

# STRENGTHENING REPORTING SYSTEMS ON VIOLENCE AGAINST CHILDREN



**Recommendation CM/Rec(2023)8  
of the Committee of Ministers and  
Explanatory Memorandum**

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# STRENGTHENING REPORTING SYSTEMS ON VIOLENCE AGAINST CHILDREN

**Recommendation CM/Rec(2023)8**  
adopted by the Committee of Ministers  
of the Council of Europe  
on 6 September 2023  
and Explanatory Memorandum

French edition:

*Renforcement des systèmes  
de signalement des cas  
de violence à l'égard des enfants –  
Recommandation CM/Rec(2023)8  
et exposé des motifs*

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# Recommendation CM/Rec(2023)8

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## of the Committee of Ministers to member States on strengthening reporting systems on violence against children

*(Adopted by the Committee of Ministers on 6 September  
2023 at the 1473rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its member States for the purpose of safeguarding and promoting the ideals and principles which are their common heritage, and that it works towards this aim, *inter alia*, by promoting common policies and standards;

Reaffirming the principle of the inherent and equal dignity of all human beings, and underlining the importance of guaranteeing all children within the jurisdiction of a Council of Europe member State, the full exercise, respect, protection and promotion of their human rights and fundamental freedoms, without discrimination on any ground;

Having regard to the obligations and commitments of member States to ensure that every child enjoys the full range of human rights and the highest level of protection, as enshrined in international and European conventions, notably the United Nations Convention on the Rights of the Child and its optional protocols; the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its protocols; the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS. No. 126); the European Convention on the Exercise of Children's Rights (ETS No. 160); the European Social Charter (revised) (ETS No. 163); the Convention on Cybercrime

(ETS No. 185); the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197); the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201); and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

Recalling the relevant case law of the European Court of Human Rights and the standards contained in the recommendations, resolutions and guidelines of the Committee of Ministers, in particular Recommendation [CM/Rec\(2009\)10](#) of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence, and recommendations and resolutions by the Parliamentary Assembly of the Council of Europe;

Recalling the relevant recommendations of international and European monitoring bodies and comments of the United Nations Committee on the Rights of the Child, in particular General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence and General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Article 3, paragraph 1);

Bearing in mind the Council of Europe Strategy for the Rights of the Child (2022-2027) “Children’s Rights in Action: from continuous implementation to joint innovation”, adopted by the Committee of Ministers on 23 February 2022, which includes “Freedom from violence for all children” as one of its six strategic objectives;

Committed to ensure that the best interests of the child are a primary consideration in all actions in their regard, whether undertaken by public or private institutions, courts of law, administrative authorities or legislative bodies;

Recognising that any form of violence against children constitutes a serious violation of their fundamental rights and may compromise their development;

Bearing in mind that many forms and incidences of violence against children remain largely underreported and undetected and that children in vulnerable situations are at a heightened risk of experiencing violence;

Conscious of the fact that children who experience violence are at greater risk of immediate and lifelong detrimental effects on their physical, psychological and emotional health, survival or development, and of the need to break vicious cycles and intergenerational transmission of violence;

Deeply concerned that children in conflict and crisis situations are at a significantly increased risk of violence, both with an armed conflict happening nearby and when fleeing from a country at war, and recalling that they must be protected at all times;

Noting that, during the Covid-19 pandemic, the frequency of violence against children, both offline and online, has reportedly further increased and that, in the light of widespread lockdowns, such violence, including intra-family violence, has become even less visible and has been reported less often than usual;

Conscious of the persistence of violence against children in various settings, including in their circle of trust, and that professionals and volunteers (both referred to as “professionals” hereafter) working for and with children regularly spot and identify signs of violence and are in a position to report reasonable suspicions to the relevant authorities;

Realising that a clearly defined obligation to report for professionals should be embedded in national and subnational legal frameworks and complemented by relevant policies and protocols as essential elements of their child protection and reporting systems;

Recognising the need to ensure and design effective reporting procedures, based on interagency co-operation, as part of holistic and well-functioning child protection systems;

