concerned with the way in which the police provide support to child victims. It was included very much to study the view of the police on their role towards child victims. Not surprisingly, the answers differ considerably, but some general trends can be discerned.

Five respondents refer to their role in preventing further crime, either on a general level or in the immediate perspective. According to a few respondents, the supportive role of the police amounts to specialisation of officers
and/or units, involving specialists in the investigation and making special facilities available for children.

Four respondents point to their role in co-operating with agencies outside the judicial system and making referrals to other bodies that provide assistance to child victims, either to Victim Support organisations or to other services, whereas one respondent simply observes that there are organisations which provide support to child victims. Only one respondent referred to the role of the police in offering restorative justice services to the child victim. Time allowed for building rapport and social contacts between the child and the interviewer is also mentioned.

2.16 The question form directed to the European Network of Ombudspersons for Children

The European Network of Ombudspersons for Children (ENOC) is a network of independent offices working for children’s rights established in 1997. The aims of ENOC are to encourage the fullest possible implementation of the Convention on the Rights of the Child and to support collective lobbying for children’s rights, to share information, approaches and strategies and to promote the development of effective independent offices for children.

The ENOC network has members from twenty-four countries in Europe. Twenty-one of the Member States in the European Union are members of the ENOC network and some of the Member States have more than one member in the network.

A question form directed to ENOC members was developed within the CURE project in order to get a picture of problems and practices from another angle than that which appear from the information provided by the ministries of justice. To this end, questions directed to the Ombudspersons required information on the view of these bodies on different aspects related to the themes of the CURE project.

 Altogether 16 members from the ENOC network provided responses. Some of the respondents were obviously from the same Member States as the respondents to the question form directed to the ministries of justice; Austria, Belgium, Croatia, Cyprus, Finland, Italy, Latvia, Lithuania, Poland, Portugal, Slovenia, Slovakia and Spain. In addition, the Ombudspersons in Hungary and Malta provided answers. The question form was also distributed to a few ombudspersons and bodies outside the ENOC network; The National Authority Protection of the Rights of the Child in Romania, which is not
a member in the ENOC network, provided information to this question form and so did the Italian partner of the CURE project. Not all ombudspersons provided information to all questions. The question form is found in appendix three.

**The major problems of child victims**

The first question was concerned with major problems which child victims in the criminal justice procedure have to face. One of the most notable issues brought up by the respondents was the length of the criminal proceedings, which was mentioned by nine respondents. The other was repeat questioning of child victims, which was brought up by seven respondents.

**Particularly vulnerable groups of child victims**

The Ombudspersons were asked to identify certain vulnerable categories of child victims. Three categories stood out in the answers. To begin with, seven respondents stressed children from certain ethnic groups. The respondents used various denominations, immigrant children, Roma children and children from ethnic minorities, but these have been grouped in one category.

Secondly, the respondents brought up child victims with various kinds of disabilities. Some different forms of disabilities and dysfunctions were mentioned, such as mental handicaps and children with deviant behaviour.

The third group consists of children from social risk groups. Children from dysfunctional families were also mentioned and have been grouped together with children from social risk groups in this third group. A few other groups, child victims of sexual abuse and very young children, were mentioned by only a few or by one ENOC member.

**Information provided to child victims**

In the next question, the Ombudspersons were asked to give their view on the scope and adequacy of information provided to child victims by the criminal justice system. Nine of the respondents did not find the information provided to child victims sufficient. Two of the respondents had no opinion in this matter.

Most of the comments concerned lack of co-ordination in providing information to child victims and lack of responsibility for the provision of information. Three comments concerned the need to adapt the information to the child victim and the need to be flexible when child victims are provided with information. One respondent commented that funding to NGOs is
decisive to improve the situation with respect to information, since the NGOs serve as main providers of information to child victims.

**Legal assistance to child victims**

In the fourth question, the Ombudspersons were asked to give their view on whether child victims were adequately provided with legal assistance in their Member States. The respondents were divided in this matter. Half of them answered no to this question and the others answered yes. Among those who considered that the child victim was adequately provided with legal assistance in their Member States, two had comments about the fact that a child suspected of crime had a right to free legal representation but that an equivalent right has not been granted to the child victim. Two respondents commented that there was no possibility for child victims in their Member States to be legally represented in cases of conflict of interest between the child victim and the parents.

**Co-operation between authorities**

Nine of the respondents answered no to the enquiry on whether they considered the co-operation between authorities and other bodies to be sufficient, whereas five respondents answered yes.

The respondents that did not consider the co-operation to be sufficient commented that the lack of co-operation impacted on the quality of decisions and the care of the child victim. This group of respondents called for either protocols or a co-ordinating or specialised body as well as specialised professionals. One Ombudsperson pointed at regional variations in the co-operation between police and social welfare services.

Four respondents commented on the reasons for the inability of the agencies to adopt a multi-professional approach. The lack of co-operation was blamed on a heavy workload and a shortage of time but also on rivalry between different institutions. One respondent remarked that a reason for the insufficient co-operation is that various groups of professionals use different vernacular and interpret the law and policies in different ways.

**Training on child victims to professionals in the criminal justice system**

In the fifth question, the training of professionals in the criminal justice system on issues related to child victims was brought up. The overwhelming majority, twelve respondents, claimed that the training was not satisfactory. Two of the respondents had no opinion in this matter and two respondents
claimed that in their Member States, no training was available in these matters.

The comments concerned the need for in-service training, primarily for justice professionals. With regard to the content of the training, four respondents stressed the need to include child psychology and two respondents called for obligatory training on child victim issues. It was also underlined that training must be paired with obligatory monitoring and licences for persons working with children. One respondent pointed to the difficulties with evaluating the effectiveness of training.

**Elements which must be considered by professionals to improve the situation of the child victim**

With regard to the issue of what professionals must consider in order to improve the situation of the child victim, most of the responses concerned three issues; the importance of training and specialisation, information and the need to protect the child from the offender. With regard to the last matter, general measures to prevent crime was brought up, as well as measures to avoid visual confrontation between the child and the suspect. Five comments touched on information. Four of the Ombudspersons considered speediness in the criminal justice process as being crucial and two of them underlined the environment in which the child victim is received and interviewed.

Support to child victims was also mentioned and in particular consideration to individual circumstances related to the child victim, such as health and ability to understand and communicate.

**Improvements at the level of the European Union**

Finally, equal to the ministries of justice, the ENOC members were asked to provide proposals as to what could be improved with regard to child victims at the level of the European Union. Eleven respondents provided proposals and eight of them dealt with developing common standards at the level of the EU in one way or another. Guidelines were mentioned but also uniform policies and a basic minimum standard for child victims. One Ombudsperson proposed a directive on the child victim as well as common rules on compensation to this group.

Two respondents emphasised strengthening and implementing of the present EU legal framework and a few others called for the collection and exchange of good practices related to child victims.
2.17 Questions directed to NGOs

One objective of the CURE project was to collect information from NGOs on their services to child victims. The aim was to find out how child victims are supported by NGOs in the context of the criminal justice process and to complement information from the ministries of justice and other actors.

The two main target groups of this study were NGOs working with children at risk and NGOs working with crime victims. One NGO, often two or three, were contacted in every Member State. About 80 organisations were approached and 23 of them provided information about their activities in order to support child victims in the criminal justice process.

Victim Support Europe is a network of non-governmental victim support organisations with member organisations in 18 Member States in the European Union. Victim Support Europe promotes the establishment and development of victim rights and victim services throughout Europe. The member organisations were obvious recipients of the CURE questions. Among the 23 respondents, 11 were members of Victim Support Europe: Weisser Ring Österreich (the Austrian Competence Center of Victim’s Support), Bíly Kruh Bezpeci, o.s. (White Circle of Safety) in the Czech Republic, Offerrådgivningen (Victim Support Denmark), Rikosuhrípäivystys (Victim Support Finland), Victim Support Malta, Associação Portuguesa de Apoio à Vitima, APAV (the Portuguese Association for Victim Support), Pomoc obetiam násilia (Victim Support Slovakia), Brottsofferjourernas Riksförbund (Victim Support Sweden) and three organisations from the UK; Victim Support England/Wales, Northern Ireland and Scotland.

In addition, answers were received from 12 organisations working with children in 10 Member States: Kinder- und Jugenanwaltschaft Wien (Children’s and Youngsters’ Advocacy Centre in Vienna) in Austria, Hjælp voldsofre (Victim Aid Denmark), Tallinna Laste Tugikeskus (Tallinn Child Support Centre), Tallinna Perekeskus (Tallinn Family Centre) and Tartu Child Support Centre in Estonia, Ensi- ja turvakotien liitto ry (Federation of Mother and Child Homes and Shelters in Finland), Hamogelo (The Smile of the Child) in Greece, Children at risk in Ireland Foundation (CARI), Centre Dardedze (Center Against Abuse, the Rainbow) in Latvia, Vaiko Namas (Child House) in Lithuania, National Society for the Prevention of Cruelty to Children (NSPCC) in Northern Ireland, and Zavod Papilot (Assistance to Victims of Violence and Crime Programme) in Slovenia. Some of these are presented below.
The organisations Hjælp voldsofre in Denmark and Zavod Papilot in Slovenia work with all kinds of crime victims and the Federation of Mother and Child Homes and Shelters in Finland work with battered women and their children.

This minor study included four questions and an enquiry on best practices. In some sections of this summary, the Victim Support members have been separated from the other NGOs in order to distinguish possible differences between the work of these organisations and other organisations.

**Direct support to child victims**

All organisations except one claim that support is offered on a nation-wide level. These organisations have local offices throughout the country and a head office in one of the bigger cities. The extent of the support provided varies between the organisations as well as within the organisations.

**Victim Support members**

All Victim Support member organisations state that they offer general information and support to adult as well as to child victims. Four of them comment that although they are available to child victims, they have no special programmes directed at victimised children. Victim Support Finland notes that the organisation is available to child victims, but even though it has participated in the MUSAS project on training on child victims, not many child victims seek support from them. According to the organisation, this might indicate that child victims in Finland do not receive sufficient help following a crime.

