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## **LANZAROTE COMMITTEE**

Committee of the Parties to the Council of Europe  
Convention on the protection of children against sexual  
exploitation and sexual abuse

**Follow-up given by Parties to the Special Report on “Protecting children  
affected by the refugee crisis from sexual exploitation and sexual  
abuse”**

**Compliance report concerning Recommendation 31**

Adopted by the Lanzarote Committee on 10 March 2022

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## Executive Summary

In March 2016, the Council of Europe's Secretary General called for a series of [priority actions to protect children affected by the refugee crisis](#). In this context, the Lanzarote Committee mandated its Bureau to decide on the need to make urgent requests for information on the basis of [Rule 28 \(Special reports and urgent situations\)](#) of its Rules of Procedure.

On the 3<sup>rd</sup> of March 2017, the Lanzarote Committee adopted the [Special report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse](#), as an outcome of the [urgent monitoring round](#) that had been launched for that purpose. The Special report focused on how Parties to the Lanzarote Convention were protecting children affected by the refugee crisis from sexual exploitation and sexual abuse.

To follow-up on the Special report and its recommendations, in 2018, the Committee requested Parties involved in the urgent monitoring round to provide information on the follow-up given to the 5 urge recommendations. The [evaluation of the follow-up given to the 5 urge recommendations](#) was adopted by the Lanzarote Committee on the 6<sup>th</sup> of June 2019.

Subsequently, the Committee asked the Parties involved in the urgent monitoring round to provide information on the follow-up to the 10 recommendations considering that Parties should act. This compiled information (hereafter Compilation information 2020) allowed for a first preliminary assessment of the Parties' practices and legislation with respect to the 10 "consider" recommendations, taking into account specific requirements. This first preliminary assessment was presented to the Parties at the 27<sup>th</sup> plenary meeting of the Lanzarote Committee in June 2020. The Parties were then given a second opportunity to provide information on the follow-up to the same 10 recommendations (hereafter additional information).

In view of the examination and possible adoption of the 10 Compliance Reports at the Lanzarote Committee's 34<sup>th</sup> meeting (4-7<sup>th</sup> of October 2021), international organisations having participatory status with the Lanzarote Committee submitted information of relevance to some of the recommendations in question.

The present draft compliance report was prepared on the basis of the Compilation of information 2020, the compiled additional information sent by the Parties.<sup>1</sup> It is important to note that the conclusions of compliance/partial compliance/non-compliance have been drawn without the possibility to verify the extent to which legislation and measures are being applied in practice, nor whether children affected by the refugee crisis are actually benefitting from existing services. It has also not been

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<sup>1</sup> The 41 Parties that are concerned by this report are: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.

possible to assess the overall impact of the child friendly handling of proceedings involving children victims of sexual abuse in the context of proceedings involving children affected by the refugee crisis.

The report covers the situation in the 41 states, which were Parties to the Convention at the time the urgent monitoring round was launched. Parties, which have ratified the Lanzarote Committee at a later stage may take into consideration the recommendations, promising practices and other findings presented in this report for information and subsequent relevant action.

Recommendation 31 does not specially call upon Parties to set-up new legislation and measures with regards to the criminal proceeding involving child victims who are also affected by the refugee crisis, rather, it appeals to Parties to look back at the Committee's recommendations made in the first implementation report. In their replies to Recommendation 31, an assumption has been made whereby Parties that have in place child-friendly justice measures are also applying these to children affected by the refugee crisis. The assessment of compliance has been made according to this assumption and on the fact that in the compiled information to the 10 recommendations, in particular Recommendation 11 on the protection of child victims affected by the refugee crisis, there is evidence that children are either protected in the context of national child protection laws, applying to both national children and children with other status; or through specific programmes targeting children affected by the refugee crisis.

One limitation of the report is that, at this moment, it has not been possible to verify whether child victims affected by the refugee crisis have indeed benefitted from child-friendly justice measures in place by Parties. Consequently, assessing Parties' compliance with Recommendation 31 therefore entailed looking at both the Committee's first implementation report and the Party's individual replies to that first report.

Assessing the gaps with regards to the implementation of Recommendation 31 was limited since all Parties have provided the necessary information related to the measures taken to not aggravate the child's trauma during the proceeding as per the obligations of the Lanzarote Convention. However, gaps were nonetheless identified in the fact that a very limited amount of Parties provided any recent measure which could be of direct relevance to children affected by the refugee crisis and the fact that it was overall unclear whether Parties allowed for proceedings to continue even if the child has withdrawn his or her complaint.

The majority of the Parties to the Convention have implemented one or more measures to address the requirements of Recommendation 31. Specifically, 24 Parties are in partial compliance and 17 Parties are in full compliance of the requirements.

No Party has been considered non-compliant with Recommendation 31.

Finally, considering Recommendation 31 was very broad in its requirements, and that as mentioned, Parties did not provide extensive, recent, and specific information in their replies, identifying good practices with regards to the protection of child victims during the criminal proceeding was again very much based on the information provided for the first implementation report. Since the report was published in 2015, no current promising practices could be identified in the context of the refugee crisis for this particular Recommendation.

**Table 1. Comparative information on fulfilment of Recommendation 31**

Country	Avoiding aggravating the trauma during CP	Interviewing during CP is limited/suitable premises/trained prof	Allowing for groups/NGO/Asso to assist during CP	Ensuring CP starts without complaint and continues if withdrawal	Providing for a SP throughout the CP
Albania	Yes	No	No	No	Yes
Andorra	Yes	No	No	Yes	Yes
Austria	Yes	Yes	Yes	Yes	Yes
Belgium	Yes	No	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	No	Yes	Yes	Yes
Bulgaria	Yes	Yes	Yes	Yes	Yes
Croatia	Yes	Yes	Yes	Yes	Yes
Cyprus	Yes*	Yes*	Yes	Yes	Yes
Czech Republic	Yes	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes	Yes
Finland	Yes	No	Yes	Yes	Yes
France	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	No	Yes	No	No
Germany	Yes	Yes	Yes	Yes	Yes
Greece	Yes	No	No	Yes	Yes
Hungary	Yes	Yes	Yes	Yes	Yes
Iceland	Yes	Yes	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes	Yes
Latvia	Yes	Yes	Yes	Yes	Yes
Liechtenstein	Yes	Yes	Yes	No	Yes
Lithuania	Yes	No	Yes	No	Yes
Luxembourg	Yes	No	Yes	Yes	Yes
Malta	Yes	No	No	Yes	No
Republic of Moldova	Yes	No	Yes	Yes	Yes
Monaco	Yes	No	Yes	No	Yes
Montenegro	Yes	Yes	Yes	Yes	No
Netherlands	Yes	No	Yes	No	Yes
North Macedonia	Yes	Yes	Yes	No	Yes
Poland	Yes	Yes	Yes	Yes	Yes
Portugal	Yes	No	No	No	Yes
Romania	Yes	Yes	Yes	Yes	Yes
Russian Federation	Yes	Yes	Yes	Yes	Yes
San Marino	Yes	Yes	No	No	Yes
Serbia	Yes	No	Yes	No	Yes

<b>Slovak Republic</b>	Yes	No	No	No	No
<b>Slovenia</b>	Yes	Yes	Yes	Yes	Yes
<b>Spain</b>	Yes	No	Yes	No	Yes
<b>Sweden</b>	Yes	Yes	Yes	Yes	Yes
<b>Switzerland</b>	Yes	Yes	Yes	No	Yes
<b>Turkey</b>	Yes	Yes	Yes	Yes	Yes
<b>Ukraine</b>	Yes	Yes	No	No	Yes



### Recommendation R31

The Lanzarote Committee:

"Considers that Parties should ensure that its specific recommendations on the child-friendly handling of proceedings involving children victims of sexual abuse be implemented also in the context of proceedings involving children affected by the refugee crisis (R31).

Following the adoption of the Special Report and after the assessment of the 5 urge recommendations, the Committee asked Parties involved in the urgent monitoring round to provide follow-up information on the 10 recommendations considering that Parties should act. In the first phase, Parties provided relevant information to assess their compliance with recommendations, which was compiled in the Compilation information 2020. An individual assessment was carried out of the replies of each Party, taking into account specific requirements.

Recommendation 31 considers that Parties should ensure that the specific recommendations brought by the Committee in its first implementation report on the child-friendly handling of proceedings involving child victims of sexual abuse should also be implemented in the context of proceedings involving children affected by the refugee crisis. These recommendations made in the first implementation report invite and inform Parties on the steps to be taken to improve and better protect the participation of child victims in the criminal proceeding.

The method applied to assess whether Parties are in conformity with Recommendation 31 reflect both the Committee's recommendations on the child-friendly handling of proceedings during trial and the Lanzarote Convention's relevant Articles which have been identified as specifically relevant to child victims affected by the refugee crisis.

As mentioned previously, assessing compliance to Recommendation 31 is based on the fact that in the compiled information to the 10 recommendations, there is evidence that children are either protected in the context of national child protection laws, applying to both national children and children with other status; or through specific programmes targeting children affected by the refugee crisis.

The requirements identified to assess Parties' compliance with Recommendation 31 are as follows:

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Full compliance of this requirement will be given if the Party provides measures and specific examples which are being used to not aggravate the trauma of the child victim.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

Full compliance of this requirement will be given if the Party provides specific measures when interviewing the child victim during the trial proceedings to not aggravate his/her trauma.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Full compliance of this requirement will be given if the Party provides examples of legislation which allows for non-governmental organisations to assist and/or support the child victim during the criminal proceeding and/or of successful partnerships which have been made with organisations specialised in working with migrants and/or refugees.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Full compliance of this requirement will be given if the Party clearly indicates law/legislation which states that criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

Full compliance of this requirement will be given if the Party clearly provides information to demonstrate that measures/legislation as required by A31, and paragraphs 3 and 4 are put in place for children who are victims of sexual exploitation and/ or abuse.

The present report takes into account the Compilation information 2020 and related analytical document, as well as the additional information submitted by Parties. As previously mentioned, the present report will also take into account the Lanzarote Committee's first implementation report and the Parties individual replies to that report. The aim is to assess compliance, whilst providing a comprehensive picture of what national practices and legislation are in place.

For ease of reference, a comparative table summarising the findings of this report has also been prepared.<sup>2</sup> The table colours have been determined as follows:

- Full compliance (green) – the Party is in conformity with all the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Partial compliance (yellow) - the Party is in partial conformity with the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Non-compliance (red) – the Party does not address any of the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention.

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<sup>2</sup> This table can be found at the end of the Executive Summary.

## Country results

### ALBANIA

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation information 2020, Albania provided legal information and concrete examples which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding.

In addition to legislation whereby *“the child victim or witness of the criminal offence must be treated with care, in a friendly and sensitive manner, respecting his or her dignity throughout the process, taking into account his or her personal situation, immediate and special needs, age, gender, disability, if any, and level of maturity”*, Albania referred to Article 39/4 of its Juvenile Criminal Code which allows for specialised video/sound equipment to be used during the proceedings to protect the child’s identity and confidentiality.

Finally, in its answers, Albania clearly stated that the procedural rights envisaged for minor victims in both the Criminal Procedure and the Juvenile Justice Code will apply to all minors, regardless of their nationality.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

With regards to pretrial interviews, Albania referred in Compilation information 2020, to Article 39/4 of the Albanian Juvenile Criminal Code which guarantees for minor victims to be interviewed prior to the start of the court session, using specialised video and sound equipment to protect the victims’ identity, and conducted by the same professional. In addition, Article 39/4 also guarantees for such interviews to be limited in numbers, to be undertaken in child-friendly environments and allows for psychologists to be present at all times.

According to the first implementation report, Albania provided information on the various training programmes which had been organised during a specific period of time for police officers conducting interviews with child victims. However, it is unclear what training has recently been organised for professionals working in direct contact with children during the criminal proceeding.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

No information has been submitted concerning this requirement.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Based on the findings of the first implementation report of the Lanzarote Committee, Albania was identified as having a system in which it is possible to institute proceedings *ex officio*, without the prior lodging of a complaint, for sexual abuse crimes against children. However, the proceedings will stop if the complaint is withdrawn.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

According to the findings of the first implementation report of the Lanzarote Committee, Albania is referenced as providing free legal assistance at the various stages of the criminal proceeding through a representative.

Based on the information received, Albania is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined, as it is unclear whether groups/foundations or associations are able to assist and support the minor during the criminal proceeding. In addition, the Party informed that proceedings would stop if the complaint is withdrawn. Finally, there is insufficient information on the recent training undertaken by professionals working in direct contact with the child victim during the proceeding.