Convinced that barriers perceived and experienced by professionals for the timely and effective identification and reporting of violence against children should be removed in order to create a favourable context for such reporting;

Convinced of the significant role played by all institutions or organisations in the public and private sphere, where professionals have regular or occasional contact with children, in effectively meeting legal or policy-based obligations to report violence against children;

Convinced that professionals working with and for children should be provided with specific and regular training in order to acquire the knowledge and skills needed to be able to identify and report violence against children in the most effective manner;

Perceiving the need for comprehensive data collection and robust monitoring of the effectiveness of the mechanisms in place;

Bearing in mind that sufficient financial and staff resources should be allocated to create safe and child-friendly reporting mechanisms, duly connected to strong child protection systems;

Determined to support all Council of Europe member States in developing consistent and effective laws, policies and mechanisms, to build a culture of respect and protection of the rights of the child by public and private organisations in Europe and to ensure that the voice of the child informs all these processes,

Recommends that the governments of member States:

1. be guided, in their legislation, policies and administrative practice by the principles and measures set out in the guidelines appended to this recommendation;
2. ensure that this recommendation, including the guidelines in its appendix, are translated into national languages of Council of Europe member States and disseminated as widely as possible among competent authorities and stakeholders, including supervisory authorities, national human rights institutions, civil society organisations, the private sector and all professionals working for and with children, as well as their collective bodies;
3. further develop international and domestic co-operation to strengthen reporting systems on violence against children by enhancing the exchange of essential information and promising practices;
4. review regularly the implementation of this recommendation and the appended guidelines, with the participation of relevant stakeholders, and keep the Committee of Ministers informed of progress made and remaining challenges.

# Appendix to Recommendation CM/Rec(2023)8

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## Guidelines on strengthening reporting systems on violence against children

### I. Aim, scope and definitions

1. The aim of this recommendation and its guidelines is to guide member States in developing, strengthening and monitoring effective national systems for professionals and volunteers (both referred to as “professionals” hereafter) for reporting all forms of violence against children, as essential elements of national strategies to combat and prevent violence against children alongside, among others, integrated and multidisciplinary child protection systems.

2. In line with international standards, the term “violence against children” includes acts such as physical, sexual or psychological violence, maltreatment and abuse, as well as omissions such as neglect and negligent treatment, which violate the rights of the child and result in actual or potential harm to the child’s health, physical, psychological and emotional integrity, survival or development. This includes disciplinary measures that humiliate the child or inflict pain, however light, as well as exploitation and harassment, the exposure to domestic violence and the witnessing of violence.

3. Violence against children can be inflicted upon the child by adults, including persons within or outside the child’s circle of trust, or other children. Different forms of violence can be facilitated and exacerbated by digital technologies (“online violence”) and the media.

4. This recommendation and guidelines apply to all professionals working in direct or indirect contact with children, including more specifically:

- those whose functions involve regular, sometimes daily, contact with children, including professionals in education and care institutions from an early age onwards, the justice system, police, victim support services, healthcare, social services, migrant reception and border control services,

sports, recreational, cultural, religious and all other types of organisations serving children, including hotlines and helplines;

- those who work with and support particularly vulnerable parents or other caregivers of children, such as social workers, psychiatrists and psychologists.
5. For the purpose of this recommendation:
- a “child” means an individual under the age of 18;
  - the child’s usual “circle of trust” is understood as comprising the home, larger family context, caretakers, including teachers and other professionals in schools, childcare professionals, sports coaches or other professionals working in sports facilities and events, religious workers, health and social professionals, adults in charge of extra-curricular activities, tutors, guardians and other persons with whom children may have close relations, including their peers;
  - the term “legal obligation to report” refers to an obligation to report provided for by domestic law;
  - the term “policy-based obligation to report” refers to an obligation to report embedded in other documents such as implementing or professional standards, protocols, codes of conduct, recommendations, guidelines or manuals;
  - the term “reporting systems” refers to the procedures containing the concrete steps to be followed by each professional when identifying, reporting, receiving and following up a reasonable concern or suspicion of violence against children, and to the mechanisms and protocols in place to co-ordinate and collaborate between the professional groups and agencies involved;
  - the term “child-friendly procedures” refers to mechanisms which guarantee the respect and the effective implementation of the rights of the child at the highest attainable level, bearing in mind the fundamental principles listed below, and which provide child-friendly information;
  - “child-friendly information” refers to information conveyed to a child about a report being made and its consequences, in a manner which is adapted to a child’s age, maturity, language, gender, special needs and culture at all stages of a reporting process.