The help provided is of different kinds but primarily emotional/psychological. Also legal and practical support is offered to the child victim and his/her families/caretakers, including, for example information on the criminal justice system, assistance, contacts with relevant agencies for further treatment or help with economic compensation. Seven Victim Support organisations offer support by accompanying the child victim to interviews during the preliminary investigation or at the trial and by arranging pre-trial visits to the court.

Victim Support in the Czech Republic offers legal advice, financial support and administrative support in various forms, legal representation, and accompaniment of the child victim to various hearings. As a non-standard service, it also offers psychological recovery weekend stays for victims of violent crimes.
Child support organisations

In Estonia, the Tallinn Family Centre was established in 2006. The organisation was formed on the basis of three NGOs offering different services in order to avoid sending children to institutions. To this end, support and counselling services to children at risk and day care for children with delinquent behaviour were offered. These services now continue in the Tallinn Family Centre. The Tallinn City government decided to establish a new organisation because they wanted to link and co-ordinate the services provided by NGOs with the child protection offices in Tallinn. Tallinn Family Centre is now financed by the Tallinn city budget. The police and the child protection offices refer children who need support in conjunction with investigative interviews to the Tallinn Family Centre. The Tallinn Child Support Centre, which operates in the same location as the Family Centre, is still an existing NGO and deals with issues not covered by Tallinn Family Centre work.

Tartu Child Support Centre in Estonia was established in 1995. It is the first of its kind in Estonia which has a multidisciplinary team working with abused children. The Centre provides consultations and therapy sessions, confidential and free of charge, as well as psychological, social and medical counselling and acute aid in emergency cases to child victims of violent crime and their family members. All team members have special training to deal with abused children and their families. Specialists from the Centre work together with the police in interviewing child victims.

The CARI Foundation in Ireland is a registered charity founded in 1989. Its primary aim is to provide a professional, child centred therapy and counselling service to children, families and groups who have been affected by child sexual abuse. CARI provides therapy to child victims who have been affected by sexual abuse and offers practical support to non-abusing carers/parents of such victims. It has a Court Accompaniment Support Service (CASS) for children who are summoned to witness in criminal courts.

The Smile of the Child in Greece runs a national helpline for children. It accepts complaints, also anonymous, which are forwarded to police. The organisation also provides shelter for abused children. The staff accompanies the child victim to hospital and is called by justice professionals to provide emotional support to child victims during investigation and in court.

The Center Against Abuse in Latvia employs psychologists and social workers who work with child victims involved in criminal proceedings. They
interview child victims and assess the consequences of violence and provide counselling. The staff also prepares the child victim and his/her family for the court proceedings.

In Northern Ireland, the NSPCC works in partnership with Victim Support Northern Ireland and provides a range of services to children and young people who are at risk of being abused or who have been abused. A Young Witness Service is operated, which provides support before, during and after trial to children and young people who are called as witnesses in criminal trials. Since the majority of the child victims in Northern Ireland give evidence by live television link, the NSPCC supporter accompanies the witness in the TV link room and is usually the only person in the room. The NSPCC also provides post abuse treatment and recovery services for children and young people.

Other activities for child victims
The NGOs were also asked about other ways to act for the needs and interests of child victims than by the provision of direct support. The information shows that awareness raising, information and outreach work is considered by the organisations as an important part of their activities. At least ten organisations stated that training of criminal justice professionals is imperative in order to improve the situation of the child victim and to empower them to meet the demands of the criminal justice process.

Victim Support organisations
Five Victim Support members report that they provide training for their own staff/volunteers and for other professionals such as the police, social workers and other NGOs. Victim Support in the Czech Republic runs training for police on communication with child victims and witnesses of domestic violence. In Portugal, issues related to the child victim are included in the APAV training programme directed to APAV officers, social workers, and staff from the health sector and police officers. Victim Support Scotland develops and provides training courses, internally and externally, on victim awareness, reaction to crime and coping techniques. The organisation provides basic training and in-depth training on particular groups of victims, for instance rape victims and families bereaved by murder. Victim Support Scotland runs projects on victim issues which may benefit the situation of the child victim. A tri-party working protocol has been set up between Victim Support Scotland, the Crown Office Procurator Fiscal Service and the Scottish Court Service regarding information sharing and co-operation. It
requires practitioners to declare when child victims have turned up at court without pre-warning to Victim Support Scotland’s court based Witness Service.

The majority of the Victim Support members refer to outreach work and information to young people but also to professionals working with children. APAV runs a website, APAV Jovem, with child victims as the main target group which also includes information to parents, teachers and trainers. The aim of this website is to raise awareness and to share information about child victimisation, its impact and social resources.

Networking and partnerships are highlighted by some organisations as being essential to improve the situation for the child victim. APAV is currently a member in several of the Committees on Protection of Children at Risk established throughout Portugal.

**Child support organisations**

Seven child support organisations report that they provide training for professionals as well as for child victims and young people. This is the case in Ireland, for example, where CARI provides training courses for professionals focusing on sexual abuse, child protection and child therapy and preventative education programmes for young people, parents and other interested groups.

The Tartu Child Support Center in Estonia provides training to medical practitioners, social workers, pedagogues, psychologists, juvenile police officers, prosecutors and judges. The Center has introduced a manual for police practitioners on disclosure of child abuse and it is also establishing a network of specialists with the objective to promote the network model throughout Estonia.

The Latvian Center Against Abuse, in co-operation with partner organisations in other Eastern European countries, has run the campaign “Your honour, I am scared”, which included the publication of a book intended to serve as a tool to prepare the child victim for the trial. An informative booklet on the child as a victim or witness of a crime has been directed to professionals. It embraces information on legislation related to the child victim in criminal proceedings, explained in a child-friendly manner, and information on the psychological aspects of victimisation.
The major needs of the child victim in the criminal justice process

In the third question, the NGOs were required to comment on what is most important to consider with regard to child victims’ major needs in the criminal justice process. The organisations unanimously state that the major need of the child victims in the criminal justice process is a multi-faceted support so that the child will be able to participate in the criminal justice process in a satisfying way. The feeling of safety is dependent on the reception of the child victim by professionals but also on the environment in which the child is met. The organisations stress the need for child-specific treatment which implies that child victims should be treated as children and not as “mini-adults”. It is also claimed that support should include accurate and timely information adapted to the child’s level of understanding. Five organisations emphasise the importance of providing support, information and advice, also to parents and caregivers.

In the view of Victim Support in England and Wales, one of the biggest issues for child victims and young victims is that they are unlikely to report crime in the first place. For this reason, support and information about how the criminal justice process works as well as support when the child is about to report a crime, is very important.

Several organisations point out that information and support helps to reduce anxiety and that this in turn increases the probability that the child victim will be able to provide an accurate statement. This is why a child victim needs as much certainty as possible about the arrangements for giving evidence, such as for example time and location of the interview. This is also why information should be tailored to the specific needs of the particular child.

Closely connected to the former issue is the presence of a support person which is mentioned by a few child support organisations. The Smile of the Child in Greece holds that child victims should be entitled to a support person who should be the same from the beginning of the process until it is completed.

The main obstacles for the child victim in the criminal justice process

In the fourth question, opinions were sought from the organisations on the main obstacles which child victims face in the criminal justice system, and what could be done to respect their needs in the criminal justice process. Several organisations point out that the criminal justice system is a system
designed for adults with inadequate procedures for children and that, as a consequence of this, the child victim is re-victimised. The Austrian Competence Center of Victim's Support highlights the difficult language in the court and comments on the instructions in court, for example about the duty to tell the truth which is incomprehensive for young people. Victim Support Scotland comments on the questioning as the most difficult part of the proceedings and comments on the intrusive aspects of the questioning in the adversarial system.

Zavod Papilot in Slovenia points out that the child victim is not adequately prepared for the criminal justice process which is rarely explained to the child. Not many professionals in the judicial system know how to deal with child victims. A better reception of child victims could be achieved through specialised units and departments for child victims in the criminal justice system and through specialised courts.

APAV in Portugal points to the gaps between theory and practice, and to the fact that the law envisages several measures that may ease the participation of child victims in the criminal justice process, but that these are seldom applied in practice. Structural insufficiencies also form obstacles for the child victim, for example courts which do not meet basic requirements with regard to this particular group, like having separate entrances and waiting rooms. In addition, a strategy for the implementation of these provisions is lacking, with clear guidelines for judges and prosecutors on how to put the provisions in practice. There is no point in appointing court support persons or to provide psychological care if there is no knowledge about the needs of the child victim.

According to Victim Support in the Czech Republic, the legislation is on a high level in the country. The administration of justice is not satisfactory due to different levels of knowledge and skills about the child victim among criminal justice professionals. Obligatory training for professionals would make a difference.

CARI in Ireland states that it is important that the criminal justice system adapts its practices so that criminal justice professionals are able to recognise the developmental stages and needs of child witnesses in order to ensure that they are sensitively treated throughout the investigative and trial process. NSPCC in Northern Ireland states that a solution would be advanced training and accreditation for lawyers and judges who work with young vic-
tims and witnesses. This should include increased skills in communicating with children and a greater knowledge of child development.

According to the Tallinn Children Support Center, the justice system is too much case-oriented. The professionals only want to proceed and complete their cases. The perspective of the child victim is not an issue and this makes children feel very unsafe in the system.

The comments of Victim Support in England and Wales concern children who are crime victims at school. These children are seldom described or recognised as victims and they are not encouraged to report. The crimes are often labelled ‘bullying’, a term that can apply to actions from the mild to the very serious. It is considered that the most effective change for child victims might not take place within the criminal justice system but within services for children and young people. Children and young people should be recognised as victims and should be encouraged to report crime.

**Best practices**

The organisations were finally asked to provide information on best practices developed to facilitate the situation of the child victim in their Member State. Four organisations answered that they could not identify any such practices and four organisations did not answer this question. Some of the information provided to this request is found in other parts of the report.

