

# Protecting the rights of child victims in Europe

## A holistic approach



**CFJ-EN**

Child Friendly Justice  
European Network

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# Acronyms

<b>AADH</b>	Alliance of Lawyers for Human Rights (France)
<b>CFJ-EN</b>	Child Friendly Justice European Network
<b>CoE</b>	Council of Europe
<b>DCI</b>	Defence for Children International
<b>EFRJ</b>	European Forum for Restorative Justice
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>PRI</b>	Penal Reform International
<b>SAPI</b>	Institute for Social Activities and Practices (Bulgaria)
<b>Tdh</b>	Terre des hommes Foundation
<b>UNCRC</b>	United Nations Committee on the Rights of the Child
<b>VAC</b>	Violence against Children
<b>VSE</b>	Victim Support Europe

# Acknowledgements

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# 1. Why is this paper relevant?

## 1.1. To provide insights on challenges faced by child victims

The first objective of this position paper is to shed a light and provide insights on the main challenges that children face who are victims and need to access justice. By focusing on an interdisciplinary approach and the broader context of access to justice for child victims, the position paper aims to provide a comprehensive understanding of the challenges child victims face and to offer valuable insights for policymakers, legal practitioners, and stakeholders involved in child protection initiatives across the European Union.

The position paper seeks to adopt an interdisciplinary approach, encompassing insights from various fields. It conducts a broader and more in-depth examination of the current state of access to justice for some groups of child victims in several EU Member States, identifying gaps and suggesting promising practices. The position paper not only proposes enhancements to the existing legal framework but also highlights opportunities.

The core of the position paper provides an overview of some groups of children who are victims in different circumstances and will offer examples and explanations of what these challenges and barriers can consist of. To name a few, children in cross-border situations face significant obstacles to enjoy their rights. Information communicated to children with disabilities is not always available in a format suitable for them (e.g. braille, easy to read format). Children from the Roma community face significant challenges in accessing child-friendly justice, starting from relevant and easy to understand information. Undocumented migrant children are less likely to report crime for fear of being returned. Child victims of trafficking and children in institutional settings are often more vulnerable to different forms of violence and experience very specific needs of support and assistance.<sup>1</sup>

First and foremost, children involved in legal proceedings should feel comfortable and safe to participate effectively in legal proceedings that concern them, especially since decisions can have a considerable impact on their lives. In 2020, over 40 children and young people with experience with the justice system were consulted by members of the CFJ-EN to inform the 2021-2024 European Union Strategy on the Rights of the Child.<sup>2</sup> When asked about the most important challenges that they experienced in the justice system, children and young people identified a recurrent theme: the lack of understandable legal information provided to them.

Child victims face a broader issue beyond the lack of accessible and child-friendly information, which is an often-fragmented intervention. To truly enjoy their rights, victims – especially children – require instead a holistic, coordinated approach. This approach needs to integrate support, communication mechanisms, and protection both within and outside justice proceedings. For instance, it needs to include practitioners who engage with children and adapt information and communication to their age and maturity level; support services that assist before, during and after the proceeding and that provide children with the necessary information; legal professionals trained on children's rights and child participation; judges that can guarantee the respect of the rights of the child prior to a testimony.

Existing rights aimed at protecting child victims against these major problems are either not well targeted or are not implemented in practice. The current position paper holds significant relevance as it endeavours to reshape the experiences of child victims, ensuring that their needs are met in a child-sensitive manner and that they effectively can access their rights. Importantly, it acknowledges a critical issue: the current treatment of child victims in practice is problematic, and this position paper aims to drive transformative change in this regard.

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<sup>1</sup> Commission staff working document Evaluation of 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, and replacing Council Framework Decision 2001/220/JHA, SWD/2022/0179 final. Available at: [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179).

<sup>2</sup> See JUST with children: Policy Brief, Terre des hommes, 2020. Available at: [just-with-children-policy-brief-ec-strategy-child-rights.pdf](https://www.just-with-children.eu/policy-brief-ec-strategy-child-rights.pdf)



## 1.2. To demand a more ambitious revision of the Victims' Rights Directive

The second core objective of this position paper is to highlight how the existing legal framework, in particular the revision of the 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 (the Victim's Rights Directive or The Directive)<sup>3</sup> on this matter needs to be more ambitious and to expand, in order to protect fully child victims and to ensure they enjoy the rights they are entitled to.

While the Directive contains specific provisions referring explicitly to child victims (Article 10 on the right to be heard; Article 21 on the right to privacy; Article 22 on needs assessments; Article 24 on the right to protection during criminal proceedings; and Article 26 on coordination of services), it also sets out broad provisions on the right to access information, namely: the right to understand and to be understood (Article 3), the right to be informed about victims' rights (Article 4), the right to be informed when making a complaint, and about the case (Articles 5 and 6), and the right to interpretation and translation (Article 7).

However, these rights are not consistently enjoyed by child victims across Europe, and this position paper aims to show what challenges children face in accessing their rights.

In June 2022, the European Commission published its evaluation of the Directive<sup>4</sup>, further stressing the need for a targeted revision of the Directive itself to ensure that victims fully enjoy their rights.<sup>5</sup> The evaluation highlighted that minimum standards have evolved in the past 10 years, especially around child-friendly and victim-centred justice. However, the European Commission identified the following shortcomings in relation to child victims' access to information and the protection of victims' individual needs:

**a. Provisions are not tailored to children:** Vague provisions have been identified on the right to information, the right to access support services, and the right to protection. On the right to information, the definition of 'simple and accessible' information was found to be a stumbling block for many Member States. Notably, the provisions on victims' information rights are not tailored to children, who have different needs than adults.

**b. Information is not always accessible:** According to EU officials consulted during the evaluation of the Directive, information is not always made available to victims during their first contact with authorities, nor is it provided at the different stages of criminal proceedings. Significant obstacles prevent victims in cross-border situations and groups of particularly vulnerable victims from enjoying their rights, such as the lack of access to information in their own language. Undocumented migrants underreport crimes for fear of being returned if they seek help or report their mistreatment. Moreover, the evaluation found that information is not always available in a format suitable for victims with disabilities, such as sign language or Braille. Neither is information presented appropriately for children, who need information that is accessible depending on their age and level of development. This finding echoes UNICEF's observation that information provided to child victims in criminal proceedings is too generic and inaccessible.<sup>6</sup>

**c. Unclear child sensitive provisions:** Most stakeholders consulted consider that the provisions are not clear or not specific enough to ensure a child-sensitive approach. Overall, the Directive provides guidance but lacks clear recommendations for implementation. Further, the evaluation found that some child victims – namely, child victims of human trafficking, child victims with disabilities, child victims of gender-based violence – seem less likely to receive child-sensitive justice in certain Member States.<sup>7</sup>

<sup>3</sup> 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, and replacing Council Framework Decision 2001/220/JHA. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

<sup>4</sup> Commission Staff Working Document evaluation of 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, and replacing Council Framework Decision 2001/220/JHA, SWD/2022/0179 final. Available at: [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179).

<sup>5</sup> See Victims' rights in the EU. Available at: [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu\\_en#revision-of-the-victims-rights-directive](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en#revision-of-the-victims-rights-directive)

<sup>6</sup> See UNICEF Report, 2020. Available at: <https://www.unicef.org/eca/media/14536/file>: "The right of child victims and witnesses to information about the proceedings they are involved in remains inadequately secured. This right concerns the proceedings themselves, but also their outcome. Rather than relying on individual initiatives, it is important to (a) develop protocols that define who is responsible for keeping the child informed during each step of the process and (b) issue user friendly material for children and their parents or legal guardians."

<sup>7</sup> The proposed revision of the Directive (article 9.a) contains this child-sensitive provision but there are still possibilities for improvement. For instance, in the Model Provisions Paper (MPP), VSE proposed including access to free legal aid for children during legal proceedings.

**d. Victims are not aware of support services:** Victim support organisations reported that victims are not always aware of the availability of support services.

**e. Insufficient training of competent authorities** who come into first contact with the victims, in particular on soft skills such as communication skills, empathy and how to avoid unconscious bias.

**f. Lack of comprehensive monitoring and evaluation mechanisms:** The European Commission's evaluation highlighted a deficiency in this regard, with minimal attention given to monitoring, evaluation, and research in the current Directive. At the same time, the Council of Europe's Guidelines on Child-Friendly Justice (hereafter: The CoE Guidelines)<sup>8</sup> emphasise how important it is that member states conduct regular evaluations of their implementation status and allocate resources to civil society organisations for data collection.

**g. Absence of a child-friendly environment** as outlined in General Comment 12 of the Committee on the Rights of the Child<sup>9</sup> and in the CoE Guidelines. Article 23 of the Directive, which focuses on interviews and interactions with victims, fails to adequately address a holistic approach that considers the psychological and emotional well-being of child victims throughout the justice process.

In July 2023, the European Commission issued its *Proposal for a Revised Directive*.<sup>10</sup> This position paper acknowledges the urgent need for a comprehensive reassessment of the legal framework surrounding child victims across the European Union and advocates for a stronger stand towards the protection of child victims through the proposal of the revision of the 2012 Directive on Victim's Rights.<sup>11</sup> By embracing interdisciplinarity, respecting the right to information, standardising interdisciplinary assessments, promoting trauma-informed practices, and ensuring GDPR compliance, the revised Directive can be a marker of progress in safeguarding the rights and well-being of child victims of crimes. Furthermore, providing clear, accessible and reliable mechanisms to access justice and redress violations will ensure a comprehensive legal framework that upholds the principles of justice and children's rights.<sup>12</sup>

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<sup>8</sup> Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies), CM/Del/Dec(2010)1098/10.2abc-app6.

Available at: <https://rm.coe.int/16804b2cf3>

<sup>9</sup> General comment No. 12 (2009): The right of the child to be heard, Committee on the Rights of the Child (CRC/C/GC/12).

Available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F12&Lang=en)

<sup>10</sup> Proposal for a Revised Directive, European Commission, 2023.

Available at: [https://commission.europa.eu/document/download/42e8087e-96ea-4e7a-aa4c-981a9ced6b6f\\_en](https://commission.europa.eu/document/download/42e8087e-96ea-4e7a-aa4c-981a9ced6b6f_en)

<sup>11</sup> See Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0424>

<sup>12</sup> This analysis results from the participation of the CFJ-EN to an EU NGO roundtable organised by Victim Support Europe (VSE) on 2 August 2023, feedback provided to the European Commission on their proposal of revision, as well as the inputs from CFJ-EN members working directly with child victims in different EU Member States consulted on 15 December 2023.

