

## Preventing secondary and repeat victimisation of child victims of crime: Risk assessments and solutions in the best interests of the child

International Capacity-Building Workshop under the project E-PROTECT II



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The South-East European Research Centre (SEERC) is a research centre of CITY College, University of York Europe Campus, established as a non-profit, legal entity in Thessaloniki, Greece in 2004. It is conducting multidisciplinary research in the fields of Enterprise, Innovation & Development, Information & Communication Technologies, and Society & Human Development. SEERC's mission is to support the stable and smooth development of South-East Europe by conducting pure and applied research throughout and for the region. To accomplish this, SEERC employs the existing research capacities of the University of York and CITY College by facilitating the collaboration between their research staff, and by developing multi-disciplinary networks of researchers from across South-East Europe.

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Not least, we would like to express our sincere thanks and admiration to all the professionals who agreed to take part in this workshop. Hardly did we dare to hope that we could gather so many outstanding experts to share their experience and engage in a constructive dialogue, on the road to unify fragmentary approaches and set the grounds for a uniform child protection understanding in Europe.

Selected videos of the event are available at E-PROTECT's YouTube channel. More information on the project's mission and outcomes over the course of more than 4 years of implementation can be found at the project's website, at [www.childprotect.eu](http://www.childprotect.eu) .

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## Welcome notes

**Day I – Mr Nikos Zaharis**, Director of the South-East European Research Centre, Greece

Ladies and gentlemen, dear colleagues.

On behalf of the SEERC, I would like to welcome you all to this very important International Workshop, which regrettably takes place online, due to the ongoing pandemic, instead of the city of Thessaloniki, where we hope that we can soon welcome friends and colleagues again.

First of all, let me to thank our co-organisers the Law and Internet Foundation in Bulgaria the Defence for Children International – Italy in collaboration with the Department for Juvenile and Community Justice of the Ministry of Justice, Italy; and the Romanian Centre for European Policies and the European Commission, who have supported us for over 3 years now with 2 projects, E-PROTECT and E-PROTECT II.

I would also like to thank all our distinguished speakers and contributors for being with us today and next week, to offer their valuable opinions and insights.

Please also allow me to say a few words about our centre, for those of you who have not had the chance to meet us before. SEERC is the research centre of City College, Europe Campus of the University of York which is based in Thessaloniki, Greece. We do applied and policy relevant research for the benefit of the peoples of SEERC focusing on tackling major societal challenges using the capacity and knowledge of CITY College and University of York researchers.

This International workshop is very timely as child-friendly justice has been in the European agenda for a long time and countries like our country Greece, are trying to pursue it, while at the same time struggle with the outbreak of the pandemic which has brought an alarming increase of reported crimes against minors and particularly regarding domestic violence cases but also offenses related to cybercrime, such as distribution of child abuse material online, online bullying or child sexual exploitation. Greece is no exception to that – several actors have raised concerns regarding a volume of reports on violence at home. Recent developments in the country related to sexual harassment and misconduct against minors have brought the issue of child protection to the forefront.

While the existing data on child victimisation have been worrisome for a long time, several Member States still struggle with the establishment of a solid child protection system, which shall advocate the best interests of the child and provide safeguards to the child victims of crime, in order to prevent repeat and secondary victimisation, especially during the criminal justice procedure.

I hope that this workshop can initiate a fruitful dialogue and contribute to the cause of child protection.

**Day II - Prof. Panos Ketikidis**, Vice Principal for Research and Innovation, CITY College,  
University of York Europe Campus

Nine years after the adoption of the Victims Directive in the EU, several member states have still not managed to harmonize their practice with the European standards for victims of crime in general and child victims of crime in particular.<sup>1</sup> Lack of proper mechanism, lack of official statistical data, existing legislative gaps, administrative constraints, all of those lead to a fragmented child protection approach and showcase that there are still large discrepancies among member states.

Today on the outbreak of the migration crisis and the Covid 19 pandemic, the phenomenon is far from weakened. In September 2020, a Save the Children study performed at a global scale showed that nearly 1/3 (32%) of households had a child and/or parent reporting that violence has occurred at home.<sup>2</sup> Next to this steep increase of reports for domestic violence and cybercrime offenses, recent developments in Greece and other countries, especially the area of Western Balkans, has brought the issue of child protection back to the forefront. The first day of the workshop yielded insights into the concept of child-friendly justice, and particularly the primary institution of child victim protection and the Barnahus model was discussed in detail.

The key takeaway of the first day was the following:

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<sup>1</sup> The Victims Directive is the European Parliament and Council Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA 2012 OJ L 315/57.

<sup>2</sup> Daniela Ritz, Georgina O'Hare, and Melissa Burgess, *The Hidden Impact of COVID-19 on Child Protection and Wellbeing* (Save the Children International London 2020).

- Barnahus was first developed in Iceland, as a multi-agency and interdisciplinary response to the flawed existing approaches to child abuse, and has since evolved to be recognized as the best practice to child victim support in Europe.
- Another key take-away from the Barnahus model was that it brings all agencies involved together in child victim support under the umbrella of one structure, which is specifically designed to accommodate a variety of services and to create a child friendly environment.
- Even if the legislative framework is in place, such as in Greece, no institution, especially those commissioned with the support of child victims can operate without a clear mandate, appropriate technical equipment and organization at an administrative level.
- Specialized training is also essential for professionals who are involved in child victim protection in any capacity, psychologist conducting the interviews, lawyers representing the child, etc.
- When the lack of a uniform model for child victim support continues to exist, such as in Italy, judicial authorities may assume a more active role in providing the necessary procedural safeguards for child victims of crime without violating at the same time the rights of the defendant in the criminal case.
- The Barnahus model has inspired similar structures across Europe, such as the Blue Rooms in Bulgaria and the Childhood House in Germany, whose operation has significantly reduced the risk of secondary or repeat victimization to the minimum.
- Secondary or repeat victimization can only be prevented through a thorough assessment of the relevant risks, followed by the identification of optimal solutions to promote the best interest of the child.

This brings us to today's discussion, and in today's discussion, the panels will tackle several questions. Questions such as the following: What are the national and European standards

for the risk assessment in cases of child victims of crime? What risk assessment methods can be developed at national level? What reforms are necessary at national level to implement these standards and guarantee that the child is placed in the centre in such cases? Those are a few of the questions that will be addressed in this second day of the workshop.

## **Day 1, Panel 1: Safeguarding child victims of crime in the criminal justice system: The comprehensive approach of Barnahus for preventing secondary and repeat victimisation**

### ***The Barnahus model for child-sensitive justice and its proliferation in Europe: A comprehensive approach to prevent risks of secondary and repeat victimisation***

**Bragi Guðbrandsson**, Member of the United Nations Committee on the Rights of the Child, Founder of Barnahus and former Director of the Government Agency for Child Protection of Iceland

The Barnahus concept was initially developed as a response to the shortcomings of traditional approaches to Child Sexual Abuse (CSA) in the European Justice system. First, the repeated interrogations within the justice system in multiple locations, such as the police stations and court settings add to the traumatic experience and lead to the revictimization of child-victim. In addition to this, the months, even years of waiting for trials put the life of the victim at halt and cause constant distress to the child and the child is put in an impossible paradoxical situation in which the child is constantly reminded that he/she must remember every detail of the abusive event so he/she can deliver his/her statement to the court trial. But on the other hand, it is expected that life should go on as usual, the child should get on with his studies, etc. So, these barriers that children face, have been explained and illustrated in research and are an extreme trauma for the child.

The third shortcoming is the hostile cross examination, which is intimidating, degrading, oppressive and traumatic to the child-witness, often in a language which is incomprehensible to the child and, of course, in a very unfriendly environment. I should like to add these additional elements, which are not within the framework of the justice system, but which relate to the lack of appropriate therapeutic services for the child victims, and his/her family, who may also be traumatized by the abuse and the non-

availability (of services), particularly in cases that don't meet the criteria of the burden of proof within the justice system.

On the other hand, you have the lack of expert knowledge and technology for medical evaluation, particularly in historic child sexual abuse cases, which are extremely difficult to investigate. To understand the basic concept of Barnahus, one needs to appreciate the uniqueness of the crime of the abuse of the child. This crime is extremely unique in the sense that the child victim, contrary to victims of other crimes, is not likely to bring charges against their offenders. In fact, and we all know this, it is extremely difficult for the child, because of their vulnerability, to disclose the offense. And if you really look at this, as it has been demonstrated through various research, there are many, many more reasons for the child not to tell, not to disclose the offense. There are so many factors at play there, for example, the lack of vocabulary, the lack of knowledge, etc, and the closeness to the perpetrator.

The second characteristic of this crime against children is that the perpetrator is most often in the child's circle of trust. We are talking about crimes against children, in most cases, which are committed by persons in positions of trust to the child; it may be within the wider family, or it may be in schools, the neighbours, in sports, someone that the child has actually put his trust in. The third aspect is the lack of evidence other than the child's disclosure, in child abuse cases. We know that medical evidence exists in less than 10% of the cases and are only conclusive in less than 5% of cases. Other hard evidence or witnesses, other than the child victim, very rarely exist. So, the general picture is like this: the child victim doesn't act like it, the perpetrator doesn't look like a perpetrator, and we have no evidence. That's our problem.

But it's not only the nature of the crime which is unique. It's also the nature of the intervention because child sexual abuse or abuse generally is not only a judicial issue but

requires multiagency intervention. We all know that the child victim's disclosure is the key (i) for ensuring the safety of the child, (ii) providing assistance for the physical and psychological recovery of the child, (iii) uncovering the crime in terms of criminal investigation, prosecution and sentencing and (iv) preventing the offender from reoffending. All the different agencies in society that have a role to play – the child protection, the medical profession, the police, the prosecution – they all need to have the child's account, and this creates a situation where the child is subjected to repetitive interviews by many professionals in different locations. This may have an extremely harmful effect for the child. It subjects the child to a re-victimized situation and can cause re-traumatization.

This is very stressful on the child, but it is not only harmful for the child; it is also harmful for the criminal investigation per se, because repetitive and unstructured interview can distort the child's narrative. And we know that when children are interviewed by people who are not trained and are not applying structured interviewing protocol, children are subjected to suggestible justiciability, leading and misleading questions which create discrepancies in the child's story and the disclosure becomes contaminated. Therefore, the evidential value of the narrative of the child diminishes which, of course, has catastrophic implications for the criminal investigation. On top of this, the child is oftentimes taken to very unfriendly environments to be interviewed – environments which may be even harmful for the child, like the police station. All children know that it is criminals who are taken to police stations, and they may understand this as a message that they are responsible for what has happened to a greater or lesser extent. That exacerbates the negative impact of the abuse on the child.

Now, Barnabus is designed to deal with all these issues. It was founded in 1998, rooted in the principles of child-friendly and multiagency features of the Children's Advocacy model and with the overt aim of integrating the longstanding US tradition of investigative

approach in child protection and criminal justice and, on the other hand, on the great legacy of the Nordic welfare model and the principles of the United Nations Convention on the Rights of the Child (UNCRC).<sup>3</sup> And now it is promoted by the Council of Europe and, particularly through the PROMISE project through the European Union.<sup>4</sup>

What are the guiding principles behind Barnahus? The cross-cutting principles are (i) the best interest of the child and (ii) the right of the child to be heard in any judicial and administrative proceedings. These are the basic principles underlying the Barnahus concept. The concept is based on the premises that all the agencies that have a role to play in dealing with child abuse work together under one roof in a child friendly facility. In Iceland, it was a government agency for Child Protection, the state police, the state prosecution, the police department in Reykjavik University Hospital, etc. It was set up in a residential area in a normal residential house designed to be a safe place for children to create an atmosphere of child friendliness. It is extremely important that the environment for the child is positive in order to reduce the level of anxiety. We know that the more relaxed the child is, the more likely it is that we will receive the full disclosure from the child.

At the core of the Barnahus is the joint investigative interview. We also have the medical examinations; the medical facility; victim therapy is, of course, an extremely important part of this project; family counselling and support; and, also, consultation and advice to other agencies in society that are dealing with this issue. Awareness raising, education, training and research are among the features that are also to be found in Barnahus. Regarding the ingredients or the principles of Barnahus, the aim is to harmonize the cross-

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<sup>3</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

<sup>4</sup> Information about the PROMISE Project and the Barnahus network can be found at <https://www.barnahus.eu/en/>.

cutting principles embodied in the UNCRC, on the one hand, and the human rights principle of the fair trial on the other. We do this by a child-friendly arrangement for eliciting the child's narrative at the pretrial stage, enhancing the evidential value of the child's testimony by avoiding unduly delay and applying evidence-based interview protocol, by audio-visual recording of the child's testimony with the aim of avoiding repeated questioning during the court hearings. And this we do under the conditions required to ensure the due process, that is, by representation of the defence and allowing for cross examination.

The court hearing, or the joint forensic interview, is arranged in a slightly different manner in European countries with regard to the implementation of Barnahus. Basically, there are two models. The model where the court judge is in charge of the procedure—so, the interview takes place under the auspices of a court judge. But there is also another type of implementation which is to be found in, for example, all the Nordic countries in Norway, Sweden, and Denmark, which says that the interview or the hearing is conducted by a private prosecutor or the police. But, in all instances, we have the opportunity for the defence to take part in this process and, also, the representative of all the other agencies that have a role to play in this— the prosecution, the police, the child protection, and, of course, the child's legal advocate.

Following the one interview model, where the court judge is in charge, this would then be a part of the main proceedings in the court if an indictment is made. It has a good, solid base. So does the two-interview model. We can look at the pros and cons. Time constraints do not allow me to go into further detail in analysing these different models. But, basically, the positive aspect of the one interview model where the judge is in charge is that you can do with one interview for the child and you have the presence of the judge. So, the principle of evidential immediacy is very much preserved in this arrangement. But the cons are that the police and the defence get the evidence from the child more or less at the

same time, and this can create difficulties during the interrogation of the suspect. Also, it is a problem oftentimes that it causes increase in the workload of the judges, which may result in a longer waiting time.