Victim Support in England and Wales has developed a resource pack for use in schools during personal and social education lessons. It is called “Are you OK?” and includes a number of exercises to help young people consider the impact of crime, the role of the criminal justice system and also what they can expect from a ‘healthy’ relationship. It is particularly important for young people who may be either experiencing or witnessing crime, especially in a domestic violence situation. The exercises may help to identify ‘unhealthy’ relationships”. www.are-you-ok.org.uk/

Hjælp voldsofre in Denmark, CARI in Ireland and the Center Against Abuse in Latvia see the increasing use of audio-visual recordings of statements given by child victims that are made to avoid repeat interviews as a best practice. It contributes to avoiding that the child victim has to appear in court and reduces the risk of secondary victimisation.

The Smile of the Child in Greece points to the importance of the multi-disciplinary approach and the co-operation between authorities and NGOs
developed in Greece, and to the network of specialists established to help child victims.

NSPCC stresses the commitment of the Government in Northern Ireland to provide witness support services in all criminal courts as a good practice. The Young Witness Service receives at least 90% of its funding from the Government (the Northern Ireland Office).

**In sum**

When analysing the information provided from the NGOs, the organisations were divided in two groups, Victim Support members and child support organisations. There are a number of differences between the organisations which could be related to their primary objectives and the different legal systems they work in. The two groups did not however, differ considerably from each other in their views on the needs of and support to child victims.

The organisations work with opinion and awareness raising by, for example local and national campaigns on the impact of crime and victimisation. Networking and information exchange are also important ways of acting for the needs and interests of child victims. Most of the NGOs point out that they co-operate with police and other actors in the criminal justice system and many of them have initiated co-operation between different actors in order to promote issues related to the child victim, both on local and national levels.
CHAPTER 3

Interesting development and best practices

3.1 The CURE approach to best practices

The project plan of the CURE project included the objective to present a number of best practices related to the situation of the child victim in the criminal justice process. This objective was in line with the division of the project in a theoretical and a practical part.

The assumption was that there is a need for knowledge on best practices in view of the fact that victim-oriented legislative provisions and consideration to the child victim are relatively recent phenomena.

First it has to be established that the concept best practice is used in a great number of contexts related to crime victims although it is seldom clarified. When deliberating on the presentation of best practices in the project, the first discussions centred around possibilities to find evidence-based practices with the aim of preventing hardship for the child victim in the criminal justice system. The CURE group of experts concluded that the number of practices developed to assist crime victims in the Member States was very limited and even more so if the view was restricted to the child victim. For this reason, it was assumed that the study could not be restricted to practices of this kind.

It was found that the concept best practices could be viewed from various perspectives and at different levels. To begin with, it could be seen from a comprehensive angle along the lines of how child victims should be dealt with according to international and national standards. Another view would be to look at practical expressions of existing standards and concrete examples from the Member States. Best practices could be seen in the context of the criminal justice process, and from a more narrow perspective, it could be restricted to the themes of the CURE project. With the different views in mind, the experts outlined a tentative view of best practices related to the themes of the project, as a reference point to hold on to. This outline is reflected in the recommendations presented in chapter four. Another observation made by the group of experts was that best practice is a notion that should denote something unique and something that stands out against other practices and procedures. In view of this approach, it can be claimed that no best practices were found in the pro-
ject, but rather some examples of promising practices and interesting development. This explains why the examples in this chapter have been sorted under the heading Interesting Development.

Within the conducted studies, best practices in the Member States were requested. The respondents submitted very few examples of practices according to the practical view of the concept, and no examples that were entirely in compliance with the tentative view developed in the project.

The above-mentioned is not meant to infer that best practices with the aim of facilitating the situation of the child victim are lacking in the Member States, but the poor response is however an indication on the current approach towards the child victim. The difficulties in identifying best practices must be considered as a conclusion in itself which justifies the allocation of resources for the exchange of best practices, but also the development of a minimum standard with respect to legal protection and support of the child victim.

A possible track to follow with regard to best practices could have been to distribute the recommendations of the CURE project to the Member States with an adjoining request for examples of practices in compliance with these recommendations. This was however not envisaged in the project plan, neither was it possible to realise within the framework of the project, but the aspiration is that this could be done in the future, or that a similar route could be followed. However, along the course of the project, some activities emerged as particularly interesting. These are selected because they represent a holistic approach to child victims. In view of the above mentioned they are presented under the heading "Interesting Development.”

3.2 Child Abuse and Neglect in Eastern Europe (CANEE)

“Childhood without abuse - towards a better child protection in Eastern Europe” is a project which is initiated and co-ordinated by the Nobody’s Children Foundation in Poland and co-financed by the OAK Foundation. The aim of the project is to support child victims and their families by offering them access to free legal and psychological counselling and mental health treatment. The project is a collaborative initiative of NGOs in six countries: Bulgaria - Social Activities and Practices Institute (Институт по социални дейности и практики), Latvia - Center Against Abuse "Dardedze" (Centrs Pret Vardaribibu “Dardedze”), Lithuania - Children Support Center (Paramos Vaikams Centras), Poland - Nobody’s Children Foundation (Fundacja Dzieci Niczyje), Moldavia - National Center for Child Abuse Prevention (Centrul National de Prevenire a Abuzului Fata de Copii) and Ukraine - Child Well-
The time frame of the project is 2005 to 2013. The objectives concerning the problem of child victims and witnesses include:

- to raise awareness of the problems for child witnesses in the criminal justice process,
- to improve the competence of professionals involved in legal interventions and assistance to child victims,
- to raise these professionals’ sensitivity to children’s special needs in criminal proceedings,
- to develop standards on assistance to child victims and witnesses involved in legal procedures,
- to protect children who are victims of crime in legal proceedings, according to the Framework Decision 2001 on the standing of victims in criminal proceedings and the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

To this end, training, research, publications, conferences and social campaigns are conducted in the participating countries.

A coalition for child-friendly interviewing of children was established in 2007 by Nobody’s Children Foundation. The objective was to improve the protection of child victims in criminal proceedings through promoting and implementing the idea of interviewing child witnesses in child-friendly settings, by competent professionals. The project has had an impact on the situation of child victims by establishing standards for interviews, by contributing to changes in legislation and to the establishment of child-friendly interview rooms in the participating countries.

One part of the project is the website www.canee.net dedicated to the problem of abused and neglected children in Belarus, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Moldova, Poland, Romania, Slovakia and Ukraine. A number of activities which directly or indirectly support child victims and witnesses are covered on this site. The aim of the website is to raise awareness and educate, but most of all to inspire professionals and decision-makers to take concrete action to tackle violence against children in all its forms. The website contains information on the scope and dimensions of the child abuse phenomenon, results of research, statistics and information on legislation. Of particular importance is sharing infor-
mation on new events, projects, campaigns and other initiatives aiming to prevent child abuse and neglect and to provide support to child victims and their parents. To encourage networking in the region, descriptions of NGOs in Eastern Europe are provided on the website. Information posted on the website is organised according to selected topics, for example the child as a witness.

In 2004, 2007 and 2010, the campaign Child Witness with Special Needs was carried out in co-operation with the Polish Ministry of Justice. The goal has been to sensitise representatives of the legal system to the needs of child victims/witnesses in the criminal justice process. The slogans of the campaign were “Your Honour, I am scared” and “Your Honour, I have the right not to be scared”. Within the frame of the campaign, training for judges, prosecutors, police and psychologists were conducted to improve their competences on interviewing child victims/witnesses. This campaign included lobbying for the establishment of child-friendly interview rooms and contributed to the opening of this kind of rooms in each of the project countries. Experts on the legal situation of child victims/witnesses were consulted in each country. Based on the gaps in the legal system, identified by experts, lobbying took place to change law and practice related to the child victim.

The second stage of the campaign is now being developed. It will continue with training activities but also give child victims/witnesses and their parents a possibility to give their views on issues related to child abuse. Within this part of the project, a practical manual directed to professionals has been elaborated on how to interview children. A publication directed to parents, *When your child is a witness in court*, has been issued and information material directed to child victims has also been developed.

The co-ordinator of the project is Mrs Maria Keller-Hamela, maria.keller-hamela@fdn.pl, and co-ordinator of the CANEE website and webmaster is Mrs Dorota Gajewska, dorota.gajewska@fdn.pl, both at the Nobody’s Children Foundation in Poland, www.fdn.pl.

### 3.3 Multi Agency Risk Assessment Conference (MARAC)

The Multi Agency Risk Assessment Conference (MARAC) approach in England and Wales was originally developed for domestic violence cases, as a way to bring together different agencies with a responsibility to support victims of such crime, and agree on correct support in each case. It was in April 2003 that the first MARAC conference was held in Cardiff, the Welsh capital, bringing together 16 agencies, including police, probation services, local authority, health, housing, refuge and the Women’s Safety Unit. Since then,
several research projects have indicated that the meetings yielded substantial improvements both to the practice of professionals and to the safety of victims and their children. The goal of the MARAC conferences is to provide a forum for sharing information and taking action to reduce future harm to high-risk victims of domestic abuse and their children. MARAC also aims to determine whether the perpetrator poses a significant risk to a particular individual or to the general community, to construct jointly and implement a risk management plan to reduce the risk of harm, to reduce repeat victimisation, to improve agency accountability and to improve support for staff involved in high-risk domestic violence cases. MARAC combines up-to-date risk information with a timely assessment of the victim’s needs in a single meeting and links those needs directly to the provisions of services with those involved in a domestic violence case; victim, children and perpetrator.

It is considered as vital that non-criminal justice agencies are well represented at MARAC conferences. There is usually a wealth of information in the community about a particular household, which on their own do not raise particular concern. The MARAC process aims to piece together snippets of information and see the risk factors in a comprehensive way, so that victim-oriented agencies can provide information from the victim’s perspective, and social services can provide information about children and take action on their behalf. The perspective of health visitors, for example, will be different from those held by police or probation, which typically are aware of criminal incidents and the perpetrator’s history.