## 2. Child victims in Europe: Core challenges and needs in their access to justice

The present section outlines various challenges and barriers faced by child victims when attempting to access their rights. While it echoes shortcomings identified by the European Commission in relation to victims' access to information and the protection of victims' individual needs, it is based on information collected from CFJ-EN members on the situation of specific groups of child victims in their respective countries. This position paper does not claim to be exhaustive on the situations in which children are victims of human rights violations, neither on the representation of different groups of children in European countries. Key data are provided to clarify the context and to highlight the scope of the observations. The focus on a few situations where children can become victims and on specific EU member states is therefore the result of a synthesis of available information and data received from CFJ-EN members.

While all child victims face significant challenges in accessing justice, certain groups of children are particularly vulnerable to violence and abuse.

### 2.1. Core challenges for child victims in accessing justice

Child victims in Europe face the following key barriers and challenges:

- Violence against children and underreporting of (sexual) violence and abuse
- Lack of accessible information
- Parents and guardians lack access to necessary information
- Lack of support services or services that are insufficiently resourced
- Insufficient training of professionals, particularly those at initial points of contact

#### 2.1.1. Violence against children and underreporting of (sexual) violence and abuse



Violence against children (VAC) is an endemic issue worldwide, leaving children vulnerable to various forms of harm, including physical violence, abuse, and even death. This vulnerability spans across countries and settings such as family, school, care, migration, online environments, peer groups, and criminal justice systems. According to the UN Special Representative on Violence against Children in her 2023 Annual Report:

“Children’s vulnerability to violence has continued to be exacerbated worldwide by multiple and overlapping crises. With risks being magnified and responses failing to meet the scale of the challenge, the world is not on track to keep the promise made under the 2030 Agenda to end all forms of violence against children. The impact of violence is devastating, immediate, and lifelong. It impairs children’s brain development, their physical and mental health, and their ability to learn. In addition to the human cost, the economic costs are staggering.”

The data on VAC is alarming, often reflecting conservative estimates due to significant gaps in consistent and comprehensive data collection systems. It is estimated that up to 1 billion children worldwide – over half of all children aged 2-17 years – have experienced emotional, physical, or sexual violence in the past year.<sup>13</sup> The severe and lasting impact of VAC on children’s health and well-being includes impaired brain development, mental health issues, increased health-risk behaviours, heightened likelihood of certain diseases, and overall diminished social functioning. These impacts also result in substantial economic costs, both direct and indirect, which greatly hinder the potential of individuals and societies.<sup>14</sup>

<sup>13</sup> Violence against Children, WHO, 2022. Available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>; Office of the Special Representative of the Secretary-General on Violence against children, Keeping the Promise: Ending Violence Against Children by 2030. Available at: [https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/keeping\\_the\\_promise.pdf](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/keeping_the_promise.pdf); WHO, INSPIRE: Seven strategies for Ending Violence Against Children, 2016 (see fn. 13).

<sup>14</sup> *Ibid.*

In **Bulgaria**, a national study by UNICEF<sup>15</sup> found that 47% of children have experienced some form of violence by age 18.<sup>16</sup> In 2022, the National Statistical Institute reported 446 children aged 8-13 and 718 (420 boys and 298 girls) children aged 14-17 were victims of violence.<sup>17</sup>

In **Italy**, the prevalence of violence against girls and young women has increased, particularly in sexual violence. In 2022, they accounted for 89% of sexual violence victims, compared to 87% in 2021 and 85% in 2012. Child sexual exploitation victims who are girls rose to 65% in 2022, from 60% in 2012.<sup>18</sup> According to data from the Criminal Analysis Service, girls and women make up over 82% of family ill-treatment victims and over 92% of sexual violence victims.<sup>19</sup>

In **Portugal**, crimes against children continue to rise and are monitored by the Children and Young People Protection Commissions (CPCJ),<sup>20</sup> with 49,564 cases of potential danger involving children and young people reported in 2022, an increase of 6,489 from the previous year. Most cases involve neglect (30.5%), with a greater incidence among children and young boys aged 0-10, and domestic violence (27.4%). Psychological and sexual abuse incidences are higher among girls (76%).

In **Greece**, DCI Greece, quoting police data, reported that in 2019 and 2020, of the 1,214 child victims, 49.4% experienced physical violence, 29.5% sexual violence, 18% domestic violence, and 36 abduction-related offenses. Most victims (62%) were under 14 years old.

In **France**, despite there being such a high number of child victims of violence, abuse is underreported. For example, while approximately 160,000 children are victims of sexual violence each year, according to the 2023 report from the Independent Commission created to investigate cases of sexual violence against children in France (CIIVISE),<sup>21</sup> a survey conducted by the Virage collective<sup>22</sup> reveals that 82.3% of women and 89.1% of men who have experienced sexual violence during their childhood, whether within their family or outside, have not taken steps to report these acts. In addition, there are significant concerns regarding the reporting by healthcare professionals and other individuals of cases of sexual violence against child victims. While doctors are legally obliged to report instances of sexual violence against child victims while maintaining professional secrecy, the legal provision<sup>23</sup> includes exceptions, leading to ambiguity and potential disciplinary repercussions for practitioners who report such cases. Moreover, there have even been instances where organisations conducting awareness workshops on sexual violence in schools have had their accreditation revoked after reporting instances of abuse. This paradoxical situation creates a barrier for medical staff and NGO staff in fulfilling their obligation to safeguard children from sexual abuse, effectively report cases of sexual violence and ensure the safety of vulnerable children without fear of reprisal.

In the **European Union**, violence against children remains a significant challenge both inside and outside the EU. 13% to 29% of 15-year-old students<sup>24</sup> report being frequently bullied. Up to 13.7% of adult women<sup>25</sup> reported to have experienced sexual violence in childhood, and this share might even be higher<sup>26</sup>.

Furthermore, the extent of unreported violence and crimes is particularly concerning for certain groups of children. For instance, among LGBTI+ children, despite the limited data available in Europe, the 2019 FRA survey found that victims aged 15-17 reported only 4% of harassment incidents to the police. Among all respondents to the FRA survey, including those aged 15 to 17, several common reasons emerged for not reporting incidents. These included beliefs that the police would not or could not do anything, a lack of trust in the police, or fear of a homophobic and/or transphobic reaction if they reported. Around 25% cited fear of a homophobic or transphobic response as the reason for not reporting a physical or sexual attack. This figure rose to 32% among trans respondents across the EU, with significant variations between countries.<sup>27</sup>

<sup>15</sup> See Study of violence against children in Bulgaria | UNICEF.

Available at: <https://www.unicef.org/bulgaria/en/documents/study-violence-against-children-bulgaria>

<sup>16</sup> Emotional violence is the most common (45.9%), followed by physical violence (31.2%), sexual abuse (15.6%) and neglect (10.5%). Violence is most common among children at school (38.3%), followed by that in the community (37.6%) and at home (30.9%).

<sup>17</sup> Table with full data can be found here in EN: Minor and juvenile persons, victims of crimes by sex, age, kinds of crimes and by statistical zones, statistical regions and districts | National statistical institute ([nsi.bg](https://nsi.bg)).

<sup>18</sup> Criminal Analysis Service and Dossier InDifesa, 2023.

<sup>19</sup> *Ibid.*

<sup>20</sup> National Commission for the Promotion of Rights and Protection of Children and Youth. Available at: <https://www.cnpdpcj.gov.pt/about-us>.

<sup>21</sup> Commission indépendante sur l'inceste et les violences sexuelles faites aux enfants (CIIVISE) : " Violence faites aux enfants " On vous croit " Rapport, 2023. Available at: <https://www.ciivise.fr/wp-content/uploads/2023/11/VERSION-DEF-SUR-LE-SITE-1611.pdf>.

<sup>22</sup> Enquête Virage et premiers résultats sur les violences sexuelles, Alice Debauche, Amandine Lebugle, Elizabeth Brown, et al., Collection : Documents de travail, n° 229, 2017, 67 pages. Available at : [https://virage.site.ined.fr/fichier/s\\_rubrique/20838/doc.travail\\_2017\\_229\\_violences\\_sexuelles\\_enquete\\_virage\\_1.fr.fr.pdf](https://virage.site.ined.fr/fichier/s_rubrique/20838/doc.travail_2017_229_violences_sexuelles_enquete_virage_1.fr.fr.pdf)

<sup>23</sup> See Article R4127-44 of the Health Code in France.

<sup>24</sup> See The twin challenge of equity and excellence in basic skills in the EU - An EU comparative analysis of the PISA 2022 results. Available at: <https://op.europa.eu/en/publication-detail/-/publication/d9d9adad-c71b-11ee-95d9-01aa75ed71a1/language-en/format-PDF/source-307972291>

<sup>25</sup> *Ibid.*

<sup>26</sup> See Press Release, European Commission, April 2024. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_2243](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_2243)

<sup>27</sup> Child-Friendly Justice European Network, Towards LGBTI+ sensitive justice systems for children in Europe: Challenge paper, 2022, p.19. Available at: <https://www.publications.cfnetwork.eu/medias/748/towards-lgbt-sensitive-justice-systems-for-children-in-europe-challenge-paper-compressed.pdf>; European Union Agency for Fundamental Rights., A Long Way to Go for LGBTI Equality. (LU: Publications Office, 2020), 53, <https://data.europa.eu/doi/10.2811/582502>.

### 2.1.2. Information services for children are inexistent and/or inaccessible



Overall, for child victims, access to information, and thus access to justice, is not uniformly effective and safe across the European Union. Recent consultations across Europe highlight that children do not know where to find information, or that the way information is communicated to them is neither accessible, nor understandable. Often children report that they are not appropriately informed about the risks, the length of the process, and where to find support.<sup>28</sup> Due to this lack of accessible information, a lot of cases remain unreported, and children struggle to effectively participate in proceedings that concern them.

The general lack of accessible information about children’s rights that was already mentioned in the first section of this position paper, creates a “linguistic” barrier between children and authorities, leading to a lack of trust in key actors responsible for their protection.

In the context of accessibility of information, it is crucial to define what is meant by “accessible” as information can be accessible in various ways. Additionally, it is essential to acknowledge that communication barriers arise due to factors such as victimisation (cognitive impairment), age, maturity, language skills (including foreign children and refugees) and disability.<sup>29</sup> To address this diversity of challenges, establishing a communication foundation for all child victims, complemented by specialised approaches for children in specific situations, would be the most efficient and effective strategy.

In **Croatia**, the need to provide available help and support to victims of domestic violence is clearly highlighted by the data collected by the Hrabri Telefon helplines. Out of a total of 4,351 inquiries received from children during 2022, 20% related to domestic violence; that is, 870 calls and e-inquiries came from victims of domestic violence who were looking for information, help and support. Hrabri Telefon is most often contacted by children and adults (most often mothers) who have experienced or witnessed a criminal act and are looking for information about victims’ rights to be able to report it.