## II. Fundamental principles

6. The following overarching principles and the rights of the child derived from the United Nations Convention on the Rights of the Child and other key international and European human rights standards should be observed by all competent authorities, institutions and organisations, both in the public and the private sphere, when applying these guidelines, and enforced by member States:

- the best interests of the child: in all actions and decisions taken by competent authorities, institutions and organisations concerning a child, the best interests of the child should be a primary consideration;
- non-discrimination: competent authorities, institutions and organisations should respect and protect the child’s rights without discrimination of any kind and should take measures to ensure that the child is protected against all forms of discrimination;
- the right to life and development: the child’s right to life, survival and development should at all times be respected and protected by competent authorities, institutions and organisations;
- the right to be heard and have opinions respected: competent authorities, institutions and organisations should ensure the right of the child to be heard in all decision-making processes and give due weight to children’s views in accordance with their age, maturity and evolving capacities; this includes providing child-friendly information, supporting children to express their views through non-verbal means where appropriate, guaranteeing the right to be heard in a child-friendly environment, as well as providing feedback and ensuring transparency about how the child’s opinion was taken into consideration;
- protection against violence: competent authorities, institutions and organisations should take all appropriate measures to protect children against all forms of violence;
- supporting families: competent authorities, institutions and organisations should take into account the rights and responsibilities of parents or other caregivers, provide support to families as appropriate and ensure that children should only be separated from parents or other caregivers as a last resort, when this is in their best interests and subject to judicial review;
- recovery and reintegration: competent authorities, institutions and organisations should take appropriate measures to promote physical and psychological recovery and social reintegration of children victims

of violence, in the short and long term, including reintegration into their families of origin, where this is in their best interests.

### **III. Legal and policy-based obligations to report**

7. Member States should ensure that national legal frameworks effectively protect children from violence, prevent and combat violence against children and include a clear definition and prohibition of all forms of violence against children in all settings.

8. Member States should clearly define a legal and policy-based obligation to report for professionals and institutions and organisations working for and with children, or establish a mandatory code for specific professions, to report concerns or suspicions of violence against children. States should also define responsibilities and the procedures to be followed in this context, including rules and guidance for interagency co-operation, in accordance with the national child protection system.

9. Member States should ensure that reporting systems foresee appropriate and proportionate measures or sanctions for professionals that fail to comply with their reporting obligations.

10. In legal and policy frameworks, member States should clearly indicate those professionals and institutions that have reporting obligations and ensure that any action is taken without prejudice to the obligation to assist a child in danger or in need.

11. Children should be empowered to participate, according to their age, maturity and evolving capacities, in the development and implementation of child protection policies and systems. Adequate resources should be made available to ensure children's active and meaningful participation.

### **IV. Creating a favourable context for reporting violence against children**

12. Member States should encourage and support professionals to report violence against children, including by removing barriers that professionals could encounter when reporting.

13. Member States should consider if, in case of serious risks for the child or the professional, laws and policies should allow professionals' reporting violence against children to remain anonymous vis-à-vis third parties other than public authorities.

14. Laws or policies should clearly provide for waivers from confidentiality rules and professional secrecy for professionals reporting cases of violence against children.
15. Laws and policies should exempt professionals from disciplinary measures or – as the case may be – civil or criminal liability when reporting in good faith.
16. Laws and policies should foresee measures to protect professionals from reprisals or negative consequences when reporting in good faith.
17. Laws and policies should support professionals informing parents or caregivers regarding a report to be made and the procedure that will follow, if appropriate, unless this would put the child, the parent or the professional at risk. Parental or caregivers' consent to reporting is not required.
18. Member States should increase knowledge of and trust in reporting systems among professionals, for example through information campaigns and appropriate training.
19. Member States should ensure that child safeguarding policies are in place both for public and private institutions and organisations whose professionals have regular or occasional contact with children and the inclusion of reporting mechanisms and protocols as a key element of such policies.
20. Member States should promote and implement measures aimed at raising awareness among children and the general public about the risks and prevalence of violence, its harmful effects, the importance of reporting violence or suspicion of violence and about the easily accessible and child-friendly means, including child-friendly complaint mechanisms, to signal any violence and receive support, through hotlines or helplines for example.