The MARAC model of joint agency working has been developed in the London borough of Lewisham. It was found that the MARAC model with its multi-agency approach was a way to identify complex crimes at an early stage. The Lewisham MARAC initiative focuses on young people aged ten to 21 years and very high-risk cases around victims of serious youth violence. Lewisham MARAC brings together key decision makers from the police, Victim Support, the Probation Service, Youth Offending Service and Lewisham College, among others.

The Lewisham MARAC is chaired by the Inspector of Partnerships, Lewisham Police, and is co-ordinated by the Youth MARAC Co-ordinator through the Community Safety Team funded through Victim Support/John Laing and the MET.
Before a young person is placed as a case for the MARAC, the referral agency undertakes a risk assessment process with the young person. A panel has been established consisting of the police, Victim Support and other agencies. Presently over 20 services are represented at the panel. The panel reviews all referrals and formally agrees which MARAC cases that should be eligible for the panel, or to redirect through to Victim Support dependant on threshold levels. Other cases would receive existing provision without going through the MARAC. A key worker is assigned to each case to measure the effectiveness of decisions made at the MARAC.

The MARAC meeting is a way to ensure that the young victim receives a joined-up, seamless service from all the relevant agencies. At each meeting, it is assessed what support would be most appropriate for the young person and it is agreed on who should provide it. The predominant needs up to now have dealt with safeguards, housing and education.

Lewisham MARAC uses an assessment toolkit with a common assessment framework. It is designed to clarify the role of the MARAC representatives on behalf of the various agencies and should be used as a quick and easy reference device.

Lewisham MARAC today has about 70 cases coming to their attention each month. Most of them deal with shootings, assault causing grievous bodily harm, serious sexual assault and robberies. Only about 2% of the cases are coming back.

Young victims of serious youth violence are now also offered Mentoring Provision delivered through the so called Malachi Mentoring Project. It will provide longer term support for agreed MARAC cases, where they are fully assessed. An action plan has been developed and volunteer mentors will attend a victim support training programme specific to the MARAC, looking at specialist areas around domestic violence, gangs, sexual violence and the witness service.

For more information, contact Vanessa Manship, Victims of Serious Youth Violence MARAC coordinator: Vanessa.Manship@lewisham.gov.uk.

3.4 The Children’s House Model

The Children’s House in Iceland

Barnahus (the Children’s House) in Iceland developed against the backdrop of increased international awareness on sexual abuse. The Stockholm congress on commercial sexual exploitation of children in 1996 was one
element that triggered social awareness on this particular problem. Also the Children’s Advocacy Centres (CAC) in the United States became a role model for the development of Barnahus in Iceland.

Generally speaking, the development of Barnahus in Iceland was based on the apprehension that investigations of cases involving sexual crimes of children often generate painful experiences and re-victimisation of the child. Also the research on the incidence of child sexual abuse which appeared in the 1990s in Iceland, and which proved that the rate of such abuse was higher than was expected, contributed to a call for better methods to investigate these crimes.

In most European states, the responsibility for dealing with child sexual abuse has traditionally been divided between a number of agencies. This inevitably leads to a situation where the child victim has to face a number of different people and where the child is subjected to repeat questioning. This fact, among others, made Iceland consider the re-organisation of its work procedures with regard to child sexual abuse cases, in line with the principle of the best interest of the child.

The Barnahus approach is reflected in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No 201, which emphasises a child-friendly and multi-agency approach that could be summarised by the principles on Prevention, Protection, Intervention and Investigation.

Barnahus in Iceland started its activities in 1998. Four years later, it was identified as a best practice in a report by Save the Children, and today it is among the good practice presented in the Council of Europe programme on child-friendly justice. The Barnahus approach in Iceland rests on the following main criteria:

- A child-friendly setting
- Forensic interviews
- Multi-agency and interdisciplinary
- Medical examinations
- Victim treatment and support
- Family counselling
- Research, education, networking, awareness-rising

In the Icelandic Barnahus, the joint investigative interview is at the core of
the concept. The interview is performed by a trained professional in child-friendly premises. It is equivalent to a court testimony so that the child victim does not need to give testimony again at the court hearing. Another part of the Barnahus approach is that victim therapy and family counselling are offered. Barnahus Iceland received the Multidisciplinary Team Award by ISPCAN in 2006.

The Barnahus model will be tried in Finland and proposals have been put forward for rolling out the model also in Denmark and Greenland. Today the Barnahus model has met with interest also in some places outside the Nordic states and to some extent, the model is also practiced in some EU Member States outside Scandinavia, although not with all the aspects and criteria from the Barnahus Iceland approach.

The Nobody’s Children Foundation in Warsaw has been in the forefront in promoting Barnahus in Poland, and progress has been made with the so-called “Blue rooms” which are child-friendly interviewing facilities for court testimonies. The Children’s House in Vilnius is another example of how some aspects of the Barnahus model is used.

**Children’s Houses in Sweden**

The incidence of sexual abuse and physical abuse against children has historically been difficult to gain acceptance for, in the public consciousness as well as in legislation. It is only as a result of the last two decades’ increasingly intense debate and research in the field that children’s and adolescents’ rights to protection, support and treatment has clearly begun to be reflected in legislation and has become in line with the UN Convention on the Rights of the Child.

Experiences from previous co-operation between government agencies in child abuse cases has resulted in a better understanding for and focus on children’s rights in Sweden. It has also contributed to a general attitude that co-operation should be characterised by a consistent child’s perspective over a business and organisational perspective and that children must be supported by society from a holistic point of view. On commission from the government, a national pilot was initiated in 2005 with Barnahus-units at six locations in Sweden. The model for this activity was Barnahus in Reykjavik, Iceland and the approximately 600 Child Advocacy Centres in the United States.

The objective of Barnahus is to offer a reception which is child-friendly and tailored to children’s different needs, involving multiple agencies together
under one roof. The social services, police and the prosecution service work together, to obtain child-friendly investigations and reduce the number of agency contacts for child victims of crime. The fundamental idea is to increase the quality of the investigations and attain a higher legal security.

The aim is to conduct child hearings as well as social, child-psychiatric and medical investigations and, in co-operation with specialised treatment units and other child- and adolescent psychiatric clinics, to offer crisis intervention and assessment for continuing treatment. The unit is also responsible for the methodology and development of skills in their area of expertise.

The target group of Barnahus in Sweden is children under 18 who are suspected of having been victims of physical abuse in close relationships or sexual abuse. The width of the target group varies somewhat between the different units and may also include children who have witnessed violence, victims of female genital mutilation, child victims of human trafficking and children who have abused other children sexually.

Today Barnahus is found in several places in Sweden. Planning is underway in order to establish Barnahus in a number of locations. A national evaluation from 2008 showed that the position of the child in the legal process was bolstered and that the child’s perspective is considered in a higher degree than before. An increasing number of interviews and medical examinations took place and the children have been given better treatment and care in the acute crisis.

The example of Barnahus Linköping
Barnahus Linköping started as a pilot project in September 2005, in premises which initially were a pre-school. It is situated within walking distance of the University Hospital, the prosecution authority and the police. The catchments area covers nine municipalities in the western and central parts of the county of Östergötland with a population of about 250,000. Barnahus has a fixed staff group consisting of two social workers, a psychologist, an assistant and a co-ordinator. The unit is led by a governing committee in which representatives from the various authorities are included. The role of the committee is to be the board of Barnahus Linköping, instruct the team leader to run the daily work and to function as a link to the appropriate authorities. All the co-operating partners also have a representative in a working group. The role of this working group is to discuss and analyse the collaborative work of the authorities in cases referred to Barnahus Linköping and to keep the committee informed of the daily work and progress.
The funding of Barnahus Linköping is divided between the involved nine municipalities and the Östergötland County Council. During the first three years it received funding from the World Childhood Foundation. An important part of the organisational structure is the co-operation agreement in which each authority’s responsibilities and influence are clearly defined.

The premises of Barnahus are furnished in a child-friendly manner. The child’s right to meet adults with experience and competence in the field should also be acknowledged. Working with child victims in a multidisciplinary environment like Barnahus means that the child will not have to tell his/her story several times to different professionals. Having to talk about a difficult experience repeatedly to different people whom the child victim does not know will for many children be a harsh mental and emotional strain.

When a case of suspected child abuse or sexual abuse becomes known to the Social Welfare Board, Barnahus is contacted so that a consultation meeting can be held with social services, the prosecutor, the police, child- and adolescent psychiatry and paediatricians. At the meeting, an assessment of the child’s situation is made and a police report is written. The child who is to be heard by the police comes to Barnahus with a social worker and a contact person. The child is greeted by a member of the Barnahus staff who informs him/her of what will happen. The staff follows the child’s activities in the house and makes an assessment on the need for support and treatment. When a medical examination is scheduled in conjunction with the police hearing, a paediatrician, gynaecologist and/or the medical examiner come to Barnahus and conduct the examination in a room specifically equipped for this purpose. If the prosecutor has requested an examination as a part of the legal investigation, the medical examiner conducts the examination, typically alongside paediatricians.

The interview with the child is done by a police officer, trained and specialised in interviewing children and it is recorded on DVD. In an adjoining monitoring room, social workers, child psychiatrists, prosecutors and possibly a dedicated legal representative, or plaintiff’s counsel and the counsel for the defence are participating. All actors involved have responsibility for their part of the case, and the staff at Barnahus co-ordinate the efforts in order to always follow the child’s best interests.
3.5 The MUSAS projects

The MUSAS I and II were projects on training on children who are victims of crime and other shocking events. They were directed to volunteers and paid staff within Victim Support organisations and trainers who provide basic training for these groups. The projects were financed by the Leonardo da Vinci programme of the Directorate-General for Education and Culture in the European Commission, and promoted by the Portuguese Association for Victim Support.