*Children are not told where to go to when they have a problem, whom to talk to, who will believe them. I had a situation when I was offended and I did not know who to address, what to do, who to talk to. I thought I would not be listened to and taken into consideration.*



**17- year-old from Romania**

consulted for the EU Strategy on the Rights of the Child 2021-2024



*No-one prepared me for the session. I entered the court room confused and insecure. I did not know anything.*



**15-year-old from The Netherlands**

<sup>28</sup> See JUST with children: Policy Brief, Terre des hommes, 2020. Available at: [just-with-children-policy-brief-ec-strategy-child-rights.pdf](https://www.just-with-children.eu/publications/just-with-children-policy-brief-ec-strategy-child-rights.pdf)

<sup>29</sup> See Victim Support Europe “Effective communication paper”, which outlines fundamental principles for ensuring information accessibility: Victim Support Europe, Transforming how we communicate with victims, December 2022. Available at: <https://victim-support.eu/publications/transforming-how-we-communicate-with-victims/>

In **Belgium**, over the past 5 years, DCI Belgium investigated the quality and relevance of information available to children in Belgium. DCI Belgium has found that information is fragmented across a variety of services and helplines, each designed to only address a specific topic or vulnerable group. The main government-supported child helpline (“Écoute Enfants”, le “103”) in French-speaking Belgium reported that seven out of ten children and adolescents were not even aware of the existence of a child helpline or its services.<sup>30</sup>

In **France**, according to data collected by AADH, information provided to child victims of violence about their rights, about how to access justice, about available support services for children and report abuse is fragmented, insufficient, and too little is known to children, families, and communities. In addition, children lack trust towards the system and there are not enough specialised professionals responsible for the protection of children.

In **Germany**, data is lacking regarding the implementation of child-friendly justice and the realisation of children as victim and/or witnesses. There is a lack of data regarding the implementation of criteria for child-friendly justice. Particularly important is the insufficient availability and distribution of specific information material for children. There is a clear need for action, particularly regarding responsibilities, structural arrangements, and minimum standards.

### 2.1.3. Lack of information of guardians and parents



Parents or guardians of child victims often lack information about the entire judicial process, further hindering the child's access to justice. Instead of being adequately informed by police or court officials, they often need to seek information independently from external organisations. This highlights the need for improved communication and transparency within the justice system to ensure that parents/guardians receive the necessary information without having to navigate complex processes on their own.

To this end, there is a need to establish a coordinated communication and support framework for parents/guardians seeking assistance. This framework should emphasise the importance of organised systems, specialised professionals, and pre-existing relationships. Justice agencies should provide information in multiple formats, connect parents/guardians to external resources, and ensure effective coordination.<sup>31</sup>

The role of parents and guardians in promoting child participation cannot be overstated. They play a crucial role in creating a safe environment where children feel empowered to express their views and opinions. However, there are challenges to overcome, as professionals may perceive facilitating child participation as burdensome, and parents themselves may sometimes be overprotective and inadvertently inhibit their child's participation.

### 2.1.4. Support services are non-existent or insufficiently resourced



Comprehensive and multidisciplinary support services for child victims are essential to make sure that the rights and needs of child victims are protected within the legal proceedings. In Europe, despite several promising practices, there are still not enough support services for children. In some cases, if the service exists, it is insufficiently resourced.

In **Greece** for example, Child Victim Support Houses have been designated to support child victims of sexual violence. However, they are not yet fully operational, leaving child victims without access to essential information, services, and assistance. The few Child Victims Support Houses that have been set up are also severely understaffed.

In **Austria**, where there is a well-developed system of victim support during criminal proceedings, which includes both legal and psychosocial assistance, with particular attention to child victims, recent incidents of child abuse in nurseries and schools have underscored the inadequacy of existing child protection measures. In September 2023, in an attempt to respond to this situation, the government announced compulsory child safeguarding standards for schools and an increased budget for psychosocial aftercare of child victims. It also launched a publicity campaign focused on child protection.<sup>32</sup> However, there is no underlying rights-based strategy behind these measures, that would ensure improved structured cross-sectoral coordination (between nurseries, schools, sports clubs, the health sector, institutions, online/offline services, between federal and regional stakeholders) and monitoring.

<sup>30</sup> Ecoute-enfants : le numéro “103” en quête de visibilité, RTBF, 2022.

Available at: <https://www.rtbf.be/article/ecoute-enfants-le-numero-103-en-quete-de-visibilite-11076758>

<sup>31</sup> For more information, see: VSE, National Framework for Comprehensive Victim Support, 2022.

Available at: [https://victim-support.eu/wp-content/files\\_mf/1668091265NationalFrameworkforComprehensiveVictimSupport\\_compressed.pdf](https://victim-support.eu/wp-content/files_mf/1668091265NationalFrameworkforComprehensiveVictimSupport_compressed.pdf)

<sup>32</sup> Regierung beschloss Kinderschutzpaket, Der Standard, 2023.

Available at: <https://www.derstandard.at/story/3000000187760/regierung-beschloss-kinderschutzpaket>

### 2.1.5. Insufficient training of professionals, particularly those at initial points of contact



Professionals – the police and other points of first contact for child victims in particular – generally lack training in child victims’ rights and needs, and on soft skills (for example on communication and empathy). Investing in the specialisation of professionals and bolstering children’s - and the general public’s - trust in the justice system and institutions, would help to reduce children’s anxiety and fear of the unknown, empower them to actively participate and express their opinions, and reduce the extent of unreported violations.

From the professionals’ side, lawyers also emphasise the urgent need for further training on how to deal with child victims. One in three lawyers reported feeling unable to interact effectively with children, and reported a lack of appropriate procedures for children, and insufficient time to handle cases involving children efficiently.<sup>33</sup>

In **Bulgaria**, when the first contact point is the police, the interaction can be re-traumatising for child victims. Police professionals are often not sufficiently trained to understand the traumatic experience of a child victim of a crime, and children are not offered the possibility to ask questions and receive information on how they will be protected from the defendants. In particular, children from the Roma community often report being subject to humiliating and abusive practices from police officers.<sup>34</sup>

In **France**, a similar gap has been observed, where police stations often seem to refuse to register complaints on the basis of the psychological distress and limited intellectual capacity of young victims. For example, the ACPE association (partner of AADH) reported multiple stories of cases of rape or of kidnapping dismissed because the complaint supposedly lacked clarity. Doubts about the credibility of victims’ accounts constitute a serious obstacle preventing children from enjoying their rights and child victims from finding a safe space when taking the first step in reporting a crime. Overall, there is a need for more specialised training of police officers on child victims’ rights and how to protect them and prevent re-traumatisation during legal procedures. Furthermore, it is advisable that children seeking to file a complaint receive support from child protection services.



#### PROMISING PRACTICE – France

So-called **Melanie Rooms** have been installed in some police stations and gendarmerie offices. The aim of these child-friendly rooms is to provide child victims of sexual violence with a safe and supportive environment for giving their testimonies. By creating child-friendly environments and equipping trained professionals to conduct interviews sensitively and effectively, Melanie Rooms play a vital role in promoting the well-being and recovery of child victims, while also facilitating the pursuit of justice for these vulnerable individuals.

Consultations with children conducted by FRA showed that child-friendly environments on their own are not sufficient and should go hand-in-hand with trauma-informed and trained professionals. Adapting the environment of legal proceedings and police stations is crucial to decrease children’s stress and the risk of secondary victimisation.<sup>35</sup>

<sup>33</sup> Data from CLEAR-Rights project an EU funded project in order to strengthening legal aid for children in Europe (January 2021-december 2022).

<sup>34</sup> Report from Participatory Action Research; Project ACCESS TO JUSTICE, Norwegian Financial Mechanism 2014-2021.

<sup>35</sup> See FRA report, Child-friendly justice – perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States (europa.eu), 2017. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-child-friendly-justice-children-s-perspective\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-child-friendly-justice-children-s-perspective_en.pdf)

## 2.2. Needs and vulnerabilities of specific groups of children

The following groups of children are particularly vulnerable to violence and abuse:

- Children with disabilities
- Child victims of trafficking
- Children in migration
- Children from Roma communities
- Children in institutional settings
- Child victims of violence in the criminal justice system

### 2.2.1. Children with disabilities



Children with disabilities are particularly vulnerable to violence and to violations of their rights. Child protection and criminal justice professionals are often ill-equipped to provide information and responses that are appropriate and accessible to children with disabilities.

Despite international standards advocating for child-centred procedures<sup>36</sup>, a notable lack of attention and of research on the experiences of children with disabilities within the criminal justice system can be observed. These children often face significant barriers in accessing safe spaces (and professionals) that allow them to express their needs, as well as in accessing legal assistance. They are also frequently excluded from providing testimonies due to their impairments. Moreover, while the proposed revision of the EC Victim's Rights Directives includes an article 10a which governs the right to assistance in court and provides victims with information and emotional support, the provision does not mention specific (accessibility) needs of child victims, for example to ensure the assistance as early as possible in the process, in particular for children with disabilities, from minorities, in migration, etc.

Reports from Validity Foundation have highlighted the gaps in the Victims' Directive and in the EU Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (Procedural Safeguards for Children Directive) for what concerns specifically access to justice for persons with disabilities.<sup>37</sup> In particular, barriers include the lack of efficient individual assessment processes in the justice system to enable the adoption of procedural accommodations for children with any type of disabilities.

The absence of specialised protocols for identifying the specific needs of children with disabilities in legal proceedings exacerbates these challenges. Procedural barriers and lack of trained professionals, including among the judiciary, often lead to the exclusion of key evidence for these children, resulting in dropped prosecutions and perpetuating a cycle of injustice.



#### PROMISING PRACTICE – Montenegro

Vulnerable victims and witnesses are supported to provide their testimony remotely or via recording. Witnesses who cannot appear in court due to their age, illness or disability may be heard in their residence, and in exceptional cases via video or audio transmission to facilitate questioning.

<sup>36</sup> International principles and Guidelines on Access to Justice for persons with disabilities, UNDP, 2020. Available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR\\_Disability/GoodPractices/Access-to-Justice-EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf)

<sup>37</sup> Access to Justice of Persons with disabilities, Validity Foundation, 2019. Available at: <https://validity.ngo/wp-content/uploads/2022/09/International-synthesis-report-EN-new-footnote-220907.pdf>; Pathways for Inclusive Individual Assessments of Children in Criminal Proceedings, Validity Foundation, 2022. Available at: <https://validity.ngo/wp-content/uploads/2022/08/Pathways-for-Inclusive-Individual-Assessment-for-EU.pdf>



Failures to provide accessible information to children with mental disabilities and to their parents/representatives are a recurrent problem in Europe.<sup>38</sup> Very few children with disabilities are aware of their rights to redress, in particular in **Bulgaria, Romania** and **Italy**.<sup>39</sup> Children cannot access information about their rights during legal proceedings, and there is a widespread concern that they will be removed from their family and put in a group home/institution as soon as they report a crime, especially if perpetrated by a family member.