## **ANDORRA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the additional information to Compilation information 2020, Andorra provided legal information and concrete examples which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These protective measures, outlined below in requirement 2, may be ordered by both the Court and the town hall.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In Compilation information 2020 and the additional information, Andorra provided specific legislation which protects the child victim from repeated interviews, and which guarantees for these interviews to be carried out in a child-friendly environment by a trained psychologist. In addition, Andorra informed that relevant professionals (the judge, lawyers, social workers, and police officers) will be able to view the interview from

a separate room thus avoiding for the child to repeat his or her testimony. Professionals working in direct contact with children during the criminal proceeding are specially trained for that purpose.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

The Party informed that it has yet to allow the possibility for groups, foundations, associations or governmental or non-governmental organisation to assist and/or support the child victim during the criminal proceeding. Currently, civil society in Andorra takes part in the National Commission on Children and Adolescents.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the additional information provided to Compilation information 2020, Andorra referred to specific legislation which ensure that the criminal proceeding may be initiated without the child victim having to file a complaint and may continue even if the child or the family has withdrawn his or their statement.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies to the first implementation report, the Party referred to specific legislation which allows for the possibility for the child victim to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority.

Based on the information received, Andorra is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined, as Andorra has yet to allow foundations, associations, and non-governmental organisations to assist and/or support the child victim during the criminal proceeding.

## **AUSTRIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Based on the information provided in the Compilation information 2020, Austria provides examples of legislative measures which further protect the child victim during the criminal proceeding. All measures apply to children affected by the refugee crisis. These include for example, the child's identity and privacy being protected during proceedings, the child not having to be present in court and free psycho-social and legal support being provided. Additional measures are outlined under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

Based on the information provided in Compilation information 2020 and its additional replies, Austria outlined the measures and legislation taken to avoid secondary victimisation of the child, particularly during the interview phase. These include child-friendly interrogation rooms in courts equipped with technical means of audio and visual transmission to allow for the child not to be present in the court room; appointed experts to conduct the interviews and finally, the possibility for the child to be interviewed from home or to be accompanied during their interview by a person of their trust.

Recent training undertaken by professionals working in direct contact with the child victim during the proceedings include:

- Training for prosecutors and judges:
  - Trauma of children’s victims: September 2021, also planned for 2022;
  - Thank you for hearing me: November 2019;
  - Domestic violence – children as victim and witnesses: November 2019;
  - How to interview children and minors after experiencing sexual abuse: March 2019, also planned for 2022;
  - Multi-layered treatment of particularly vulnerable children: was scheduled for April 2020, but couldn’t take place because of the COVID-19 pandemic.
- Since 2015, basic training for psychosocial assistance has been offered in Austria. The basic training also addresses staff members of child protection institutions in a separate branch of the course. The aim is to help children who are victims or witnesses of a crime to get through the proceedings in a gentle manner. Since 2015, a total of 228 people have been trained in 11 courses, 87 of them from the children's sector.
- A further 28 persons (10 of them from the children's sector) are currently being trained.
- For course number 13, starting in January 2022, 11 persons are currently registered (5 of them from the children's sector).

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In Austria, relevant institutions specialised in working with child victims may provide legal and/or psychosocial assistance to victims during the criminal proceeding. Such provision, financed by the Ministry of Justice, allowed in 2019 for 47 NGOs to take part in the criminal proceeding. According to the replies given by Austria for Recommendation 11 of the Special Report, Caritas Refugee Assistance provides additional support to victims, such as informing them on their rights in a language he or she understand.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Based on the information provided in the first implementation report of the Lanzarote Committee, the criminal proceeding in Austria may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

The Party referred to article 66a para 3 of the Criminal Procedure Code, whereby if a legal representative of the child victim is suspected of having committed the criminal offence or if there is the risk of a conflict of interests between the minor victim and his legal representative, or if no legal representative can assist the minor victim in the criminal proceeding, the child victim may be represented by a curator (special representative).

Based on the information received, Austria is in full compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **BELGIUM**

In its replies to Recommendation 31, the Party referred to Recommendation 29 which highlights the protective and support measures which have been put in place in centres for child victims affected by the refugee crisis and the training provided to professionals working in close contact with them. Since the Party's replies did not concern the specificities of the criminal proceeding, the relevant information was found in the findings of the first implementation Report of the Lanzarote Committee.



*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Based on the first implementation report, means and specific legislation have been put in place in Belgium to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include for example the presumed offender and the victim not testifying at the same time nor in the same premises. Child victims will testify in specialised courts respectful of their best interest. Additional measures are outlined under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the first implementation report, Belgium organises interviews with the child victim in a structured environment suited to him or her, where the child's natural rhythm will be respected. The duration and number of interviews are limited and if multiple interviews are needed, all will be conducted by the same professional. Psychologists may assist the child victim throughout the interview phase.

Finally, video recordings of the interview will be applied and access to information on the child victim will be restricted. Should the child take part in the proceedings, he or she will be heard in specially adapted court rooms with a competence to adjudicate on cases with child victims. However, it is unclear what training has recently been organised for professionals working in direct contact with children during the criminal proceeding.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the first implementation report, Belgium was identified as having put in place a promising practice, whereby associations/NGOs play a central role in providing support to child victims in the context of the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Based on the assessment of the first implementation report, proceedings in Belgium may be initiated without the prior lodging of a complaint and may continue even where the complaint was withdrawn.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

As mentioned previously, the Lanzarote Committee identified Belgium as a Party which provides child victims with the possibility to be represented throughout the criminal proceeding by a special representative

Based on the information received in the first implementation report, Belgium is in partial compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined there is insufficient information on the recent training undertaken by professionals working in direct contact with the child victim during the proceeding.

## **BOSNIA AND HERZEGOVINA**

In the Compilation information 2020, Bosnia and Herzegovina stated that *“Existing criminal legislation and measures relating to the protection of children from all forms of sexual violence are valid and apply to all children, regardless of whether they are children who are domestic citizens or are children affected by the migrant crisis.”*

Since the Party’s replies did not concern the specificities of the criminal proceeding, the relevant information was found in the findings of the first implementation Report of the Lanzarote Committee.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Based on the findings of the committee’s first implementation report, Bosnia and Herzegovina has put in place measures to protect the identity and confidentiality of child victims during the proceedings. These include, for example, the safeguarding of the child’s best interest, closed hearings being mandatory and the guaranteed presence of a psychologist and or other professional to provide support to the child. Additional measures are outlined under the information provided for requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies to the first implementation report, Bosnia and Herzegovina informed that in the pretrial phase it is mandatory to use audio-visual testimony or other appropriate communication technologies, for any child under 16, to avoid the victim having to repeat his or her testimony during the proceedings. By referring to Article 185 of the FbBiH Law on Protection and Treatment of Children and Juveniles in the criminal proceeding, Bosnia and Herzegovina specified that in certain circumstances, the child may also be interviewed at his home and or residence. Although children may only be interviewed

twice as per the above-mentioned law, the Party did not provide additional information on whether the professionals who conduct the interview were trained and whether it was the same professional who carried out both interviews.

Should the child participate in the criminal proceeding, he or she will be able to be heard “live” in the court room and thus take part remotely.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Bosnia and Herzegovina provided in the first implementation report, information on the Safe houses/Medica Zenica which provide an array of support (psychological, legal, and social) to child victims. Such support can be provided during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Bosnia and Herzegovina was identified as having a judicial system based on the possibility of instituting proceedings *ex officio*, without the prior lodging of a complaint and that such proceedings can continue even where the complaint is withdrawn.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the findings of the first implementation report, Bosnia and Herzegovina was identified as a Party which allows for guardianship to be appointed to legally assist the child at the various stages of the criminal proceeding.

Based on the information received in the first implementation report, Bosnia and Herzegovina is in partial compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined there is insufficient information on the recent training undertaken by professionals working in direct contact with the child victim during the proceeding.

## **BULGARIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Based on the additional replies to Compilation Information 2020 and the findings of the first Lanzarote implementation report, Bulgaria has put in place measures to avoid

aggravating the trauma experienced by the child victim during the criminal proceeding. The measures are outlined under the information provided for requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies, the Party referred to the Child Protection Act to explain that judicial bodies are obliged to provide an appropriate environment for hearing the child. Although there's a possibility for children to be heard in courtrooms, Bulgaria referred to the use of "blue rooms" which is a room separate from the courtrooms, whereby the child will be heard directly by the judge and psychologist and indirectly by other relevant professionals who may listen to the hearing but from a different room. In addition, the Criminal Procedure Code which regulates the protection of children in the criminal proceedings, provides:

On the interrogation of a juvenile witness:

Art. 140.

(1) A juvenile witness under the age of 14 years shall be interrogated in the presence of a pedagogue or a psychologist, and where necessary, in the presence of the parent or the guardian.

(2) A juvenile witness above the age of 14 years shall be interrogated in the presence of the persons under the Para. 1, if the respective body deems so necessary.

(3) With the permission of the body conducting the interrogation, the persons under para. 1 may put questions to the witness.

(4) The body conducting the interrogation shall explain the juvenile witness under 14 years of age the necessity to give true testimony, without warning him/her liability.

(5) Interrogation of a juvenile witness under and above the age of 14 in the country may take place while taking measures for avoiding conflict with the defendant, including in premises with special equipment, or by videoconference.

On hearing the case behind closed doors:

Art. 263.

(1) The hearing of the case or performance of concrete Court procedural actions shall be performed behind closed doors, if is needed for the keeping the state secret and morality

(3) A witness of minor age or a juvenile witness having suffered from a crime, may be questioned in camera.

On the participation of a pedagogue or psychologist in the interrogation of persons at minor age:

Art. 388. Whenever necessary, a pedagogue or psychologist shall participate in the interrogation of a minor age defendant, who may ask him/her questions with the permission of the investigating authority. The pedagogue or psychologist shall have the right to become acquainted with the transcript from the interrogation and to address remarks on the accuracy and fullness of its contents.

On the court Session:

Art. 391.

(1) The Court session in cases against minor age persons shall be held behind closed doors unless the Court finds that it is in the public interest to try the case in a public session.

(2) At the discretion of the Court, inspectors with the children's education unit and representatives of the education establishment where the minor age person studies may be invited to the Court session.

Trainings are periodically conducted by UNHCR - Bulgaria, IOM, Bulgarian Helsinki Committee, UNICEF, Foundation for Access to Rights FAR and other non-governmental organisations. The trainings are aimed not only at the administration but also at judges, prosecutors and lawyers. EASO has also carried out national training of trainers in this field.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In Compilation information 2020, Bulgaria explained that non-governmental organisations run crisis centres for child victims of violence and may support victims by providing them with psychological support and counselling, social and health services, legal counselling and legal representation. In addition, Article 9 of the Child Protection Act allows for legal entities, as well as individuals and natural persons, to participate in the activities for the protection of the child under conditions and by order, provided by law.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the Lanzarote Committee's first implementation report, Bulgaria was identified as a party where criminal proceeding may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the additional replies to Compilation information 2020, Bulgaria referred to Art. 101, para. 1 and 2 of the Criminal Procedure Code, which states that when "*the interests of the minor or the underaged victim or of the incapacitated or partially incapacitated victim and his parent, guardian or trustee are contradictory, the respective body shall appoint a special representative - a lawyer. The special representative shall take part in the criminal proceeding as a trustee*".

Based on the information provided, Bulgaria is in full compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **CROATIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation information 2020, Croatia referred to the Criminal Procedure Act and the Juvenile Courts Act which provide child victims with a series of rights to avoid aggravating their trauma during the criminal proceeding, namely: the right to the protection of his/her dignity during witness testimony, the right to a hearing without unjustified delay after the filing of a complaint and for further hearings to be conducted only to the extent to which they are necessary for the criminal proceeding, the right to confidentiality and exclusion of the public from the hearing. Finally, the child victim has the right to be interviewed with audio-visual equipment.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In Compilation information 2020 and in its additional replies, Croatia referred to the Juvenile Courts Act (OJ 84/11, 143/12, 148/13, 56/15, 126/19) in ensuring that the child victim has the right to be interviewed by a professional of the same sex and that second interviews take place only if the court deems it necessary. In addition, Croatia referred to Title CVI of the Criminal Code, which provides for children who are younger than 16, the possibility to be interviewed in their home or in a specially equipped room instead of at court. The interview will be recorded and played at the hearing to avoid secondary victimisation. In addition, in the findings of the first implementation report of the Lanzarote Committee, Croatia specified that the police officers assigned to interviewing child victims undergo six weeks' training in interviewing techniques for children. However, it is unclear whether this training is still available today and undertaken by those working with child victims in the context of the refugee crisis.

Based on the Police Education Plan, and for the purpose of specialist training of criminal police officers from police administrations and police stations, the Police Academy regularly, every year, organizes a Specialist course for juvenile delinquency and crime against youth and family, lasting six weeks (250 teaching hours), by which police officers are trained to independently perform the tasks of prevention and suppression of juvenile delinquency, domestic violence and criminal protection of children. During the mentioned training, police officers study in detail the topics in the field of sexual exploitation and abuse of children, both in terms of criminal and procedural provisions and in terms of the manner and tactics of police treatment. Great emphasis is placed on the protection of children as a particularly vulnerable category of victims, and during the training, police officers are trained to independently collect information from child

victims of crime in accordance with best practices and international standards on the postulates of the PEACE model.