**MUSAS I**

Victim Support organisations in six countries; England, Belgian Flanders, Portugal, the Netherlands, France and Scotland, participated in the MUSAS I project, which ran from November 2001 through June 2004. MUSAS I targeted the service deliverers, i. e. the Victim Support volunteers and paid staff. This brought together Victim Support organisations that differ widely in their organisational structure, target groups, legal framework, approach to victim support and the boundaries of the services provided to victims of crime. A solution to this problem was devised by combining the uniform needs of child victims and the divergences between the countries in a training template. This allowed the organisations to tailor the basic training module to their own needs. In this task, they were guided by a set of shared objectives:

- to raise awareness of the existence of child victims,
- to build knowledge on Victim Support policies when working with young people,
- to identify the boundaries of the organisation’s services,
- to support child victims and acknowledge their rights and experiences,
- to build knowledge on how the child’s development might influence reactions to crime,
- to identify how family dynamics might affect the work with child victims,
- to acquire basic skills in communicating with children.

Apart from a basic template, two advanced training modules were developed: advanced training I, which targeted structured support for child victims of traffic accidents, and advanced training II, which targeted skills in the communication with child victims.
All participating countries used the material of the basic template as a basis to produce their own training material. Two pilot trainings were given in every country with special training for trainers.

As a part of the project, a resolution was submitted to and accepted by the AGM of the European Forum for Victim Services (now Victim Support Europe) in 2004. The resolution states: “It is the policy of the EFVS that every Victim Support worker who is likely to come into contact with children who are victims of crime, including those who are members of families who have become victims of crime, should receive, as part of their basic training, sufficient information to raise their awareness and understanding of the special issues affecting child victims and their special needs. It is also the policy of the EFVS that victim service workers who become involved in the direct support of young victims must first receive more specialist training”.

**MUSAS II**

Following up on the resolution, the MUSAS participants proposed to undertake a so-called Leonardo networking project. MUSAS II was conducted between October 2005 and September 2007. In this project, the steering committee supported four Victim Support organisations in the Czech Republic, Slovakia, Finland and Sweden. The aim was to improve awareness of and knowledge about young victims of crime across Europe. The MUSAS II project assisted the new participants in the development of training, policies and procedures in the service delivery to young victims of crime tailored to the national context of their respective countries.

This project focused on two main target groups: Victim Support organisations in Europe that did not participate in MUSAS I and trainers who provide basic training for Victim Support volunteers and staff. It required the adaptation of the template material from MUSAS I to the needs of the new participating countries. For each of the four new countries, meetings were held with the human resource and training managers of their respective organisations. Data was collected on organisational structures, boundaries of service, the approach to training and specific assistance to child victims within the organisations. Other relevant organisations available in each of the countries were identified. Based on this information and the MUSAS I template, a training programme was outlined for every country. When it had been accepted, a training kit was developed for every country in close co-operation with the trainers and managers.
Pilot training sessions were organised in each country, testing the concept training modules. The pilots were evaluated and the final training kits were drafted. A detailed version of the training package was developed for trainers, including background information, exercises, PowerPoint and guidelines on how to give the training. Finally, the training material was translated into the official languages of the participating countries. In each of the countries, Victim Support workers received training at least once.

Today in 2010, three years after the project was completed, child victims are considered as an important group with special needs by the Victim Support organisations in all the participating countries. The material from the MUSAS projects is part of the basic training for volunteers and staff in these organisations. For more information on the project, see www.apav.pt.

3.6 Recognition, criminal process and co-operation between authorities - a report from the Police College in Finland

In May 2010, a research project on child victims in the criminal process was completed at the Police College in Finland as part of a wider research project on violence in the lives of Finnish children. The project is the third and final part of the project Children as Victims of Violence and has been funded by the Finnish Ministry of Justice and the Finnish Ministry of the Interior.

The results of the project have been published in a book entitled Recognition, criminal process and co-operation between authorities. The objective of the study was to investigate how cases of suspected child physical or sexual abuse are recognised, reported and solved by authorities in Finland. The study covers different aspects of the criminal process and the co-operation between different authorities in these cases. The research was conducted as a case study in three different cities in Finland, using three different forms of data from 2004-2009: police reports and preliminary investigation documents, dismissals and judgements. Interviews were also made with various professional groups in the criminal justice system as well as with social workers, doctors and staff at school and day-care centres.

The report is divided in different articles covering stages of the criminal justice process. The challenges related to the disclosure of crime are dealt with in the section on the reporting of suspected child physical or sexual abuse. When compared with other research on the scope of child abuse, it is clear that most cases are not recognised by authorities working with children. There is a discrepancy in the number of cases reported to the police by the social workers in different parts of Finland. The study reveals how the moral
opinion of the individual social worker about what actually constitutes violence has a great influence on whether the case is reported to the police or not, whether the case proceeds to preliminary investigation, and on how the case proceeds in general.

With regard to the preliminary investigation, the report points to the differences between various police departments and individual police officers in their investigation methods. The main challenges of investigating cases of child abuse were identified as the establishment of confidence with the child, evaluation of the child’s developmental phase, identifying the relationship between the suspect and the victim and communicating with the child victim in a sensitive manner.

One reason for significant differences between individual police officers is that not all police officers interviewing child victims have specific training for this task. Another problem is that it takes a long time to obtain expert opinions from doctors and psychologists which may considerably prolong the preliminary investigation and other processes.

The article on consideration of charges is concerned with the types of decisions that are made by prosecutors, the cases that are considered to be the most difficult by the prosecutor and the reasons for dismissals in cases of child abuse. The report demonstrates that more than a third of the reported cases are not prosecuted. In 51% of the dismissed cases, the evidence is insufficient and in 33% of the dismissed cases, court proceedings are seen as unreasonable. Dismissals seem to be more common in cases where the father or the mother is a suspect than in cases when the suspect is not a family member.

There were divergent opinions between prosecutors on what is seen as tolerable and punishable with regard to child abuse. The decision whether to charge or dismiss a case is dependant on various elements such as the quality of the police investigation, the prosecutor’s view of the seriousness of child abuse and other factors related to the individual case.

The article on the court proceedings indicates that cases involving physical or sexual abuse of children are rare in the courts. From the perspective of the judges, great emphasis is placed on the rights of the defendant. The researchers would like to place more emphasis on recognising the victim’s position in the court proceedings, which often remains secondary.
With regard to co-operation, multiple challenges were found by the persons interviewed. There were major differences as to how co-operation was considered and carried out. They concerned the practices and the level of co-operation as well as the level of co-operation that had been adopted within the culture of an organisation. The legislation related to co-operation was not considered as clearly defined, and this resulted in different interpretations of the law among the different professional groups. The authorities saw major structural challenges in co-operating with other actors, the disparateness of the different processes of child protection, police investigation and medical care for example, which resulted in bureaucracy.

Compared to previous research, a positive outcome is that the importance of multi-professionalism has been accepted and recognised among the professionals and that all the authorities were willing to work together. The major perspective on this matter was that investigating child physical or sexual abuse requires co-operation between the police, social workers and medical professionals, because victimisation is related to all these areas of a child’s life. It is regarded as important to centralise the investigations in order to develop improved expertise in the authorities and to shorten the length of the investigations. The model according to which child abuse cases are investigated “under one roof” was found attractive and the setting up of the Children’s House model is supported in the report.

**Conclusions**

A major outcome of this project is that the authorities interpret the legislation in various ways, which result in different approaches towards how cases of child abuse and sexual abuse should be handled at different places. There is no national specific structure or model on how cases involving child victims should be investigated. Some authorities have developed written policies on how to tackle these cases but practices vary between different cities as well as between individual professionals. The study emphasises that the investigative interview is the most important evidence in the case and that there is a need for training on how child abuse should be investigated. The fact that issues related to child abuse is not a part of the basic medical education at the universities or in the basic police training is identified as a major shortcoming.

Suspected child physical or sexual abuse usually marks the beginning of many parallel processes, which to some extent overlap with each other. For this reason, co-operation between the authorities is considered to play a key role to improve the situation. All the authorities were concerned about the length of these processes.
The study finally reveals that there is a strong need for a general public discussion about issues related to child abuse. One step forward in preventing child abuse in the future would be to encourage a public debate about the reduction of resources devoted to family and child services.

The leader of the project is senior researcher, PhD. Juha Kääriäinen. The researchers of the project are PhD. Noora Ellonen and MSSc. Sanna-Mari Humppi. An English summary of the report is available. More information can be supplied by the researchers: MSSc Sanna-Mari Humppi, e-mail: sanna-mari.humppi@poliisi.fi and Ph D Noora Ellonen, e-mail: noora.ellonen@uta.fi

### 3.7 Investigative interview training of police officers in Sweden

The development of interview behaviour in real cases with child witnesses

In 2007, the National Swedish Police Board (NSPB) was assigned by the government to develop three different courses about child witnesses. In turn, NSPB assigned the police academy in Stockholm to develop the courses. Professor Ann-Christin Cederborg at the Department of Child and Youth Studies, Stockholm University, was given responsibility for the second course which focused specifically on police officers’ development of interview behaviour in relation to research based knowledge, “Investigative interviewing of children”. This course is university based and planned together with police superintendent Birgitta Engberg at the police academy in Stockholm.

The new Swedish training programme was inspired by the NICHD (National Institute of Child Health and Human Development, Bethesda, USA) protocol, where the police officers are trained to structurally ask as many invitations/free-recall questions as possible throughout the interview. This is because research has shown that invitations prompt respondents to recall information from the memory and these questions do not specify the contents of the memories that are to be retrieved. They may also elicit richer and more accurate reports than option posing prompts do, and this latter question type may imply that respondents recognise one of the options suggested. This can constrain and shape their responses, making them less accurate than responses to open questions. In addition, the police officers are informed that younger children in particular are likely to give inaccurate responses to option posing and suggestive questions. The training also involves training in how to evaluate police officers’ performances during the interview. The police officers who are chosen for participation in this course
professionally interview children who are alleged victims of sexual and physical abuse. They participate three full days each month during a period of half a year at the police academy. Between the courses, they are supposed to read prescribed literature, books and articles in order to manage their homework.