The two-interview model has its advantages. Some argue that this model accommodates better investigation, because the child will have to come twice and may remember additional information in the second interview. Also, it creates a better or more effective process for effective interrogation of the accused. However, the argument against it would be that the child needs to give two interviews which can be hard on the child and, also, the lack of evidentiary immediacy due to the absence of the court judge, who then would need to rely totally on the audio-visual recording.

This forensic interview will be evidence in chief during the court proceeding if the case is taken to court. Then, the goal of forensic interviews is maximizing reliable information and minimizing stress and contamination of the child's disclosure. We use structured interview protocols and there are quite a few interviewing protocols around. These are evidence-based. They address issues like suggestibility, memory, and the language issue. They are also adapted to the age and developmental stage of the child. And so they are, in short, designed to enhance the evidential validity of the child's narrative. Forensic interviews are always implemented by a trained forensic interviewer. They can be child experts, like in Iceland, where they are psychologists or social workers, that are trained in forensic interviews, or the police, like in the other Nordic countries that are also specifically trained and very experienced in interviewing children.

Very importantly, we must include in this process, the cross examination. The cross examination needs to be done there as well. I've been describing interviews and hearings of child victims, that have fully disclosed abuse and have identified the abuser. But, as we know, oftentimes, this is not the case—the child only discloses partially. And in those

instances, we offer what we call explanatory interviews, interviews which are only done for the child protection to evaluate whether there's a cause for having a court hearing.

Now, just to give you an idea of the interview room. The child victim would be the only one with the interviewer. There is a camera in the corner. The court judge or the prosecutor in charge of the procedure would be monitoring the interview on the screen, together with the defence and the representatives of all the agencies and this is an example of a setup of a monitoring group. This can also be done differently if the court judge prefers to be physically present in the courthouse. It is possible to have the child interviewed in Barnahus and through IT technology you can, of course, have a court session there.

To give you an idea of how effective this procedure is, let's look at the speed of the process in Iceland, which shows the time from the disclosure or when the police ask for a forensic interview and hearing in cases. Almost in half of the cases, this happens within one week. The child gives his or her disclosure or statement within one week of the reported abuse. Additionally, 30% within two weeks, and almost all of the remaining cases are completed within three weeks, and this means that the child victim of abuse can, in fact, have completed his or her role within the justice system in most cases during the first three weeks of the case.

In the Barnahus we also have a specific room for the investigation, that is, the physical examination of the child and particularly, with regard to historical sexual abuse, we use the video colposcope where the child is awake during the whole procedure, and this has a very therapeutic effect. It means that the medical professionals who are conducting the physical evaluation can communicate with the child during the process— we never use anaesthesia. This has a great positive impact for the child because the child can be

convinced that she or he will be perfectly healthy and that there will be no long-term negative impact with regard to the physical side in most of the cases.

Victim therapy and family counselling are an integral part of Barnahus. Normally, a trauma focused cognitive behavioural therapy is applied, and very importantly, therapeutic services are offered immediately—i.e. only a few days after the investigative part. After the forensic interview is over, the child does not need to worry any longer about the investigative part and we can concentrate on the healing process. So, firstly there would be an assessment and then a treatment plan produced accordingly, and the child and the non-offending parent and family members would be able to receive help as well.

Barnahus has assumed the key role in the justice as well as the child protection system in all of the Nordic countries, and, allowing for some difficulties in definition, Barnahus can now be found in about 70 locations in all the Nordic countries and in all the Baltic Sea countries and countries in Europe like Hungary, in the South, Cyprus, in England, Ireland and Spain, Germany, and potentially more countries, like Slovenia, Scotland, etc. As I mentioned before, this is recommended by various bodies. Very importantly, Barnahus has developed differently and diversely. In different countries there are diverse paths and implementation, paths of coming into being, the role of the state, the regional and the local authorities may be different from one country to another, as the legislative framework, the affiliation of the different partners, the nature of the collaboration. These may all be different.

The target group we originally started with were victims of child sexual abuse but now Barnahus addresses all kinds of abuse and neglect. And that's very important, that all child victims have access to Barnahus. I should emphasize that it is oftentimes quite possible to implement Barnahus without any legal reform. When we started in 1998 in Iceland, there was no legal reform. Neither was there in Norway nor in Sweden. Denmark introduced

specific legal provisions, including one which mandates testimonies in Barnahus. This was an extremely important piece of legislation. And now, we have for the first time an attempt being made to introduce a comprehensive draft on Barnahus, which is being debated in the Parliament of Slovenia. The draft is very instructive on an excellent way in which this could be introduced.

I would like to emphasize that Barnahus is not a recipe for the cook shop of the future, but rather, it brings us evidence-based ingredients to avoid re-traumatization of child victims through a child-friendly and multi-agency response. It has proven to be transferable across borders, and viable in different cultural, legal, and social environments. Most importantly, evaluative studies that have been carried out in Sweden, in Norway in Iceland, for example, have shown an increased level of social awareness with regard to child abuse, higher level of prosecutions and convictions, but, what is most important, better outcome for child victims and their families.

By way of concluding, I want to particularly highlight the importance of the PROMISE project, the European project for implementation of Barnahus in Europe. It's the first systematic attempt to bring together European states for the purposes of implementing Barnahus and the PROMISE project has developed European Barnahus standards, which are extremely important, of very high quality and extremely helpful for you to apply when you and your different cultural, political environment will take steps in order to implement Barnahus. This PROMISE project has brought together professionals who have been extremely generous in sharing their experience and knowledge to develop a strategy for enriched conceptualization of Barnahus and deepen our understanding of how to ensure the transferability of the model across cultures.

## **Audience questions**

### **1. Do all EU countries have a uniform legislation on child abuse?**

The legislation, the child protection legislation and, generally, criminal law is extremely diverse in Europe. If you compare the different nations, however, we have a common ground as reflected, for example, in the guidelines, recommendations, and the law of the European Union and binding conventions within the framework of the Council of Europe. These international tools should be reflected in the national law too, at least to a certain extent and in a general manner. With regard to Barnahus, for example, I think the principles of the Lanzarote Convention<sup>5</sup>, which all of the member states of the Council of Europe —47— have already signed and ratified, should be reflected in the national law with regard to criminal law, for example and that this should be a sufficient legal ground for the implementation of Barnahus all over Europe. However, there must be flexibility to account for the different cultures and different traditions.

On the whole, I think the general legal environment in Europe is favourable; you can see that in the case law of equality, human rights, and the court of the European Union, the Court of Justice of the European Union, for example, with regard to the principles of the fair trial, the principles of equality of arms and the principle of the evidential immediacy. These are all principles that are met by the Barnahus arrangement and both courts have, for example, confirmed that you should be able to take a statement from the child victim at the pretrial stage and it should be sufficient through audio-visual recording to submit that during the main hearing of the court without calling the child victim into the courtroom. So, we have, in my view, a sufficient common ground in Europe for the implementation of Barnahus.

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<sup>5</sup> Council of Europe, 'Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse' (12 July 2007) CETS 201.

## **2. How can we confirm if someone has been a victim? How can we help them with that?**

It's really about the child's disclosure and that's why we need to approach the interview professionally. You know, that's the most important element in our work—i.e. to preserve the fresh narrative of a child without contaminating it. That is the real evidence, and all children of the age three and a half up to 18 are potentially extremely good witnesses. With younger children—younger than three a half—it's difficult, although you may examine various forms of disclosure through our behavioural patterns. But that's very difficult to deal with and there are only a handful of cases. I only know of one case that has been brought through the justice system without any verbal disclosure of a child or the child was able to tell a story through acting out the abuse that this particular child had been subjected to. But, I said before, you generally don't have witnesses or technical information, evidence, but you can collaborate and that's what a good investigation is about— to find collaborating evidence to support the child's narrative. That's how this is normally done, and it is possible to do.

## **3. When should the limitation period (the statute of limitations) for criminal liability in the case of child abuse start counting?**

The question is, as I understand it, whether there is a period of statute of limitations, which is different from one country to another in Europe. In the Lanzarote Convention, it is suggested, if I remember correctly, that you do not start to count the years for the statute of limitation until the child has reached the age of 18. So, if there is, let's say, a 10-year statute of limitations, then you do not start to count until the child is 18, which means that you can prosecute these cases possibly until the child has reached the age of 28. Now, some countries have abolished the statute of limitations, Iceland being one of those countries. So, you can really prosecute abuse cases whenever you have the evidence, irrespective of when the crime was committed, but these statutes of limitations tend to vary in Europe.

## ***Challenges and solutions in setting up the “Childhood-Haus”: Experience and lessons learned from the implementation of the Barnahus concept in Germany***

**Dr. Astrid Helling-Bakki**, Executive Director, World Childhood Foundation Germany

This presentation will give you a further insight on how we developed the concept of Barnahus, we call it “Childhood-Haus” in Germany, which has a very young history, so to speak. In the beginning, I would like to give you a short insight for what the foundation does and which background it comes from so you can see how we started to initiate this concept in Germany, and on what grounds we act nowadays and what were our first experiences with implementation: some problems, some solutions and some ways to go.

The World Childhood Foundation is an NGO and a strong partner in the PROMISE 1+2 project and now a partner in the prominent European Barnahus network.<sup>6</sup>The foundation itself was founded by Her Majesty Queen Silvia of Sweden and it was founded more than 20 years ago with one big aim. And that’s what our founders said—i.e. that we have to fight sexual abuse and violence against children because all children have the right to grow up in an a safe and secure environment. In Germany, we have partners to operate Childhood Houses to really put them into action, so to speak. And there are different places, local institutions where we set up our Childhood Houses. The foundation is helping in the start-up financing, as well as other foundations who are supporting the idea. So do institutional partners who would want to implement it in the regional areas, as well as public funds. But this (public funding) is not mandatory, because there aren’t any legal or legislative solutions, to say, we need Barnahus (and hence have to support them by public funds). We are still waiting for this. So, although public funds are there to support, they are not generally mandatory for implementing this (concept). Childhood is advocating the

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<sup>6</sup> More information on the World Childhood Foundation can be found at the official website, at <https://www.childhood-de.org/>.

concept in Germany and as well - as you see - internationally, and we really believe strongly in this concept and in all the development that has taken place in European countries.

What's the Childhood House, our German Barnahus?<sup>7</sup> It is a sincerely trauma-informed approach to what we want to do and what Mr. Guðbrandsson said. We are completely relying on the quality standards and the standards that are set by the European Barnahus network. So how do we start in Germany? We put into implementation the concept following a multidisciplinary and trauma-informed approach. We're building centres for children that have experienced sexual and physical abuse. So, we set up from the beginning with (a broad approach for victims of) sexual abuse, physical abuse and neglect, and we want to offer, under one roof, the medical forensic investigations, judicial proceedings, psychological counselling and intervention, as well as consultation and support from the social pedagogues for the family and for the victims themselves, of course. The professionals are working together under one roof and they're representatives from the medical sector, legal system, police, youth welfare and psychology and, depending on the regional networks, they also integrate already existing systems where you have the counselling or where you have psychiatric interventions or whatever else - they integrate those services as well, depending on the local structures as well. That's where we are right now in Germany.

We started to implement this idea inserted into the brain of our partners around 2016. They were the first people who said like 'well, sounds good'. We (experts, politicians etc.) have discussed this in Germany for more than 10 years now -the Barnahus concept - and they were always like 'Oh, no, that doesn't work in Germany'. So, it took some time to

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<sup>7</sup> More information on the initiative of Childhood-Haus in Germany can be found at [www.childhood-haus.de](http://www.childhood-haus.de).

actually find the right grounds to build it upon and this is what happened with the first house in Leipzig where they agreed to give it a try, which was actually the biggest step we had to take in Germany in the beginning. After this first implementation, it took up speed, and the second house opened in Heidelberg, where I worked also in the medical intervention. And then we had two more houses last year, and we are up to a couple of more openings this year and next year as well and—we have 16 federal states—and now we are talking to partners in 15 out of the 16 states. The project is initially financed through funding by Childhood, by regional partners, and, sometimes, federal state support. But this is, as I said, not the rule and it's more kind of an exception right now, which is a problem we have.

How do we implement this multi-stage model? Since we don't have any legislative rules on how to implement the system – let's say that we just have the general European recommendations and, of course, the UN conventions – but we don't have any rules specifying that we have to do this, we don't have the set quality standards that would say that we need to have the Barnahus concept. So, normally, it starts off with that: we have to ask, what's the initial interest? How did it evoke? And what have been the thoughts they have in the different regions? This is normally the time when they address the World Childhood foundation and say “well, we have thought about the concept and we think it might be possible to implement it in our region with our structures”, and they ask the foundation how to proceed. That's when we ask our partners or our upcoming partners to put in a self-disclosure with background information of the child protection system, the legal system, how they act and their local and regional networks. This is also a point of reflection, where we try to get access to what the beneficial networks are, what are the good services that have evolved in the system and what's probably lacking. And this gives good insight into how to proceed and what we need and who we need.

After this, we start off with a round table with all the important stakeholders and introduce the concept again to find a common ground and a common understanding. What is also done is to name the responsibilities and search, for example, the property where to set it up, the clarification of a common goal for the project. This is, at this stage, one of the most important things because, as I said, normally, the first interest is expressed by people who have been working in the system, who have had experiences with cases from the legal point of view, from the child protection services, medical (services), psychology and psychiatry. They have to get a common understanding with all the partners they need and to set the ultimate aim of what they want to achieve. This is something they need to want because we don't have the rule to specify that we have to.

At this stage, it's also very important to think about financing options. This is very relevant as we noticed with the first kind of models we set up, kind of 'light houses'. We addressed with the first houses that we started off with a very good intention with start-up financing, but this is only for the first two to three years. And what then? This discussion has to be opened up right at the beginning, as we know by now, because it's very, very hard to set up such a good system, such a good concept, start off to work and get those children who really need it into the system of the Barnahus and the Childhood House and then you don't know how to finance it anymore. So, this is one of our other problems we have to address quite early on.