## **V. Effective reporting procedures**

21. Member States should clearly define an obligation to report for professionals or establish a mandatory code for specific professions, as an essential element of their child protection and reporting systems, which should be firmly anchored in legal and policy frameworks.
22. In order to protect effectively children against violence, comprehensive reporting systems, comprising the steps of identification, reporting, referral, processing and follow-up, should be integrated into multidisciplinary child protection systems based on interagency co-operation.

23. In order to effectively implement legal or policy-based obligations to report violence against children, member States should ensure, as appropriate in the national legal context, that all institutions or organisations whose activities involve regular contact with children create an enabling environment for professionals to report any concerns or suspicion of violence and to:

- encourage and support professionals to seek advice from and share information with competent services, as appropriate, before actually making a report;
- offer initial and continuous training to professionals on violence against children and its causes and effects, on early identification of signs of violence, on conflict prevention and resolution and on reporting procedures and support available;
- put in place appropriate procedures and protocols for effective interagency co-operation, information sharing and case management to ensure that any action is taken in the best interest of the child;
- develop an internal child safeguarding policy, including prevention and protection measures, reporting mechanisms and protocols, and corresponding codes of conduct, to which professionals can refer in order to clarify responsibilities and roles, to enhance accountability and to create efficient and transparent procedures.

24. National laws or policies, and related mechanisms and tools, should indicate in a clear and concrete manner the threshold for initiating a report on concerns or suspicion of violence against children, that is when there are reasonable grounds for believing that a child is a victim of violence.

25. Reporting protocols should indicate the authorities, agencies or services responsible and involved at national, regional or local levels for receiving and processing reports of violence against children; clearly define their responsibilities and encourage interagency co-operation and information sharing, with due regard to data protection obligations and in accordance with national law. The authority, agency or service in charge of receiving a report should undertake a case assessment and diagnosis, as well as initiate measures for referral, processing and follow-up.

26. Member States should ensure, as appropriate in the national legal context, that institutions and organisations develop and implement solid reporting mechanisms, which include regular provision of high-quality training to all professionals concerned, in order to make sure that reports are processed in an appropriate and timely manner.

27. Member States should ensure that national reporting systems pay special attention to children in vulnerable situations who are at a heightened risk of experiencing violence.

28. Children involved in an incident of violence and affected by possible reports to be made, should be informed about the functioning of the reporting system in a child-friendly manner. Child victims should be heard and informed by qualified professionals as early as possible, in the light of their specific case, age, maturity, evolving capacities and special needs.

29. Reporting systems should encourage cross-sectoral and interagency co-operation to ensure identification, reporting, responding and follow-up of cases of violence against children by sharing information through clear protocols, including waivers of confidentiality rules and professional secrecy where appropriate, as well as through contact points and the development of integrated databases.

30. Authorities managing reports should share information between agencies about current and previous concerns in cases where a child has moved within or between States.

31. Competent authorities, institutions and organisations should guarantee the provision of mandatory training and regular information on essential components of child protection and reporting systems across professional groups.

32. Professionals should have clear information on and access to reporting systems for urgent responses.

## **VI. Responding to reports on violence against children and follow-up**

33. Following reports on violence, child protection systems should allow for rapid and co-ordinated interventions and the provision of services, if needed. The reception of the report should be acknowledged to the notifying professional.

34. Member States should provide a child-friendly and safe environment to investigate and assess cases of suspected or reported violence against children or involving children; they should support co-ordination and co-operation between law enforcement and social services, including child protection services, guarantee appropriate and effective interventions in assisting child victims, and provide them with psychosocial support as needed.