The teaching is interdisciplinary in terms of developmental psychology, investigative interviewing and law. Most lectures are about research findings and international recommendations on how to accomplish best possible interview practice. The simulated interviews involve role play where participants act as either a police officer or an alleged child victim/witness. During the course, the police officers are given continuous supervision and feedback on simulated as well as actual forensic interviews.

During the exercises, when the police officers ask option posing and suggestive questions, they are given comments on how they can change their questioning style according to recommended open questions. They also write three different papers based on literature and lectures. The development of the police officers as interviewers is checked at least three times during the course. They send one recorded interview to the course manager before they start the course, one in the middle of the course and one at the end. The second and third interviews should be evaluated by each police officer and attached to the interview sent in. This means that they critically describe their own performance style during the interview and the type of information they received from the child. The teacher codes all interviews in relation to question types, structure of the interview and words used in relation to the child’s age and possible diagnose.

The police officers are required to reach an acceptable standard as interviewers before they are approved with a certificate from the university. The quality of the last interview is the basis for the final assessment of the police officer’s achievement. A police officer who does not reach an acceptable standard do not pass the course and will have to produce further investigative interviews until he/she can show acceptable structured interviews and is able to avoid contaminating question types.

In the spring of 2010, an evaluation of the implemented training was made by the course manager. It involved 86 police officers who altogether interviewed 172 children, alleged victims of sexual and physical abuse in five different courses, during the years 2007-2009. The study shows that the police officers were able to reduce the number of questions posed during
the interviews in favour of free-recall statements from the children. They were also able to reduce their use of directive, option-posing and suggestive questions from the first coded interview to the last. The most encouraging result is however that the police officers reduced their use of option-posing questions to a third compared to their initial use, and tripled their use of invitations in the last coded interview.

For more information and references, contact: Professor Ann-Christin Cederborg: ann-christin.cederborg@buv.su.se

3.8 The Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking

The Council of the Baltic Sea States, (CBSS) is an overall political forum for regional inter-governmental co-operation. The members of the Council are the eleven states of the Baltic Sea Region: Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden, as well as the European Commission.

The training programme Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking was implemented by the support of the European Union through the Daphne programme, Save the Children Sweden and the Oak Foundation. The trainings were conducted in the years 2006 and 2007. Mr Lars Lööf, head of the Children’s Unit at the secretariat of the Council of the Baltic Sea States was co-ordinator of the project.

The background to training programme was that several actors in the Baltic Sea Region, both NGOs and governments, identified an obvious lack of services for trafficked children. The gaps related to the fact that there was no adequate care in place in any country in the Baltic Sea Region for children who return to their country of origin after having been trafficked. This gap created difficulties for the children who had to fend for themselves if and when they returned to their country of origin. The lack of resources in the countries of origin affected the host countries’ possibilities of offering safety for children they wanted to involve as witnesses in criminal proceedings. Even if expertise existed on some of the issues at hand, there was no knowledge on how to assist these children in a comprehensive way.

In order to further the development of the services, the co-operation group on Children at Risk in the Baltic Sea Region in 2005, together with the Ukrainian Ministry of Youth and Sports, convened an expert meeting to identify measures that were needed. It was essential to find actors working
in this field in order to make full use of their knowledge when establishing services. It was also considered important to set up a dynamic organisation in each country which would be able to respond to cases involving children appearing in the country, and to be able to access experts that could make child-friendly and appropriate assessments. Through discussions at the meeting, the network of child experts identified the issues that should be deliberated in an international training programme in order to assist national programmes. Professionals with experiences from working with unaccompanied children and children victims of trafficking, twelve teams from ten countries in the region, were invited. Five training events at two days each were carried out. Each team consisted of four experts working with direct assistance to unaccompanied children and children victims of trafficking. The content of the training seminars were:

1. **Protective care for victims of human trafficking**

   The focus of the first training event was motivational interviewing of teenagers with no trust in adults. Many countries apply a period of reflection for the victim during which he or she may consider possible alternatives. This period should be used to mobilise the young person’s resources to find alternatives to the life of exploitation. The possibilities to protect and to place a child in care against his/her will and the restrictions to such care must be considered by child protection systems and was discussed in this seminar.

2. **Psychological and social rehabilitation techniques**

   The second seminar concerned adaptation of techniques for young persons with extremely exploitative experiences. Children who have been involved in trafficking usually have no decision-making skills or social skills at all. In view of this, it was found that the comprehensive assessment procedure should be guided by a manual, assisting the professionals in suggesting the most appropriate assessments.

3. **Children's participation in shaping their own healing**

   The third seminar was devoted to children’s participation in the process of healing, as an alternative to authorities and professionals merely advising them what to do. The development of techniques and methods that could encourage the young person her/himself to be involved in the development of assistance was discussed. With this objective, peer group support was used in the training.
4. Family therapy and assistance with a broader social network

The fourth seminar dealt with the victim’s family and other social networks. The importance of the family in supporting a young person can never be overestimated. For this reason, care workers need to develop their expertise in creating a healing context that works and which includes the family in all forms of assistance. This part elaborated on the assessment of the family’s situation, on how to use the family as a resource, on the adaption of therapy techniques for the family and the identification of the child’s social network.

5. Reintegration in an old environment or integration in a new context

In some countries, the reintegration of child victims of trafficking to their original social context has proved extremely difficult. The experience is that when children or young persons are sent back to their region of origin, the rate of re-trafficking is higher than if they stay in some form of vocational training in a bigger city. In view of this, discussions were held on the interplay between the psychological/social assistance given to the victim and the interventions to find educational facilities or work, reintegrating techniques and active support of the young person’s informed decision. An important issue was how the region of origin could prepare the young person’s return.

After each training event, a national follow-up in each country was made, which included the National Contact Point, NGOs and professionals. The Working Group for Co-operation on Children at Risk was informed on the progress of the training and different professionals were invited to the national follow-up meetings, depending on the themes discussed and the different domestic situation.

As a result of this training programme, experts in the participating countries are continuously supported and their expertise is used in national training programmes. Representatives are invited to participate in the yearly meetings of the National Contact Points. A follow-up project, Information Management to Prevent Trafficking, is running. It has the aim to look at the structures regarding child trafficking in EU Member States and countries closely affiliated to the EU. The ambition is to map existing information and intelligence structures and how these are managed. In the beginning of 2011, a final report will be presented. For more information about the training programme, contact the Children’s Unit at the CBSS Secretariat, child@cbss.org.
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,

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:

1. 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-
information 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 multidisciplinary 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.
APPENDIXES
Appendix 1
Question form to Ministries of Justice

General questions

1. Has the situation of the child victim in the criminal justice procedure been addressed in some way by the government or by judicial authorities in your member state? (For example, has it been the objective of a survey/evaluation? Are there organisations working for child victims, which are funded or supported by the state? Have information/specialised services been set up, like children’s telephone or Internet help-lines?)
   Yes ☐ No ☐
   If yes, in what way and through which measures?

2. Does the child victim have rights in the criminal justice procedure? (For example, the right to address the court, the right to file submissions and comment briefs, right to legal representation, the right to examine witnesses, the right to give victim impact statements) If so, please refer to the relevant legal provision.
   Yes ☐ No ☐
   If yes, please describe. If the child victim only has these rights when acting as a party in the procedure, please indicate so.

3. Have specific provisions been enacted in legislation with the purpose of facilitating the situation of the child victim in the criminal justice procedure? (For example, child friendly reporting systems, specific treatment aimed at protecting the child or ensuring respect for the needs of the child, such as exclusion of the public from the court room) If so, please refer to the relevant legal provision.
   Yes ☐ No ☐
   If yes, what is the content of these provisions?

4. Have measures been taken which apply only to specific groups of child victims? (For example, children who are victims of sexual crimes and disabled child victims) If so, please refer to the relevant legal provision.
   Yes ☐ No ☐
   If yes, what are the implications of these measures?

5. Have measures been taken aimed at ensuring the child victim protection in transnational cases? (For example, children who are victims of trafficking)
   Yes ☐ No ☐
   If yes, what are the implications of these measures?

6. Are the UN Guidelines on Justice in Matters involving Child Victims and Witnesses (ECOSOC Resolution 2005/20) available in a language of your country?
   Yes ☐ No ☐
   If yes, in what language?
Appendix 1
Question form to Ministries of Justice

CHILDREN IN THE UNION - RIGHTS AND EMPOWERMENT (CURE)  Page 2 of 4
Questions to the EU ministries of justice on the legal position of the child victim

7. Have special strategies been put in place to prevent repeat victimisation against children?
   Yes ☐  No ☐
   If yes, what are the implications of these measures?

8. What is considered as the major problems for the child victim in the criminal justice procedure in your country? (For example, repeat questioning, the length of the procedure, attitudes in the judicial procedure) What is needed to overcome these problems?

Thematic questions

1. Information
   In this section we are looking for information on the right of the child to be promptly and adequately informed. If there is legislation on the issues below, please refer to the content of the relevant legal provision.

A. Is there a legal obligation to provide information to child victims?
   Yes ☐  No ☐
   If yes, what kind of information has to be provided and who is/are in charge of the duty to provide this information?

B. Has information been developed specifically for children who are victims of crime? (For example, information leaflets/brochures and/or websites designed in a child-friendly way)
   Yes ☐  No ☐
   If yes, what does this information comprise and who is responsible for distribution of this information?

2. The child victim during investigation
   In this section we are looking for information about various measures aimed at protecting the child from hardship during the investigation and prosecution process. If there is legislation on the issues below, please refer to the content of the relevant legal provision.

A. In what way could the reporting system in your country be considered as child-friendly? (For example, reporting is possible to social services, special police units, children’s rights institutions or through help lines)

B. Is there a certain age when the child victim is presumed not being able to give evidence that is considered to be of value in the criminal justice procedure?
   Yes ☐  No ☐
   If yes, at what age?
CHILDREN IN THE UNION - RIGHTS AND EMPOWERMENT (CURE)

Questions to the EU ministries of justice on the legal position of the child victim

C. Are child-sensitive measures taken, child-sensitive methods applied and/or special practices aimed at protecting the child conducted during the investigation stage? (For example, interrogation techniques, child-friendly interview rooms, multi-disciplinary co-operation, time allowed for social contact between child and interviewer)
Yes ☐ No ☐
If yes, which are these measures, methods and practices? If possible, we would appreciate references to links in English and/or contact persons.