The budget planning for the start-up financing has to be done quite rapidly and, as I said, the World Childhood Foundation is willing to fund specific aspects that are necessary and mandatory for the concept. But we need the stakeholders to take over responsibility as well, to see what they can invest into this concept and how they can make it sustainable. This is also the time when we have to talk about the roles and responsibilities of the different institutions in charge, because normally we have one institution who's taking over the project coordination and where it's actually set up as - at the moment, it's mainly

in the medical system. But all the other institutions, like the legal system, the police and so on, the youth welfare services, they have to engage with responsibilities, they have to get clear roles and, also, there have to be discussions about financing.

The last step into this specific implementation is to discuss the architectural decision, whether a suitable building is found, and all the conversations around what's necessary. What kind of working groups do we need? What kind of panels? What do we need for implementation? What do we need to set up our structures to adapt our systems in different institutions? How do we work together? How do we set up the multidisciplinary agency and the coordination of this agency? And what do we have to address to make sure daily operations are running smoothly? That's what we ask our partners to work out starting from their existing networks.

What do they get? As we all know, the concept is meant to be in the best interest of the child. But even though this should be our aim and should always be in the centre of our thoughts, you always have to address other problems as well. What does it give to the different institutions? There are certain aspects that are really, really important that improve the situation for the child, but also for the participants and the professionals. Those are: very close proximity; that fact that professionals have a clear communication; transparency for all involved, and structures and solutions, and how the child is set up in these different systems; the fast access to professional experts, which is not something very common in the system – as you know, the systems work in a very paralyzed manner as the child protection service and the medical system are often not well interconnected. In Germany, we don't have a mandatory reporting system from the professionals to the justice system, to the police. So, there is a disconnection as well and you have to get this all together. You normally don't get access to the professionals as quickly as you do in the Barnahus and of course, it creates a better mutual understanding for everyone. And the cross-professional competency is growing rapidly as soon as you set the system. In the

end, it all helps to put the child in the centre and to work in the best interest of the child. But it is an improvement for every profession individually as well.

So, what do you have to do from concept to implementation? Where to start off... it's quite difficult to get a good impression of the status quo. In the national and regional child protection networks and legal systems, we have differences in the different federal states in how the rules are implemented, how the networks are set up and what kind of resources you have. So, one very important question is what do we have at each regional set up? What do we need and what do we want? And the differences are so huge, that it sometimes feels like living in 10 different countries at the same time.

One of our main experiences: to build upon existing structures and understand those structures is really helpful. You can group experts and pool know-how that already exists. If you have a strong network, you can integrate it and it's one of the most important resources to set up this concept – that is, Barnahus. The integration, formalization of good structures is something that you could do without Barnahus as well, but Barnahus gives you an opportunity to formalize it in a different way and integrate the quality standards of the Barnahus.

The clarification of responsibilities is very, very important. As we don't have a rule from one institution or from the legislative perspective, we need a very strong engagement of the professionals who are working with these children from different professions. You need institutional support because it's not mandatory. If the judge or the leading judge of the region doesn't want this, then it won't work, because they have to get the support for their people who do the daily work. The existing resources and qualifications are very important and they're very different in different professions in different places. Sometimes it's because of the financing in the different federal state, sometimes it's just growing structures that have experienced certain things in one way and others that

haven't. The involvement of the municipal and the federal structures is important because you need the backup, even though there is no legal legislative rule on how to set it up, or how to involve the system or include the child protection and legal services. It is important to know and to discuss with the regional partners what support is mandatory and what might be helpful and where it can actually offer even further support.

Another important aspect is the assignment and the regional responsibility. As the different institutions – for example, the medical and the protection service and the legislative services, police – don't have common regional assignments, it's sometimes very difficult to determine where each one's responsibilities lies, and how to interconnect with other agencies in bordering responsibilities. This is something we really have to be aware of when we set it up because problems can emerge, such as who is responsible for what reason for which region, etc. and how can you interconnect with other responsibilities. It's not just the systems, the current institutions, but it involves the whole network and often other institutions and borders that have to be set up clearly and you have to know how to integrate this clear definition of assignment and target group and region. This is very important and not always easy in the German system, because there are so many differences in the set up and the regional responsibilities.

What have been our challenges in the national systems? As I just said, the German federalism is a very big challenge. We have different legal norms in the different federal states. Of course, we have our national law, but this is just one part of child protection and legal proceedings, and especially for the police, which is organized in the federal aspect. There are huge gaps among states regarding the different structures and standards in the country, and the political agendas differ from federal state to federal state. So, you can have one federal state where there is very strong responsibility stipulated by the legislation and others which don't care. And especially as you all know, Coronavirus has mixed it up as well. There seem to be other agendas right now.

There is no obligation for professionals to report a case of child sexual abuse. And this is something else that we have to really consider in the German system because it means there doesn't have to be an interconnection between the judicial system for prosecution and the child protection services. This creates a lot of problems, and you really have to find ways on how to interconnect and how to set up a system where you can follow a process that is good for all the different institutions while having the child at the centre. The Data Protection Law challenges the system as well. As you all know, in the European Union, we have similar problems, I guess. But this is something we really have to struggle with in Germany because it's very hard to have good ways of communication where you don't fear to give personal details in the wrong way, at the wrong time, which might actually create a problem for the proceedings or in the end for the child or the family at the time. So, this is something we really have some problems with – i.e. the interconnection of the systems, as they are really set apart quite roughly in Germany.

What else do we have as challenges? There is the problem that we have to adapt to our existing structures as all countries do, and to find common proceedings for the development of the model, which are actually working out fine right now as you see by the development of the houses. But it's a very, very hard way and we feel that the adaptations – not only to the national system, but also to regional standards – sometimes give us a headache as well. The legislative adjustments for ideal implementation are still necessary, and I really recommend the Slovenian approach for the legislative solution for the Barnahus concept. We are still lacking a lot of adjustments in the German system, but we are currently in some kind of a reform, where we have to reorganize our child protection services law, and the legal proceedings when children become victims of child sexual abuse as well. But they are still not up to the standards Barnahus would really need to be ideally set up.

What have we learned? I think one of the most important things in all the discussions we had in Germany was knowing where the limits are and trying to exceed them. A lot of the legislation is in favour of the Barnahus concept and can be applied as the audio-visual interviews have been possible in Germany for a very long time and there are always certain aspects that give the opportunity for a child-friendly legal system and for proceedings that are in the interest of the child. But it is often the way of implementing and the local resources that form, in the end, the decisive factor of whether it works or not. The petitioners have to act in their legal norms and that's something we really had to pronounce in the beginning, because everyone believed that if we set up Barnahus in Germany, they would have to first change their laws to implement the Barnahus model, and that's not true. We have to find a way within our legal limits to proceed, and it is possible.

As I said, with data protection, we are still struggling a bit. But still, we know how to deal with this and it's always about the question, "what's in the interest of the child" And this is a discussion that is not only relevant to the Barnahus or the Childhood House concept, but it's a general discussion we have in our legal reforms right now. The cross-professional networking and lobbying is very important and it's one of the main issues that we have, which actually made it possible to carry out the implementation in the national structures. There's a huge need but also a huge will to do it. And we already have the experience that it is possible, the interconnectivity is possible, and the national structures give us possibilities to implement it. But, of course, we would love to have it in a clearer setup and in a more mandatory manner. And what's most important is that we always have to remind ourselves that the focus is on the child and his/her reality of life, and this has to be strengthened further. This is something that you tend to forget in an adult system, in adult institutions and legislation.

What challenges do we still have? There's still a lot of action required and, as you all know, there are insufficient resources in the youth welfare services and also in trauma sensitive care. That's something in which we are all united in Europe, I guess, even though the German standards are quite high. The lack of professionals is something we have to address each day. It's very hard to find trained staff and make them accessible to children, not only for the child to tell us where we actually set up the quality standard to have such professionals, but in general for access. The lack of profound professionalization is something we still have to address, and we are working together with our professionals, also to set up training for the professionals and get such training into the educational system for judges, for the police, for the medical system. We have some good approaches already in Germany and some professionalization programs have been made accessible in the last couple of years, but still, there's a lot more to do.

What's also important is the lack of action-oriented legislation, and this is something we don't only see in the child protection system but also in criminal proceedings. As I said, there are some reforms just now in Germany, where they try to address this topic. Still, I have to admit, I have read the drafts already and they are still lacking (in certain aspects) when you're considering that you need to have an action-oriented legislation in the end for those who have to work with these children each day and have to make decisions in their interests. The Childhood House is this quality standard we'd like to roll out in Germany, it shouldn't be just an exception of good practice in some regions. That's something for what we haven't got a good solution right now. We want to implement it in at least each federal state and give support from the foundation, but we are not a solution for a nation-wide support system and access to this service. As you can see, it sounds good and we have a good start-up and starting implementation now, but there's still a long way to go. We are heading in the right direction, but we have to go further.

## **Audience questions**

### **1. Does the minor victim in Germany have access to some form of restorative justice?**

There are possibilities in the German system for the child victim, but it's very hard for two reasons. The one is that it depends on how the proceedings have been led and what happened in the end and if there was a conviction or whatsoever. So, there's some dependency to what happened in the proceedings as well. And even though there are possibilities for the victim to get some kind of support in a way, later on, it's very hard, even though there's the right to get it. And as I know from certain people - we have a committee in Germany of those who have been victims - and up to their adult life members of this Committee relate that it takes years to get the support they rightly deserve and it's still very, very difficult, even though it has been said to be a general right for the victims.

### **2. When should the limitation period (the statute of limitations) for criminal liability in the case of child abuse start counting?**

They are currently changing this in Germany. There are discussions to do this in correspondence to the Lanzarote Convention. It had been in correlation to when the deed was done, and now they're wanting to change it. So, upon turning 18 the victim, then, 12 more years until the age of 30, it the deed should be possible to be prosecuted. But that's currently changing. So, right now, it's not as close to the Lanzarote convention in Germany. As it has been, I think it's about 10 years after the deed, which is the problem when you have a minor. But I just read the new change and not where it has come from.

## **Day 1, Panel 2: Preventing secondary and repeat victimisation of children in the criminal justice system: Experience from partner countries promoting solutions in the best interests of the child**

### ***The transition process to the Office for the Protection of Child Victims "Spiti tou Paidiou" in Thessaloniki***

**Fotis Tegos**, Social Worker - Juvenile Probation Officer, Office for the Protection of Child Victims "Spiti tou Paidiou" at Thessaloniki, Greek Ministry of Justice

The European Directive 2012/29/EE for the implementation of minimum standards concerning the rights, the support and the protection of victims of crime came into force by the Greek Law 4478/2017. The same legislation established offices for child victims of crimes "Σπίτια του Παιδιού" (Spitia tu PEDIU; Children houses) in five towns: Athens, Thessaloniki, Piraeus, Patra and Iraklio. Also, we had a ministerial decision that was taken in the year 2019 regarding the function and services of those offices, including the protocol for the forensic interview for minors.

The target group is minors. So, we're talking about people under 18 with special needs or other origin and victims of crimes, mainly sex crimes, terrorist actions and trafficking. The purpose, of course, is to protect children's rights, to avoid further abuse, secondary victimization, and to avoid alteration of testimony. The main function of the offices is the psychosocial support of the minor victim and his or her caregivers; the individual assessment for protection reasons for minor victims of crime; the formation of appropriate conditions, places and safety rules for the interview, in such cases; the support of pre-interrogation, interrogation, prosecution, and court authorities; the assessment of the perceptual and mental state of minor victims; the preparation for the forensic interview; the forensic interview, and the therapeutic assessment and support.

Today, unfortunately, only three of the offices have personnel—in Athens, Thessaloniki and Patra, which consist of four psychologists and five social workers, juvenile probation officers. All psychologists were trained in a Children Advocacy Centre in Alabama, USA for a week on the protocol for the forensic interview. This education is still going on through the internet. Till now, no office has the appropriate building to house our services and there is no place for the forensic interview (blue rooms, or rooms with technical support for transmission and recording of the interview). In Athens, the office is housed in the Ministry of Justice, and in Thessaloniki and Patra in an office of the court buildings. I have to say that we've also faced major administrative difficulties concerning our function.

So, what do we do in Thessaloniki? First of all, we started by introducing ourselves personally and in written form to the juvenile prosecutor's office, the interrogating judges and the police (the subdivision of minors). We also signed a cooperation contract with the community mental health centre for children and youth at the Papanikolaou hospital here in our town. So far, we have been involved in one case from the prosecutor's office and 13 cases from the interrogation charges. In total, 21 minors have come to court either as victims or as perpetrators of sex crimes, mainly. All the cases were interrogated by the police and, more or less, after six months were called again by the interrogating judge to testify once more.

With regard to the victims, what we did in these cases is as follows: we engaged in their mental assessment, their preparation for the testimony procedure and their escort to that procedure; we carried out a family and social investigation; we engaged in the assessment for the need of therapy and treatment – three of the minor victims are in therapy right now, receiving TF-CBT treatment by our office, i.e. trauma focused cognitive behavioural treatment; we also coordinated the social services that were or would be involved in these cases; we cooperated with a school in one case, and also we offered social and psychological support to the caregivers. Concerning the perpetrators, we did their

preparation for the testimonial procedure and their escort – there is a Greek law stipulating that before the witness testimony of minor perpetrators of sex crimes, a trained professional should carry out the preparation of the child and escort him/her to the judge who is doing the interrogation.

The findings, based on our short experience, is that the interrogation judges are very happy to have our cooperation because it's specific, it's direct, faster, and complete and they do not have to wait for an assignment of a professional from the court list of experts. The minors are informed about the procedure and accompanied and, thus, have less anxiety. Also, the minors can address somebody concerning issues of support (psychological or social) and get focused treatment on that and the minors and their family can deal with issues of stigma and clarify misunderstandings.

So, the negative consequences of all that have to do with the apparent lack of therapy treatment for victims, for various reasons. For example, we have a pressed mental health system due to the coronavirus situation, and there is no specific trauma-focused treatment. There is no cooperation from the police as they work alone in order to fulfil their 48-hour arrest of the perpetrator in the act. The minors give more than one testimony and there is no recording of that, so we have secondary victimization and alteration of the testimonial, actually. We're not working in cooperation with medical services, as the forensic medical services are a totally different service in the Ministry of Justice. Also, there is no provision for a translator within our services and in one case, we had to ask for the cooperation of an NGO that works with people that come from other countries.