Every year, the Police Academy organises a seminar "Conducting an investigative interview with child victims of crime" (35 teaching hours), which is conducted in order to train police officers to independently collect information from child victims of crime in accordance with best practices and international standards on the postulates of the PEACE model of interviews and with the application of legal regulations and bylaws in the Republic of Croatia. At the end of the seminar, participants are able to collect information from the child victim or witness of the crime in a way that the child's testimony is complete and relevant, and by which, without additional victimisation of the child, the knowledge relevant to criminal proceedings and objective and clear image on the circumstances and manner of committing the criminal offense are gathered in the shortest possible time.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Under the previously mentioned Criminal Procedure Act, Croatia informed that child victims have the right to be accompanied by a person of trust during the proceedings. In addition, the first implementation report of the Lanzarote Committee referred Croatia as a Party which allows for other stakeholders to provide support to child victims during proceedings.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the Lanzarote Committee's first implementation report, Croatia was identified as a party where criminal proceeding may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the findings of the first implementation report, Croatia was identified as a Party which allows for a representative to be appointed to legally assist the child at the various stages of the criminal proceeding. In addition, the child can receive free legal aid or assistance before the court.

Based on the information received, Croatia in full compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report.

## CYPRUS

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the additional information submitted by Cyprus, means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding have yet to be put in place. A recent law amendment in 2019 however allows for child victims to testify and be cross-examined through teleconferencing system while being in the Children's House. Such improvement is only applicable for cases which appear at the Nicosia District Courts.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

The Court takes into consideration the forensic interview of the child during investigation. So, the number of interviews with the child during trial proceedings is limited to 0-1 interview, with 0 meaning that the offender has admitted the charges and there is no need for the child to testify in court. Usually, the child will be interviewed only once in court with only some exceptions, where 2 interviews might be needed. As mentioned under requirement 1, after the amendment of the Law in 2019, a child can testify and be cross-examined through a teleconferencing system while being in the Children's House. Although this improvement is only applicable for cases which appear at the Nicosia District Courts, its implementation is planned for all District Courts.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Article 37(6) of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child pornography Law of 2014 (L. 91(I)/2014) states that "any organisation, foundation or non-governmental organisation, that has a constitutional aim to support and protect victims of sexual abuse or exploitation may, provided that the victim or his/her guardian consents, help and support the victim during criminal proceedings".

The Children's House (under the Ministry of Labour, Welfare and Social Insurance) is a collaboration of four Ministries and one NGO (CRC Hope for Children Policy Centre) providing services under the same roof in a multidisciplinary/multi-agency approach. A Care Plan is prepared for every child victim which might include cooperation with other foundations, NGOs etc with the aim of providing the best possible support services to the child victim. Trained professionals in the Children's House prepare the child for the Court proceedings (e.g. familiarisation of the child with the Court Room, the persons present in the Court, etc) and they accompany the child to Court (it is almost always the same person who prepares the child for the court proceedings). Another example is the fact that the Ministry of Labour, Welfare and Social Insurance has a formal agreement



with the International Organisation for Migration (signed in 2020) to support unaccompanied children 16 years of age in their transition to adulthood. This support (e.g. accommodation, legal/psychological support) affects their wellbeing and indirectly affects children in all aspects of their lives including criminal proceedings.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Article 38(5) of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child pornography Law of 2014 (L. 91(I)/2014) states that *“The prosecuting authorities shall assure that the investigation or criminal prosecution shall not depend on the submission of a complaint or accusation by the victim or his or her representative and that the criminal procedure may continue even if this person withdraws his or her statement.”*

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

Article 42 of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child pornography Law of 2014 (L. 91(I)/2014) states that *“Where, by the laws of the Republic, the parents or holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from its family, the Court may appoint the Commissioner for the legal representation of the child in criminal investigation or proceedings in accordance with the Law on the Commissioner for the Protection of Children’s Rights of the Child, as from time to time amended or substituted.”*

Based on the information received, Cyprus in partial compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) there is insufficient information on the recent training undertaken by professionals working in direct contact with the child victim during the proceedings; and b) for the moment, the improvements reported are only applicable to the Nicosia District Courts and not the entire country.

## **CZECH REPUBLIC**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation information 2020, the Czech Republic informed that measures are available to protect child victims from a secondary victimisation. Child victims may for

example be prevented from being in the same room as the offender and questioning of the child will be based on his/her the age, personal experience, and mental state.

In line with Section 2(4)(a) of the Act on Victims, all child victims are considered particularly vulnerable under all circumstances, and therefore they also enjoy enhanced rights protecting them from secondary victimisation. Section 20 of the Act on Victims lays down specific rules for protection of particularly vulnerable victims. These victims must always be interviewed in an especially sensitive manner, and with due regard to specific circumstances making the person particularly vulnerable. It is a statutory rule that interviews of child victims are carried out by a person with relevant training and in premises (rooms) adjusted for this purpose. The special interview rooms exist and are broadly used in all regions and most of the larger towns of the Czech Republic. The rooms are equipped with toys, pictures and other items aiming at making the room as comfortable and pleasant for the child as possible. Only one interviewing person is present in the room with the interviewed child. Other persons that shall be present in line with the law watch the interview from another room by means of a camera and a monitor.

Protection against secondary victimisation is one of the fundamental principles of the Act on Victims, as laid down in its Section 3(2) which stipulates that *“The Police of the Czech Republic, authorities involved in criminal proceedings and other public authorities, entities filed in the register of providers of assistance to crime victims, healthcare providers, experts, interpreters, defence lawyers and the media are obliged to respect the personality and dignity of the victim, to approach the victim politely and with care and to accommodate the victim if possible. They interact with the victim with due regard to his or her age, health condition including psychological state, his or her intellectual maturity and cultural identity in a way that does not cause deepening of the injury incurred to the victim by the crime, or cause secondary injury.”*

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In addition to the information provided above, the Party referred to Section 20(3) of the Act on Victims which reads: *“The interview of a particularly vulnerable victim is performed so that it need not be repeated later. In the case of another interview before the same authority, the one performing the interview is generally the same person, unless otherwise prevented by important reasons.”*

The task of working with child victims of crime is primarily to prevent secondary victimization of these victims. For this reason, the Police of the Czech Republic, which in vast majority of cases conducts interviewing of child victims, is constantly developing an approach to these victims, taking into account modern trends in the field of child psychology, psychiatry and in accordance with changes in legislation in the field of work with child victims.

In order for child victims to feel comfortable during the interviewing, emphasis is put on the way of conducting such interview when **special interrogation rooms** are used to this purpose, which cover the entire area of the Czech Republic (see more information below). These tasks are performed by **specialists who are trained to work with children** - not only with child victims of crime but also with child perpetrators of offences or of acts otherwise punishable.

During the interviewing of child victims of crime various appropriate procedures are used, including the possibility of using **demonstration aids** called "*Jája and Pája*" – rag dolls, which are nowadays extended to all family members. Specialists are trained in educational programs how to conduct interviewing **sensitively with regard to the current state of the interviewed person** (child), how to conduct interviewing **in such a way that it does not need to be repeated**, i.e. to conduct the interviewing in the so-called "exhaustive" way in relation to evidentiary purposes.

Specialists are also trained in terms of the **length of the procedure** with regard to the child's age and related keeping of attention as well as in terms of perception of "signals" from the child due to "break". Not only **child's physical needs**, such as going to the toilet, fluid intake etc., but also **needs of child to play or to draw** (especially in relation to smaller children) are taken into account as well. When interviewing child victims the procedures cannot be performed on a generalized basis; an **individual approach** is always required.

**Special interrogation rooms** are designed in a way that the interview takes place only between interviewing person and interviewed child whereas other persons are situated in another room watching interview by audiovisual transmission, when they can ask questions through the interviewer. The physical presence of another person, such as a confidant, during interview is possible if his or her presence would lead to the achievement of the purpose of the performed procedure. Special interrogation rooms make this comfort possible during the interview. Specialists are learned to work in these rooms in a way that the interviewed child is affected as little as possible by reviving unpleasant experiences. The interrogation is conducted in the form of an interview, but in compliance with the provisions of the relevant Czech legislation (Criminal Procedure Code, Criminal Code, Act on Victims of Crime, Act on Juvenile Justice).

Specialists acquire abovementioned knowledge and skills within these training programs:

- training program "**Interviewing of a person under the age of 18 and of a particularly vulnerable victim**" is intended for members of the Police of the Czech Republic assigned to specialized positions of the criminal police and investigation service. Specialists will acquire practical skills in performing acts with children, especially vulnerable victims in special interrogation rooms, as well as legal and psychological skills. This is a course with a time allowance of 36 hours.
- training program "**Child in criminal proceedings**" is intended for members of the Police who perform criminal proceedings in criminal matters of juveniles and

minors in accordance with Act No. 218/2003 Coll., On Justice in Matters of Youth Act, and acts with child victims pursuant to the provisions of Act No. 45/2013 Coll., on Victims of Crime. The task is to acquire knowledge and skills in performing acts with children related to the detection and investigation of offences and acts otherwise punishable using modern interviewing tactics. Time allowance is 20 hours of teaching.

- training program **“Victims of Crime and Domestic Violence – Trainer”** is designed for methodologists in the field of crime and domestic violence included in the systematic service positions of the criminal police and investigation service. The aim is the correct identification of victims and particularly vulnerable victims at risk of violence, effective communication with these victims, the ability to adequately assess a case of domestic violence. Trainer is able to train other members of the Police within the acquired skills. The theoretical part is focused on acquiring skills in law and psychology, the course also includes practical exercises. Time allowance is 15 hours.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In Compilation information 2020, the Czech Republic mentioned the possibility for the child to be accompanied during the proceedings by a person qualified to perform legal acts. In addition, in Compilation Information 2020, the Czech Republic provided information for Recommendation 11 whereby child victims will be further protected under the Act On Victims of Crime. Under the Act, victims are entitled to use a variety of measures to ensure their best interests such as psychological counselling, social counselling, legal advice, legal assistance or any restorative programs, free of charge. The Party explained that the Act on Victims of Crime stipulates for all the information to be provided in the language victim claims to understand or in the official language of the state of victim’s citizenship. In line with Section 21 of the Act on Victims, the victim has the right to be accompanied by a fiduciary during the course of the criminal proceedings. There is a broad network of organisations and persons providing assistance to crime victims, which comprises a public organisation – the Probation and Mediation Service, with many offices throughout the country – and a number of NGOs as well as attorneys at law. The assistance to the child victims is provided free of charge, and includes psychological counselling, social counselling, legal advice, legal assistance and restorative programs. The Ministry of Justice operates a register (list) of the assistance providers where most of the providers are listed and which is accessible online via <https://otc.justice.cz/verejne/seznam.jsf>.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In Compilation information 2020, the Czech Republic referred to Section 2(3) of the Criminal Procedural Code which allows for proceedings to be initiated without the

lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies, the Czech Republic refers to Section 51a(2) of the Criminal Procedural Code, which allows for a representative to be appointed to legally assist the child at the various stages of the criminal proceeding. In addition, the child can receive free legal aid or assistance before the court.

Based on the information received in the first implementation report and additional information submitted, the Czech Republic is in full compliance with the requirements of Recommendation 31.

## **DENMARK**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

Based on the additional information provided in Compilation Information 2020, the Children's houses offer victims the possibility of being heard in a safe and child-friendly environment. All professionals involved in the child's case will hear the child's testimony at the abovementioned house. Video and equipment will be used to record the child's testimony and later shown in court.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In compilation information 2020, the Danish National Police added that specially trained officers will interview the child victim, and special measures such as conducting the interview in a child-friendly room will be put in place. Since the video recording of the child's initial testimony is considered admissible evidence, the child will not have to appear in court to testify. If his or her appearance is considered necessary, the child will be able to testify 'in camera'.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

As mentioned in requirement one, the Children's House allows for child victims to be supported throughout the criminal proceeding. It is however unclear whether the Children's House may also support migrant children during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In Compilation information 2020, Denmark informed that investigations may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In Compilation information 2020, Denmark provided information that a court may appoint a counsel to support the child during the interview and proceeding phase. Such legal assistance is free of charge.

Based on the information received, Denmark is in full compliance with the requirements of Recommendation 31 and has in place measures contributing to the child-friendly handling of proceedings involving child victims, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **FINLAND**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In accordance with the additional information to Compilation Information 2020, Finland has put in place a series of legislative measures and means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. With reference to the Code of Judicial Procedure, these include for example, the child not having to be physically present in the court room and the use of videoconferencing equipment throughout the proceeding. Finally, according to the first implementation report of the Lanzarote Committee, the privacy of the child victim is respected during the proceedings, and sensitive information which may be detrimental to the child must remain secret.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In the additional submitted information, Finland informed that the interview in the pretrial phase will take place in an environment suited for the child, be filmed and recorded and used as evidence in the criminal proceeding allowing the child not having to be physically present in the courtroom. However, it is unclear what training has recently been organised for professionals working in direct contact with children during the criminal proceeding.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies, Finland informed that it had recently launched the Barnahus project (Children's Houses) to provide additional support, such as ensuring child-friendly encounters and facilities for all children heard in legal context. Additional information is needed on whether the Children's House may also support migrant children during the criminal proceeding. Finland mentioned the possibility for children to be assigned a support person for assistance at the different stages of the criminal proceeding. The child may choose the support person, and he or she will be able to attend trial under certain restrictions.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the Lanzarote Committee's first implementation report, Finland was identified as having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In Compilation Information 2020, Finland informed that all unaccompanied minors are appointed a legal guardian and a legal advisor to ensure that the child's best interests are taken into account and to ensure the well-being of the child together with officials.