35. Member States should offer support services that families may access on a voluntary basis; services should be provided on a mandatory basis only if a need for this has been formally established by the child protection system.

36. Children who commit violence themselves should have their rights upheld at all times and should receive support that is appropriate to their developmental needs within the juvenile justice system or by child protection services.

## **VII. Data collection and monitoring**

37. Comprehensive databases and interoperable systems for information sharing between relevant agencies, regions and countries should be developed, with due respect for the applicable data protection regulations and other relevant domestic legislation.

38. Member States should encourage research on reporting violence against children and develop mechanisms for data collection on the prevalence of violence, on reported cases of violence and on the reasons for non-reporting by adults and children, for the purpose of observing and evaluating the phenomenon of violence against children, of monitoring the effectiveness of national reporting systems in place and of designing targeted interventions.

39. Member States should set up accountability mechanisms, applying to institutions, organisations and individual professionals, so that the functioning of a reporting system is regularly kept under review and monitored by competent bodies, which should publish their findings and make recommendations to improve its functioning.

## **VIII. Media and communications**

40. Information about laws, policies and practices linked to reporting systems for professionals should be available and accessible in the public domain; the development of child-friendly versions of these laws and policies, or at least communication about them in child-friendly language, should be promoted, in particular in the environments where children spend considerable time.

41. States should launch or encourage public information and media campaigns on the need to protect children against violence and build a sense of personal responsibility. They should encourage awareness-raising initiatives by public and private institutions and organisations to draw attention to the reporting obligations and systems in place.

42. Member States should prevent, through legislative measures or self-regulation mechanisms, that children's rights to privacy and the protection of personal data are being violated by the media, including social media.

### **IX. Review of this recommendation and co-operation between member States**

43. Member States are encouraged to co-operate within the Council of Europe by sharing, on a regular basis, examples of legislation, policies and good practices, by exploring the need for any transnational arrangements and mechanisms, by regularly examining the implementation of this recommendation and the appended guidelines, with the participation of relevant stakeholders and by keeping the Committee of Ministers informed of progress made and remaining challenges.

44. This review should take place via the competent intergovernmental body and by using the working methods that it will have defined in this respect; notably including surveys among all national delegations for relevant legislative and political progress and expert hearings for more specific questions.



# Explanatory memorandum

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## Introduction: Why a new instrument?

1. The **Recommendation containing guidelines on strengthening reporting systems on violence against children** has been developed in light of one of the major challenges identified under priority area 1 “Freedom from violence for all children” of the Council of Europe Strategy for the Rights of the Child (2022-2027): the insufficient attention given to mechanisms for reporting violence against children (hereinafter VAC), as well as counselling, recovery and reintegration services provided by professionals. To respond to this challenge, the Committee of Ministers entrusted the Steering Committee for the Rights of the Child (CDENF), responsible for overseeing the implementation of the Strategy, with the preparation of a draft Recommendation on strengthening mechanisms for professionals to report violence against children as one of the main deliverables under its mandate. Under the supervision of the CDENF, the drafting process was carried out by the Working group on responses to violence against children (CDENF-GT-VAE) leading to the adoption of the Recommendation on strengthening reporting systems on violence against children on [6 September 2023].

2. In line with the challenges surrounding the reporting of VAC, the following three documents, prepared in 2020-2021, provided conceptual and empirical evidence and input, first to illustrate the need for the Recommendation, then to inform its content: (i) a discussion paper by Professor Ben Mathews concerning the mandatory reporting of child sexual abuse,<sup>1</sup> (ii) a discussion paper by Professor Mariëlle Bruning concerning international and European reporting mechanisms of violence against children as well as the first versions of the draft Recommendation on the Development of effective mechanisms

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1. Ben Mathews, Strengthening Mandatory Reporting of Child Sexual Abuse in Europe: A Study Setting the Scene for Further Action Responding to Violence against Children, CDENF-GT-VAE(2020)02, Strasbourg, 11 June 2020.

for professionals to report violence against children,<sup>2</sup> and (iii) a survey report by Simona Florescu concerning reporting mechanisms and practices regarding VAC in several Council of Europe member States, to which a total of 25 member States contributed.<sup>3</sup> The scientific evidence presented in the remainder of this introduction is based on these three documents.