So, concluding, we have problems concerning the administration, as well as the political decisions concerning our services, if you will. Mainly, the government, the state, has to provide an answer as to whether a total holistic service for minors should fall under the

responsibility of the court or the police, or both of them. Otherwise, they can address the problem as a task force, which will come together and coordinate the whole situation when a case comes along. Whatever the decision, this agency-office has to work, escort the minor and his or her caregivers from the first contact with the police or the judicial services, and this agency should be the last the minors should see.

**Audience question: Is this the problem in administration, the lack of a task force to coordinate efforts a matter of financial or a political issue, mainly?**

Well, I don't think that this is a matter of money, because our funding comes directly from the public sector, from the Ministry of Justice. But I think it's a question of who should be involved in this situation: the private sector or the public sector.

***How risks of secondary and repeat victimisation, intimidation and retaliation create challenges for the prosecution of perpetrators of violence against children, Experience from Naples, Italy***

**Claudia de Luca**, Juvenile Prosecutor, Italy

To begin, let me say that it was very important to listen to experiences from other countries because our problems are common, and therefore, the search for solutions must be common, at least at the level of European legislation.

Secondary victimization is "the exacerbation of the victim's conditions of suffering for the way the institutions operated during the post-complaint procedure and in the process,

due to the unconscious inattention resulting from the routine treatment of facts that require a differentiated and individualized path". There are two types of secondary victimization: the substantive type refers to the risk that, after reporting, the victim will be subjected to the same violent and abusive behaviour suffered up to that time. The procedural one, instead, relates to the harmful consequences that the injured person may suffer as a result of the criminal proceedings generated by his complaint.

The origin of secondary victimisation is the same in both cases and, in Italy, the cause is the same as well, and it's the lack of a uniform model of support for victims at national level that allows the timely and simultaneous taking charge of them by the different and necessary actors who come in contact with them. We do not have a virtuous Barnahus model as in Northern Europe countries, which I think should be mandatory as a protection tool in all member states and if we work together, we can prove it and fill the gaps also to reserve financial resources. So, we proceed with local protocols and projects, but it is desirable that the legislator intervenes to bring order to this matter and to create specialized services at the ministerial level, so as to coordinate legal assistance, protection and safe participation in the process. Because I think that the most obvious effect of secondary victimization is the loss of the complaint by the victim, who feels not understood and not protected by the institutions.

So, the individualized treatment of the victim, which must take care of the specific needs of the minor on the basis of his experience of suffering as well as his personal characteristics, such as age, culture, ethnicity, social context, religious origin, gender identity, and which is needed to in order to offer the victim a precise and understandable explanation of what will happen after his/her complaint, cannot ignore a simultaneous multidisciplinary assessment, in which each actor does his/her part and becomes a stable point of reference for that minor. This is the only system that avoids the risk of secondary victimization of a minor, a victim of a crime or even a witness. I am referring to when the

protection provided to the victim in criminal proceedings comes after the assessment of the damage suffered by the victim himself or by his family members; this is not the case when the intervention of the institutions takes place, as it should, before committing a crime, in view of concrete prevention.

We all know that the factors underlying deviant behaviour are well known and are linked to mental illnesses, family dysfunctions, school dysfunctions, or even to those of the group of peers as well as to models of organized crime. We all know that these factors that affect the lives of minors who commit crimes are the same for those who suffer for the same crimes; the difference, for me, is the approach to those same living conditions and, sometimes, this approach even lacks the possibility of choosing one way – and one life – over another.

A victim is:

1. the person - even a minor - who suffers from direct or indirect harm from a crime and who becomes aware of multiple important rights to act and react against the wrong he/she has suffered;
2. the person - even a minor - who, living in sick contexts, acts out committing even serious crimes;
3. the person - even a minor - who is not yet aware of this painful identity and who is not able to react to the pathological context of which he/she is part.

The problem in this case is related to the emergency of the victim's condition. This is a very important concept, because in juvenile legislation the process focuses on the possible recovery of the young offender for the purpose of his healthy re-integration into the civil community. Otherwise, it is a small failure of the system and in most cases, we see that, when a minor commits a crime, prevention has not worked as it should.

I'd like to tell you the story of a guy I've personally been dealing with recently: I'm thinking of a boy, let's call him Samuel, who was put in a community centre at 9 because of his mother's drug addiction and the absence of his father, who was married and had another family, so he gave up this son since his birth. Samuel had come back home with his mother and lived there with his grandfather, who had never considered him a grandson because he was born from his daughter's relationship with a married man. So, at the age of 16, Samuel took a handgun built by him and pointed it at his mother, who fell on her knees, and forced her to ask him for forgiveness, laughing hysterically like the Joker. Samuel is a violent boy and certainly he could have been subject to a precautionary measure for this painful and dangerous affair. But, is Samuel just an aggressor, or is he also a victim? If we'd just punished Samuel for his crime, wouldn't we have risked secondary victimization of this boy? The crime exists, there is no doubt about it, but how should the juvenile prosecutor behave in such a situation?

From my point of view, Samuel is also the victim of a painful past which he has not overcome due to the behaviour of his family: an absent father, a frail mother, and a despot grandfather. In this case, I felt it was more correct to remove Samuel from his mother by placing him in a community with protective measures, in order to help him to understand his suffering through the necessary psychological support. This solution has made it possible to protect both the mother and the child, without risking the further impairment of the bond between them, and, at the same time, to consider both victims of a wrong behaviour, ensuring that each of them keeps his specific role in the process. In any case, it is clear to everyone that the misinformation to the underage suspect about his rights and what will happen in the process are unacceptable deficiencies and, in this sense, Directive 2016/800 provided for a series of rights and guarantees for the underage suspect on the model of those provided for the victim by Directive 2012/29. So, in my opinion, extending the understanding of the risk of secondary victimization also to the child who is

the perpetrator of a crime is a requirement also felt by Europe, which has introduced principles that are very important for the Member States.

What happens in the Italian reality... when the offender is a minor and the victim as well, only the juvenile prosecutor intervenes, who can coordinate the interventions to protect one and the other through actions in the civil and criminal field: in Naples, with the precious help of Defence for Children, we are trying to draw up a protocol to create a stable and effective network between ministerial and territorial social services, judicial police of the prosecutor's office and territorial police, in order to coordinate the simultaneous listening of the story of the child, each for his/her part of professional competence, and to teach the various actors how to listen to the victim, according to his/her specific needs.

This system, of course, also guarantees the success of the process. In order to follow the suggestions of the Directive on the creation of a "child-friendly" justice system, we have decided - as part of another European project in which we have participated with the Ministry of Justice—to create in the juvenile office an information point, where the minor is referred to, according to the problems that he briefly and informally exposes there, to a police officer or a psychologist. A reception point for the victim - who comes to our office to be heard by the police or to testify- is also established to prevent him/her from meeting his/her attacker if he/she does not want to. We also put a site online, which is named Blue Path, to give information to young people about their rights as victims of a crime and what to do when they are involved in all those situations that make them feel abandoned or unarmed. I think today it can be easier for young people to be approached through the internet.

In Italy, problems are enormous when the perpetrator is an adult and the victim is a minor, because there are two judicial offices, and the office that prosecutes adults, for cultural

training, almost never remembers to protect the victim and does not always immediately forward the documents to the juvenile prosecutor for the adoption of measures to protect the underage victim. The consequence is that the victim, after reporting, feels completely abandoned and, if not protected, first, he/she may be forced to return to the violent context that he/she has reported, with all the devastating consequences that we can imagine. Then, he/she is forced to relive the situation of suffering several times, because he/she needs to narrate the story by multiple magistrates and police officers.

I agree with another interlocutor about the need of a list of experts to listen to minors and in Italy we need a rule for a joint video-recording for the victim's statement by the different prosecutors. So, I think that a great deal of work still needs to be done and it would be great if we could do a panel discussion to propose common rules for the protection of minors because in Europe we have common problems, so it would be very useful to talk again together.

### ***Experience with the blue rooms in Bulgaria: Strengths and challenges***

**Ivanichka Slavkova**, Judge - District Court Varna, Bulgaria

What is really happening in Bulgaria with children's rights in judicial proceedings and how are the policies for juvenile justice integrated not only within the legislation or in the court room, but in real life? My experience in the last few years has shown me that, despite all imperfections in our legal framework, through joint efforts and coordination between the institutions, good practices may be implemented at any local level. The aim is to ensure non-discrimination, the best interests of the child, the right to life, survival and

development of the child and their right to be heard in all proceedings affecting child's rights and interests, according to the Convention on the Rights of the Child.

The new aspects in the criminal legal framework in Bulgaria, implementing Victims' Rights Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, are the following. Firstly, a possibility of interviewing a minor witness avoiding contact with the accused person through using specialized premises and video conferencing. It is an obligation of the Court, when conducting a judicial investigation, not to re-interview such witnesses, precisely because of the risk of secondary victimization. A repeated interview should be conducted only in exceptional cases, if the latter is particularly significant for the case. Child victims are equated to persons with specific protection needs – those for whom additional means of protection from secondary and repeat victimization, intimidation, retaliation, emotional or psychological harm are needed, including the preservation of dignity during the interview.

I will not focus on the shortcomings of these new legal provisions, but rather how the existing gaps can be filled through the timely and appropriate actions of the judiciary, and especially the judge, within the criminal proceedings. In practice, what should be done? An interview with the child should be conducted at the very beginning of the criminal proceedings, meeting all the procedural requirements provided by the Criminal Procedure Code and making sure that the child will be involved in the procedural actions. The purpose of this interview is to serve as evidence without the need for the child to undergo this procedure again, as that is often considered a traumatic experience. That procedural requirement is not explicitly provided under the Bulgarian Criminal Procedure Code. However, it is possible to conduct an interview of a child witness who is a victim of crime before a judge immediately after the offence has been established or the victim has been

identified, in order to conduct only one interview if possible or the latter to be limited to a minimum.

No mandatory participation of a legal counsel for the child victims in the pre-trial phase of the proceedings is provided by the Criminal Procedure Code. Nevertheless, this omission is overcome to some extent by the mandatory participation of the parent when the child is under 14 years of age and, after that age, by the participation of an educator or psychologist. Yet, there is no legal requirement for the mandatory provision of qualified and independent legal aid for children who have entered into conflict with the law at this early stage of the criminal proceedings. Very often, the judge involved in the interview explains the meaning of the procedure to the child, as well as their rights and why the interview needs to be conducted, in a manner which is easy understandable for the child, taking into account their age, education, social status, maturity and skills. However, that does not replace a lawyer, who guarantees ensures the comprehensive protection of the child within the procedure.

There are no short deadlines set for the hearing/closing of these cases, nevertheless, when magistrates trained in the field of juvenile justice participate in such proceedings, all necessary measures are taken in order for the cases to be closed in a timely manner. These magistrates shall take all measures to ensure the protection of the child-victim or witness of crime, within both the pre-trial and trial phases of the proceedings, so the latter is not endangered or put at risk of secondary victimization, and to ensure that the procedures will not take too much time. Therefore, all actions should be planned and, if possible, to be carried out by specially trained professionals who have psychological preparation for working with children in a coherent manner and in a way which enables the child not to be traumatized.

How does this work? The interdisciplinary approach should be applied to the greatest extent possible. A major aspiration is all participants in the proceedings to have preliminary specialized and psychological preparation/training for working with children. Thus, often the information goes, firstly, to the police authorities. Due to that, they are the ones to first face the problem. There's also a possibility that the social services are the ones which are involved from the beginning, in which case, two parallel checks might be conducted at the same time – one by the social services and one by the police. Finally, after an assessment of the seriousness of the case is carried out, an investigative officer and a prosecutor are involved. The prosecutor is the person who coordinates all actions of the team. This is the way to overcome the fragmentation of the system and the multiple institutions which are responsible for the case. No actions conducted by one or another institution involving the child victim and their parents should be repeated.

Police authorities usually interview the child and other persons who are somehow connected to the case. Afterwards, the child might be called more than one time in the police station and the interrogation, or the interview is conducted in one of its premises, often in the presence of many people. To avoid this, police officers who are specially trained to work with children participate actively – such specially trained police officers exist for more than 50 years in Bulgaria. These are persons who are pedagogues by education, but police officers by occupation. At the earliest stage, an initial individual assessment of the child victim should be conducted in cooperation with all authorities in order for just one interview to be conducted and the procedures afterwards to be carried out without his/her participation.

There are no explicit procedures or methodological instructions to guarantee the protection of the child from secondary victimization. The legal possibilities provided by the law ensuring the avoidance of contact between the child victim and the accused are not mandatory. Still, when a sufficient number of trained professionals are involved in the

case, procedural safeguards for avoidance of such contact with the accused are applied comprehensively. Thus, the child victim is protected from all negative impacts of the criminal proceedings.

How is this implemented? A specific time slot is set in coordination with all participants to conduct the interview in front of a judge in the so called “Blue Room”. This is a room which is specially equipped for this purpose and is located in a residential building so the child is not stigmatized. This method enables such interview to be conducted without the presence of the accused, the lawyers and the person conducting the interview.

The child has contact only with a psychologist (in cases of sexual abuse, the said professional is always of the same sex) and the whole interview is conducted only by the psychologist. Everything is explained to the child by this specially trained psychologist, and all questions by the other involved parties are asked by the psychologist using technical connection—wireless microphone—but in the form of normal conversation. When the wording is inappropriate or contains a misleading or a closed question, the psychologist “rephrases” the question, taking into account the characteristics of the child. This way, children are enabled to participate actively and adequately in the interview, as the child is carefully informed about what is coming up. This reduces the psychological pressure of the child. The “Blue Room” is equipped, besides everything else, with both male and female dolls. It helps in cases of sexual assault: when a child can’t describe what happened or is ashamed to do so, they can explain what happened with the help of dolls.

Through the use of the “Blue rooms”, the child is protected as much as possible, and the risk of secondary victimization and intimidation is reduced to a minimum, while at the same time a comprehensive interview is successfully conducted. Of course, the interview is being recorded – an audio and video recordings are created, which are attached to the case on optical data carriers and are stored together with the case.