Based on the information received, Finland is in partial compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as there is insufficient information on the recent training received by professionals working in direct contact with the child victims affected by the refugee crisis during the criminal proceeding.

## **FRANCE**

In the additional information provided to Compilation Information 2020, France outlined the measures which have been put in place to detect sexual abuse and exploitation when interviewing children affected by the refugee crisis in the context of their request with OFPRA (The French Office for the Protection of Refugee and Stateless Persons). Little information is however given on the means which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. In its replies, France stated that children affected by the refugee crisis who

are also victims of sexual violence are protected under common law. Consequently, in the necessary information was found in findings of the first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In accordance with first implementation report, France has put in place a series of legislative measures and means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. France informed for example, that specialised courts dealt with cases involving children and that the identity of the child was protected throughout the proceeding. Additional information is presented under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its additional replies, France informed that interviews are video recorded and organised in suitable premises by trained professionals. France also specified that a psychologist may support the child victim. If the child takes part in the proceeding, he or she will be heard in a specialised court competent to adjudicate on cases with child victims. The hearings will be closed to the public and communication technologies will be used in courtrooms allowing for the child to be heard without having to be physically present in court.

Finally, although not directly related to the criminal proceeding France specified in its replies to Recommendation 11, that social workers in charge of child protection are trained to identify the vulnerabilities and risks concerning children affected by the refugee crisis. In addition, the continuing training provided by the National School for the Judicial Protection of Youth deals with the suffering linked to the journey of exile, as well as, on the issues resulting from exploitation, in particular sexual exploitation, resulting from trafficking in human beings within the national territory.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its additional replies and in the first implementation report, France informed that its national law provides that non-governmental organisations may assist the child throughout his or her hearing.



*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, France informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In France, a child victim may be represented throughout the proceeding by a special representative (Article 706-50 of the Penal code) appointed by the judicial authority. In addition, France specified that migrant children who are in transit zone or who need to be supported administratively will automatically be appointed a representative.

Based on the information received, France is in full compliance with the requirements of Recommendation 31 and has measures contributing to the child-friendly handling of proceedings, as per the obligations of the Convention and the issues highlighted in the special report.

## **GEORGIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the information provided in Compilation Information 2020, Georgia has put in place means to avoid aggravating the trauma experienced by the child during the criminal proceeding. For example, under the Juvenile Justice Codes, a judge may decide to close the hearing fully or partially and/or can decide to remove the accused when the child is present in the courtroom. In addition, Georgia informed that a legal representative, a counsel, and a psychologist will attend the child's examination and that an individual approach used to evaluate the specific needs of a child will be prepared at every stage. Additional measures are outlined in the Party's reply to requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the above-mentioned Juvenile Justice Code, Georgia informed that the use of image or sound equipment and opaque screen may be applied to interview the child remotely. The video recording may be used in the courtroom as evidence.

In addition, all professionals including prosecutors, investigators, judges and lawyers have to be specialised in Juvenile Justice. It is however unclear whether these professionals received training on the specificities related to the sexual exploitation and abuse of children.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Under Recommendation 11 in Compilation information 2020, Georgia provided information that the "State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking", while not an institution that individually (specifically) provides services to children who have become victims of the refugee crisis and need assistance, provides the appropriate services if a child is found to be a victim of sexual violence and sexual exploitation under Georgian law and he/she (his/her representative) applies to the State Fund, regardless of the circumstances of the victims, including if they are affected by the refugee crisis.

The aims of the State Fund include the protection, assistance, and rehabilitation of the victims/statutory victims/alleged victims (both adults and minors) of human trafficking and/or domestic violence and/or violence against women and/or sexual abuse, regardless of the race, skin colour, language, sex, age, religion or belief citizenship, origin, property or social status, place of residence, political or other opinions, national, ethnic or social affiliation, profession, marital.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

No information was provided for this requirement.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

No information was provided for this requirement.

Based on the information received, Georgia is in partial compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as more information is needed on the recent training received by professionals working in direct contact with the child victims affected by the refugee crisis during the criminal proceeding. In addition, there is insufficient information to assess compliancy for requirements 4 and 5.

## GERMANY

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In compilation Information 2020, Germany informed that protection measures to avoid aggravating the trauma experienced by the child victim apply also to children affected by the refugee crisis. These include, initiating investigations and proceedings as quickly as possible, avoiding for the child to be confronted with the accused, and for hearings to be held in special youth courts in order for the interests of children and youth to be better safeguarded.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies, Germany informed that prior to the trial proceedings, there is a possibility to use audio and video recording in order to avoid multiple questioning when a child victim witness is questioned by the police or the investigating judge. If a child victim takes part in the main hearing, the questions will be conducted by the judge alone.

The Länder offer a wide range of training opportunities for criminal judges on hearing children as crime victims. The German Judicial Academy also regularly offers training sessions on the topic; in 2022, for example: "Forensic hearing of children – possibilities and limits of video hearings" or "Child protection proceedings with a focus on sexual offences". These training courses always meet with great interest among the judiciary and are in great demand.

Such trainings include the issue "dealing with very vulnerable victims" such as those with a refugee background on a regular basis. The trainings are currently being expanded. Also, the interviews of young persons under 18 led by investigating judges are conducted only by the judge her-/himself. All other participants with the right to ask questions must ask their questions via the judge and will only get the permission to ask the witness directly if no disadvantage for the wellbeing of the witness has to be dreaded.

The premises in which the interviews prior to trial are held mostly in a child-friendly environment. Many courts have rooms designed for videorecording of child-victims. Some courts use the child-friendly equipped investigation rooms of police stations. Others use the premises of the Childhood Houses which are already installed in several federal states (Länder). These Childhood Houses have child-friendly rooms specially designed and adapted to the needs of children.

Police officers interviewing Child victims are also trained to conduct interviews with child victims.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the replies provided to the first implementation report, Germany referred to the Victim support centres and psycho-social helpers who may advise victims and support them through the legal process. According to section 406 para 2 German Procedural Criminal Law a person whom the victim-witness trusts (this can be, inter alia, an employee of a victim support organization) shall in principle, at the request of the victim, be permitted to be present at the interview. There are several specialized organisations working with migrants and refugees and specialized for victims of trade of human beings. In addition to that, minors under the age of 18, who have been victims of sexual crimes or certain violent crimes (among those is e.g. trade of human beings) are entitled to apply for a psychosocial assistant, who is appointed free of charge by the court. Psychosocial assistants are highly qualified professionals trained to working with victims, including child victims with their special needs.

So German legislation allows for non-governmental organisations to assist and/or support the child victim during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the replies given to the first implementation report, a criminal proceeding may be initiated without the lodging of a complaint. In cases of sexual abuse an eventual withdrawing of the child's complaint has no effect on the ongoing proceedings. The German procedural criminal law follows strictly the legality principle, so any criminal offense has to be prosecuted. Exceptions exist regarding minor offenses like trespassing or insult which are prosecuted only on request of the victim, but this does not apply for sexual abuse of children.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the replies provided to the first implementation report, Germany referred to the Act on Family matters which allows for a child to be represented by a representative appointed by the judicial authority (such as for example a lawyers or social worker). Should there be a conflict of interest with the child's legal representative, a curator will be appointed instead.

Based on the information received, Germany is in full compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the special report.

## GREECE

Greece did not provide any information with regards to recommendation 31. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the replies provided to the first implementation report, Greece informed on the measures put in place in order to not aggravate the trauma experienced by the child victim during the criminal proceeding. These include for example, treating as an offence the revealing of the identity of a sexually abused child or the possibility for closed hearings.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

Based on the first implementation report, interviews carried-out during the pretrial phase will be conducted as soon as possible by the same professional and will be both limited in number and duration. As informed by the Party, despite the available provision for videotaping the child's interview and for it to be used as evidence in court, the possibility for the child not to participate in person to the proceeding has yet to be issued by the Presidential Decree. Finally, the Party provided information on the environment where interviews take place but did not specify whether such environment was suitable for child victims and what special training was undertaken by professionals who carry out these interviews.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the replies provided to the first implementation report, Greece informed that there is no provision in internal law for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings. Such groups may only participate in the criminal proceeding in cases where during the legal process the custody of the child had been temporarily (until regular trial occurs) been removed from previous carers.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the first implementation report, Greece informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the findings of the first implementation report, Greece was identified as providing the child victim with the possibility to be represented throughout the criminal proceeding by a special representative.

Based on the information received, Greece is in partial compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as there is insufficient updated information on the measures taken to protect children during the criminal proceeding. In addition, it is unclear whether NGOs, groups and association may support the victim in all cases involving sexual exploitation and/or abuse.

## **HUNGARY**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation information 2020 and the additional information provided, Hungary explained that the rights and measures available for child victims equally apply to those who are also affected by the refugee crisis. The party referred to various legislation such as those appearing in the Criminal Procedure Code, which allows for example for special hearing rooms to be available to child victims in both courtroom and police stations. These include playrooms, material and other child-friendly details which make these hearing rooms child-friendly and respectful of the child's best interest. Moreover, Hungary stated that the child's best interest and the right to his or her privacy will be respected during all the criminal proceeding.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional replies provided by Hungary, a child victim will be interviewed by the same specialised investigator who has been trained for that purpose, who is of the same sex as the child and who would conduct the interview in a child-friendly hearing room. In addition, the child's appearance in court will be limited, and if organised, the child will be heard by a trained judge. Such appearance can be organised through telecommunications devices, or the initial hearing which was recorded can be viewed in court.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In Compilation information 2020, Hungary explained that child victims can be supported by the Victim Support Services, which facilitates the implementation of the child's best interest and rights. Information however, on whether the Victim Support Services may assist the child during the proceeding did not appear in Hungary's replies.

Moreover, Hungary informed that in 2019, following an amendment of the Child Welfare Act, the regional child protection services may assist victims when being heard by an official body. The child protection professional is directly involved in the hearing of the child during criminal proceedings. Such consultant not only interprets the questions and communications of the proceeding official body, but also uses professional knowledge and methods to get the necessary answers. The consultant is obliged to cooperate very closely with the authorities and to ensure that, in view of the child protection history, a person with genuine expertise is involved in the execution of the procedural act. From 1 January 2019, the tasks of the regional child protection services include the service based on the Barnahus model, which examines neglected and abused children, especially those who have been sexually abused, and facilitates the hearing of the affected children at the request of an official body. The new service aims to protect child victims of sexual abuse from the retraumatizing effects of multiple interrogations during evidence and criminal proceedings, as well as from other severely traumatic factors in the proceedings. One of Barnahus' key criteria is that the child is questioned according to a specific protocol that ensures the quality and quantity of evidence obtained. The main purpose of the interrogation, in addition to avoiding re-traumatization, is to allow the child to report in as much detail as possible in a way that complies with the rules of evidence and the right to a defence. Following the establishment of the National Child Protection Service on 1 July 2021, the professional methodological support and development of the services and the training of specialist became the task of the body called the Hearing and Therapy Service.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, Hungary informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In Hungary, a child victim under 18 years old is considered as not having the capacity to act in the criminal proceeding. The Hungarian Civil Code thus allows for parents and for guardians to represent the child through proceedings. Hungary informs that guardians

can only be lawyers or law officers and that an additional support person, appointed by the guardianship authority may support the child during the proceeding but without having the right to make statements on the child's behalf.

Based on the information received, Hungary is in full compliance with the requirements of Recommendation 31.

## ICELAND

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation Information 2020, Iceland informed that migrant children are provided with the same child-friendly procedures as all other children. In the first implementation report of the Lanzarote Committee, Iceland submitted information on the Children's House/Barnahus which *represents a child-friendly, interdisciplinary and multiagency centre where different professionals work under one roof and investigate suspected child sexual abuse cases and provide appropriate support for child victims.*" In addition, children's privacy will be respected, and closed hearings will be mandatory.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

Interviews and court statements will be organised at the Children's House mentioned above. Children's Houses have been designed and organised in a way which respect the child's best interests. Iceland also indicated that pretrial interview sessions with child victims are recorded and entrusted to childhood specialists trained in techniques of forensic interviewing.

Finally, if a child victim is being heard in the courtroom, audio and sound equipment will be used to allow for the child not having to be physically present. At court, a specialist in childhood questions will be appointed by the judge to conduct the hearing.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to Compilation Information 2020, Children's Houses provide support to all children prior, during and after he or she takes part in the criminal proceeding.



*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

Iceland was identified as having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Iceland provided information on how a child may receive, free of charge, assistance at the various stages of the criminal proceeding.

Based on the information received, Iceland is in full compliance with the requirements of Recommendation 31 and has measures contributing to the child-friendly handling of proceedings, as per the obligations of the Convention and the issues highlighted in the special report.