D. Have efforts been taken to limit the number and/or the duration of interviews with child victims?
Yes ☐ No ☐
If yes, which measures and methods are applied?

E. Does the law allow the court to use pre-trial statements from child victims?
Yes ☐ No ☐

F. Which actor is responsible for interviewing the child victim? If more than one professional group is involved, please indicate so.

G. Is specialised training a requirement to interview child victims?
Yes ☐ No ☐
If yes, what does the requirement comprise and is it a requirement established by law? If no, are child interviewers with training available at certain places/special units in the country?

H. Have guidelines and/or codes of conduct on interviewing child victims been developed?
Yes ☐ No ☐
If yes, are there national guidelines uniformly applied throughout the country or are they applied on a local level?

3. Legal representation for the child victim

In this section we are looking for information about effective assistance to protect the child’s legal interests throughout the process. If there is legislation on the issues below, please refer to the content of the relevant legal provision.

A. Is the child victim guaranteed free legal assistance in the criminal justice procedure?
Yes ☐ No ☐
If yes, in what way?
Appendix 1
Question form to Ministries of Justice

CHILDREN IN THE UNION - RIGHTS AND EMPOWERMENT (CURE) Page 4 of 4
Questions to the EU ministries of justice on the legal position of the child victim

B. What are the conditions for a child victim to be provided with a legal representative
and who is looking after the right to such a representative? (i.e. other than a parent or a
guardian)

C. Is legal representation/assistance available for the child throughout the procedure?
Yes ☐  No ☐

D. Is specialised training required by legal representatives for child victims?
Yes ☐  No ☐
If yes, what does this requirement comprise and is it a requirement established by law?

4. The child’s appearance in court
In this section we are looking for information on the right of the child to be heard, to
express views and concerns and to have effective assistance in the justice process. If there
is legislation on the issues below, please refer to the content of the relevant legal provision.

A. What is the general view of child victims appearing in court? (Are they presumed
competent and/or reliable witnesses or this should be proved? Which are the possibilities
for flexibility with respect to age?)

B. Are measures taken to facilitate the child’s appearance in court? (For example,
avoidance of confrontation with the perpetrator, video recording, separate waiting areas,
protection from being cross-examined, presence of support person, interrogation by a
specialist, modified court environment, etc)
Yes ☐  No ☐
If yes, what do these measures involve?

C. Is the child victim given the possibility to give his/her view on appearance at trial?
(For example the manner in which they prefer to provide testimony)
Yes ☐  No ☐
If yes, in what way and how can the child’s view be taken into consideration?

D. Is there specialised training for judges adjudicating in cases involving child victims?
Yes ☐  No ☐
If yes, is it a requirement established by law?

Final question
Finally, in your view what could be done to improve the situation of the child victim at the
level of the European Union?
Appendix 2

Question form to the Police

Questions to the Police in the European Union on child victims in the criminal justice process

1. Describe the procedure when a crime committed against a child is reported in your member state. Is the procedure depending on the crime committed?

2. Are designated police officers appointed or specialised units in charge of children subjected to crime? Are these units/officers available nationwide?

3. In which way is the reporting mechanism in your member state adapted to child victims and their situation?

4. Have national codes of conduct/guidelines or policy papers on child victims been developed for the police?

5. Is there specialised and nationwide training for police officers dealing child victims? (for example, on children’s rights, children needs, crisis reactions, techniques for interviewing)

6. In juvenile cases, are the police governed by time-limits? Are these limits applying to cases involving young perpetrators only or are there time-limits applicable also to child victims?

7. In the administration of cases involving child victims, is there an established structure for co-operation between the police and other professional groups in the criminal justice system and/or other actors involved with child victims?

8. In your member state, are there any non-judicial (community or multi-agency) structures dealing with child victims where the police takes part? If so, what is the role of the police?

9. Do the police in your member state have any specific preventative programme on bullying at school?

10. Are you aware of the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of crime (ECOSOC Resolution 2005/20)? In which way are they used by the police in your member state?

11. In what way do the police in your member state provide child victims with support and assistance?
Appendix 3
Question form to ENOC

Questions to the members of the European Network of Ombudspersons for Children

1. In the view of the Ombudsman, what could be considered as the major problem for victimised children in the criminal justice procedure?

2. In some contexts certain categories of child victims are singled out as more exposed and vulnerable than others. In your view, is there in your member state a group of children which is more vulnerable as victims than other groups?
   Yes ☐   No ☐   No opinion ☐

   If yes, which is this group, and what could be done to provide this group with special protection?

3. In the judicial procedure of your member state, are child victims adequately informed about the criminal justice procedure, their rights and possibilities for assistance and support?
   Yes ☐   No ☐   No opinion ☐

   If no, what are the shortcomings and what is needed to overcome the problems?

4. Are child victims adequately provided with legal assistance in the criminal justice procedure of your member state?
   Yes ☐   No ☐   No opinion ☐

   If no, what are the shortcomings and what is needed to overcome the problems?

5. Is there in your member state sufficient co-operation between authorities in the criminal justice procedure and other bodies in order to protect the interest of the child victim?
   Yes ☐   No ☐   No opinion ☐

   If no, what are the shortcomings and what is needed to overcome the problems?

6. Is the training on child victim issues for professionals in the criminal justice system sufficient?
   Yes ☐   No ☐   No opinion ☐

   If yes, what are the major and most important components of the training and to which groups is it directed? If no, what could be improved and for which groups of professionals?

7. What is the most important for professionals in the criminal justice system to consider with respect to child victims?

8. What could be improved and what could be achieved for child victims at the level of the European Union?

Finally, we would appreciate if you could make us aware of good practices conducted in your member state, aimed at facilitating the situation of the child victim in the criminal justice procedure!
Appendix 4
Conference programme

CURE Conference Programme December 3-4, 2009

Thursday December 3

13.00 Welcome to the conference
Ms Margareta Bergström, Director-General, the Crime Victim Compensation and Support Authority, Sweden

13.05 Key-note speech
Protecting children and preventing their victimization – from policy to action, from drafting legislation to practical implementation
Mr Ezat Fattah, Professor Emeritus, School of Criminology, Simon Fraser University, Burnaby, Canada

CHILD VICTIMS AND THE LEGAL FRAMEWORK

14.15 Presentation of the CURE-project
Ms Anna Wergens, project leader, the Crime Victim Compensation and Support Authority, Sweden

Ms Lioubov Samochkina, Senior Programme Officer, Programme “Building a Europe for and with children”, Council of Europe

15.15 Coffee

THE EU AND THE CHILD VICTIM

15.40 Protecting victims in the European Union: achievements and future perspectives
Mr Peter Csonka, Head of Unit, Criminal Justice Issues (DG JLS.E3), European Commission

16.00 Towards an EU strategy for the rights of the child
Mr Sandy Ruxton, independent policy advisor and researcher, England

16.30 Break with refreshments

PROFESSIONALS WORKING WITH CHILD VICTIMS

16.45 When will we start listening to children?
Mr Michael Lamb, Professor, Head of Department, Faculty of Politics, Psychology, Sociology and International Studies, Cambridge University, England

17.15 Justice in matters involving child victims
Ms Renate Winter, Justice, Appeals Chamber of the Special Court of Sierra Leone

17.40 Talking to children who are victims of crime
Mr Thomas Mueller, Programme Manager Europe, Child Helpline International, The Netherlands

18.00 End of today’s programme
Appendix 4
Conference programme

CURE Conference Programme December 3-4, 2009

Friday December 4

PRACTICE

9.00 Introduction to the agenda of the day

9.15 Discussion in working groups

10.25 Coffee break

10.45 Presentation of best practices

The Child is a witness with special needs
Ms Maria Keller-Hasela, Nobody's Children Foundation, Poland

Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking
Mr Lars Lööf, Head of Children's Unit, Council of the Baltic Sea States, Sweden

Supporting young victims of crime in England and Wales
Ms Gita Sisupalan, Policy lead for young victims and witnesses, Office for Criminal Justice Reform, England

The UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and the tools developed to assist Member States in their implementation.
Ms Miri Sharon, Associate Legal Officer, Organized Crime and Criminal Justice Section, Treaty and Legal Assistance Branch, Division for Treaty Affairs, United Nations Office on Drugs and Crime (UNODC)

12.00 Lunch

13.15 Project Victims in Europe (VinE) and vulnerable victims
Ms Carmen Rasquete, project Manager, and Mr Frederico Marques, Project Officer, The Portuguese Association for Victim Support (APAV), Portugal

VISIONS FOR THE FUTURE

13.40 Reports from the working groups, concluding remarks and room for questions

14.50 Break

15.15 Children - Just a voice at trial or an empowered voice throughout the criminal justice system?
Mr Simon Deacy, Chief Superintendent, Police Unit Head Police/CPS Victim and Witness Care Delivery Unit, England/Wales

15.45 The Swedish Minister for Justice
Ms Beatrice Ask

16.00 End of conference
Appendix 5
Abstract of the key note speech at the CURE conference

Protecting children and preventing their victimization – from policy to action, from drafting legislation to practical implementation
Presentation at the CURE conference, Stockholm, December 3-4, 2009

Mr. Ezat Fattah
Professor Emeritus
School of Criminology, Simon Fraser University, Burnaby Canada

One heartening development in recent years is the attention being paid by international bodies to the victimization of children and it is surely a welcome and overdue development. For centuries children were considered chattels, the property of their parents and their progenitors. They were considered non-persons, as objects and were treated as such. They were not entitled to, or seen as worthy of having, certain rights. Their victimization did not evoke much concern and did not raise eyebrows. And victimized they were!