Another feature that has emerged as a serious challenge in the Bulgarian legislation is the fact that the interview of the child victim should be conducted in the presence of the accused and his lawyer (to guarantee the rights of the accused are respected), so that the interview can be admissible in court before a judge. That is the great issues – how to organise the interview with the participation of all parties. During these interviews, it is always taken into account the chance of possible conflict of loyalty between the child and the accused, especially if they are close relatives. The children are very vulnerable, and, in such cases, they often stop talking about the case. Because of that, only psychologists should conduct such interviews and “translate” the questions by the magistrates in the right manner, so that the child to talk freely about the case. It should be pointed out that the aforementioned procedures are applicable not only to cases where children are direct victims of crime, but also to cases where they are indirect victims – for example, children who have witnessed murder or drug trafficking. In these cases, the same procedural rights must be applied with respect to those children. This is important as, at the end, they are all children who are young and immature. We need to think not only for the rights of the accused and the defendants, but we also need to think about the rights of children who are primary and secondary victims of crime.

**Audience question: In Bulgaria, is only one psychologist hearing the minor in all stages of the criminal proceedings or one person may appear at the police and another in the court room?**

Although we prefer only one psychologist who is acquainted with the case to be involved in all stages of the proceedings, this is not mandatory. The application of this measure is very important as this psychologist already knows the child. Even this is taken into account. One more thing – sometimes the interview in the “Blue room” is conducted with the participation of two psychologists – one of them is inside the room together with the

child, while the other is behind the Venetian glass and supports both the psychologist inside and the magistrates behind the glass.

## **Day 2, Panel 1: International, European and National standards guiding the risk assessment of child victims of violence**

### ***Institutional gaps and recommended reforms and policies to safeguard the best interests of child victims: The Greek Ombudsman's perspective***

**Theoni Koufonikolakou**, Deputy Ombudswoman for Children, Greece

Before this presentation, I would like to underline the absence of a European strategy with regard to the protection of the best interests of the child. I know that the European Commission is preparing a strategy right now and we will soon hear more about it, but still, we may have to introduce more indicators, more milestones in order for all the member states to comply to the UN CRC.

Now, I'm going to share with you an overview of what's going on in Greece right now to provide a first idea about the main deficiencies and the outstanding problems that we have to deal with every day in the Greek ombudsman, but also in several other services.

The Department of Children's Rights intervenes by handling complaints – complaints submitted by children, parents, teachers, NGOs, even public services – regarding a broad range of violations related to all articles of the convention, through advocacy interventions. That means introduction and amendment of the existing legal framework and implementation and compliance to the UN CRC through inspections in juvenile correctional institutions, prisons, children's institutions, hotspots, camps, etc. We always discuss with children, we visit schools on a weekly basis, so we always discuss with children, and we have our own Youth Council every year that gives us a clear idea about what children think. We issue reports to inform the public and raise awareness around the UN CRC and we supervise and coordinate two networks that consist of NGOs and actors and international organizations such as UNICEF and UNHCR. One of them is related to

today's discussion because it is related to alternative care. So, this is what we do in general and since the map of all our interventions, our so called 'constitution', is the United Nations Convention on the Rights of the Child, I would like to start by sharing the articles of the convention that are related to today's discussion, just to underline and stress the fact that this discussion is related to different aspects of the convention.

First of all, article 3 of the UN CRC stipulates that in all actions concerning children, the best interest of the child shall be a primary consideration. Article 4 is related to the general measures of implementation, and we will see step by step whether Greece has complied with article four in our discussion. Article 19, of course, stipulates that States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical and mental violence. Article 20 specifies that a child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the state. It is the same article that gives us an idea about what the priorities are when we are discussing alternative care. So, the placement of a child in an institution is an ultima ratio, so it's a last resort for the convention. Article 16 specifies that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, etc. and article 12, of course—which is very important, obviously to us in the Greek Ombudsman—that stipulates that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child. So, this is the legal framework and I have to also underline the fact that Greece has incorporated the UN CRC since 1992. This is a national law.

So, general factors and deficiencies that undermine the best interests principle in Greece are the following. We have an evident fragmentation of initiatives and the absence of a medium or long-term coherent strategy for the rights of the child. This fragmentation is also accompanied by a lot of one-off projects that do not contribute to the building of a

robust, coherent child protection system that are funded either by the European Union or by other sources, but still, they're completely fragmented. We have the lack of coordination between the competent ministries, the underinvestment in social policy and education in general. I've got more detailed data on this one, but I do not think that it is something that we should discuss today. And, of course, there is the issue of insufficient implementation of legislation. We have many laws since 1975 in Greece, but I'm afraid that a lot of them are not properly implemented.

We have, of course, the outstanding issue of domestic violence, especially throughout the days of the COVID crisis and the restriction measures. Looking at the calls to the helpline from March to April of 2020, you can see the sudden increase in the calls, and the percentage of domestic child abuse.

Now, I'm afraid that this does not actually reflect the phenomenon of domestic violence in Greece. Official data indicate a significant increase but does not correspond to the actual impact. Seven out of ten calls were made by victims, but as you know, children, because of their love, their trust, their fear and their guilt, cannot easily ask for help because they rarely identify abuse as such. So, they tend to perceive abuse not as a violation but as an extension of the relationship. So, reaching out is difficult with children in the context of a crisis when minors are not already trained and properly informed on their rights and the necessary steps to take when violations occur. So, this is very important.

The practice so far when abuse occurs is the following. If the prosecutor decides that the child has to be removed from the familial environment, the child's removal is followed by their placement in a hospital; in some cases for several months. The child within this context, testifies several times to the authorities—up to 14 times. In the majority of cases, the child ends up in an institution referred by the hospital, not by the social service of the

municipality, where the family has residence and the hospital social services, of course, do not have sufficient knowledge of the child's individual needs. Therefore, the referral takes place without proper assessment. In cases of sexual abuse, we also have a high risk of media exposure of children.

Let's start with the first thematic, i.e. with children's houses in order to protect children from multiple testimonies. Children's houses in Greece were first introduced in 2017. So, four years now, through the law 4478/2017; but because of several administrative obstacles and severe delays, they do not operate yet. The provision and ministerial decision that followed provided for a child-friendly interdisciplinary model of forensic interview of the child victim to avoid multiple testimonies within the context of the judicial procedure, such as the one in Iceland, such as the one in Bulgaria, such as the one in Turkey, such as the one in so many other countries, but they do not, as I said, operate yet in Greece. Instead of investing in and promoting these services, the state still implements practices related to the previous status quo before the introduction of the new legal framework. As you can understand, children are traumatized and re-traumatized by repeated examinations and testimonies, and, ultimately, children are trapped in the victim's identity. They cannot easily leave that behind. The Ombudsman has recently issued a report with its findings and recommendations to the competent Ministry of Justice and we're still waiting for the official response.<sup>8</sup>

Institutions are the other aspect in Greece, with reference to secondary victimization of children. Institutions in Greece are the main form of alternative care, even though the placement of a child in an institution is ultima ratio, the last resort. Institutions in Greece are either private or public or belong to the church and no national standards have been established regarding their function. So, each one operates in a completely different way.

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<sup>8</sup> You can find the report at: <https://www.synigoros.gr/resources/011020-porisma-spiti-toy-paidioy.pdf>

Most of them are understaffed and no systematic mandatory and continuous training for professionals is provided. A large part of Greek society – and this also needs to be taken into consideration – is not aware of the actual impact of institutions on children and approves their operation. So, family type alternative care, and especially foster care, is completely underdeveloped in Greece and does not work properly. We do not have a sufficient number of applications.

So, there is this question that we have to answer now and we shouldn't come back to that. Can some institutions be good? There are some institutions according to our inspections and our observations that operate in a better way than others, but no institution is good for children. That has to be clear. Young children placed in institutional care are at risk of harm in terms of attachment disorder and developmental delays in many areas: social, behavioural, cognitive. The lack of a one-to-one relationship, which is essential for our development, everyone's development, with a primary caregiver is a major cause of harm to children in residential care. According to relevant bibliography and research, the neglect and damage caused by early privation and deprivation is equivalent to violence.<sup>9</sup> Also, the institutionalization policies must be implemented in Greece as well. The Ombudsman has recently issued a special report with its recommendations on the matter and we are still waiting for the response of the state.<sup>10</sup> That means that we need a deadline that signifies the abandonment of this paradigm, of this model completely, and the shift to another model of alternative care, family-based mostly.

We also have the role of media in secondary victimization of children. Despite the fact, again, that the legal framework exists, we have this presidential decree—whoever is interested, it's 77/2003—that is often bypassed or violated. So, media often expose

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<sup>9</sup> R Johnson, K D Browne and C E Hamilton-Giachritsis, 'Young children in institutional care at risk of harm' (2006) 7(1) Trauma Violence and Abuse 1–266

<sup>10</sup> You can find the report at: <https://www.synigoros.gr/?i=childrens-rights.el.idrimatiki.689678>.

personal data regarding child abuse, personal details, and, therefore, the child is identified by their peers and their community in general as the victim. That, of course, completely undermines their resilience and their ability to reconstruct their identity in a proper way. The Ombudsman has intervened several times, many of which were successful, but not before the exposure of personal data of the child to the public had taken place.<sup>11</sup>

What about protection by Community Services? After abuse, many families need a follow up and that has to be discussed and it is a part of preventing the further victimization of the child. Looking at charts describing the number of social workers per municipality in the 14 largest in population municipalities in Greece, we can observe that there is no uniform practice and that these services are considered to be understaffed and do not operate under a uniform framework of responsibilities and protocols. Of course, specialized systematic training is also not provided to our social workers here. In many cases, the social services report that the families need a follow up, but the municipality of Athens said that even though more than 100 families – vulnerable families – need a follow-up and proper support, only 20 of them can receive such because of the problems I just mentioned.

Finally, the data illustrates that the number of psychologists per municipality, which is important for the support of children, is low, even in the largest municipalities of Athens and Thessaloniki. The number in local government services is not sufficient but, furthermore, the staff is insufficient in mental health services as well. These services are also disproportionately distributed in the country. Therefore, they cannot cover the needs of the child to support the child in their further development after the incident and the report of abuse.

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<sup>11</sup> For instance, see <https://www.synigoros.gr/?i=childrens-rights.el.kakopoiisi.627970>.

In order to connect these dots and to build a child-centred approach and a new paradigm, we will need a coherent, robust strategy for children's rights; we will need staffing and uniform protocols and training and services; we will definitely need the operation, not the legislation, but the operation of children's houses, and the proper supervision and training of journalists and other media staff.

**Audience question: Drawing on the recent case of child pornography in Greece, we saw again that media representation causes problems and exposure not only for the child, who might be projected as a victim – not a survivor –, but also for the defendant. These are ongoing cases and by representing the two sides of a case in a specific way, we're influencing the public regarding the outcome of the case before the court has the time to actually issue a judgment. So, what do we need to do to maintain this balance between the two sides of the case?**

As in the case of the testimonies that are received several times, we do undermine the judicial procedure and the investigation into the truth, which, according to our criminal law and our legal framework is a very fundamental principle. I agree, but my part, our role as a department is to, above all else, defend the child's rights. And in the case of the little girl you discussed, the missing report was also known to everyone, and it had the photograph of the child attached to it. So, everyone afterwards knew who the child was, where she resided, who the family and the mother were and all the other details.

Of course, we also have other concerns that I didn't share with you today, because they constitute details, but there are several concerns with regard to where does this information come from. Is it the authorities? Is it the institution? Is it the family? Is it the journalists' research and investigation? Whose is it? So, there are some institutional issues and sanctions that should be imposed in certain cases, and that has been one of our

concerns. Our first reaction to what happened was to also share this concern with the prosecutor of Thessaloniki—the prosecutor who is responsible for the protection of minors, of course—and we did see some reflexes coming from the prosecutor's office with regard to how this information, these details link to the public. So, yes, we do undermine the investigation of truth.

Above all else, we care about letting the child rebuild their identity in society and the world using the right materials, because it's very easy for all of us to play the role that is expected of us. If we trap ourselves within the victim's identity, then we will stay there. We have to deconstruct dominant representations and stereotypes with regards to institutions and as to whether informing the public about the details of a personal case can really contribute to awareness-raising and protecting one's child and children in general; or whether, of course, it has a severe impact that's non reversible in some cases. So, we have to insist on training and awareness-raising of journalists, to fight the outstanding issues of mentality in Greece. There was some information leaked by institutions in several cases and we have to be a little bit stricter with training systematically and in a mandatory way all the people who are related to children's protection.

***Risks Of Child Victims Of Intra-Family And Gender-Based Violence And Solutions In The Best Interests Of The Child: Experience From The Monitoring Work Of The Committee On The Rights Of The Child***

**Benoit Van Keirsbilck**, Director of Defence for Children International – Belgium,  
Member of the Committee on the Rights of the Child

First of all, the legal framework has already been recalled by Theoni Koufonikolakou before, concerning the most relevant articles of the CRC and she did mention article 19, of course, which is the basis when it comes to violence against children. I would add article 39, which is, for me, very important to promote the recovery and reintegration of victims; and then, of course, the Optional Protocol on the sale of children, child prostitution and child pornography, which is, unfortunately, also very important for the work in the frame of this project.<sup>12</sup>

So let me just record briefly the role of the Committee. The Committee on the Rights of the Child is the monitoring body, which is in charge of monitoring, ensuring that states that have ratified the Convention do implement it in the right way. Which are the means used by the committee to do so? First of all, the most common monitoring process is to analyze state reports. So, the states have to draft the report, send it to the committee normally every five years and the committee gathers these state reports, alternative reports and issue recommendations, after having heard the civil society, the UN agencies, children, groups of children are very important, and of course, the representative of the state. After this process, the committee issues recommendations. So, the committee

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<sup>12</sup> The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography entered into force in 2002, it has so far been ratified by 177 countries (including all EU Member States). The full text and further information about the Protocol can be found at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

drafts recommendations and at the end of the process those recommendations prove to be really important.