## **ITALY**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation Information 2020, Italy explained that all children, regardless of their status and nationality, are protected under the same regulations and procedures. In its replies to the first monitoring report of the Lanzarote committee, Italy referred to legislation which for example, prevents the child victim from giving evidence during the trial. Additional measures given by the Party are outlined under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies to the first implementation report, Italy submitted information on measures taken to prevent the proceedings from upsetting the child victim, namely Article 398 of the Code of Criminal Procedure which entrusts the judge with the possibility to hear the child (under 16) at his own house or *ad hoc* sites designed for that purpose (one way mirror system and audio-visual equipment). Examining the child victim during trial proceedings can be done in closed hearings and can be examined through a one-way mirror together with an intercom. However, it is unclear whether any recent training has been organised for professionals working in direct contact with children during the proceedings, in addition to information on whether the interview is carried out by the same person of the same sex as the child is also relevant.

Currently Italy is in the process of creating a national register of associations (based on art 609 decies of the Penal Code) that can take charge of the child for treatment and care and support the child during the proceedings. The aim is to create a permanent network of protection and care for children who are victims of abuse, including refugees and migrant children.

In the new national plan against paedophilia and child pornography, which is currently being developed, training actions are foreseen to improve the knowledge by professionals working with children.

Some associations have also implemented projects in order to develop the concept of child-friendly justice. For instance in the project "Justice Youthopia" Save the Children aims at implementing the principle of participation of minors in judicial proceedings through a number of actions: a child-friendly guide; a communication toolkit for judges and magistrates; an information front office and socio-legal guidance; affective and psychological support to children involved in legal proceedings who have suffered sexual exploitation and abuse based on the principles of the Lanzarote convention; dissemination activities.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the first implementation report, Italy informed that the court may permit groups, foundations, and associations to support the child victim emotionally and psychologically during the criminal proceeding. To provide such support, these various organisations need to have proven experience in the field of assistance and support to child victims of sexual offenses. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Italy informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Italy provided information on how a child may receive, free of charge, assistance at the various stages of the criminal proceeding.

Based on the information received, Italy is in full compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the Special Report.

## LATVIA

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to Compilation Information 2020, Latvia provided legislation and concrete example to demonstrate that the Latvian criminal proceeding “*must be directed in such a way that they take into consideration the age, maturity and any special needs of the children, in accordance with Paragraph 3 of Section 12 of the Criminal Procedure Law (CPL).*”

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In the additional information submitted, Latvia, provided information that children will be interviewed in the pretrial the criminal proceeding, in a separate room appropriate for such purposes and without the presence of persons who are not related to the procedural aspect of the case. The interview will be conducted by a person of the same gender who has special knowledge in the field of protection of the rights of the child and who can speak the same language as the child. Latvia explained that according to Cabinet Regulation No. 173 “Regulations on the Procedure for Acquiring Specialised Knowledge on the Protection of the Rights of the Child, Content and Scope of Such Knowledge”, it is mandatory to pass a 40-hour training course on the rights of children.

Interviews will be videorecorded, used in the criminal proceeding if necessary and conducted by a psychologist.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to the additional information submitted by Latvia, the PROMISE project which is a child-friendly multi-disciplinary and interagency, supports child victims with access to justice, recovery and avoiding secondary victimisation. However, it is unclear how the PROMISE project supported children affected by the refugee crisis during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the additional information provided, a criminal proceeding may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

According to Section 7 of the [Criminal Procedure Law](#), criminal proceedings shall be conducted in the interests of society regardless of the will of the person upon whom the harm was inflicted, if this Law does not specify otherwise. The prosecution function in criminal proceedings on behalf of the State shall be implemented by a prosecutor. Criminal proceedings shall be initiated for the offence provided for in Section 130, Paragraph two, Sections 131, 132, 132.1, 157, 168, 169, and 180, Section 185, Paragraph one, Section 197, and Section 200, Paragraph one of the Criminal Law, if a request has been received from the person to whom harm has been inflicted. The listed provisions of the Criminal Law do not relate to the sexual abuse or violence of children. Point 8 of Section 377 of the Criminal Procedure Law establishes, that the initiation of criminal proceedings shall not be permitted, and initiated criminal proceedings shall be terminated, if an application of a victim does not exist in criminal proceedings that may be initiated only on the basis of an application of such person (mentioned Section 7 of the Criminal Law). Consequently, in cases where the child victim withdraws his or her application, the progress of the criminal proceedings continues and it may not be terminated.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

Latvia informed that provision of free legal assistance to a minor victim and the representative of a minor victim is mandatory in the criminal proceeding regarding a criminal offence related to violence. Such representation can be both a legal counsel and a guardian.

Based on the information received, Latvia is in full compliance with the requirements of Recommendation 31.

## **LIECHTENSTEIN**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In its replies to the Compilation Information 2020 and in the findings of the first implementation report, Liechtenstein provided information on legislation which addresses the considerations which have been put in place to avoid aggravating the trauma experienced by the child victim during the interrogation and proceeding phase.

These include for example, the child's right to refuse to testify and the consideration of his age when being informed about his case. Additional measures are outlined under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In Compilation information 2020, Liechtenstein provided examples of legislation from the Liechtenstein Code of Criminal Procedure which further protects the child from aggravating his or her trauma. These include using "gentle interrogation" techniques, the possibility for experts to conduct the interrogation, and the involvement of a confidant. In its replies to the first implementation report, Liechtenstein informed that during the proceedings, the public may be excluded and that the child victim may testify remotely through the use of appropriate communication technologies.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In Compilation information 2020, Liechtenstein informed that child victims have the right to representation, *inter alia*, by the Victim Assistance Office. However, it is unclear how the Victim Assistance Office supports the child during the criminal proceeding.

In addition, no information was provided on whether such office was also specialised in migration issues and thus supported children affected by the refugee crisis during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies to the first implementation report, Liechtenstein indicated that proceedings may be initiated without the lodging of a complaint. However, it is unclear whether the proceeding may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

According to the Party's reply to the first implementation report, a child may be represented by the Victim Assistance Office throughout the proceeding or by a curator should there be a conflict of interest with the child's parents.

Based on the information received, Liechtenstein is in partial compliance with the requirements of Recommendation 31. Partial compliance was determined as it is

unclear whether proceedings may continue even if the child victim has withdrawn his or her complaint.

## **LITHUANIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In Compilation information 2020, Lithuania referenced the 2016 Guidelines on Provision of Integrated Assistance to Child Victims of Sexual Exploitation, which provide guidance to the Lithuanian institutions on better protecting the rights of the child and his or her representation in the criminal proceeding. In the first implementation report, Latvia informed on the legislation and measures taken to avoid aggravating the trauma of children prior and during the criminal proceeding. Children will for example be questioned without the presence of the presumed offender and revealing publicly the child's identity will be treated as an offence. Additional measures are outlined under requirement 2.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In the first implementation report, Lithuania informed that interviews of child victims are both limited in duration and in numbers, interviews can be video recorded, and a psychologist can be present. The recordings may be used in court, and/or video equipment is available in court to avoid aggravating the child's trauma during his or her hearing.

Although the above-mentioned Guidelines recommend for interviews to be carried out in a child-friendly setting, it is unclear whether child-friendly environments are available in both police stations and/or the courts. In addition, in the first implementation report, Lithuania was assessed as having neither a special unit within the police that deals with children nor has training been addressed to individual police officers on how victims should be treated.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the replies provided to the first implementation report, Latvia referred to specific legislation which allows for organisations, foundations etc to assist the child during the criminal proceeding. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the first implementation report a criminal proceeding may be initiated without the lodging of a complaint. However, Lithuania did not specify whether the proceeding would continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

According to the first implementation report, free legal assistance through a representative, is available to the child victim at the various stages of the criminal proceeding.

Based on the information received, Lithuania is in partial compliance with the requirements of Recommendation 31. Partial compliance was determined as there's insufficient information on the measures taken to avoid aggravating the child's trauma during his or her hearing and whether proceedings may continue even if the child victim has withdrawn his or her complaint.

## **LUXEMBOURG**

Luxembourg did not provide information on recommendation 31. The following information was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In its replies to the first implementation report and in the analyses provided by the Committee, Luxembourg was recognised as having put in place measures to avoid aggravating the child's trauma during the proceedings. In addition, revealing the identity of a sexually abused child public is treated as an offence. Additional measures to avoid secondary victimisation are further elucidated under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In the Lanzarote Committee's first implementation report, Luxembourg provided information on the measures and legislation in place to avoid the revictimisation of the child prior or during proceedings. For instance, during the pretrial phase, interviews with the child will be organised within a structure and an environment suited to him or her and will be limited in duration and in numbers. Finally, the interviews will be conducted by the same professionals and will be video recorded. During the proceedings, the

recording will be shown and/or used as admissible evidence. If, however, the child has to take active part in the proceedings, he or she will be heard in a separate and suitable premise using audio and visual equipment so then the child can be heard 'live' in the courtroom without being present.

Finally, according to the information sent by Luxembourg for the analysis of the first implementation report, police officers must attend a three-week course on child psychology and communication with children and a two-week additional training on the sexual abuse of children. No information was however provided on whether such training is still available today.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the first implementation report, Luxembourg explained that two services may apply: 1) the "Ombuds-Comité fir d'Rechter vum Kand" which may assist the child in the procedure without however being allowed to intervene in the ongoing proceedings; and 2) the "Service central d'assistance social (SCAS) which enforces decisions given by the court and which can thus provide support to the child only based on the Courts' recommendations. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Luxembourg informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Luxembourg was identified as providing free legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative or through a guardianship.

Based on the information received, Luxembourg is in partial compliance with the requirements of Recommendation 31, as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as more information is needed on the recent training received by professionals working in direct contact with the child victims affected by the refugee crisis during the criminal proceeding.



## MALTA

In its replies to the Compilation information 2020, Malta informed that proceedings involving minors maintain a child-friendly policy and approach. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the first implementation report, Malta informed on a number of measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. For instance, if the child's physical presence is essential, the hearing of the child will be done in camera and held behind closed doors without the alleged perpetrator. Additional measures are explained in the requirement below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose Article 35§1 + 36 1 of the LC).*

In the first implementation report, Malta was identified as having a system which limits the duration and number of interviews during the pretrial phase. Interviews will be recorded and used as admissible evidence. If the child must be heard in court, the hearing will take place in a specialised court competent to adjudicate on cases with child victims. However, Malta was identified by the Committee as having neither special units within the police that deal with child victims nor had provisions been made to provide individual members of the regular police force with training on how child victims should be treated.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the first implementation report, Malta reported that no law regulates the assistance of groups, foundations and NGOs to assist and support the child victim during the criminal proceeding. The Party explained that governmental agencies only take part to assist the court such as during audio and video recording of evidence. It is thus unclear how the agency supports the child and whether additional bodies are currently available for support especially in cases where the child victim is also affected by the refugee crisis.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Malta informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the findings of the first implementation report, the Lanzarote Committee identified Malta has having no official legal impositions that allows child victim to be represented by an independent person when the parents have a conflict of interest to assist the child. As a consequence, Malta was urged by the Committee to appoint a special representative or guardian *ad litem* when there is a conflict of interest with the child. It is thus unclear whether the Committee's recommendation has been taken into consideration by the Party.

Based on the information received, Malta is in partial compliance with the requirements of Recommendation 31. Partial compliance was determined as there is insufficient information on the current measures and legislation which are put in place in order not to aggravate the child's trauma, on whether associations/NGO can partake in the proceeding, and finally, whether if Malta has provided changes to the Committee's recommendation made in the first implementation report.

## **REPUBLIC OF MOLDOVA**

In its replies to the Compilation information 2020, the Republic of Moldova informed that a child-friendly handling approach to proceedings involving child victims is implemented regardless of the child's nationality and status. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the first implementation report, the Republic of Moldova informed on a number of measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. For instance, closed hearings will be mandatory, without the alleged perpetrator and the privacy of the victim will be protected. Additional measures are explained in the requirement below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies to the first implementation report, the Republic of Moldova indicated that during the pretrial phase, interviewing the child victim will be both limited in number and duration. Psychologists will be present, and the interview will be recorded and considered admissible in court. Should the child be heard in court, audio-visual testimony or other appropriate communication technologies will be used in courtrooms, thus allowing for the child not to be physically present. The Republic of Moldova informed that the child's hearing will be held in a separate room suited to him or her. However, it is unclear whether any recent training has been organised for professionals working in direct contact with children during the proceedings.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its additional replies to Compilation Information 2020, the Republic of Moldova informed that two NGOs are actively involved in the assistance and/or support of child victim during the criminal proceeding (CNPAC, La Strada), in particular: for interviewing children in child-friendly rooms, determining the circumstances of abuse, assessing the harm produced by sexual abuse/exploitation, legal assistance during the criminal proceeding and in court, and providing rehabilitation programs. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, the Republic of Moldova informed having a system whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, the Republic of Moldova was identified as providing free legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative or through a guardianship.

Based on the information received, the Republic of Moldova is in partial compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as there is insufficient information on the recent training received by professionals working

in direct contact with the child victim affected by the refugee crisis during the criminal proceeding.