Children with disabilities who are victims of crime in residential institutions are found to be completely dependent on the institutions' staff to report violence or any violation of their rights, even when the ones responsible for this violence are themselves staff members. Furthermore, gender-based violence against adults and children with disabilities in residential institutions and domestic homes during COVID-19 has clearly increased.<sup>40</sup> This highlights the need for outreach mechanisms, accessible reporting mechanisms – that are simplified and diversified in terms of tools - and deinstitutionalisation for children, also in compliance with UN Guidelines.<sup>41</sup>



### PROMISING PRACTICE – Europe

DIS-CONNECTED is a project led by Validity Foundation, focussing on combating gender-based violence and violence against children, including those with disabilities. This initiative aims to enhance reporting mechanisms, access to support services, and overall safety for vulnerable children.

For more information: [Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children - Validity Foundation - Mental Disability Advocacy Centre - Validity Foundation - Mental Disability Advocacy Centre](#)

## 2.2.2. Child victims of trafficking



Child trafficking is a grave violation of human rights and a global issue. According to the United Nations Office on Drugs and Crime (UNODC), the number of children among detected trafficking victims has tripled in the past 15 years, while the number of boys has increased fivefold.<sup>42</sup> Data from the 2022 UNODC Global report on trafficking<sup>43</sup> reports that in 2020, globally, one in three identified victims of trafficking were children. In Europe, data from the European Commission shows that in 2019-2020, child victims constituted over one-fifth of all registered victims in the EU (23%) where the victim's age group was known.<sup>44</sup> The available data are rarely disaggregated by age, gender, national origin or forms of exploitation, and the actual number of victims is likely significantly higher than data suggests, due to the high numbers of unreported cases and victims that remain undetected.

In Europe, efforts to combat child trafficking have been ongoing, with the EC and the CoE working to strengthen rules and prevent trafficking risks, especially in the context of migration.<sup>45</sup> Despite these efforts, it remains

<sup>38</sup> See the Access to Justice for Children with Mental Disabilities research project, Validity Foundation (ex MDAC), 2013.

Available at: [http://www.mdac.org/sites/mdac.info/files/access\\_to\\_justice\\_children\\_ws2\\_standards\\_and\\_findings\\_english.pdf](http://www.mdac.org/sites/mdac.info/files/access_to_justice_children_ws2_standards_and_findings_english.pdf)

<sup>39</sup> See project Child Friendly Justice: Developing the concept of social court practices (CFJ-DCSCP), 2020-2022, co-funded by the EU.

Available at: <https://validity.ngo/projects-2/child-friendly-justice/>

<sup>40</sup> Report of Coordinating Group of the COVID-19 Disability Rights Monitor (DRM) "Disability rights during the pandemic", 2020.

Available at: <https://covid-drm.org/assets/documents/Disability-Rights-During-the-Pandemic-report-web.pdf>

<sup>41</sup> CRPD/C/5: Guidelines on deinstitutionalization, including in emergencies, OHCHR, 2022. Available at: <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpd-c-5-guidelines-deinstitutionalization-including>; International principles and Guidelines on Access to Justice for persons with disabilities, UNDP, 2020. Available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR\\_Disability/GoodPractices/Access-to-Justice-EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf)

<sup>42</sup> Share of Children Among Trafficking Victims Increases, Boys Five Times; COVID-19 Seen Worsening Overall Trend in Human Trafficking, UNODC Press release, 2021. Available at: <https://www.unodc.org/unodc/en/press/releases/2021/February/share-of-children-among-trafficking-victims-increases-boys-five-times-covid-19-seen-worsening-overall-trend-in-human-trafficking-says-unodc-report.html>

<sup>43</sup> Global Report on Trafficking in Persons, UNODC, 2022.

Available at: [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf)

<sup>44</sup> Report on the progress made in the fight against trafficking in human beings Fourth Report, 2022.

Available at: [https://home-affairs.ec.europa.eu/fourth-report-progress-fight-against-trafficking-human-beings\\_en](https://home-affairs.ec.europa.eu/fourth-report-progress-fight-against-trafficking-human-beings_en)

<sup>45</sup> See several sources: Ibid; Fight against human trafficking: Council and European Parliament strike deal to strengthen rules, CoE, January 2024. Available at: [https://edoc.coe.int/en/trafficking-in-human-beings/8038-trafficking-in-children.html](https://www.consilium.europa.eu/en/press/press-releases/2024/01/23/fight-against-human-trafficking-council-and-european-parliament-strike-deal-to-strengthen-rules/#:~:text=However%2C%20begging%20or%20organ%20removal,in%20the%20EU%20in%202020; Trafficking in children, CoE, 2018. Available at: <a href=); European Anti-trafficking Day: Council of Europe expert group calls for preventing human trafficking risks exacerbated in the context of migration, CoE, 2023. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/european-anti-trafficking-day-council-of-europe-expert-group-calls-for-preventing-human-trafficking-risks-exacerbated-in-the-context-of-migration>.

crucial to raise awareness, protect children, and address the root causes of this heinous crime to ensure a safer and more secure future for all children. The risk of trafficking remains particularly high for refugee, migrant, and displaced children. More and more, child victims of trafficking are forced to engage in illegal activities, or they are sold for illegal adoption or forced marriage.<sup>46</sup> The impact of crises – such as the COVID-19 pandemic, the war in Ukraine, and climate change – exacerbates these vulnerabilities. These crises disrupt protective systems, leaving children exposed and defenceless.<sup>47</sup>

Moreover, the true extent of child trafficking remains unknown for several reasons. Existing research and resources show there is a lack of reliable data, which limits a comprehensive understanding of the phenomenon.<sup>48</sup> The complex nature of this crime, its increasingly transnational occurrence, and the alarming trend of online trafficking all contribute to this complexity. Victims themselves often hesitate to report their experience, because of – among several reasons – lack of trust in the institutions, shame, fear of retaliation, fear of the consequences of entering into contact with the authorities, especially in the case of undocumented migrants or children who are trafficked and engaged in criminal activities.

In **Belgium**, a recent study conducted by ECPAT Belgium and co-led by DCI-Belgium<sup>49</sup> reveals that the data available on child victims of sexual exploitation is alarming. There is no such thing as a “standard case” when it comes to the sexual exploitation of children. All genders, sexual orientations and social classes are implicated. Foreign children are particularly at risk, especially as system for receiving children in migration is currently in crisis. However, their cases are rarely reported.

Many other obstacles are present when dealing with situations of sexual exploitation. In particular, the lack of training, the absence of a clear identification procedure and public authorities’ general failure to prioritise the issue: 66% of the social workers questioned by ECPAT Belgium said they did not feel capable and/or did not have sufficient knowledge to detect a case of sexual exploitation among the children they were working with, and 77% said they did not know what steps to take if they detected one.<sup>50</sup> These difficulties in identifying cases of child victims of sexual exploitation are an enormous barrier to children being able to access their rights.

In **Austria**, refugee organisations voiced concerns in 2022 about more than 5,000 unaccompanied child asylum-seekers who withdrew from the asylum procedure and disappeared from care institutions, thus constituting one of the groups of children most at risk of trafficking.<sup>51</sup> In 2021, the Austrian Ministry of Justice established an independent Commission of Inquiry assessing the Austrian asylum system in relation to child rights protection. The final report<sup>52</sup> of the Commission (“Kindeswohlkommission<sup>53</sup>”) revealed dozens of deficits in the quality of asylum decisions as well as in the asylum procedure and in the care system for asylum-seeking children in Austria. This includes limited access to information, absence of guardianship for unaccompanied minors, and insufficient support for missing children, which heightens the risks of exploitation and trafficking.

Moreover, the absence of robust, child-centred cooperation mechanisms across countries compounds the problem. Child protection, child justice, and anti-trafficking systems must work in tandem, through consistently established and harmonised cooperation systems and protocols.

Lastly, we cannot ignore the extreme vulnerability of specific groups of children. Poverty, dysfunctional family environments, parents who were themselves victims of trafficking, limited employment opportunities, substance abuse, sexual violence – all these factors render certain children even more susceptible.

<sup>46</sup> Forced marriage, illegal adoption and surrogacy are included in the recent amendment to the EU Anti-trafficking Directive as forms of exploitation as they increasingly affect child victims of trafficking. The amended text of the EU Anti-Trafficking Directive, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims was approved in April 2024.

<sup>47</sup> See supra 39

<sup>48</sup> *Ibid.*

<sup>49</sup> Panorama de la situation des mineur-es victimes d’exploitation sexuelle en Fédération Wallonie-Bruxelles, Fanny Procureur pour Ecpat Belgique, 2023. Available at: <https://ecpat.be/wp-content/uploads/2023/03/Etude-ECPAT-Final.pdf>

<sup>50</sup> *Ibid.*

<sup>51</sup> Lage für unbegleitete Minderjährige, Asylkoordination, Press statements 2022 (referring to data from the Ministry of the Interior).

<sup>52</sup> Kindeswohlkommission, Bundesministerium, 2021. Available at: <https://www.bmj.gv.at/themen/Fokusthemen/Kindeswohlkommission.html>

<sup>53</sup> *Ibid.*

### 2.2.3. Children in migration



Many children on the move who have experienced abuse face obstacles in reporting their experiences or seeking help. This is due to an absence of information, communication barriers, lack of awareness about available resources, fear of being returned,<sup>54</sup> and the persistent stigma associated with abuse. The lack of personnel further exacerbates these challenges: with insufficient professionals to address their needs, these children are left without the necessary information, support and guidance on how to report violence and abuse, but also on how to navigate the complex procedures they are involved in.

In **Greece**, for example, DCI observed that reception facilities do not provide a vulnerability assessment, which means that many cases of child victims go undetected, and children do not have access to information and cannot share their experiences. Overall, refugee, migrants, and children from the Roma communities systematically face several obstacles related to interpretation services, delayed payment to interpreters, and a lack of understanding of court correspondence.<sup>55</sup> Moreover, the child protection system still fails to implement Law 4960/2022 governing the appointment of guardians for unaccompanied children.

In **Austria**, GRETA, the CoE anti-trafficking expert monitoring body, repeatedly reported a lack of comprehensive assistance services for trafficked children.<sup>56</sup> There is no dedicated shelter for child victims of trafficking which is accessible for children across the nine regions of the country. One particular shortcoming relates to the poor implementation of the “non-punishment principle”<sup>57</sup> which refers to the protection of victims of trafficking from arrest, prosecution, detention or any forms of sanctions for the offenses they committed due to their trafficking situation. This shows a general need for better protection of trafficked children.