A really important means of the Committee to implement and follow the monitoring of the Convention is to adopt a general comment. A general comment is an interpretation of some topics of the Convention and gives the views of the Committee on how we should apply different articles of the Convention. Then, the Committee organizes the date for general discussion—the next one will be in September and we'll deal with alternative care, which is a very important moment to gather all stakeholders and try to have a common discussion on one specific and important topic. And when it comes to our topic of violence against children, of course, the field of alternative care is very important too.

Then, the Committee receives individual complaints and conducts inquiries. This is certainly possible in the states that have ratified the terms of the optional protocol and I should recommend the representative of states that haven't ratified this protocol to advocate for its ratification, because this is a very important tool for civil society, to bring individual cases and complaints to the Committee, when the procedure at national level has not delivered a good result concerning an individual child. Finally, the Committee also conducts inquiries when there is grave or systematic violation of children's rights. And so, these could be a very powerful tool for the states, for NGOs to identify when there are huge reporting gaps in the legislation or the implementation of the legislation and when your advocacy at national level does not deliver and give good results, I think that it is a very important way to try to improve the situation.

So, just a quick snapshot into a few general comments. There are already now 25 general comments, so those already cover a broad range of rights and issues. I want to mention general comment number 13, which is key in our work now. It deals with the right of the child to freedom from all forms of violence. It records that violence occurred in the family

and this is probably the environment where most and the highest level of violence does take place and so it's very important to have a look at that. It also stipulates that one has to fight against all forms of violence and there is a very broad range of violence, not only physical, but also psychological and other forms of violence, actual institutional violence. The states have to adopt all appropriate measures and it explains at length all the right measures that states should approve and implement and there is a range of intervention-prevention, identification, reporting, referral mechanisms that should be in place at national level. So, I encourage you to have a look at this general comment to see how to implement article 19 of the convention.

Then, there is general comment 20 on the rights of the child during adolescence. This is a more recent general comment and it's an important one too, because it deals with a time of the life of a child where we assume that there is less vulnerability because the child is a bit older but it's not always the case. There is a lot of risk and vulnerabilities attached to this age, adolescence, and especially for groups of children that are subjected to violence and abuse; the general comment mentions girls, the LGBT community, migrants, Roma and others. Clearly, the focus is on gender-based violence, traditional concepts of masculinity, and also traditional harmful practices that are used in some communities. It also calls upon states to scale up institutional programs to prevent, rehabilitate, and support adolescent victims.

Then, a quick view into general comment 22, which deals with a group of children who also identify as being at risk of violence, we're talking about migrant children who were really at risk of high level of gender-based violence, sexual violence, other forms of violence, so trafficking for sexual labour and exploitation, and who need a specific response, specific support and sometimes specific services to support them when they face this kind of violence.

Moving on, I would like to enter into a few of what we call the concluding observations (COBs) concerning the different states. So, I gathered some of the recommendations from different reports' concluding observations, which deal with violence against children to see what kind of recommendation the Committees issue concerning a state. Before presenting this content, I would just like to record the importance for civic society to use this mechanism to try to draft reports and to come up with a concrete question and concrete recommendation that you would like to see in the final concluding observation concerning your states because this will be a very important tool that you can use in your work and advocacy work. If you prepare your report as well as possible, you will see your recommendation reflected in the final observation and you can follow up on that. It's not only you as an NGO saying that in your country, it will be the right of the child who says that, so the state will be more highly likely to continue advocating at national level.

So, a few of the important recommendations. First, violence against children is identified as one of the nine clusters in the reporting guidelines. So, that means that every state has to report on how they implement and what is the state of the policy of the state when it comes to responding to violence against children. There is, usually or most of the time, reference to the SDG, the Sustainable Development Goals, and especially goal 16.2, which asserts that states have the duty to fight against violence against children, and, of course, the Committee always urges States to adopt legislation which really addresses the issue of violence, and to repeal inadequacy of registration, because very often there are gaps in the legislation.

Then, sometimes the Committee deals with the level of penalties when they feel that the level of penalty is really too low when it comes to violence against children or offenses against children, because it gives the impression that it's not a really important offense. The Committee has often asked states to repeal legal provisions that excuse perpetrators of domestic violence – this still exists in some countries, meaning to recognise a cause of

excuse for the perpetrator, which is a shame; to repeal all legal provisions that authorize, condone or lead to child sexual abuse and criminalize marital rape – so, here again, there are gaps in the legislation and the Committee calls upon states to set up a minimum age of sexual consent as that's not the case in all states; and, to repeal all legislation treating child victims as offenders. We know that this is a huge problem – identifying a victim as offender, it's even worse and it's a part of the victimization.

Very often, the Committee recommends the adoption of national plans of prevention and I heard in the intervention before that every country needs to have such plans and needs to establish specific child protection units. And so it has been mentioned in other speeches that we need professionals that are specifically trained to deal with the victims and children and you do not address your child in the same way as you address an adult. And then, there is the need to allocate enough resources to address the root causes of violence. This is also part of the recommendation of the Committee: the establishment of reporting and complain mechanism, which are effective, efficient, independent, and which will give a solution to the child. It's not only a principle, it's not only on paper, it has to be implemented and accessible for children. So, you need to inform children, to support children to use those complaint mechanisms.

Establishment of independent inquiry, investigation, prosecution, punishment of perpetrators, all this is also very important. So, a compensation scheme to support the victim and to repair the damages should be afforded to the victim. Of course, the prohibition of all corporal punishment by law is very well known but still not the case in some, even in some European countries, and being seated in Belgium I can say that it's not always the case. The establishment of complaint mechanisms that are safe and confidential, strengthening and expanding awareness-raising programs and then fighting against some forms of harmful practice, among others, FGM—i.e. female genital mutilation.

Then, a few other issues that are also important: mechanism procedural guidelines to ensure the mandatory reporting of cases of sexual abuse and exploitation; child friendly and effective reporting channel; regular training of professionals and early detection and reporting. Finally, concerning the COBs: paying more attention to the gender dimension of sexual exploitation and abuse and attention given to the existence of a helpline and other support mechanisms. So, these are the recommendations that are issued by the committee and that should be implemented by the states.

I will end my presentation on that. As I mentioned, there is the possibility to submit a digital communication complaint to the Committee. And at least in one case, there is a decision stating that one state had to evaluate the risk of a violation of the rights of the child when the state was willing to deport a family to a country of origin, there was a risk of violation of the subject of female genital mutilation in the country of origin and, in that case, the Committee concluded that there was a failure to consider the best interest of the child in this specific situation. So, that's an example that shows that if you see a situation that does not render a good result at national level, then you can use this mechanism and the inquiry mechanism that is also attached to this optional protocol as a mechanism that allows you to bring corrective complaints and not only with reference to one case of alleged violation of children's rights, but more global situations.

**Audience question: Should the reconciliation between the perpetrator and the victim be repealed by law?**

Difficult question, as a matter of fact, and I think it will, of course, depend on the context of the situation. We know that the justice system very often does not deliver all the solutions and all the protection that the child deserves and certainly not from the perspective of the child. When violence against the child occurs in the family, we also have

to recall that members of the family remain -and may be- important for the child. So, if there is a legal procedure and the perpetrator is sent to prison or separated from the family, of course, the consequences are felt by the child, him or herself.

So, I think that in each case we have to assess the situation as an individual risk assessment and see if, in this case, another approach and mediation and further support to the child would bring about an appropriate solution. It's difficult to answer globally, in general, but I think that if we take an individual situation, we may arrive to the conclusion that while protecting the child, trying to rebuild the relation and rebuild good relations with the rest of the family is important and, then, I would finally say that, for me, it's also very important to work with the perpetrator, because at one point, s/he will have contact with the family or with other children and we don't want them to repeat the crime and the violence. This is it, in a nutshell.

***National perspective on the implementation of international standards guiding risk assessments for child victims of violence: The role of social services in the criminal justice system in Italy***

**Isabella Mastropasqua**, Director Office II, Juvenile and Community Justice Department,  
Italian Ministry of Justice

Art. 609 decies of the Italian Criminal Code - "Communication to the Juvenile Court" (supplemented by Law 66/1996, Law 269/1998 and subsequent amendments) – establishes the intervention of the Juvenile Justice Services in the event of sexual offences (articles 600, 600-bis, 600-ter, 600-quinquies, 601, 602, 609-bis, 609-ter, 609-quinquies, 609-octies and 609-undecies committed to the detriment of minors, or for the crime

provided for in article 609-quater or for the crimes provided for in Articles 572 and 612-bis).

Additionally, emotional and psychological support for the offended child is ensured at all stages and levels of the proceedings through the presence of the child's parents or other persons chosen by the minor, as well as that of groups, foundations, associations or NGOs with proven experience in supporting the victims of the offences referred to in the first paragraph. These entities are registered in a special list of persons entitled to this role, with the consent of the minor, and are admitted by the prosecuting judicial authority.

Paragraph 3 specifies that, in any case, the child is guaranteed the assistance of the juvenile services of the Administration of Justice and of the services provided by the local authorities. Paragraph 4 specifies that the services specified in the third (3) paragraph are also used by the judicial authority at every stage and level of the proceeding. According to this article and in the absence of a specific provision, all the services which are potentially responsible for taking care of minors are generally tasked with offering support to child victims of sexual offences. Not-for-profit organisations, health services, local authorities, juvenile justice services are all entitled to provide support and help even when they do not receive specific instructions.

In line with the faulty transposition into Italian national law of directive 29/2012 on victims' rights, there is still a lack of a structured, systematic approach to cases of child victims of sexual offences. This has led to different practices being implemented at a local level as a result of specific local policies. In line with these specific local policies, there exist extremely different practices for taking care of child victims from a social standpoint in Italy.

There are three different modes of intervention:

- Full delegation to specialised health and community services, as they are considered to be more competent when it comes to dealing with the complexity of the phenomenon.
- Integration of justice and community services, based on operational protocols defined at a local level that ensure a multidisciplinary and multi-agency approach so as to make the most of the specific institutional competences and to guarantee a holistic approach.
- Full delegation to the Justice services, as a result of a lack of local services or because these are not considered to be adequate by the local juvenile judiciary.

The limits of this complex organisation are clear and I will try to summarise them, as follows:

- An uneven service offering throughout the nation with serious repercussions for support services and with the risk of causing inequalities.
- The new jurisdiction, in juvenile justice services, over often young victims has not been adequately supported in terms of additional skills required to assist such significantly different users (working with adolescents and children and with trauma is not the same).
- The differentiation of the place of care makes it difficult to collect data and monitor the phenomenon.

But beyond these critical points, it is necessary to highlight that there are many good practices developed at a local level in the field of integrated care and restorative justice practices. Also at a national level, a working table at the Ministry of Justice on victims' rights represents a significant step towards establishing a harmonised course of action.

## **Day 2, Panel 2: Risk assessment of child victims of violence: Approaches and methods**

### ***LASTA - Multi-Professional Risk Assessment Method implemented in Finland***

**Taina Laajasalo**, Chief Specialist and Forensic Psychologist,  
Finnish Institute of Health and Welfare

I'm going to talk about a multi-professional risk assessment method we are currently implementing in Finland. It's called the LASTA, or the LASTA-seula method. We have a sort of a second version of this method that we are now implementing. Just to give you some context about our national situation, we have a national Barnahus project that was launched in June 2019 by the Ministry of Social Affairs and Health and it is coordinated by the Finnish Institute of Health and Welfare, where I work. We are doing this work with the five university hospital districts which have their own sort of Barnahus units, and they are called Forensic Psychiatry and Psychology Centres for Children and Adolescents in Finland, but they do their work the way the Barnahus unit should work. They use multi-professional meetings, the premises are child-friendly and the aim is to prevent secondary victimization, as well as use evidence-based methods in the investigative phase as well as in the treatment phase. However, the work I'm going to present to you is sort of complementary to our Barnahus model. So, we are doing this implementation of the LASTA risk assessment model as part of our Barnahus project and it is tied to our larger Barnahus model.

First, a couple of words about how we deal with child maltreatment and violence directed towards children in Finland. All types of violence towards children are prohibited in Finland. It has been so since the 1980s. In 1984 all types of violence, including even minor disciplinary actions that contain any type of physical abuse were prohibited by law. I think

we were the second country in the world to include this statement to our criminal law and the duty to report violence towards children has been made stricter and stricter over the years. And currently, the situation is that it is mandatory to report all types of violence to child protective services and nearly in every case, you also need to make a report to the police. And while we think this is good—we have this sort of zero tolerance policy—it is very taxing for our service providers. So, the number of reports made at a child protective service and made to the police regarding violence towards children is increasing. It has been increasing for decades, and it continues to do so. And we know from surveys with victims that this isn't due to increasing amounts of violence directed towards children; it's just that we are more aware of this issue, it is strictly prohibited and we have a very strict duty to report. So, we have a large number of cases.

What this means is that we have severe delays in processes. I think this is not unique to the Finnish context and many of you can relate, but currently, the average duration from the report to the court verdict is years; it is, on average, two years or more. And of course, this is an unacceptably long delay. So, we have delays, and the services are struggling to cope with the amount of cases. And while we think that it is good that we have such strict reporting policies, on the other hand, we think that these lengthy pre-trial investigations that are conducted by the police are not always in the child's best interest. In many cases, we think that it would be in the child's best interest, for example, for the family to work more closely with the child protective services. But while the pre-trial investigation is ongoing, and the police is involved, it isn't always easy to do so. So, these are the sort of problems we are trying to tackle. And for this reason, we think that we need early holistic, structured decision-making tools. I do think that these would be beneficial in many countries, but I think,, we have our own issues that are tied to our national legislation and the themes I just explained, and I think, for that reason, this is of utmost importance for us just now.

What we try to do is to fit together in this structured decision-making process the different kinds of needs that the children have, when there is suspicion of violence or violence that has been substantiated. So, there are the care needs, protection needs, treatment needs, and so on. And of course, this idea is also at the heart of the Barnahus model as well. So, we have created the LASTA tool to improve information flow and cooperation between different parties already at the earliest stage after the report of abuse has been made. In the next slide, I will explain to you what this tool consists of, but I think an important point to be made here is that this tool should be utilized at the earliest stage, even before the child is interviewed and right after the report of abuse has been made. This is meant to be a way to ensure that the best interests of the child are approached from a variety of perspectives, be it judicial, child protection, physical or mental health.