## **MONACO**

In Compilation information 2020, Monaco did not provide enough information with regards to the child-friendly measures put in place during the criminal proceeding. The necessary information was found in Monaco's replies to the first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In its replies to the first implementation report of the Lanzarote Convention, Monaco referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include for example closed hearings, and no confrontations between the child victim and the presumed offender. Additional measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

In its replies, Monaco indicated that interviewing the child victim will be conducted by the same professionals and will be limited in both number and duration. Psychologists, family members or *ad hoc* administrators will be present, and the interview will be recorded. If the child takes part in the criminal proceeding, the hearing may be closed and only the judge will be present. However, Monaco indicated that no audio-visual and sound equipment was available in courtrooms. It was also unclear whether interviews in both the police station and courtrooms were organised in an environment suited for the child. No recent information on the training of professionals working in direct contact with child victims during the criminal proceeding was provided.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the first implementation report, Monaco referred to legislation which allows for NGOs to support child victims during proceedings.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Monaco informed having a system whereby proceedings may be initiated without the lodging of a complaint. However, it is unclear whether these may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies Monaco informed providing legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative.

Based on the information received, Monaco is in partial compliance with the requirements of Recommendation 31. Partial compliance was determined as it is unclear whether proceedings may continue even if the child has withdrawn his or her complaint, and if professionals working in direct contact with child victims who are also affected by the refugee crisis, have received any recent training.

## **MONTENEGRO**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In both the additional information provided to Compilation Information 2020 and the first implementation report of the Lanzarote Convention, Montenegro referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include for example closed hearings, and no confrontations between the child victim and the presumed offender. Additional measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional information provided to Compilation Information 2020 and the first implementation report of the Lanzarote Convention, Montenegro indicated that during the pretrial phase, interviewing the child victim will be conducted by the same professionals in an environment suited for the child, and will be limited in both number and duration. Psychologists will be present, and the interview will be recorded and considered admissible in court. Should the child be heard in court, audio-visual testimony or other appropriate communication technologies will be used in courtrooms, thus allowing for the child not to be physically present. During the proceedings, all questions to the child victims will be asked by the judge himself or herself. No recent

information on the training of professionals working in direct contact with child victims during the criminal proceeding was provided.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the information provided for the first implementation report, Montenegro referred to Article 46, paragraph 3 of the Law on the Treatment of Juveniles in the criminal proceeding which, provides that the “Professional Service can provide expertise, information and other assistance in the treatment of juveniles as participants in the criminal proceeding. In cases where the Professional Service determines that the proceedings and support to the child require the presence of a third party “an NGO representative can be present.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Montenegro informed having a system in place whereby proceedings may be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Montenegro was identified as providing legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative. According to the additional replies, Montenegro referred to Article 63 of the Code of Criminal procedure which allows for legal representative of the injured party. It specified that “*an injured party who reached sixteen years of age shall be authorised to make statements and undertake procedural actions on his/her own*”. It is unclear whether child victims affected by the refugee crisis who have reached sixteen years of age but who are unable to give their statement because of for example language barriers, are still able to receive a legal representative or other form of legal assistance.

Based on the information received, Montenegro is in partial compliance with the requirements of Recommendation 31 as per the obligations of the Convention and the issues highlighted in the special report. Partial compliance has been determined as it is unclear whether if professionals working in direct contact with child victims who are also affected by the refugee crisis, have received any recent training, and if children above the age of 16 may receive legal assistance.

## NETHERLANDS

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In both the information provided to Compilation Information 2020 and the first implementation report of the Lanzarote Convention, the Netherlands referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include for example closed hearings to avoid the revictimization of the child victim, and additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the information provided to Compilation Information 2020 and the first implementation report of the Lanzarote Convention, the Netherlands indicated that during the pretrial phase, interviewing the child victim will be conducted by the same professionals in an environment suited for the child, and will be limited in both number and duration. Teachers may be present, and the interview will be recorded if the minor is below the age of 12, mentally impaired or has a cognitive functional disorder and considered admissible in court.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to Compilation Information 2020, child victims may obtain practical, emotional, or legal support from the Victim Support Centre. In addition, child victims of sexual violence or sexual abuse, who report sexual abuse at one of the sixteen local Centres of Sexual Violence (CSG's), are offered medical help and psychological support.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, the Netherlands informed having a system whereby proceedings may be initiated without the lodging of a complaint. However, additional information is needed on whether these may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In accordance with the first implementation report, in case of a conflict of interest between the holders of parental responsibility and the child victim, a special representative may be appointed.

Based on the information received, the Netherlands are in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is there is insufficient information on the measures put in place to avoid aggravating the child's trauma during the criminal proceeding for children who are above the age of 12. Furthermore, it is unclear whether proceedings may continue even if the child has withdrawn his or her complaint.

## **NORTH MACEDONIA**

In its replies to the Compilation information 2020, North Macedonia informed that a child-friendly handling approach to proceedings involving child victims is implemented in proceedings involving children affected by the refugee crisis. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the first implementation report of the Lanzarote Convention, North Macedonia referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example the possibility for closed hearings to protect the child and his or her family, measures to stop the child from seeing the presumed offender and other additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the first implementation report of the Lanzarote Convention, North Macedonia indicated that during the pretrial phase, interviewing the child victim will be conducted in an environment which is suited for the child by a professional specialised in communicating with children. Psychologists or social workers may be present, and the interview will be recorded and considered admissible in court. Should the child be heard in court, audio-visual testimony or other appropriate communication technologies will be used in courtrooms, thus allowing for the child to not be physically present.



*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to the replies of North Macedonia for the first implementation report, *“Article 145 paragraph 1, indent 8 by the Law of the Justice for children regulates the right of the victim of psychological and other professional assistance and support from the authorities, institutions and organizations to help children victims of crimes.”*

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

No information was provided for this requirement.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, North Macedonia was identified as providing free legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative specialised in children’s rights.

Based on the information received, North Macedonia is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as more information is needed on whether it is possible to initiate the criminal proceeding without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint.

## **POLAND**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the additional information submitted, Poland provided information that Polish legislation in the field of sexual offences against children does not differentiate between Polish or foreign minors (including migrant or refugee children) and does not introduce such a division. The Polish criminal procedure provides for measures to avoid aggravating the trauma experienced by a child victim of crime. Such measures include:

- 1) Article 171 § 3 of the Criminal Procedure Code – if the interviewee is under 15 years of age, the measures with his/her participation should, if possible, be carried out in the presence of his/her legal representative or a *de facto* guardian, unless this is contrary to the interests of the proceedings;

- 2) Article 182 of the Criminal Procedure Code and Article 183 § 1 of the Criminal Procedure Code – the right of a minor victim acting as a witness to remain silent and to refuse to answer questions;
- 3) Article 185a of the Criminal Procedure Code and Article 185d of the Criminal Procedure Code – a special interview procedure for minors under 15 years of age that protects the child from secondary victimisation and being interviewed again, as discussed in the response to sec. 2 below and in the letter submitted on 6 October 2021.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

As regards the interview method referred to in Article 185a of the Criminal Procedure Code and 185d of the Criminal Procedure Code, one of the conditions for its application is the victim's age. If, at the time of being interviewed, the victim is under 15 years of age, the procedure must be followed, but if the victim is between 15 and 18 years of age, he or she must be interviewed under such conditions where there are well-founded fears interviewing him/her under other conditions could have an adverse impact on his/her mental condition. Unless there are any objections to do so, victims between 15 and 18 years of age are interviewed as witnesses of legal age. Such an interview shall not take place in a special room and may be repeated. However, Polish law provides for the possibility of carrying out this measure in the presence of a psychologist (Article 192 § 2 of the Criminal Procedure Code), and, during the trial, a minor witness may be interviewed in the absence of the defendant if his/her presence could have an intimidating effect on the testifying witness (Article 390 § 2 of the Criminal Procedure Code). A witness may also be interviewed by means of a videoconference (Article 177 § 1a of the Criminal Procedure Code).

In Poland there are no specialisations for judges. However, judges and prosecutors train with the National School of the Judiciary and Prosecution. The School also provides training in children's rights. According to the information available to the Ministry, the training programme has included the following courses:

Different courses were delivered in 2018, which attended by judges and judicial assessors adjudicating in criminal divisions as well as prosecutors and prosecutorial assessors. Training content include the interrogation of parties and witnesses in criminal proceedings: tactics and technique, K5/18. This course discussed the rules for the witness interrogation of minors and the psychological criteria for evaluating the credibility of a child's testimony.

In 2019, the courses focused on crimes against sexual freedom and morality — selected topics, K15/19. This training discussed, without limitation: the phenomenon of sexual abuse of minors; characteristics of the perpetrators; the special procedural path for the interrogation of victims of crimes against sexual freedom; the expert opinion of a psychologist; the psychiatric and sexuological opinion in cases of crimes against sexual freedom.

In 2020, the courses addressed the content delivered in 2019, as well as the prevention of sexual exploitation of children on the Internet (project co-ordinated by the European Law Academy (ERA), aimed to provide practical training in available methods and tools to prevent the sexual exploitation of children on the Internet).

In 2021, the courses also covered the child's situation in the parents' conflict around divorce — civil and criminal aspects (including without limitation the child as a witness/victim in cases involving domestic violence and the sexual exploitation of minors — special procedural path for interrogation in criminal proceedings).

The following courses are foreseen in 2022:

- Course K7/22: Counteracting domestic violence; and
- Course W7/22: Mental crises in children and youth in effect of having experienced violence.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Pursuant to the provisions of the Polish Criminal Procedure Code (Article 90 thereof), social organisations may participate in court proceedings if there is a need to protect a social interest or an important individual interest covered by the statutory duties of such organisation, in particular the protection of freedoms and human rights.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In Poland, there is a public duty to report a crime prosecuted *ex officio* (Article 304 § 1 of the Criminal Procedure Code). Moreover, under the provisions governing criminal procedure, state and local government institutions which have become aware of the commission of a crime prosecuted *ex officio* in connection with their activities are legally obliged to notify law enforcement authorities. In addition to notifying the Public Prosecutor or the Police, such institutions are required to take the steps necessary to prevent the obliteration of traces and evidence of crime. In addition, in Polish criminal law, the provision of Article 240 § 1 of the Criminal Code introduces a legal obligation to notify the authority responsible for prosecuting crimes of the commission of the prohibited acts listed therein; these provisions include crimes concerning the sexual exploitation of minors.<sup>3</sup> In accordance with Polish law, all crimes of sexual exploitation

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<sup>3</sup> Article 240 § 1. Any person who, having credible information about punishable prepared, attempted or committed offence specified under (...) Article 197 §§ 3 or 4, Article 198, Article 200 (these being the offences against sexual freedom and decency under Chapter XXV of the Criminal Code) (...), fails to immediately notify the prosecuting authority, shall be liable to imprisonment for a maximum term of three years.

§ 2. A person who has omitted to report, having sufficient grounds to believe that the authority specified in § 1 is aware of the prepared, attempted or committed offence, does not commit the offence specified in § 1, nor does the person who has prevented the commission of the prepared or attempted offence specified in § 1 commit an offence.

of minors are prosecuted *ex officio*. The victim does not have to take any action and his/her will is irrelevant to the prosecution of the offender. As soon as the Police and the Public Prosecution Service become aware that an offence prosecuted *ex officio* has been committed, they are obliged to initiate proceedings in the case. *Ex officio* prosecution applies to all offences that are not prosecuted upon motion or private indictment. This procedure is otherwise known as public prosecution, because it is the state authorities that file the charging document (an indictment) to the court.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the Polish criminal procedure, it is normally the victim, who is a natural person with the capacity to perform acts in law, that participates in a trial on his/her own. However, there is an exception to this rule, regulated in Article 51 § 2 of the Criminal Procedure Code. It lists the entities that may exercise the rights vested in the victim where the latter, by reason of being a minor, cannot effectively perform procedural acts. Pursuant to this provision, the rights of the victim who lacks the capacity to perform procedural acts may be exercised by a statutory representative or a person providing permanent custody for the victim. Pursuant to Article 98(2)(2) of the Family and Guardianship Code, neither parent may represent the child in acts in law between the child and one of the parents or their spouse. Therefore, the guardianship court shall appoint a guardian *ad litem* for the minor victim pursuant to Article 99 of the Code of Criminal Procedure. A guardian *ad litem* is, by operation of law, the representative of a minor whose interests may conflict in a particular case with those of the parents or either parent. The statutory representative of the victim may act in the trial personally or through retained counsel (advocate or attorney-at-law). It is the representative who performs all procedural acts in place of the victim with legal effect for the latter. A statutory representative of a minor victim may apply for a court-appointed counsel (advocate or attorney-at-law) who may assist the minor victim in criminal proceedings. The application should specify that the statutory representative is unable to pay the costs of legal representation without prejudice to the livelihood of himself/herself and his/her family.

Based on the information received, Poland is in full compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is unclear whether professionals working in direct contact with child victims during the criminal proceeding, have received any recent training.

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§ 2a. A victim of the offence specified in § 1, who has omitted to report the offence, shall not be punished.  
§ 3. A person who has omitted to report for fear of criminal liability threatening himself/herself or his/her relative or partner shall not be punished.