In **Belgium**, the compartmentalisation of support services, rather than promoting a child protection approach, means that children with intersectional needs are not adequately informed of their rights and avenues to seek support when they become victim of violence. Therefore, children in migration are not adequately supported.<sup>58</sup>

### 2.2.4. Children from Roma communities



According to reports from some CFJ-EN members, children from the Roma community face specific barriers when it comes to accessing justice and seeing their rights fulfilled. Children express a lack of trust in the justice system and the police, along with fears of repressive actions from institutions, leading to feelings of helplessness and hopelessness. Poverty further compounds these challenges, creating additional barriers to accessing information and services.

More specifically, in **Bulgaria**, Roma children have no access to child-friendly information regarding their rights as victims, nor information about free legal support and advice. Even social services available for child victims and their parents do not receive enough knowledge and skills on how to advocate for Roma children in justice and administrative proceedings.<sup>59</sup>

<sup>54</sup> See ‘Firewall principle’ supported by VSE and introduced in article 5a of Victim Support Europe, Victims Of Crime Model Provisions Paper – VSE’s vision for a revised victims’ rights directive, September 2023. Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vses-vision-for-a-revised-victims-rights-directive/>. According to which migrant victims can report a crime without having their residence information passed on to criminal authorities. VSE supports the extensive application of this principle, so that Member States can have in place mechanisms that remove barriers to reporting a crime.

<sup>55</sup> See Assessment of the child friendliness of the Justice System in Greece, UNICEF, 2023. Available at: <https://www.unicef.org/greece/en/reports/assessment-child-friendliness-justice-system-greece>

<sup>56</sup> Anti-Human-Trafficking in Austria, CoE. Available at: <https://www.coe.int/en/web/anti-human-trafficking/austria>

<sup>57</sup> For further reading: UN Inter-Agency Coordination Group against Trafficking in Persons, Issue brief – Non-punishment of victims of trafficking, 2020. Available at: [https://www.unodc.org/documents/human-trafficking/ICAT/19-10800\\_ICAT\\_Issue\\_Brief\\_8\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/ICAT/19-10800_ICAT_Issue_Brief_8_Ebook.pdf).

<sup>58</sup> See DCI Belgium recent projects investigating the prevention, support, and redress mechanisms of violence against children in specific settings, such as in reception centres for children in migration (PARCS 2.0 | Protecting children from violence during sporting activities - DCI Belgium) or during the practice of sport activities (PARCS 2.0 | Protecting children from violence during sporting activities - DCI Belgium).

<sup>59</sup> See SAPI Action Participatory Research conducted in 2023 with parents and children in contact with the law (both child victims of crime and child suspects and/or accused) from the Roma communities in Bulgaria.

## 2.2.5. Children in institutional settings



Children deprived of their liberty, living in institutional settings – including alternative care settings, migration settings and criminal detention – all face heightened vulnerability to violence, as highlighted by the UN Global Study on Children Deprived of their liberty.<sup>60</sup> Their vulnerabilities are exacerbated by inadequate monitoring and data collection systems, hindering the development of targeted prevention and response strategies.

Children in alternative care are vulnerable to different forms of violence, including physical and sexual violence. In **Bulgaria** for example, there is no comprehensive strategy to inform those children about their rights, nor are there activities to ensure their participation.

Access to justice for children in detention who are accused, suspect or convicted of an offence comes with another set of specific challenges. Globally, an estimated 261,200 children were in criminal detention in 2020, with over 10,000 in Europe alone.<sup>61</sup> When children are deprived of their liberty in the context of the criminal justice system, they are exposed to systemic mistreatment, including abuse, violence, torture, and sexual exploitation. Testimonies from studies across different regions globally corroborate this alarming reality. Furthermore, issues such as suicide and self-harm are prevalent among detained children, often exacerbated by bullying and peer pressure.<sup>62</sup> Reliable data remains, however, limited, and significant gaps persist in understanding, monitoring, and addressing this critical issue.

Although various monitoring mechanisms exist across member states, both within and outside detention systems, most countries still lack a dedicated body or agency focused solely on monitoring facilities where children are deprived of their liberty. Additionally, robust monitoring and accountability systems, along with proactive strategies to prevent and effectively respond to violence against children in these settings, are still largely absent.<sup>63</sup>

## 2.2.6. Child victims of violence in the criminal justice system



The challenges faced by specific groups of child victims in accessing justice have revealed that the justice system itself is a significant additional barrier. As stated previously, children are especially vulnerable to violence, with certain groups—such as children with disabilities, those from ethnic minorities, victims of trafficking, children in migration, and those in institutional settings—facing even greater risks. Ironically, contact with the justice system, which is meant to protect and prevent such violations, can often lead to further victimisation.

Research by the European Union Agency for Fundamental Rights (FRA) shows that being involved in court cases, while stressful for everyone, is especially tough for children. Courts and often entire justice systems are not set up to meet children's needs. According to FRA, children who are victims, witnesses, or involved in any other way want to be heard in a safe and friendly place. They need to feel respected by the professionals they meet and to feel protected, in a child-friendly environment that offers empathy and understanding, being listened to and supported throughout the process.<sup>64</sup>

Moreover, according to the United Nations Global study on children deprived of liberty<sup>65</sup>, interacting with the police is often the most difficult and problematic contact for a child. The "risk of violence is highest during the investigative phase when children are held in police detention and in temporary detention cells. Violence

<sup>60</sup> UN Global Study on Children Deprived of Liberty, 2019.

Available at: <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>

<sup>61</sup> Estimating the number of children deprived of liberty in the administration of justice, UNICEF, 2021.

Available at <https://data.unicef.org/resources/children-in-detention-report/>.

<sup>62</sup> Ibid; UN Global Study on children deprived of their liberty, 2019.

Available at: <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>; Ottolini, D., Violence Does Not Fall on One Roof Alone: A Baseline Survey on Violence Against Children in the Kenya Juvenile Justice System, Nairobi, Kolbe Press, 2016.

<sup>63</sup> See Data for Monitoring the Safety of Imprisoned Children: A European, Penal Reform International, 2024; research conducted in the framework of the MOSAIC project on data collection tools and systems in place to monitor violence against children in detention across EU countries.

Available at: <https://justicewithchildren.org/sites/default/files/library/attachments/DATA%20MOSAIC%20-%20A%20European%20research.pdf>

<sup>64</sup> Child-friendly justice – Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States, European Union Agency for Fundamental Rights (FRA), 2015. Available at: <https://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens> and Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, FRA, 2017. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-child-friendly-justice-children-s-perspective\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-child-friendly-justice-children-s-perspective_en.pdf)

<sup>65</sup> See United Nations Global study on children deprived of liberty, Chapter 9. Available at: <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>

in police custody may amount to torture and lead to the violent death of children”. Children are often not separated from adults, due to a lack of adequate resources and infrastructure, despite the abundant evidence that this compromises their basic safety, wellbeing and future ability to remain free of crime and to reintegrate. As a result, young people risk becoming victims of violence, including sexual violence, bullying, extortion and torture, inflicted by adult inmates.<sup>66</sup>

When it comes to victimisation within the criminal justice system itself, child suspects, accused or convicted of an offense are vulnerable to the same risks of violence and rights violations mentioned above. In fact, they are among the most vulnerable precisely because of their position: they often experience significant barriers to appropriate information on the proceeding that concerns them, to appropriate support and assistance (both legal and of any other kind), to appropriate and meaningful participation, to child-centred, individualised and rehabilitative responses, and to access to appropriate redress when their rights are violated. The procedural safeguards in place to protect child suspects or accused of a crime in Europe are well clarified by EU Directive 2016/800. However, the CFJ-EN seeks to highlight the group of children who experience both being victims and being suspects, accused, or convicted of an offense. It also aims to acknowledge the victim status of child suspects, accused, or convicted individuals who become victims within the criminal justice system—a status that is often overlooked by both child justice and child protection systems.

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<sup>66</sup> See United Nations Global study on children deprived of liberty, Chapter 9, page 265. Available at: <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>

## 3. Conclusion

This position paper highlights that many child victims' experiences in Europe fall far short of what they should be:

- Too often, they still do not receive age-appropriate and comprehensive information about the process that will concern them
- They are not listened to in respectful, age-appropriate and sensitive ways, which leads to secondary victimisation
- They are often entirely excluded from full participation in the proceedings that directly affect them, supposedly for their own protection and due to their vulnerability.
- They are often interviewed by non-specialised professionals, and they are interviewed multiple times, by several different actors and services, which also leads to further victimisation and traumatisation
- They do not always receive the support they need from guardians and/or lawyers, who are key figures in supporting them enjoying fully their procedural rights.
- Child victims who belong to minority groups – children with disabilities, Roma children, children in migration, but also children from other ethnic minority groups, LGBTI+ children, among others – are exposed to further risks of victimisation from justice professionals, as they face discrimination against and cannot access sensitive forms of support and assistance that respond to their intersectional needs.

By acknowledging barriers, but also identifying key practices, this position paper emphasises the importance of continuing to invest resources in improving support systems and mechanisms for child victims. It highlights the urgent need to involve professionals and policy makers in targeted research, capacity building and awareness-raising, to ensure that all children who become victims of violence and who do not see their rights fulfilled find appropriate justice responses.

The concrete promising practices provided throughout the position paper will, we hope, serve as inspiration and offer stakeholders working with children valuable insights to address similar challenges and barriers in their own countries.

Finally, this position paper calls for a more robust commitment to protecting child victims. Through the proposal of the revision of the 2012 Directive on Victim's Rights. By embracing interdisciplinarity, respecting the right to information, standardising interdisciplinary assessments, promoting trauma-informed practices, and ensuring GDPR compliance, the revised Directive can be a marker of progress in safeguarding the rights and well-being of child victims of crimes. Furthermore, providing clear, accessible and reliable mechanisms to access justice and redress violations will ensure a comprehensive legal framework that upholds the principles of justice and children's rights.