So, these preliminary assessments, LASTA assessments, utilize this form that was created based on an extensive literature review. It contains risk factors which we know from a lot of research conducted over the years to increase the risk of a child being abused, either physically or sexually or emotionally. It includes items related to the child characteristics. For example, whether the child has some sort of somatic illness or suffers from developmental delays or has a diagnosis of conduct disorder – these are items that we would be interested in when conducting this assessment. It includes items related to family characteristics, for example, whether the parent has a mental or substance abuse disorder that might be related to risk of abuse. It also includes items related to prior service use, for example, whether the family has been involved with child protective services before or has been involved in abuse assessments within the police before; whether there have been calls made to police regarding domestic abuse, things like that, or whether there have been suspicious injuries; whether there are fractures or unexplained accidents that you can see from the child's healthcare records that could be sort of red flags, if we think about the risk of abuse.

This information is collected from police files, child protective records and healthcare records. And it is collected by the Barnahus staff or a specifically appointed LASTA coordinator in some areas. In many cases after the information has been collected and after the form has been filled out, this knowledge is utilized in a multi-agency meeting where the police, the prosecutor and healthcare and child protective services jointly make decisions. And these decisions might involve issues such as when it is best, for example, to send a child to be interviewed in the Barnahus Centre by a forensic psychologist, or when perhaps the police can conduct an interview. In Finland, both these parties can be involved in interviewing the child. Also, what can be discussed is when it is best to cease the pre-trial investigation and instead let the child protective services take the lead. For example, if we have a parent who is actively seeking help, after, for example, pulling a child's hair after being exhausted or something like that and there are no risk markers in the records. It might be decided that in this particular case, it is best that child protective services take the lead and the lengthy pretrial investigation involving the police is not the best way to move. Also, decisions can be made as to what kind of support to give to the child and family. Of course, in some cases, this might involve – in acute severe cases, for example – placing the children in outside care.

The form is quite long. It is, I think, currently a bit too long. It's 4 pages and this has caused some issues on the field. Some professionals say that they don't have time to gather all this information, or they want to amend it, make it a bit different. We are trying to be flexible, but on the other hand, we feel that we also need a way to collect national data on how this model is used and what kind of information is gathered. From a research standpoint and from the point of view of developing our services, I think it's important that we have a flexible but still structured enough system.

And while I already explained the items, here are some examples. For example, one item relates to possible recurring absences from healthcare visits. In Finland we have a

healthcare system where the great majority of children visit a nurse at least yearly. We know that being absent from these meetings or not going to the dentist, for example, in some cases, might be a sign of something being wrong with the child and the family. Another example item: does the parent have a positive attitude towards physical punishment in the upbringing of their children, and of course, it needs to be specified where this information comes from, whether there have been child protective services, emergency home visits, and so on. After this background information is gathered, decisions are made, for example, regarding the need to have a physical, somatic examination of the child and whether it needs to be urgent.

As a summary, what we think of this work so far, we are implementing this, and it seems to improve the information flow between different authorities. We in Finland also have a very shattered system and I think this is one way to tackle that problem. On the other hand, we only have this limited experience and we definitely need some validation studies on how this model actually works. We need to conduct scientific research before we can be sure that this is actually helpful for the children and for the professionals. But already now, in some cities, in some areas of Finland, this has become normal practice in cases of suspected child abuse. Not all of these areas use this LASTA form as such – some have modifications, but the basics are the same. They go through the information from the healthcare files, from the child protective services files, from the police files, go through the risk factors and then make joint decisions. We think that it supports both the police and the prosecutor in making better informed decisions regarding the investigation, but it also supports a more nuanced assessment of the needs of the child in terms of protection and care and treatment.

However, we do have some remaining problems with implementation and one of them is that there are some legislative barriers, which hinder the scaling up for this practice. For example, sharing the child's healthcare records and information derived from healthcare

records is not always possible in every case, although we think that this information is quite vital when we try to make risk assessment or structured judgments. So, this is something we need to tackle. Also, collecting the information takes time, it takes resources. So, if we want to scale this up on a national level, so that this would be available for most cases of abuse, we would definitely need quite a lot of new resources.

### **Audience questions**

**1. You mentioned that the knowledge of the LASTA model is utilised in multi-agency meeting as well with police members, prosecutors, and so on. Were any trainings organised for this type of multidisciplinary experts in order to help them to cooperate better and to better implement the LASTA model?**

We are now building, not a very thorough training, but some sort of video material that will help the professionals using the LASTA model because different districts have different challenges. Somewhere, for example, it has been easy to get a prosecutor to be very involved in the work, and in other parts, not so much so. Or in some districts and areas, they have been very creative and really thought out new ways of how to gather the information, how to utilize their resources wisely. But then again, some of our lawyers said that 'here, you have this one issue that you have not considered, and this is not permitted in our current legislation'. So, there are these different kinds of issues that emerge with implementing this model. And I definitely think that some sort of training would be beneficial, although I also believe in a sort of bottom-up implementation where we also really engage in dialogue with the professionals utilizing it, not just state that this is how you should do it.

**2. in case the child victim becomes later adoptable, does the authority that verifies the adoption procedure have access to the information in the form?**

That's a very good question more generally, who has access to the information in the form. The adoption official would not have access to the form in our system. This is one of the issues that we are discussing almost on a daily basis—who should be able to view this very sensitive information. I think that it would not be a good idea for the information to be available too freely, because it is very sensitive—you have very sensitive health care information and information about the family. But then again, when you do all that work and gather all that material, it might be beneficial, for example, to child protective services, also in some other instances not only related to cases of alleged abuse. So that's a very good question.

***Multi-disciplinary risk assessments of a Family Support Center in Belgium***

**Sabrina Reggers, Family Justice Centre in Limburg, Belgium**

My presentation is also on a practical level, on the Family Justice Centre in Limburg, Belgium.<sup>13</sup> Just to make it clear, we don't own the whole of the building, we only have a part of a floor in the big building. Limburg is part of Eastern Belgium.

What's the Family Justice Centre in Limburg about? It's a multidisciplinary team of professionals and various services who work together under one roof to tackle domestic

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<sup>13</sup> More information on the Family Justice Centre can be found in the official website: [www.fjclimburg.be](http://www.fjclimburg.be).

violence in a coordinated and systemic approach when possible. At the moment, we are a centre that works on referrals and not directly accessible yet by clients, but those who are referred to us can come to obtain all the help and the services that they need to put an end to the violence, to help them enhance their safety and also to increase offender accountability.

Why are we doing this? Because when you look at people all around the world, everyone shares the three same core values: Family Safety, and Health. These values are all endangered by domestic violence, a common and highly underreported problem with complex and dangerous dynamics. Because, if a child or a person is robbed on the streets and has been hit, or something that's also very traumatic, there are small chances that that person will ever encounter the offender once again in their life; but in domestic violence, those involved often stay in each other's environment, they stay parents, they stay partners and ex-partners also. Domestic violence has a devastating impact on children. And I would like to highlight the ACE study, the adverse childhood study, which shows those devastating impacts on children and the intergenerational transfer that occurs often. Domestic violence also has a great social cost, and we see that many services are involved. And it transcends policy domains, policy levels, and competencies of professionals.

Now, what are we actually doing? The Family Justice Centre is a concept that comes from the United States of America but starts to also find common ground here in Europe and the main idea behind Family Justice Centres is to take the best of what you already have and bring it all together. In our case, that means putting together the police department, the public prosecutor, social services, youth services, municipalities, the probation services, victim support services, the youth services for child abuse, and also the agencies on mental health care and substance abuse. We bring all of that expertise together under one roof. Our goals are to reach for sustainable safety for the whole family – so not only

for the child, but for all the persons involved. We want to be proactive and offer help to those who encounter domestic violence. We want to prevent violence and gain a clearer picture of it.

Which cases come to our centre? We have a chain approach for the complex files with the high risk multi-problem families where you really need the coordinated approach between welfare, police and justice. That's actually 1% of all of our cases; 99% come from police reports. So, in our region, and we work for about 333,000 inhabitants, every time that there's a police report, when there's an incident, and the police intervenes, or when a victim goes to the police station and makes a statement, they will always draw up a report. That report will always be sent within seven days to the police professionals in our Family Justice Centre and together with the public prosecutor they will build up a case and they will do a risk assessment. The public prosecutor will also check with the mandated youth facilities whether the minors are already known by those services, whether there's an active trajectory with them, and so on.

But this risk assessment is very general. It's not only about a child, of course; we look at the situation of the children: were they involved? Did they witness? Were they in the house? Were they a witness? Were they directly hit? But we also look at the grownups involved: is this the first time that domestic violence happens? Are there other previous cases? Is there substance abuse? What do we know about financial problems? What about housing? So, we try to get a really broad perspective already about the family. What is also important is that we don't do a risk assessment every time a police intervention occurs – that is, the first time we draw up a report, a case file –, but the next time that police has to intervene, we update our risk assessments. So, we don't start from scratch every time again, we try to make continuous risk assessments so that the information does not get lost in the process.

So, we put together all the information that the police and the public prosecutor have, and they do a triage of the cases into low, mid or high-risk situations. Unfortunately, we don't have the capacity to work on all cases. So, in the low-risk cases, a letter will be sent from the public prosecutor's office to both the perpetrator and the victim with a brochure stating that there is something going on and that police had to intervene. To inform them that that's not okay, you should try and get help about it and you can find the services that can offer you that help in the brochure. In the mid to high-risk cases, we inform the clients that their case has come to the Family Justice Centre, and at that stage, we will ask all our partners involved—so, also youth services, the municipalities, mental healthcare workers, all of our partners: do you know these people? What do you know about them? Is there an active trajectory in your organization with them? Do you have relevant information that you want to share with all the other partners? So, we share the need-to-know information about the people involved, not the 'it would be nice-to-know' information – it is very important that we stick to the need-to-know information.

Then we do an assessment—is the Family Justice Centre the best partner to offer those people help or not? If, for instance, a case comes to our centre in which a child was hit by one of their parents, of course, they should be offered help. They should be offered a trajectory, but if we are informed by our child protective services partners that they already know the people involved, that they already are working with the child, then it's sometimes best for us not to get involved. We let them know, of course, that we share information, but it's sometimes best not to offer an extra trajectory, because from our point of view, it wouldn't be that efficient. Above all, it is not victim-friendly to have them come to another centre to share their story once again. In the same situation, if they are not yet known by youth services, then, of course, the public prosecutor's office and the police will take the responsibility and make sure that the case goes to the mandated facilities.

Again, in the same situation, where the child got hit during a heated argument between the parents, there might already be a trajectory with youth services. Those professionals might tell us: 'Hmm, we want to keep our focus on the child, but yet there is something going on between the parents, perhaps it's good that someone talks with them about the dynamics between them as a couple, about the violence between them as a couple. And we would like to keep our focus on the child. Is it perhaps possible that you as a Family Justice Centre open up that discussion with the parents?' Then, we will hear the question, and normally, we will always say yes and start our own trajectory with the parents.

We started three years ago. And in three years, we have 4150 unique client systems, because we see that this type of multi-agency cooperation really has an impact, because we see that there's a risk assessment continuously done in all families that are known by police for domestic violence, that there is special attention given to the children in those families, that we share information that we all have a piece of the puzzle that we bring together, that there is a care offer. We had a short evaluation study done and we had a very positive outcome, stating that 50% of our clients are satisfied and 50% are very satisfied; also their partner organizations know more about each other, and they are more satisfied with the multi-agency cooperation. How can we train on multi-agency cooperation? In the course of one of our previous European projects, we had a book drawn up about child abuse and multi-agency cooperation and how you can implement it. It was available in 11 languages, among which, if I recall correctly, were also Greek and Italian.

**Audience question: Can you pinpoint or maybe refer to a certain phase of the entire process of the risk assessment that can be improved or changed in the nearby future?**

In our region, we have a lot of challenges coming our way. Actually, if you asked me a couple of months ago, I immediately would have said the legislative point of sharing information; but a new legislation was passed that made it possible for all professionals to share information on these cases. Now, I think the prevention and the sensibilisation of all professionals involved is very important on what impact domestic violence has on someone's life, especially the impact that it has on children and how much and in how many domains of their lives it affects them from youth until their old age.

***Identifying methods and gaps in risk assessment throughout the criminal procedure in Greece: a case study***

**Dr Stella Karapa**, Forensic expert witness, Psychologist-Child Psychologist (MSc, PhD),  
Addiction Treatment Counsellor, Greece

Thinking of a case to present at this workshop, I decided to select a recent case, which serves as a better description of what is going on right now in the system and is also one that has been completed. We have had a big movement in the last month in Greece and the whole country has been shocked by the revelations of victimization in different fields of social life and professional life, such as in sports, where it all started, in theatre, in other sectors as well. I also selected this case, because I wanted to stress that most of the time what we also see in abuse and children's victimization is that the perpetrators are people that they know and who have direct access to children.

I have selected my initials for the case study so as to avoid any similarities with real names and situations or any associations. The case will look into the different aspects relating to different steps of the procedure until we have a final court decision.

The case is about a girl, let's call her 'SK' who was 14 years old at the time and who was sexually abused by her coach. The incident took place in a sports summer camp. The coach waited for most of the girls to fall asleep and then he went to this girl's bed and proceeded to some illegal actions of sexual abuse. It was a really horrifying experience, all the more because this was a person of trust. During the incident, there were more children and adolescents involved because they were present – some of them were sleeping, some of them were not. And all this experience, as we understand, has victimized more than that one specific girl. The girls heard the specific girl that was victimized crying and then she told everyone that was in that specific summer house, what had happened. So, all of them – around 10 girls – decided to stay there, inside that house, without anyone searching for them.