## PORTUGAL

In its replies to the Compilation information 2020, Portugal informed that the Portuguese health services the same rights and receive the same support regardless of their national status. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the first implementation report of the Lanzarote Convention, Portugal referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example mandatory closed hearings to protect the child's identity, restricted access to information by the child, stopping the child from seeing the presumed offender and other additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the first implementation report of the Lanzarote Convention, Portugal indicated that during the pretrial phase, interviewing the child victim will be done as quickly as possible after the child's disclosure, will be conducted in an environment which is suited for the child and will be limited in both number and duration. The interview will be recorded and considered admissible in court. Should the child be heard in court, audio-visual testimony or other appropriate communication technologies will be used in courtrooms, thus allowing for the child to not be physically present. No recent information on the training of professionals working in direct contact with child victims during the criminal proceeding was provided.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

No information was provided for this requirement.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the findings of the first implementation report, the Committee urged Portugal "to remove the exception concerning adolescents aged 14-16 years requiring them to lodge a complaint when they are victims, so that the proceedings are instituted ex officio in these cases also".

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Portugal was identified as providing free legal assistance to the child victim at the various stages of the criminal proceeding, particularly through a representative.

Based on the information received, Portugal is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is unclear whether legislative changes have been brought with regards to the Committee recommendation on initiating proceedings. In addition, it is unclear whether foundations, groups etc have the possibility to support the child during proceedings, and if professionals working in direct contact with child victims affected by the refugee crisis during the criminal proceeding, have received any recent training.

## **ROMANIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the information submitted in Compilation Information 2020, Romania referred to several legislation and measures, which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include, for example, ensuring the victim receives information on his or her rights, psychological and counselling support, and protection throughout the proceedings.

In Romania, the child victim can benefit from different forms of protection granted by different institutions of the state or other entities (for example, protection during the criminal proceedings, measures of protection granted by the social services etc). Some of these measures are part of the criminal proceedings (criminal trial) and are decided by the judicial authorities and some of them are non-judicial (they are not part of the criminal proceedings, even if they may take place at the same time, in parallel with the criminal proceedings) and they are carried out by other state entities, as for example the social assistance system. The measures taken as part of the criminal proceedings are strictly regulated by the Criminal procedure code, while the other measures of protection, outside the criminal proceedings, are regulated by other legal acts (as is, for example, Government's Decision No. 49/2011<sup>4</sup>, which regulates, among other aspects, the hearings of the child by social workers or other professionals during the social

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<sup>4</sup> Government's Decision No. 49/2011, for the approval of the Framework Methodology on multidisciplinary and networking prevention and intervention in case of violence against children and domestic violence and of the Methodology of multidisciplinary and inter-institutional intervention regarding children exploited and at risk of exploitation through work, children victims of human trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states.

investigation, to determine which forms of social protection the child needs. However, these are not judicial proceedings.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional information submitted, Law 135/2010 regarding the Criminal procedure Code provides for relevant rules, including Article 111 on the hearing of the injured person, Art. 113 Protection of the injured party and the civil party and Art. 124 Special cases of hearing the witness.

Special measures include:

- In cases of victims (including children) of domestic violence, rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, ill-treatment applied to the minor, as well as in other cases where, due to the circumstances of the crime, this is deemed necessary, is performed only by a person of the same sex as the injured person, at his / her request, unless the judicial body or the court considers that this is detrimental to the proper conduct of the proceedings or to the rights and interests of the parties;
- During the criminal investigation, if the victim is a child, the hearing is recorded by audio or audio-video;
- The hearing of the child by the judicial body that registered the complaint takes place immediately, and is considered evidence;
- The re-hearing of the child victim is performed only if this is strictly necessary for the conduct of the criminal trial;
- The judicial body may order one or more of the following measures:
  - hearing the child in rooms designed or adapted for this purpose;
  - hearing the child through or in the presence of a psychologist or other victim counselling specialist;
  - the hearing of the child, as well as his eventual re-hearing is carried out by the same person, if this is possible. However, as a general principle of judiciary organisation, professionals involved in the investigation enjoy stability and continuity on the file until the end of the criminal investigation.
- The hearing of the child witness or victim who has not reached the age of 14 has to be done in the presence of one of the parents, of the legal guardian or the representative of the institution which was entrusted the care and education of the child.

If the persons mentioned above cannot be present or are the suspect, defendant, injured person, civil party, person liable in civil law or witness in the case or if there is the reasonable suspicion that they can influence the child's statement, the hearing will be performed in the presence of a representative of the guardianship authority or of a relative with full capacity of exercise, designated by the judicial authority.

- The hearing of the child must avoid any negative effect on the child's mental health.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

Based on the findings of the first implementation report, Romania was identified as allowing for NGOs to participate during proceedings. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the first implementation report, Romania informed having a system whereby proceedings may be initiated without the lodging of a complaint. In the light of the up-to-date legislation, for the offenses covered by the Lanzarote Convention, criminal proceedings are instituted *ex officio* and there is no possibility of withdrawal by the child victim or his/her representatives.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the additional information submitted, Romania provided information that the Criminal procedure code provides that legal assistance of a child victim, during the criminal trial, is mandatory (Article 93 on Legal assistance of the injured party, the civil party and the civilly liable party). The only exception is the child over 16 years old who is married, because he/she, by marriage, is granted full capacity of exercise. But even in this case, the judicial body can decide to grant free legal aid for the victim, as provided in Article 93 (5) of the Criminal procedure code. This means that:

- The child can have his/her designated lawyer. The respective lawyer can be appointed by the child or his/her family by any means they find appropriate, including with the help of an NGO. However, legal assistance in front of the judicial authorities must be provided by a lawyer, member of the bar;



- If the child does not have a lawyer designated by him/her (for example, he/she does not want to find a lawyer or cannot afford one), the state will grant him/her the legal assistance, which means free of charge access to a lawyer designated by the bar. NGOs are not involved in this procedure.

The child can also benefit from legal counselling outside the criminal proceedings, and this type of counselling can be granted by NGOs, but it is different from the free legal assistance provided by the Criminal procedure code.

Concerning the legal representative designated by the authorities, when there is a conflict of interests between the child and the holders of parental responsibility (parents, legal guardians, other legal representatives) within the criminal trial, the court can order the measure of the special guardianship, according to the provisions of the of Civil procedure code (Law 134/2010 – Civil procedure code, Article 2 on General applicability of the Code of Civil Procedures and Article 58 on Special guardianship. The appointment of these special guardians shall be made by the court which has jurisdiction for the case from among the lawyers especially designated by the Bar for each court. The special guardian has all rights and obligations provided by the law for the legal representative, which means that he can perform any procedural acts on behalf of the child he represents and can participate in the criminal trial instead of the child, except the cases in which the presence of the child is absolutely necessary, like for example the hearing of the child.

Based on the information received, Romania is in full compliance with the requirements of Recommendation 31.

## **RUSSIAN FEDERATION**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the additional information submitted to Compilation Information 2020, the Russian Federation referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example ensuring the victim receives the information on his or her rights in a language and manner he or she understands, counselling support, and protection of the victim's private life or from information which may harm the child throughout the proceedings. Additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional information submitted to Compilation Information 2020, the Party indicated that pretrial interviews will be limited in both number and durations and

will be held in a suited environment for the child, referred to as “green rooms”. Pretrial interviews are recorded and conducted by trained professionals.

Should the proceeding take place, child victims of sexual violence may not be physically present during the proceedings and will not be questioned unless requested otherwise by the parties nor shown evidence which may harm them. Finally, prior and during the proceedings, child victims will be accompanied by a teacher or psychologist for support.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to the additional information submitted to Compilation Information 2020, the Russian Federation provided examples of NGOs which may support the child during the criminal proceeding, notably through psychological, pedagogical and social assistance.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, the Russian Federation referred to Article 140 of the Criminal Procedural Code of the Russian Federation, which allows for the criminal proceeding to be initiated without the lodging of a complaint and may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies, the Russian Federation referred to article 45 of the Criminal Procedural Code, which allows child victims the right to be represented throughout the criminal proceeding by a representative

Based on the information received, the Russian Federation is in full compliance with the requirements of Recommendation 31.

## **SAN MARINO**

San Marino did not provide any information with regards to recommendation 31. Additional information on each of the five requirements was thus found in the Lanzarote Committee’s first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the findings of the first implementation report, San Marino referred to several legislation and measures, which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example mandatory closed hearings and other additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the first implementation report of the Lanzarote Committee, the Party indicated that pretrial interviews will be limited in both number and durations and will be held in a suited environment for the child. Pretrial interviews are recorded and conducted by trained professionals with the assistance of a psychologist.

Should the proceeding take place, the pretrial interview recording will be used as admissible evidence and additional measures such as one-way mirrors or interphone device will be used so the child victim may not have to be physically present during the proceedings. In addition, the child will always be assisted by a psychologist and will not be questioned unless requested otherwise by the parties nor shown evidence, which may harm them. Finally, prior and during the proceedings, child victims will be accompanied by a teacher or psychologist for support.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the first implementation report, San Marino informed that judicial practice has given the possibility to associations, governmental and non-governmental organisation to support children during proceedings.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, San Marino referred to legislation, which allows for the criminal proceeding to be initiated without the lodging of a complaint. It is however unclear whether the proceeding may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, San Marino informed that free legal assistance is available at the various stages of the criminal proceeding through a representative.

Based on the information of the first implementation report, San Marino is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is unclear whether proceedings may continue even if the victim has withdrawn his or her complaint and whether these may continue. In addition, it is unclear if the mentioned judicial practice allowing for the possibility to associations, governmental and non-governmental organisation to support children during proceedings is still currently available, especially for child victims who are also affected by the refugee crisis.

## **SERBIA**

In its replies to the Compilation information 2020, Serbia informed that all children have the same rights and receive the same support regardless of their national status. Additional information on each of the five requirements was thus found in the Lanzarote Committee's first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the findings of the first implementation report, Serbia referred to several legislation and measures, which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example the possibility for closed hearings and for child victims not to be confronted with the presumed offender. Additional measures referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the first implementation report of the Lanzarote Committee, the Party indicated that pretrial interviews are recorded. However, in the findings of the first implementation report, the Committee considered that Serbia should find alternative means in order for child victims not to be repeatedly interviewed during the proceedings.

Should the proceeding take place, audio and or visual equipment will be used so then the child victim does not have to be physically present during the proceedings. In addition, the child may be heard without the presence of the parties.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies, the Party referred to the Association Law which allows for associations to assist and support the child victim during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, Serbia referred to legislation, which allows for the criminal proceeding to be initiated without the lodging of a complaint. It is however unclear whether the proceeding may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In the first implementation report, Serbia informed that free legal assistance is available at the various stages of the criminal proceeding through a representative.

Based on the information of the first implementation report, Serbia is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is unclear whether proceedings may continue even if the victim has withdrawn his or her complaint, and whether measures have been taken following the recommendation brought by the Committee under requirement 2.

## **SLOVAK REPUBLIC**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to Compilation Information 2020, the Slovak Republic referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. Examples of these measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to Compilation information 2020, the Party indicated that pretrial interviews will be limited in number, will be recorded, and conducted by the same person. During the trial and pretrial proceedings, the child will be assisted by a psychologist or an

expert. However, the additional information provided by the Slovak Republic focuses on the detention police unit in which unaccompanied minors and refugee children are placed with their families. Although the Slovak Republic provides detailed measures and means which have been put in place not to affect the mental health of children who are placed with parents, it is unclear whether known child victims of sexual violence are held in these premises and whether additional support is provided to them, especially if taking part in a proceeding.

22 courses have been held at the Academy of the Police Force in Bratislava, where 232 police officers have been trained. Police officers also undergo other educational activities related to working with child victims of crime. In October 2021, 24 Police Corps investigators took part in the above-mentioned issue of sexual abuse and exploitation of children by a training organised by the British National Criminal Agency in cooperation with the British Embassy in Slovakia and the Academy of the Bratislava Police on the topic of investigations into sexual abuse minors.

The National Unit for Combating Illegal Migration of the Border and Foreign Police Office of the Presidium of the Police Force implements the project "Fight against trafficking in human beings and application of tools to prevent it", with a view to making the fight against organized crime, more effective, with one of the main activities of the project being the construction of two special interrogation rooms in Bratislava and Humenné, which will be used to interrogate victims of trafficking in human beings who are included in the group of particularly vulnerable victims.

The expected date of construction of these two special rooms was by the end of this calendar year, but as due to measures related to COVID-19 pandemic, several activities were suspended or postponed and it was requested to extend the project with deadline until end of 2022, when special interrogation rooms should be completed.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

The Party referred to NGOs taking part in the above-mentioned unit, but not if these organisations assist the child victim during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

No information was provided for this requirement.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

No information was provided for this requirement.

As there is insufficient information to determine compliance, the Slovak Republic is considered in partial compliance with the requirements of Recommendation 31. Partial compliance was determined as the information submitted in Compilation Information 2020 was limited, especially with regards to requirements 3, 4 and 5.