## 4. Call for action to protect all child victims in Europe

The CFJ-EN calls on States to implement and invest in the following six priorities, so as to ensure a holistic approach to protecting the rights of child victims:

### 1 - Ensure a child victim-sensitive approach

- Apply Child-Friendly Justice Principles and Uphold the fundamental rights of child victims
- Adopt a Safe Justice Approach
- Empower child victims
- Conduct multidisciplinary individual assessments
- Develop and roll-out comprehensive trainings for practitioners to understand and report crime involving child victims
- Consider the specific protection needs of all children who become victims

### 2 - Strengthen the right to information for child victims, without discrimination

- Making information easily accessible to children
- Improving the quality of information provided to children
- Ensuring access to information without discrimination
- Provide systematic and high-quality assistance in Court

### 3 - Develop and enforce targeted and integrated child protection systems

- Set up effective coordinated multi-agency mechanisms
- Invest in specialised psychological and other kinds of support and assistance
- Guarantee protective measures and establish strong collaboration between the justice system and child protection services

### 4 - Improve data collection and GDPR compliance

- Set up centralised data protection systems at national levels
- Provide effective data collection systems about child victims
- Develop data protection guidelines for the media
- Develop data protection guidelines for tech companies

### 5 - Recognise the benefits of restorative justice for child victims

- Raise awareness and build skills and knowledge about restorative justice among justice professionals and in the broader population
- Apply quality standards in restorative justice involving children

### 6 - Strengthen the rights of child victims in the EU: towards an ambitious revision of the Victim's Rights Directive

## 4.1. Ensure a child victim-sensitive approach

Ensuring a child-sensitive approach in child victim support is crucial. A child victim-sensitive approach truly prioritises the well-being of child victims and respects their rights. It recognises their unique needs and ensures that justice systems respond with compassion and effectiveness. In particular, decision-makers and practitioners should make sure to:

### 4.1.1. Apply Child-Friendly Justice Principles and Uphold the fundamental rights of child victims

Child victims should be treated with respect and dignity. This includes safeguarding their privacy, ensuring age-appropriate communication, and involving them in decisions that affect their well-being. In all situations, child victims should feel safe, understood, and valued. The environment should be created to enable this, in alignment with the Council of Europe’s Guidelines on child-friendly justice, in particular in relation to fundamental principles of protection from discrimination, participation, rule of law, dignity and best interests of the child.<sup>67</sup>

### 4.1.2. Adopt a Safe Justice Approach

A safe justice approach is described as a holistic, systematic, needs-driven, rights-based, victim-sensitive approach to justice. Its objectives include upholding victims’ rights and ensuring the physical, psychological, and emotional safety of victims.<sup>68</sup> This approach sets principles for victims’ participation during criminal proceedings.

The process of obtaining justice is of particular importance, so that victims can report a crime, stay safe during criminal proceedings, and achieve restoration. All these steps are supported by victim-sensitive measures such as trauma-informed trainings for experts, free legal aid, court-based support services, accompaniment during criminal proceedings, compensation and restoration mechanisms. Supporting victims’ safety during criminal proceedings can be accomplished through individual needs assessments. These assessments can lead to the implementation of specific protection measures, such as physical security, preserving the victims’ dignity, and preventing secondary victimization from interactions with criminal justice authorities or third parties. Additionally, they help facilitate effective restoration for the victims. This is achieved through cooperation among the various actors across the justice chain, starting with law enforcement, lawyers, child protection professionals (in the case of child victims), prosecutors, judges and victim support organisations.



#### PROMISING PRACTICE – Bulgaria

SAPI began creating specialised “blue rooms” for questioning children involved in legal proceedings. They are a significant step towards creating child-friendly, supportive environments for children navigating the legal system. Blue rooms are equipped with audio-visual recording equipment to document the interviews conducted with children. This serves multiple purposes, including preserving an accurate record of the child’s testimony, ensuring transparency and accountability in the legal process, and safeguarding the child’s rights by providing evidence of their statements. The recordings can also be used to minimise the need for repeated questioning, reducing the trauma experienced by the child.

### 4.1.3. Empower child victims

By prioritising child participation in all proceedings – criminal, civil and administrative<sup>69</sup> – and providing support for both professionals and parents/guardians, legal systems can better meet the needs of child victims and ensure that their rights are upheld throughout the judicial process:

- **Child victims should always be given the space and opportunity to communicate effectively** with relevant authorities to express their views throughout the legal process. Child participation is essential for ensuring that legal processes are truly child-centred and that the voices and perspectives of child victims are heard and respected.

<sup>67</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010. Available at: <https://rm.coe.int/16804b2cf3>

<sup>68</sup> Victim Support Europe, Safe Justice for Victims of crime, 2023.

Available at: [https://victim-support.eu/wp-content/files\\_mf/1699611215SafeJusticeforvictimsofCrime\\_compressed.pdf](https://victim-support.eu/wp-content/files_mf/1699611215SafeJusticeforvictimsofCrime_compressed.pdf)

<sup>69</sup> For instance, in relation to seeking damages/compensation for child victims of crime.



- **Concrete guidelines on procedural accommodations**, moving beyond the vague concept of “reasonable accommodation provided for victims with disabilities” to offering practical strategies for enabling child participation for all children in legal proceedings. In particular, the role of intermediaries<sup>70</sup> should be strengthened.
- **Professionals need to recognise the importance of actively involving children** in legal processes and be willing to invest the necessary time and effort to support their participation.
- **Parents and guardians should be educated about the benefits of child participation** and empowered to advocate for their child’s right to be heard.
- **Direct youth participation in the development and implementation of awareness-raising efforts** to inform, prevent and respond to child violence and abuse, in particular child trafficking, are crucial. This empowers children with the tools and knowledge they need to identify risks, report incidents, and support their peers.

#### 4.1.4. Conduct multidisciplinary individual assessments

Each child is unique. The child’s age, maturity, views, needs, and concerns should be assessed individually. Support provided to child victims should be tailored. Multidisciplinary approaches to individual assessments enable the gathering of diverse perspectives to draw a comprehensive picture of the child’s situation. The involvement of professionals from different disciplines and perspectives within the child protection system ensures that assessments consider a wide range of dimensions, including psychosocial, operational, and legal aspects. As decisions are made collegially, this approach integrates multiple dimensions of a child’s situation, leading to a more balanced view and better outcomes for the child. Individual assessment should take a comprehensive and holistic approach with child victims and their needs, reflecting the indivisibility and interrelatedness of children’s rights. Its aim is to identify victims’ specific protection needs and possible special measures required during criminal proceedings due to their particular vulnerability. Furthermore, it seeks to determine the rights that might be violated as a result of the child’s victimisation.<sup>71</sup>

States should establish clear guidelines identifying the initial points of contact responsible for leading the individual assessment process and defining how individual assessments should be conducted. They should encourage the establishment of child-centred coordinated multi-agency services that will carry out the individual assessment in the case of child victims.

#### 4.1.5. Develop and roll-out comprehensive trainings / training session for practitioners to understand and report crime involving child victims

It is of utmost importance that all persons working with child victims receive specialised training. Such training must include psychological and pedagogical knowledge of child development and knowledge of children’s rights, child centred communication, and trauma-informed practice.<sup>72</sup> Training leading to a qualification should take an interdisciplinary approach to ensure that all actors involved in proceedings understand the roles and tasks of the others. Acknowledging the profound impact of trauma on child victims, the revised directive should incorporate trauma-informed practices to guide professionals in providing sensitive and effective support. Moreover, interdisciplinary training for of child protection officers and other practitioners who work with child victims is crucial. This training should clarify their roles and responsibilities regarding child protection concerns, which is essential for addressing the underreporting of cases. Professionals in contact with child victims should be able to report cases of child abuse without facing punitive measures such as the suspension of their practice or the removal of their accreditation, which plays a crucial role in safeguarding children’s well-being. Misuse of reporting procedure should be avoided at all times.

#### 4.1.6. Consider the specific protection needs of all children who become victims

When they become victims of violence and abuse, as with any other child victim in any other setting, children who are in the justice system and are suspects, accused or convicted of a crime should have access to reporting mechanisms and should receive appropriate support and assistance. This group of children is in

<sup>70</sup> In the criminal justice system, intermediaries are independent justice professionals which support the court to adapt criminal proceedings to enable children to participate safely in criminal proceedings - both for victims and defendants.

<sup>71</sup> To recall the recently adopted CoE Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime “the individual assessment should at least be conducted in criminal justice proceedings and in relation to the victims’ protection needs, but member States are encouraged to investigate and apply a similar strategy to other procedural needs and in other legal proceedings, as well as in support and restorative justice programmes” (article 4). In addition, The Recommendation highlights that focussing on individual assessments and best interests procedures will bring different actors and specialists together, including medical care, emotional, psychological and educational support, and any other support required by the individual circumstances of the child.

<sup>72</sup> Victims Of Crime Model Provisions Paper – VSE’s vision for a revised victims’ rights directive, Victim Support Europe, 2023, p. 34-35, 66. Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vs-es-vision-for-a-revised-victims-rights-directive/>

need of specific protection as they can – and often do – experience victimisation within the criminal justice system and/or violations of their rights. A child-centred approach should be adopted for all children within the justice system, in particular a balanced and rehabilitative approach rather than punitive measures, while recognising that addressing the root causes of offending behaviours requires a holistic approach.<sup>73</sup>

## 4.2. Strengthen the right to information for child victims, without discrimination

Access to information is a prerequisite for ensuring the effective participation of children in criminal proceedings: without adequate information, child victims navigate an intimidating system led by adults, which hinders their ability to participate in proceedings and to feel safe and secure throughout. Moreover, a child victim's right to effective protection hinges on the actual exercise of their right to information. Holistic implementation of the child's right to information is a priority. It should not only be age-appropriate but also delivered in a manner that is easily understandable to the child. This may involve the creation of child-friendly information materials and tools, as well as the provision of support mechanisms to help children comprehend complex legal processes. It is therefore essential for decision-makers and practitioners to focus on:

### 4.2.1. Make information easily accessible to children

Children should have easy access to child-friendly, free of charge and confidential information. In addition to telephone helplines and websites, e-applications can also be of great assistance, whereby all child victims can easily understand each step of the proceedings but also their rights, making it easier for children to access them.

### 4.2.2. Improve the quality of information provided to children

The quality of information needs to improve, as well as the manner in which this information is communicated to child victims. The information provided should be comprehensive and appropriate to their age and level of maturity. A key quality requirement is to make sure that all (child) helplines (generic and specialised) are run by trained and supervised individuals based on quality standards and who have clear procedures in place to be able to work with child victims if they call. All communication channels should be available for child victims who are seeking to report a crime.<sup>74</sup>



#### PROMISING PRACTICE – Germany

Information material for professionals and for children have been developed to explain the rights of child victims and witnesses:

- Guide on the Application of Child-Friendly Criteria in Criminal Proceedings: [Available here](#)
- Brochure “Alles klar, Justitia” (Alright, Justice): [Available here](#)
- The brochure “On the Way to Child-Friendly Justice: A First Look into the Best Practices of the Federal States” provides insights into exemplary practices implemented by the federal states towards achieving child-friendly justice. DKHW, “Auf dem Weg zur kindgerechten Justiz. Ein erster Blick”: [Available here](#)

### 4.2.3. Ensuring access to information without discrimination

Systems of today should guarantee child victims' access to information by addressing at the same time children's various needs, profiles, and situations. Decision-makers and practitioners should recognise that children are not a homogenous group, and that providing tailored responses and support to their diverse needs

<sup>73</sup> In this regard it is important to recall the new CoE Strategy for the Rights of the Child (2022-2027), “Children's Rights in Action: from continuous implementation to joint innovation” that states that being in contact with the justice system can be a traumatic experience for children. General Comment No. 24 of the CRC [UN Committee on the Rights of the Child General Comment No. 24 (2019) on children's rights in the child justice system] has recognized that exposure to the criminal justice system causes harm to children, limiting their chances of becoming responsible adults. States resort to criminal justice too frequently, while restorative justice should be given priority in line with Council of Europe standards.