The girls initially agreed that they should be silent and to not reveal to anyone what had happened. The youngest one, who was actually trained by her mother otherwise, thought that this was not a good idea and that someone else should be informed and she called her mother and talked to her about what had happened. And the interesting part was that that girl actually told her mother “do not call our coach when you come to the campus, you come straight to me.”

So, one of the mothers went there, and there was a revelation of what had happened. Initially, the coach admitted in front of everyone - in front of the girls, that is – that this was an unfortunate incident, that this was a misunderstanding and that this is going be something that everyone is going to remember and laugh about in the long run. At that point, that parent - the youngest girl's mother- contacted the rest of the parents and they

sent a signed consent form for that specific mother to take the children with her and away from that environment. Everyone, including the girl, the victim, was taken home.

This incident took place in August. There was a delay in reporting it because they did not know where to go and what to do. This is one of the first problems that the parents and the public encounters – that is, they are not aware of a specific number to call, apart from going to the police, which has a specific number, in order to get some instructions about what to do next. So, the parents visited a lawyer, if I remember correctly, in late September.

In October, I was contacted to have a first assessment of the adolescent. So, I used some specific protocols and some specific techniques for the clinical interview of an adolescent that has been victimized. According to these criteria, it was estimated that this was a positive case of sexual abuse and that we should charge and report it to the authorities. I was of course in cooperation with a lawyer, but, as you understand, all of these steps were actually based on private initiative and no public services or sectors at this point. So, together, we contacted the respective police department, and I was the one who had the first discussion with the police officers there, and we booked an appointment so that the girl would be interviewed by the police officers that were assigned the case.

The girl was accompanied by me and her parents to the headquarters of the police department of the city of Thessaloniki, where the basis of that specific department is or used to be – I don't know what is happening right now. And that department was a very friendly environment. But, as you understand, that friendly environment was on the third or fifth floor. So, before we reached that floor, the girl was searched by police officers, while there were people passing by that were transferred there as they were being arrested. So, you understand that it was evident to the girl that something big was going on there. Apart from that, when we reached the top, a few female officers interviewed

the girl without my or anyone else's presence. They were really friendly, and as I found out through our discussions, they were trained to deal with such case; but again, the training was due to their personal initiative, like other degrees and forms of education that they had selected to add to their CV. After that, the other girl witnesses were also called to testify and have the first interview. When the file was complete with all of the interviews conducted, it was sent to the judge so as to talk about the charges that were to be brought against the person prosecuted. This was actually the easiest part and the most organized of all.

It was when we left that gate and the services that help and support the family and the victim throughout the process, and we reached the court and the legal processes, that we actually met specific problems. Problems that we see in every, I would say, type of case in Greece. For instance, the court hearing was postponed twice. So, we had been awaiting trial for years, which is something that does not allow the child, the adolescent, the victim in general, to move on and to have closure with that specific, traumatic experience. We reached the court where the testimony of the girl was read. However, the final result was that the court was not persuaded about the guilt of the alleged perpetrator and he was found innocent on the lack of evidence.

Nowadays, adolescents use a lot the media and their mobile phones. So, it was inevitable that one of the girls would have recorded the discussion that had followed that specific incident on that night. And after many months of feeling really bad about doing that, as she knew that this was illegal, she decided to reveal that to the girl and to me as well. So, there was actually some material that provided certain proof of the coach's conduct, which was eventually not accepted by the court on the grounds that this material constituted a product that violates personal data. So, after all these, more or less, three and a half years that we had been working on that case – and I can say for sure that this is quite quick compared to what is going on in general in the legal system in Greece –, this

adolescent realised that, after having found the courage to do something, to talk, after having been interviewed by me and then by police officers, in the end nothing happened.

So, I believe that we have different gaps in the procedure. Different processes heavily rely on private initiation. This is why it would be very important to see how different approaches and more effective techniques could be implemented in the Greek context and, with reference to this specific case, what could have been done differently, and what should be suggested for the future. Looking at the practice of Finland and Belgium presented in this workshop, we see that the collaboration that we were talking about as the gap in Greece has been highlighted in both cases. And I think that it's really important, as in the case of Finland, that there is access also to the official documents and a really close collaboration among the authorities, especially among the first line carers of the system. We need to try to be optimistic and to see how we can adopt some practices to improve things in Greece. Also, we need to focus our attention on the long-term evaluation and assessment of different cases, so as to be sure that the cases and the children that come in contact with the system are being protected throughout their development. Finally, we need to see how to reduce bureaucracy and how to lessen the waiting time for children and adolescent victims.

### **Audience questions**

**1. In such cases, for a fair settlement of the case, a medical examination is necessary as soon as possible. How can a such medical examination be obtained quickly without re-victimization?**

In relation to that specific case or, in general, when a medical examination is needed, and how we can help? This is why I believe that it's really important to have a first line service that is really popular to the public so that people know that 'we should go there first'; and

there should be personnel and people that are trained so as to accompany the victim throughout that process, because in general, as you understand, this is not an easy procedure. It's never going to be easy. However, when you undergo the said procedure in the right time, because you know where to go, when you have the support of professionals that are there to hear your emotions, to go throughout the entire ordeal and give you strength, it is something that for sure is going to make that process better.

**2. To what extent can we take best practices from other countries and implement them in our national legislation and national systems? Because, of course, the legislation and all the procedures are different from country to country. Are we somehow limited in terms of how much we can get inspired? How can we avoid the possibility of failing to successfully implement those practices that we can identify because of different procedures, guidelines, steps, spaces, and so on?**

When we talk about the Greek example, what we, as Greeks and practitioners, really know is that the problem here is not a problem of legislation. We have a very good legislative system and the laws are nuanced. What I've seen from my experience, the real problems are the shattered system that we have, and the bureaucracy that we sometimes encounter. So, if we have a specific protocol and a central service; if we have direct connections with all the involved stakeholders and also taking advantage of the technology nowadays; I believe that this is going to make a difference. So, it is about reducing time, it is about making the procedures for children and adolescents faster, and work from the very beginning to the end with a cooperative network. This is a problem that we have in Greece. Apart from that, I believe that we can find the right people in the right places to implement best practices from other States.

# Individual assessment of child victims of crime: E-PROTECT Methodology

**Ruxandra Popescu**, Romanian Centre for European Policies (CRPE)

The Individual Assessment Methodology (IAM) was developed in the context of the E-PROTECT project and aimed to enhance the protection of children who were victims of crime, taking as a reference the EU directive and its transposition to legislation and practice, of course, in selected EU member states—namely, Austria, Bulgaria, Greece, Italy and Romania.<sup>14</sup>

When it comes to the EU directive 29/2012, the directive sets forth a number of steps that should be taken in national legal frameworks and practices in order to protect the rights of victims of crime. Specifically, it provides for an individual assessment of all victims of crime to identify their specific protection needs. For children, in this regard, the directive presumes that such protection needs to exist due to their particular vulnerability, of course. So, the directive provides a number of operational elements to be considered in order to determine the protection measures that should be taken into consideration and emphasize that the victim should be directly involved in the process.

However, if you are looking at a national context, we see that the individual assessment which should be carried out, in practice falls under the competency of member states and can ultimately depend on the way professionals interact with victims. So, the present methodology aims to provide guidance for professionals that are involved in the individual assessment of child victims' needs. The methodology specifically tends to describe all the provisions and principles that are enshrined in key international European legal texts,

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<sup>14</sup> The methodology can be found in 5 different languages (EN, BG, EL, IT, RO, DE) on the E-PROTECT project's website, at <http://childprotect.eu/#/en/resources>.

which must be used as a reference in the protection of child victims of crime in order to review the different elements to be taken into account when undertaking an individual assessment of a child's needs; to highlight promising practices which may be used for information that can be replicated across member states; and to provide guidance and identify further sources for information and training that can be accessible to all relevant professionals.

To provide you a little bit of context, the methodology was one of the main deliverables of the E-PROTECT project. It was developed in the context of implementing the first phase of our cooperation as a consortium, and it aims to enhance the protection of children who are victims of crime taking as reference the EU directive and its transposition into legislation. This methodology particularly took into account the different analyses that were carried out during the implementation of the project. It was primarily developed from an extensive consultative process that was done with relevant professionals from the five member states involved in the implementation of the first project. So, in each country, we had various seminars – with approximately 15 to 25 professionals taking part in each one of them –, which enabled us to draft the first form of the methodology and to collect views on the daily experiences and practices in assessing the needs of child victims that are involved in criminal proceedings, but also to identify promising practices and pinpoint existing gaps.

Just to go through each chapter, the methodology primarily follows the chronological order of the steps that should be taken to ensure a quality individual assessment of the protection and support the needs of child victims, in line with the child rights approach, rights-based approach, respectful to child dignity, aiming to avoid secondary victimization, and including children as full actors in this process.

Chapter one refers to child sensitive justice. This chapter gives an overview of relevant international standards and provides conceptual clarity of the child rights-based approach and its key elements. The objectives of this chapter are to explain what the key international European legal texts are that are protecting child victims of crime, to demonstrate how the principle, the rights, the standards, provided in the legal texts should be translated into quality standards for professionals. And we also have one important objective of highlighting the key principles that are enshrined in strategic documents, such as the European directive of victims of crime, and also the Convention on the Rights of the Child.

Chapter two refers to the multidisciplinary and inter-agency cooperation in individual assessment. This chapter tackles multidisciplinary and multi-agency cooperation which needs to be put in place right from the beginning of the assessment process—so explaining its relevance and also suggesting ways to establish and promote such a cooperation. Here, we have three important objectives. These would be to propose avenues and concrete approaches to overcome these challenges and make cooperation more effective, to understand and build on the role of the third person.

The third chapter is named procedural safeguards of individual needs assessment and concentrates on the procedural safeguards to be put into place prior to and during the individual assessment. One of the key objectives would be to review the procedural safeguards that need to be put in place for the individual assessment in order to prevent secondary victimization, and the second objective would be to examine how the safeguards need to be applied with an approach that is respectful of child victims and their rights as children, of course. This chapter focuses on the first set of considerations and the safeguards that are required when the individual assessment is conducted. Of course, while each case is unique, we have a number of safeguards that are particularly important

for all child victims, bearing in mind their stage of development and the fact that they need support in exercising their rights.

The fourth chapter discusses the determination of the best interests of the child. This chapter examines how to conduct the individual assessment. We focus on relevant approaches to interacting and communicating with child victims. We have several key objectives here: to describe the importance of hearing the child's view and taking them into account; to provide guidance on how to enable the child to participate in the individual needs assessment process; to discuss principles of child-friendly communication; to present elements to be considered by certain professionals, elements that should determine the possible short- and long-term effects on children who have been a victim of crime.

The last chapter of our methodology focuses on the training needs of professionals and officials. This chapter focuses on considering the multiple training needs of professionals that are involved in the process. So, it is a really important one and tackles several objectives, such as explaining the importance of training of officials and professionals working with and for children, demonstrating what training entails and describing practical options for ensuring the ongoing training, initial training, continuing education and collaboration with civil society.

There are possibilities of finding out more about each chapter of this methodology. An important activity of our project is to organize virtual events, events that were meant to be about a specific chapter of the methodology. So far, we've organized three virtual events that focus on the first three chapters of the methodology. We are in the process of organizing two more, chapter four and chapter five. I'm sure that you will find out more about the opportunity to enrol and to, of course, attend the event if you follow our social

media accounts. There you can find updated information about the specific dates and specific modalities of registration.

Child protection is not a new key point on the global legal agenda. Multiple legal instruments under the European or international framework focus on the advocacy of the rights of the child and the promotion of its best interest as a founding value in human rights law. Through this lens, a European Directive on the protection of the rights of victims of crime could not be envisaged as a complete legal document, unless explicitly regulating the status and protection of child victims. Thus, Directive 2012/29/EU (Victims Directive) specifically stipulates the legal standards for the treatment of child victims of crime during criminal proceedings.

Funded by the European Union, the E-PROTECT project endorses the idea of child vulnerability and aims at enhancing the advocacy of child rights, at raising general awareness on child victimization and at inspiring the creation of a network connecting the main actors of child protection. Towards this direction, 5 organizations from 5 EU Member States – Bulgaria, Austria, Greece, Italy and Romania – who are taking part in this project, share the same goal: to promote child protection in their countries and to provide an insight to the national practices regarding child victims participation in the criminal procedure.

The current report looks at the individual assessment of child victims during criminal proceedings described in Article 22 of the Victims Directive. In the unique case of Greece, the notion of child victimization gains more prominence in light of the recent political, economic and social developments. Both the financial and refugee crises had a tremendous effect on the rights of children in the country; as the country's debt reached unprecedented levels, child poverty climbed up to 55.1 % in 2014 (UNICEF Greece, 2017). At the same time, the country's position as the "threshold" of Europe to the Middle East

has led to a continuous and immense inflow of immigrants seeking asylum in the European Union, among them a significant number of unaccompanied minors, who are residing in the country under adverse conditions, thus rendering the risk of child victimization more and more imminent (UNHCR, 2015; FXB, 2017).

Hence, the introduction of a new practice for the identification of the individual needs of child victims of crime and the implementation of tailored measures for each case, in accordance with the Victims Directive, is rather an urgent action and a welcome amendment in the national legislation. This is slightly ironic, considering that the transposition of the Victims Directive in the country did not occur until June 2017, less than six months before the creation of this report. Thus, the current discussion tackles the specifics of the individual assessments conducted in cases of child victims of crime in the Greek territory, not under the light of the Directive, but mainly within the framework of the pre-existing legal situation in the State.

First, an overview of the statistical data regarding child victims of crime in Greece, as well as the main institutions commissioned with the protection of child victims will be provided. The following chapter focuses further on the organizations and authorities responsible for the individual assessments during criminal proceedings in the country. Once this necessary background is established, the reader will have the opportunity to gain an insight into the IAM adopted and implemented in Greece and the difficulties arising, along with the practical and legal implications of such assessments, as reflected in the criminal case and everyday life of the minor. A holistic view on this part was achieved through individual interviews, 12 in total, carried out with the most important stakeholders involved in this procedure in the country. Final remarks of the report pay special attention to the fundamental proposed amendments, with the purpose of ameliorating the protection of child victims of crime in Greece.



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