## **SLOVENIA**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

According to the additional information to Compilation Information 2020, Slovenia referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim prior and during the criminal proceeding. These include for example, the child being able to have someone of his or her choosing during the pretrial and trial procedures, and that any hearings must be carried out with special consideration. Additional examples of these measures are indicated under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional submitted information, the Party indicated that pretrial interviews will be held in a suited environment for the child with the assistance of a person of the child's choosing. Pretrial interviews are recorded and conducted by trained professionals and other relevant experts.

Should the proceeding take place, the pretrial interview recording will be used, and the child will be able to give his or her testimony in an adapted environment outside of the court. During the trial, child victim under 15 years of age will never be examined and the judge reads the written record of the examination performed.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to the additional information to Compilation 2020, Slovenia informed of the special children's advocacy service provided by the Human Rights' Ombudsman which assists the child in all procedures and communicates on the child's best interest with the relevant authorities. Slovenia added that other NGOs also provide specific help to migrant and refugee children.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the additional information provided to Compilation 2020, Slovenia referred to Article 15a of the Criminal Code, which allows for proceedings to be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

Slovenia referred to Article 65(3) of the Criminal Procedure Act, whereby “A child victim of sexual abuse must always have an attorney during the criminal procedure to take care of his rights, particularly in relation to the protection of their integrity during examination (hearing) before the court and when lodging a claim for damages”.

Based on the information received, Slovenia is in full compliance with the requirements of Recommendation 31 and has measures contributing to the child-friendly handling of proceedings, as per the obligations of the Convention and the issues highlighted in the special report.

## **SPAIN**

In its replies to the Compilation information 2020, Spain informed that all children have the same rights and receive the same support regardless of their national status. Additional information on each of the five requirements was thus found in the Lanzarote Committee’s first implementation report.

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In its replies to the first implementation report, Spain referred to several legislation and measures, which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include, for example, closed hearings, and no confrontations between the child victim and the presumed offender. Additional measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the information submitted for the first implementation report, Spain indicated that during the pretrial phase, interviewing the child victim will be conducted as soon as possible in an environment suited for the child, and will be limited in both



number and duration. Psychologists will be present, and the interview will be recorded and considered admissible in court. Should the child be heard in court, audio-visual testimony, or other appropriate communication technologies, will be used in courtrooms, thus allowing for the child not to be physically present. The Party did not provide information on whether any recent training had been carried-out by professionals working in direct contact with child victims during the criminal proceeding.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies to the implementation report, Spain indicated that NGOs may participate in legal proceedings in various ways, such as being used to organised child-friendly courtrooms. It is unclear if NGOs still participate today, especially in cases where the victim is a migrant and/or refugee.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, Spain referred to legislation, which allows for the criminal proceeding to be initiated without the lodging of a complaint. It is however unclear whether the proceeding may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies to the implementation report, the Party referred to Article 26 of the Statute of Crime Victim Act and article 10 of Organic Act 1/1996 on the Legal Protection of Minors as providing for the possibility to be represented throughout the criminal proceedings by a special representative appointed by the judicial authority.

Based on the findings of the first implementation report, Spain is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as it is unclear whether proceedings may continue even if the victim has withdrawn his or her complaint and whether professionals working in direct contact with child victims affected by the refugee crisis during the criminal proceeding have received any training.

## **SWEDEN**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In both the additional and initial information provided to Compilation Information 2020, Sweden referred to several legislation and measures, which have been put in place to

avoid aggravating the trauma experienced by the child victim during the criminal proceeding. Examples of these measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to Compilation information 2020, Sweden indicated that during the pretrial phase, interviewing the child victim will be conducted as soon as possible in an environment suited for the child (Children's House), and will have limited duration. Interviews will be conducted by trained professionals and the interview will be recorded and considered admissible in court. Should the child under 15 be heard in court the recording of his or her interview will be used. Individual assessments (*individuella bedömningar*) for children over the age of 15 are made, adapted to the circumstances in each case (what the child has been exposed for and by who). In addition, in its replies Sweden argued that multiple interviews, if of short duration, are not necessarily harmful for the victim.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In its replies, Sweden mentioned the Children's House which provides support to children prior, during and after he or she takes part in the criminal proceeding. However, it is unclear whether the Children House specifically supported children affected by the refugee crisis during the criminal proceeding.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In the additional information provided to Compilation 2020, Sweden referred to Chapter 23, Section 1, the Swedish Code of Judicial Procedure which allows for proceedings to be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In criminal cases concerning for example a sexual offence, the court can appoint a counsel for an injured party or a special representative for children, to help a child that is a victim of a crime. A counsel for an injured party or a special representative for children protects the interest of the victim and can for example support the victim during interviews and hearings and bring an action for damages on the victim's behalf in the criminal case. The child can also get support person from a non-profit organisation.

Based on the findings of the first implementation report, Sweden is in full compliance with the requirements of Recommendation 31.

## **SWITZERLAND**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In the additional information provided to Compilation Information 2020, Switzerland referred to several legislation and measures, which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. These include, for example, the victim being accompanied by a confident in addition to their legal agent at all procedural hearings, the possibility for closed hearings and the protection of the victim's identity throughout the proceeding. Additional examples of these measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional information provided to Compilation Information 2020, the child may not be interviewed more than twice, and the second interview is only permitted if considered essential. The child is to be interviewed by a professional who is specially trained in interviewing children. A specialist in the care of child victims is to be present besides the interviewee. If the child is heard in court, a confrontational hearing is to be substituted by videotaping and transmitting the examination into a separate courtroom.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

According to the additional information to Compilation Information 2020, the victim can be accompanied throughout the proceedings by a confident. Such confident may be appointed by specialised institutions in victim counselling. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

In its replies, Switzerland referred to legislation, which allows for the criminal proceeding to be initiated without the lodging of a complaint and the proceeding may continue if the child has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

In its replies, Switzerland referred to legislation which provides for the child to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority.

Based on the findings of the first implementation report, Switzerland is in partial compliance with the requirements of Recommendation 31.

## **TURKEY**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In both the Compilation Information 2020 and the findings of the first implementation report, Turkey referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. Examples of these measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to Compilation Information 2020 and the first implementation report, Turkey organises initial hearings of child victims in an environment suited to him or her, referred by the Party as ‘Legal Interview Rooms’. Interviews are limited in duration and number and are carried out by a psychologist, pedagogues and/or social workers trained for that purpose. Should a child give his or her testimony in court, he or she will not face the presumed offender and will be able to be heard in a separate room.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In the Compilation Information 2020, Turkey provided examples of the measures undertaken by the Vulnerable Group Bureau to assist and support the child during the proceeding. It is unclear if targeted legislation and/or partnership with organisations working with and supporting migrants and/or refugees is available.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

According to the first implementation report, Turkey allows for proceedings to be initiated without the lodging of a complaint and may continue even if the child victim has withdrawn his or her complaint.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

According to the first implementation report, Turkey allows for the child to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority.

Based on the information received, Turkey is in full compliance with the requirements of Recommendation 31 and has measures contributing to the child-friendly handling of proceedings, as per the obligations of the Convention and the issues highlighted in the special report.

## **UKRAINE**

*1. The Party has put in place means to avoid aggravating the trauma experienced by the child victim during the criminal proceeding (Article 30§2 of the LC).*

In both the additional Compilation Information 2020 and the findings of the first implementation report, Ukraine referred to several legislation and measures which have been put in place to avoid aggravating the trauma experienced by the child victim during the criminal proceeding. Examples of these measures are referenced under requirement 2 below.

*2. The Party ensures that interviewing the child victim during trial proceedings is limited in its numbers and conducted in suitable premises by the same professionals who have been trained for that purpose (Article 35§1 + 36 1 of the LC).*

According to the additional Compilation Information 2020 and the first implementation report, Ukraine organises initial hearings of child victims in an environment suited to him or her. Interviews are limited in duration and number and are carried out by a psychologist and or pedagogues. A legal representative will always be present. Should a child give his or her testimony in court, he or she will be able to participate outside from the courtroom, using technical and audio-visual means.

*3. The State allows the possibility for groups, foundations, associations or governmental or non-governmental organisations to assist and/or support the child victim during the criminal proceeding (Article 31§5 of the LC).*

In replies to the first implementation report, Ukraine explained that victims have the right to have an authorised representative at any time during the proceedings, but that the representative must be an individual who has the right to be a defence counsel. It is therefore unclear whether groups, foundations and NGOs who do not have the right to act as defence counsel are permitted to support the victim.

*4. The Party ensures that the criminal proceeding may be initiated without the lodging of a complaint and continues even if the child victim has withdrawn his or her complaint (Article 32 of the LC).*

No information was provided for this requirement.

*5. The Party provides for the child victim the possibility to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority (Articles 31§1 and §§3-4 and Article 36§1 of the LC).*

According to the first implementation report and the additional information submitted to compilation information 2020, Ukraine allows for the child to be represented throughout the criminal proceeding by a special representative appointed by the judicial authority. This role may be held by a guardianship authority.

Based on the information submitted to Compilation Information 2020 and the findings of the first implementation report, Ukraine is in partial compliance with the requirements of Recommendation 31. Partial compliance has been determined as not enough information was submitted with regards the possibility of initiating a proceeding even if the child has withdrawn his or her complaint. In addition, it is unclear whether groups, foundations and NGOs who do not have the right to act as defence counsel are permitted to support the victim.

## Concluding remarks

This report covered the situation of 41 Parties, which were concerned by the Special Report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. Out of the 41 Parties, 24 are in partial compliance and 17 are in full compliance with the requirements of Recommendation 31 which considers that Parties should ensure that its specific recommendations on the child-friendly proceedings involving child victims of sexual abuse implemented also in the context of proceedings involving children affected by the refugee crisis. No Party has been considered non-compliant with the requirements of Recommendation 31.

The information contained in this report provides legislative examples and measures of how Parties have implemented Recommendation 31. As mentioned, Recommendation 31 was very broad in its requirements, and because it was directly related to the recommendations made by the Committee in its first implementation report, a majority of Parties referred to their replies given to that report. In addition, the recommendations related to child-friendly proceedings brought by the Committee in the first implementation report, referred to Articles of the Lanzarote Convention which oblige Parties to adopt a protective approach which will, as a result, not aggravate the trauma experienced by the child during the investigations and the criminal proceeding. However, the Lanzarote Convention clearly mentions that it is up to the States to choose the means to achieve such protective approach.

Consequently, assessing the gaps with regards to requirement 1 and 2 was limited since all Parties have provided measures and legislation which are meant to protect the child from secondary victimisation during the criminal proceeding. However, since much of the information was taken from the first implementation report published in 2015, a significant gap is the fact that no Party has provided any recent example of training undertaken by professionals working in direct contact with children affected by the refugee during the criminal proceeding. It was also sometimes unclear whether the information submitted by the Party in 2015 was still of relevance today and if children affected by the refugee crisis were directly concerned by some of the protective measures outlined by the Party.

With regards to requirements 3, 4 and 5, a majority of Parties provided the necessary legal information. However, with regards to requirement 4, it was unclear whether proceedings may continue even if the child victim has withdrawn his or her complaint. Considering that the most common form of sexual violence children affected by the refugee crisis suffer from is sexual exploitation, and that as a consequence, child victims may find themselves under the influence of the offender who can pressure or threaten them to withdraw their statement, the application of Article 32 of the Lanzarote Convention is of particular importance since it enables *“the public authorities to prosecute offences established in accordance with the Convention without the victim having to file a complaint. The purpose of this provision is to facilitate prosecution, in particular by ensuring that victims do not withdraw their complaints because of pressure or threats by the perpetrators of offences”*.

Although a significant number of Parties are fully compliant with Recommendation 31, no significant promising practices which are of direct relevance to the child victims affected by the refugee crisis was identified. Information on whether additional protective measures, legislation, campaigns and or successful partnerships with NGOs, have been taken for child victims who are also affected by the refugee crisis during his or her participation in the criminal proceeding would have been enriching.

Improvements to be implemented by Parties include:

- √ Guaranteeing for the child victim to always be interviewed either during the pretrial or trial phase, in a child-friendly room which is outside of courtrooms and police stations;
- √ Interviewing child-victims should always be recorded and used as valid evidence in court so as to avoid the potential aggravated trauma of the child having to repeat his or her testimony;
- √ Guaranteeing for a carefully selected and trained interpreter to be present for the child victim throughout the criminal proceeding;
- √ Organising for all professionals working in direct contact with the child during the proceeding to be regularly trained on interviewing techniques for children, children's rights, the trauma experienced by child victims of sexual violence and the additional trauma experienced by children affected by the refugee crisis;
- √ Setting-up successful partnerships with various organisations specialised both in working with migrants and or refugees and who have experience working with child victims of sexual violence;
- √ Ensuring that free legal aid is provided to all child victims and that the child is entitled to representation by a lawyer - trained and well acquainted with children's rights- in his or her own right;
- √ Guaranteeing for proceedings to continue even if the child victim has withdrawn his or her complaint;
- √ Avoiding for the functions of a lawyer and guardian *ad litem* to be combined as one person.