That children, as helpless and defenseless as they are, have rights was confirmed by, and enshrined in, the 1989 UN Convention on the Rights of the Child. Conventions, declarations, guidelines, framework decisions, etc. by influential international bodies such as the United Nations, the European Union, the Council of Europe, etc. are meant to set out ideals that are very difficult to achieve in practice. This is not to devalue or minimize the importance, the necessity of, or the social and cultural impact that such documents can and do have. It is simply meant to highlight the discrepancies and the enormous gaps that usually exist between ideals to be achieved and what actually exists in the real world, in everyday practice. This leads to an important question: How can those gaps be bridged? How can the situation on the ground be improved to bring it as close as humanly possible to the desiderata expressed by the international bodies.

Having acknowledged the vital importance and the tremendous value of those international standard-setting instruments, the paper proceeds to highlight some of their limitations and some of the problems they raise. One cannot help being struck by the narrow scope of ECOSOC Guidelines and the fact that they place the sole emphasis on criminal victimization. One cannot help being bothered by this quasi obsession with criminal victimization, particularly sexual victimization, to the neglect of other types and forms that destroy the lives of far more children and force them to live an agonizing and meaningless existence.

Criminal victimization of children is without any doubt a social problem of staggering proportions. Its seriousness and its impact: physical, mental, social, cultural, economic, etc. should never be minimized. But as widespread, as serious and devastating as it may be, it is only a fraction of the victimizations suffered by millions and millions of children in every part of the world, Europe included.

From a victimological/criminological point of view one can argue that the most frequent victimizations children suffer are either perfectly legal, for instance, corporal punishment which, as unbelievable as it may seem, continues to be legal in advanced countries like Canada. It is therefore important not to lose sight of the fact that children are victimized more by activities on
Appendix 5
Abstract of the keynote speech at the CURE conference

the borderline of criminalization such as forced marriages, bullying in schools or at playgrounds, hazing, violent or mutilating rites of passage, to mention but a few, than by acts that are strictly criminal. And we should not forget the children who are victimized by, and suffer enormously and endlessly from, acts of war or acts of national or international strife. The laudable and heightened concern about criminal victimization of children inevitably leads to the question: How do the consequences and sequela of criminal victimization fare when compared to those of poverty, exploitation, disease, unavailability of education, homelessness, etc.?

If protecting children against victimization and if prevention of their victimization is the ultimate goal, then no effort should be spared in identifying those victimizations that should, despite cultural and religious differences, be universally condemned like was done some years ago, for example, with female genital mutilation.

The paper then proceeds to highlight the problem of the use of an arbitrary chronological age to define who is a child despite marked differences in the age at which children reach puberty or attain maturity in countries of different climates, different nutritional and cultural practices. The use of a uniform (one may even say universal) age, namely 18 years, ignores not only gender differences but also the discrepancy that may, and usually, exists between the chronological age and the biological/psychological/mental age. While the use of a chronological age may be justifiable from a practical point of view, it does overlook the fact that many persons of both genders may, because of a mental, psychological or physical handicap or condition, still be in a childhood stage of development and are therefore in need of additional protection.

In highlighting the evident arbitrariness of age 18, the paper asks: How does the chronological age of 18 square up with the fact that the age of consent to sexual practices is set in many countries at 14 or 16?? Is it true that in such countries those consenting “children” will not be considered victims?

The paper addresses another problem related to the use of age 18 as a way of determining the victim group that the international instruments are targeting. From a criminological and victimological viewpoint those under 18 years constitute two very different groups with contrasting profiles and varying needs. Actually the needs of those two groups when victimized can be very different. The first group is that of very young children and children who have not yet reached puberty. The members of this group suffer far more victimizations than the delinquency acts they commit. The second group are the teenagers who are overrepresented in both the victim and delinquent populations. They come into contact with the police, the criminal justice agents, child welfare agencies, in both roles, sometimes as victims and other times as offenders. The empirical reality of the interchangeability of the roles of victim and victimizer in the lives of those children and its practical implications are discussed as is the difficulty of qualifying and labelling them either as victims or as offenders.

The paper goes on to examine and discuss the issue of victims’ rights in a non-rhetorical, non-partisan, dispassionate manner. It notes that what usually are touted as rights of crime victims, young or adult, seem to be nothing more than basic principles that should unequivocally govern the operations of the criminal justice system in a modern, civilized, democratic society. It is not surprising therefore that the United Nations instead of talking about victims’ rights chose to
name its 1985 declaration: “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”. This is undoubtedly because the issue of victims' rights is a problematic one. One problem is the failure to differentiate between legal rights and social rights, between legal rights and principles of justice. There also seems to be a clear paradox in trying to promote the notion of victims’ rights while continuing to deny legal status to crime victims. A shift from the rhetorical notion of victims’ rights to the more useful and more practical notion of victims’ needs seems to be long overdue. Other than the fact that they are all under a certain age, child victims are a heterogeneous population and they suffer victimization of different kinds and varieties. To state the obvious, we may affirm that different victims have different needs according to their age and other sociodemographic characteristics, psychological make-up, social network, living environment, ability to cope, etc. Their needs also differ according to the type of victimizations they suffer, the type of relationship they may have with their victimizer, etc. Using the variability of needs as the basis for diversified and nuanced action to help child victims is surely more useful than the popular but dogmatic notion of uniform or universal victims’ rights.

The paper then goes on to address the problem of defining key concepts and to determine what their practical implementation requires. It is critical of the use of ambiguous and vague concepts that lend themselves to widely varying interpretations and high discrepancies in practice. As examples it discusses concepts such as “the best interests of the child”, “dignity of the child”, “sensitivity to the child” as well as notions such as the “harmonious development of the child”. To define and determine in practice what such relative concepts mean and what they require in any given case can be highly problematic.

Empowering children, affirming and promoting their autonomy, are discussed as important means of protecting children against various forms of victimization and abuse, particularly those victimizations by the State and figures of authority. The popular principle of paternalism is mentioned as a major obstacle in the way of such empowerment. A Canadian Supreme Court case is cited to explain the manifest reluctance to allow mature children to make important decisions affecting their health and well being. The principle of paternalism is also cited as the major obstacle to do away with medieval practices that victimize children such as the practice of corporal punishment.

Moving to another topic the paper discusses various victimizations suffered by children and offers a tentative typology of child victimization. It also attempts to draw attention to the potential risks of victim therapy and points out to the inherent dangers of over zeal. Citing specific examples of flagrant disregard for child victims’ welfare, for their physical integrity and mental well-being, it goes on to explain how often the interests of child victims are sacrificed at the altar of justice. The dangers of such disregard to the child’s future development cannot be overemphasized.
REFERENCES

United Nations documents

- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34, 96th plenary meeting, 29 November 1985
- UN Draft Convention on Justice and Support for Victims of Crime and Abuse of Power (8 February 2010)
- Guidelines for Action on Children in the Criminal Justice System, Recommended by Economic and Social Council resolution 1997/30 of 21 July 1997
- UN Committee on the rights of the child, General Comment no. 12 (2009) CRC/C/GC/12, 20 July 2009, The right of the child to be heard
- Model Law and Related Commentary, Justice in Matters involving Child Victims and Witnesses of Crime, United Nations Office on Drugs and Crime (UNODC), New York 2009

European Union documents

- Recommendation R (85) 11 of 28 June 1985 on the victim’s position in the framework of criminal law and procedure
- Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography
- Council Conclusions on a strategy to ensure fulfilment of the rights of and improve support to persons who fall victim to crime in the European Union, 2969th Justice and Home Affairs Council meeting, Luxembourg, 23 October 2009
- The Stockholm Programme – An open and secure Europe serving and protecting the citizens, Council of the European Union, Brussels, 2 December 2009, 17024/09
- Presidency Working Document (10 March 2009), Overview of the replies from the Member States to the questionnaire on protection of vulnerable victims, Czech Republic,
- Presidency conclusions on the Conference for the protection of vulnerable victims and their standing in criminal proceedings, Council of the European Union, Prague, 17/18 March 2009, 9868/09

**Council of Europe documents**

- Council of Europe Convention on Trafficking in Human Beings, CETS No 197, Warsaw, 16 May 2005
- Recommendation Rec(2006) 8 of the Committee of Ministers to Member States on assistance to crime victims, 14 June 2006
National documents

- Announcement No 2/2007 on the management of cases involving sexual abuse of children, and about the recording of statements made in such cases. State Attorney, Denmark (Rigsadvokaten, Denmark, Meddelelse nr. 2/2007, J.nr. RA-2006-511-0062, Behandling af sager om seksuelt misbrug af børn og videoafhøring af børn i sådanne sager.)


- The abused and neglected child in Romania - Prevalence, risk factors, ways of prevention and intervention: National study drafted by The National Authority for the Protection of Child’s Rights, the World Bank, the World Health Organization and Unicef Romania, 2001

- Guidelines for professionals on protection and rights of children exposed to trafficking Christina Heilborn, UNICEF Sweden, and Ingrid Åkerman, National Board of Health and Welfare, Sweden 2008


- Crime in close relationships Handbook, the National Police Board. Brott i nära relationer Handbok 2009 Rikspolisstyrelsen, Stockholm
• The Code of Practice for Victims of Crime, the Office for Criminal Justice Reform, England, July 2009


• Youth Crime Action Plan, HM Government, United Kingdom, 16 July 2008

• Measuring up? Evaluating implementation of Government commitments to young witnesses in criminal proceedings. A study by the NSPCC in partnership with the Nuffield Foundation, July 2009, Joyce Plotnikoff and Richard Woolfson
CURE is co-funded by the Prevention and Fight Against Crime Programme, European Commission, Directorate-General Justice, Freedom and Security. It is run in co-operation with partners in eight Member States and one candidate country: The Ministries of Justice in Belgium, Finland, France, Italy, Romania and Croatia, the Victims and Witnesses Unit of the Scottish Government, the Office of the Public Defender of Rights of the Slovak Republic and the Portuguese Association for Victim Support (APAV).