<sup>74</sup> Victims Of Crime Model Provisions Paper – VSE's vision for a revised victims' rights directive, Victim Support Europe, 2023, p. 45. Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vs-es-vision-for-a-revised-victims-rights-directive/>

is of utmost importance. Universal measures should be combined with individualised solutions for each child victim. In particular, accessibility varies across age groups, and meaningful participation necessitates distinct approaches for very young children, those with learning disabilities, adolescents, children from various ethnic, social or cultural backgrounds, etc.

#### 4.2.4. Provide systematic and high-quality assistance in Court

Systematically appointing **specialised and trained lawyers** to represent every child victim in criminal proceedings at no cost is essential to ensure that the child is informed of their rights. The same applies to **interpreters**, who should be appointed automatically as soon as the need arises. Without automatic appointment of a lawyer and interpreter where necessary, a child can never have sufficient access to justice and information. Additionally, the specific accessibility needs of child victims, such as ensuring early assistance in the process—particularly for children with disabilities, from minorities, or in migration—should always be addressed

### 4.3. Develop and enforce targeted and integrated child protection systems

Integrated child protection systems are a cornerstone in ensuring that the rights of child victims are respected. They manifest through coordination mechanisms which need to involve a large range of stakeholders, from public authorities (at all levels depending on the jurisdiction), to private actors and civil society organisations. They refer to timely and comprehensive support mechanisms, including psychosocial assistance for children with multiple protection needs, and effective monitoring and child-centred procedures.

In April 2024, the European Commission adopted the [Recommendation on developing and strengthening integrated child protection systems in the best interests of the child](#), as a commitment in the [EU Strategy on the Rights of the Child](#). The Recommendation will support Member States in strengthening their child protection systems. Authorities at all levels of governance and civil society across all sectors need to work together to protect children from all forms of violence in a coherent and systemic way.

#### Key elements of the Recommendation include:

- **Putting children at the centre of integrated child protection systems** by adapting protection systems to children’s needs and including children when taking decisions that impact them.
- **Supporting Member States** in adapting their systems to protect any child from any form of violence using EU tools such as legislation, policy, or funding. This starts by preventing and fighting discrimination, providing targeted support, and fostering a societal culture of zero violence against children.
- **Establishing a general framework of integrated child protection systems.** Member States are encouraged to draw up national plans to end violence against children, effectively implement EU and national legislation on child protection, set up coordination structures, strengthen human and financial resources and improve data collection.
- **Improving coordination and cooperation across sectors and competent authorities** through the training of professionals, starting at the local level.
- **Establishing comprehensive and coordinated support actions** in cases of violence against children, from prevention and early identification to reporting and cross-sectorial support.
- **Responding to children’s safety needs online and offline** by improving children’s digital literacy, promoting the safe use of digital technologies and training families and carers.
- **Protecting children’s integrity and mental health, preventing and fighting (cyber)bullying** by encouraging Member States to develop national mental health strategies, with children as the priority target group.
- **Making better use of existing EU tools** to strengthen child protection systems: laws, policies, funding support, as listed in the [Annex](#) accompanying the communication. **Going beyond the EU**, prompting Member States to adopt an integrated approach to protect children in their **external action**, such as eradicating child labour, protecting children in armed conflicts and protecting children from climate change and environmental hazards.

To fully ensure the respect of child victims' rights, decision-makers should:

#### 4.3.1. Set up effective coordinated multi-agency mechanisms

In some countries, specialised victim support services may not be available. National coordinated and inter-agency strategies can therefore guarantee that child victims have effective access to support services. Child victims should benefit from coordinated multi-agency mechanisms and services, such as the Barnahus-type model. Interdisciplinary and coordinated cooperation when child victims are involved should be child-centred and aim at ensuring the best interests of the child. Cooperation between the justice system and child protection services (need for shelter, health care, psychosocial support, etc.) should always be promoted and supported.<sup>75</sup>



##### PROMISING PRACTICE – Estonia

Estonia has four children's houses located in Tallinn, Tartu, Jõhvi and Pärnu. The service is available to all children in need in Estonia. The Barnahus model is a service whereby different specialists, such as child protection officials, the police, prosecutors, psychologists and many others work together to ensure the welfare of children. The Barnahus team assesses the child's health, social situation and need for further assistance, carries out investigative operations necessary to resolve the case and offers the child the help he or she needs.

##### PROMISING PRACTICE – Portugal

A pilot-project to evaluate the implementation of the Barnahus model for comprehensive support services to be implemented in 2025. The project represents a significant step forward in enhancing support services for child victims of abuse in Portugal. By adopting a holistic and child-centred approach, the project aims to ensure that victims receive the care, protection, and justice they deserve in a manner that prioritises their well-being and dignity.

The APAV CARE Network in Portugal, is a significant initiative aimed at protecting children who are victims of sexual abuse. The network provides a coordinated and comprehensive response to cases of child sexual abuse, ensuring that victims receive the necessary support and assistance to recover from their traumatic experiences.

For more information: <https://apav.pt/care/index.php/en/contact-us>

#### BARNAHUS QUALITY STANDARDS

##### 1. Key principles and cross-cutting activities

- 1.1. Best interests of the child
- 1.2. Right to be heard and receive information
- 1.3. Avoiding Undue Delay

##### 2. Multidisciplinarity and Interagency collaboration in the Branches

##### 3. Inclusive Target Group

##### 4. Child Friendly Environment

##### 5. Interagency case management

##### 6. Forensic Interview

##### 7. Medical Examination

##### 8. Therapeutic Services

##### 9. Capacity Building

##### 10. Prevention: Information sharing, awareness raising and external competence building

<sup>75</sup> Justice System Responses to Child Victims and Witnesses in Europe and Central Asia, Summary of key achievements, challenges and recommendations, UNICEF regional Office for Europe and Central Asia, 2020. Available at: <https://www.unicef.org/eca/media/14536/file>.

### 4.3.2. Invest in specialised psychological and other kinds of support and assistance

Experience has shown that parents may be asked to delay therapy until the child has testified in court. Thus, the child's best interests risk being overlooked due to concerns that therapy might influence their testimony. Psychological support reinforces the quality of the testimony and the resilience of the victim during the proceedings and helps ensure that the overall criminal proceeding inflicts the least possible harm. Decision-makers and practitioners should:

- **Ensure that psychological support is available as early as possible, based on the child's individual assessment:** this will avoid undue delays in the criminal proceeding, but most of all protect the child and safeguard their needs and the consequences of the violence they are victims of.
- **Create "opt-out" features:** child victims should be automatically referred to victim support services, with the option to decline support only if they explicitly request it. Currently, (child) victims have to give their consent to receive support services.<sup>76</sup> As much as possible, these services should be provided by civil society organisations as well, not only law enforcement agencies.
- **Ensure that fully resourced and operational generic and specialist support services exist:** child victims should have access not only to generic but also to specialist victim support services. These services should be made available in a coordinated manner, ensuring that, after an individual assessment, children can quickly access the services that best meet their profile, situation, and needs. Through the combination of police referral and cross referral between services, child victims will reach the most appropriate services for their specific needs.



#### PROMISING PRACTICE – Bulgaria

Child Advocacy and Support Centres (CaCs) provide comprehensive support services for child victims of violence in Bulgaria. By providing comprehensive support services in a child-centred and multi-disciplinary environment, CaCs play a vital role in promoting healing, justice, and empowerment for child victims and their families.

#### PROMISING PRACTICE – Estonia

The Advancing Rights of Estonian Victims (AREV) project, initiated by Victim Support Europe (VSE), aims to enhance the rights of victims in Estonia by improving protection and support processes for victims of crime within the country.<sup>1</sup> Within this project VSE developed tools for hospital staff in Estonia, which help health-care workers to:

- Know how to speak with victims and address the topic of crime
- Know how to identify signs of victimisation
- Establish procedures that balance the patient-client relationship and their well-being with the need to involve the appropriate authorities
- Build long term relationships with police, support service and child protection services and in doing so, build trust.

<sup>1</sup> Advancing Rights of Estonian Victims (AREV) – Victim Support Europe ([victim-support.eu](https://victim-support.eu))

### 4.3.3. Guarantee protective measures and establish strong collaboration between the justice system and child protection services

From the moment child victims file a complaint they should be protected; child protection considerations and protective measures should be put in place promptly and on an individualised basis.<sup>77</sup>

<sup>76</sup> Victims Of Crime Model Provisions Paper – VSE's vision for a revised victims' rights directive, Victim Support Europe, 2023, p. 46-47.

Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vses-vision-for-a-revised-victims-rights-directive/>

<sup>77</sup> The proposed revision of the Victim's Rights Directive includes a paragraph on protection measures when there is a conflict of interest between children and holders of parental responsibility, although it does not make specific reference to children as victims in the justice system (see para 3 added to article 24 of the proposed revision of the Victim's Rights Directive, 2023).

Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vses-vision-for-a-revised-victims-rights-directive/>



#### PROMISING PRACTICE – Austria

##### “JOUR-FIXE” TO HARMONISE PROCESSES OF FORENSIC PHYSICAL EXAMINATION GRAZ, AUSTRIA

An essential prerequisite for protecting crime victims and ensuring effective investigation and information processes is the willingness and understanding of all involved actors to be open to the operational rules and frameworks of other stakeholders. For this reason, the research institute Ludwig Boltzmann Institute for Clinical Forensic Imaging in Graz organises regular meetings (called “Jour-Fixe”) to harmonise the process of forensic physical examination of victims of violence and persons suspected of crime. At these meetings, representatives of the judiciary, medicine, psychology and victim protection exchange their perspectives and views in order to optimise and simplify their work processes.

## 4.4. Improve data collection and GDPR compliance

In an era where information is both a tool and a potential threat, GDPR compliance is crucial. This underscores the importance of data protection in the context of multidisciplinary inter-agency interventions, data collection, and the role of media in safeguarding the privacy and dignity of child victims.<sup>78</sup> Decision-makers should therefore:

### 4.4.1. Set up centralised data protection systems at national levels

Data protection should be consistent and effective. Clear reporting guidelines that can enhance consistency and effectiveness are needed to understand how data needs to be collected, shared and protected. Adequate resources and strategic planning should be a pre-requisite for meaningful analysis and the development of actionable insights based on data collection.

### 4.4.2. Provide effective data collection systems about child victims

Data collection must be GDPR compliant in order to improve and adapt systems to children’s needs.<sup>79</sup> Within each national system, Strong collaboration among professionals from various agencies, including child protection and justice organisations, is essential. Ensuring full compliance with data protection and confidentiality allows the collected data to be used effectively in developing targeted policies and responses. Addressing violence against children and collecting data on incidents is particularly challenging in certain situations, such as in institutional settings and in detention, where the need for more comprehensive, consistent, and systemic approaches is even stronger.



#### PROMISING PRACTICE – GERMANY

The German Institute for Human Rights and the German Children’s Fund are currently working on a project called “Child rights-based criteria for criminal proceedings – children and young people as (victim) witnesses”. The project aims to assess the extent to which the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice are being implemented. The main research questions of the project are therefore: How are the criteria for child-friendly justice put into practice? What are successful experiences with the implementation of the criteria with special regard to children as victim and witnesses? What are the main obstacles that must still be overcome? The project seeks to demonstrate that the criteria for child-friendly can be translated into actionable measures, thereby making achievements in child-friendly justice quantifiable.

A semi-standardised online questionnaire was sent to the federal state judicial administrations. The questionnaire will also provide an instrument for the autonomous data collection and self-evaluation by the federal states administrations. All 16 federal state judicial administrations responded to the questionnaire. Complete results are expected to be published on the websites of DKHW and DIMR in 2024.

<sup>78</sup> Victims Of Crime Model Provisions Paper – VSE’s vision for a revised victims’ rights directive, Victim Support Europe, 2023, p. 65-66. Available at: <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vses-vision-for-a-revised-victims-rights-directive/>

<sup>79</sup> Justice System Responses to Child Victims and Witnesses in Europe and Central Asia, Summary of key achievements, challenges and recommendations, UNICEF regional Office for Europe and Central Asia, 2020, Available at: <https://www.unicef.org/eca/media/14536/file>.

#### 4.4.3. Develop data protection guidelines for the media

States should develop guidelines for the media to ensure responsible coverage of cases involving child victims. Media, including social media, play an important role in disseminating knowledge about children's rights.<sup>80</sup> States are encouraged to actively raise public awareness via the media, to disseminate information on specific risks for children in relation to all forms of violence, and to make the information accessible and in child-friendly language.

#### 4.4.4. Develop data protection guidelines for tech companies

Tech companies play a significant role, and they should be held accountable when it comes to online child abuse and sharing of private data.

### 4.5. Recognise the benefits of restorative justice for child victims

As recognised by European and international legal and policy documents, “for children who become involved with the justice system, restorative justice offers an approach that is flexible and based on mutual recognition and respect among participants”.<sup>81</sup> Specifically concerning child victims “restorative justice can offer an environment where child victims, with the support of family, friends or a support person/advocate, can participate in a process that meets their varying needs, be accommodated in terms of their coping capacity and level of development and avoid further trauma for children through exposure to a difficult and unfriendly adversarial justice processes that may otherwise occur”.<sup>82</sup>

As these same international documents point out, restorative justice must be conceived and implemented based on the specific needs and rights of the children involved. In all cases involving children in the restorative process, adequate preparation, support, process facilitation and follow-up are needed, as well as specialised restorative facilitators. In Europe, restorative justice services still remain inaccessible to many child victims. Among the main barriers are exclusion criteria based on offence type or offender characteristics, victims' lack of information about restorative justice, and limited knowledge about restorative justice among professionals that come into contact with victims.

Decision-makers and practitioners should:

#### 4.5.1. Raise awareness and build skills and knowledge about restorative justice among justice professionals and in the broader population

This will improve access to restorative services for all victims, including children. All victims as well as all parties involved in a harm should be able to be offered a restorative justice approach, as well as receive thorough, age-appropriate and adequate information about the process, while being accompanied and supported throughout the process by specialised professionals.

#### 4.5.2. Apply quality standards in restorative justice involving children

When restorative justice is offered, services made available should follow the core principles and safeguards set out by international and European law and promoted by the European Forum for Restorative Justice.<sup>83</sup>

<sup>80</sup> Mapping Child Protection Systems in the EU – Update 2023, p.79. Available at: <https://fra.europa.eu/en/publication/2024/mapping-child-protection-systems-eu-update-2023> ; Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child, April 2024, [para 5-6]. Available at: [https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1\\_en](https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1_en)

<sup>81</sup> Office of the SRSG on Violence against Children, 2013, p.4.

Available at: [https://sustainabledevelopment.un.org/content/documents/2599Promoting\\_restorative\\_justice.pdf](https://sustainabledevelopment.un.org/content/documents/2599Promoting_restorative_justice.pdf)

<sup>82</sup> UN Handbook of RJ programmes, 2020, p.69. Available at: [https://www.unodc.org/documents/justice-and-prison-reform/20-01146\\_Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf)

<sup>83</sup> Joint Position Paper, EU Strategy on the rights of the child (2021-2024), Terre des hommes and European Forum on Restorative Justice, 2020. Available at: [https://www.euforumrj.org/sites/default/files/2020-08/EFJR-Tdh%20Contribution%20to%20EC%20strategy%20Rights%20of%20the%20Child%202021-2024\\_0.pdf](https://www.euforumrj.org/sites/default/files/2020-08/EFJR-Tdh%20Contribution%20to%20EC%20strategy%20Rights%20of%20the%20Child%202021-2024_0.pdf)



### PROMISING PRACTICE - ROMANIA, GREECE, THE NETHERLANDS AND ESTONIA

#### **i-Restore 2.0: Accessible Quality Restorative Justice processes for children in contact with the law in Europe**

The overall objective of i-RESTORE 2.0 is to enhance accessibility to high-quality restorative justice processes for child victims and children suspected and/or accused of crime in Europe. By actively involving children, including victims, in the project, it is possible to create an environment where all child victims, whether directly or indirectly affected, can better access the specific protection, advocacy, and services they need. In line with the EU Victims' Rights Strategy, the project aims to empower children, including victims, to express their views about restorative justice through digital and child-led creative approaches; increase awareness of families, practitioners, policy makers and the media on restorative justice for children in criminal proceedings and increase the number of practitioners who can provide child-friendly restorative justice services. For more information:

<https://www.euforumrj.org/en/irestore-2022-2024>

## 4.6. Strengthen the rights of child victims in the EU: towards an ambitious revision of the Victim's Rights Directive

Given the challenges and opportunities explored in this position paper concerning how to appropriately protect child victims, the CFJ-EN welcomes the revision of the Victim's Rights Directive<sup>84</sup> the Victim's Rights Directive. However, there needs to be more emphasis on strengthening access to justice for all child victims in the amendments of the Directive. The recommendations outlined in this paper call on EU Member States to prioritise children and increase awareness of the urgent need to protect all child victims.

More ambitious Directive provisions would ensure that child victims remain in focus in relation to the right to support, national referral systems, protection and recognition of victims with specific protection needs, as well as improved coordination and cooperation frameworks. More specifically, the efficacy of the Directive would be strengthened by:

- Coordinated generic and specialist victim support services;
- Clearer provisions to ensure that the services are available via multiple channels;
- The explicit mention that NGOs can deliver victim services;
- The introduction of a national referral system for victim support services with an "opt-out" mechanism, according to which victims can be referred to support services directly without having to request this explicitly or provide their consent for this (as of now);
- The protection and recognition of child victims with specific protection needs, including through the creation and usage of separate waiting areas in court premises.<sup>85</sup>

<sup>84</sup> Proposal for a Directive of The European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0424>

<sup>85</sup> See *supra*, VSE Model Provisions Paper. Available at: <https://mpp.victim-support.eu>



## 5. Useful Resources

### Resources from European Institutions

- **Recommendation on developing and strengthening integrated child protection systems in the best interests of the child**, European Commission, April 2024 – [Available here](#)
- **Mapping Child Protection Systems in the EU – Update 2023**, European Union Agency for Fundamental Rights, January 2024 – [Available here](#)
- **Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states**, Council of Europe, 2023 – [Available here](#)
- **Recommendation CM/Rec(2023) on rights, services and support for victims of crime**, Council of Europe, March 2023 – [Available here](#)
- **Underpinning victims’ rights: support services, reporting and protection**, European Union Agency for Fundamental Rights, 2023. – [Available here](#)
- **Council of Europe Strategy for the Rights of the Child (2022-2027): “Children’s Rights in Action: from continuous implementation to join innovation – [Available here](#)**
- **European Union Strategy for the Rights of the Child (2021-2024) – [Available here](#)**
- **Child-friendly justice – perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States**, European Union Agency for Fundamental Rights, 2017 – [Available here](#)
- **Factsheet Victims’ Rights Directive**, European Commission, February 2017 – [Available here](#)
- **Proposal for a Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA – [Available here](#)**
- **Report from the Commission to the European Parliament and the Council on the implementation of 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, and replacing Council Framework Decision 2001/220/JHA – [Available here](#)**

### Resources from CFJ-EN Members

- **Project Rap Lab: Just closer - justice closer to the kids**, DCI Italy in partnership with Office of the Social Service for Minors (USSM) of Genoa, Juvenile Penal Institute (IPM) of Pontremoli, Colombo Comprehensive Institute of Genoa, 2024 – [Available here](#)
- **Data for Monitoring the Safety of Imprisoned Children**, Penal Reform International, 2023 (DATA MOSAIC Project) – [Available here](#)
- **Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children | Bulgaria, Czechia, Hungary, Lithuania, Portugal**, Validity Foundation, 2023 –2025 – [Available here](#)
- **Changing the Accessibility of Tools for Victims in Belgium, Croatia, Slovenia, Spain, Romania**, Validity Foundation, 2022 –2024 – [Available here](#)
- **E-PROTECT I and II: Enhancing PROfessionals’ capacity of deal with child victims**, DCI Italy in partnership with Pravo Internet Foundation (Iif), Bulgaria, Ministry of justice of Italy, Asociatia centrul roman de politici europene (CRPE), Romania, 2020-2022 – [Available here](#)

## Other useful resources

- **Advocacy briefs on child justice and child-friendly justice:** The five advocacy briefs cover the rights of children in conflict with the law aim to support full respect for, and implementation of, the principles and standards on child justice, UNICEF, March 2023 – [Available here](#)
- **Feedback to the European Commission proposed revision of the Victims’ Rights Directive,** European Forum for Restorative Justice, 2023 – [Available here](#)
- **Safe Justice for Victims of crime,** Victim Support Europe, 2023 – [Available here](#)
- **Victims Of Crime Model Provisions Paper – VSE’s vision for a revised victims’ rights directive,** Victim Support Europe, 2023 – [Available here](#)
- **Transforming how we communicate with victims,** Victim Support Europe, 2022 – [Available here](#)
- **Joint Position Paper, EU Strategy on the rights of the child (2021-2024),** Terre des hommes Foundation and European Forum on Restorative Justice, 2020 – [Available here](#)
- **Justice system responses to child victims and witnesses in Europe and Central Asia: summary of key achievements, challenges and recommendations,** UNICEF, October 2020 – [Available here](#)
- **Child victims in the Union – Rights and Empowerment,** Save the Children, CURE Project, 2009-2010 – [Available here](#)
- **Access to justice for children: Country reports,** Child Rights International Network – [Available here](#)



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