3. VAC is frequently underreported and undetected, which is largely due to the fact that children lack access to safe, child-friendly, and reliable counselling and reporting services. Many children are too young to even understand what is happening to them or do not identify it as violence, while many others keep the abuse secret because of feelings of shame, fear, or guilt. Therefore, children's disclosures will not suffice to protect all children who suffer from violence or to prevent further violence. Hence, it is also of vital importance that adults are alert and are able to identify and feel confident to report incidents and/or suspicions of violence experienced by a child. Frontline professionals and volunteers working for and with children, parents and other caregivers, are amongst the best-positioned persons to identify and report violence of various forms. Existing barriers to reporting by professionals, such as those related to professional confidentiality and criminal liability or other sanctions for breaking this confidentiality rule in good faith in cases of VAC should be eliminated, including by law if needed.

4. Such calls by international standard-setting bodies are not recent: in 2009, the Council of Europe, in its Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence, called for mandatory reporting of violence by all relevant professionals working for and with children, outlining some of the key elements of such systems.<sup>4</sup> This text, which already refers to the different stages of reporting, referral and recovery in quite a comprehensive manner, remains very relevant today.

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2. Mariëlle Bruning, Current international and European reporting mechanisms, for professionals, of violence against children, as well as key challenges and recommended future actions in this regard, CDENF-GT-VAE(2020)03, Strasbourg, 16 June 2020, and, by the same author, Draft Recommendation CM/Rec(2022)... of the Committee of Ministers to member States containing Guidelines on the Development of effective mechanisms for professionals to report violence against children (*working title*), CDENF-GT-VAE (2021)01 (and subsequent revisions).
  3. Simona Florescu, 'Reporting mechanisms and practices concerning violence against children in several Council of Europe member States', November 2021.
  4. Recommendation [CM/Rec\(2009\)10](#) containing Policy Guidelines on integrated national strategies for the protection of children from violence.

5. More recently, global and national stakeholders have raised serious concerns about the increased frequency and severity of violence against children during the Covid-19 pandemic.<sup>5</sup> Evidence found during this period has shown that reporting mechanisms, including the identification, actual communication, reception and processing of reports of VAC, as well as the continuous support provided to child victims, families and offenders, remain critical elements of any strategy to prevent and combat VAC, especially when occurring in the “circle of trust”, but also in other contexts.

6. However, the scope, nature, and status of mechanisms available to professionals to report VAC differ significantly across Europe. Whilst the Council of Europe Guidelines on Integrated National Strategies for the Protection of Children from Violence of 2009 already call for “mandatory” reporting by professionals, various approaches have shown their effectiveness in practice.

7. This includes, on the one hand, legal obligations for reporting by professionals such as those introduced by the Children First Act 2015 in Ireland, supported in its implementation, as of 2017, through the “Children First: National Guidance for the Protection and Welfare of Children” and follow-up provided by the Irish Child and Family Agency (Tusla). In the course of preparing the present Council of Europe Recommendation, Tusla representatives report that, despite the little impact of the mandatory reporting law on the quantity of reports received, the sources of such reports have become more diverse (including police, teachers and social workers, and to a lesser extent social/residential care workers and medical practitioners) and the introduction of a legal obligation has been perceived as a strong signal by all agencies involved. However, the importance of planning activities and providing guidance before the adoption of a mandatory reporting law has been identified as crucial in order to raise awareness and train practitioners concerned. Moreover, throughout the reporting process, interagency collaboration is perceived as fundamental.

8. On the other hand, several countries have reported that policy-based approaches are the preferred option and are generally found to be effective as well. One example of such an approach is the Reporting Code on Child Abuse and Domestic Violence of the Royal Dutch Medical Association. This Code sets out a detailed roadmap to assist professionals when they consider

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5. United Nations Children’s Fund, “Research on Violence against Children during the COVID-19 Pandemic: Guidance to inform ethical data collection and evidence generation”, UNICEF, New York, 2020. See also End Violence Against Children “LEADERS’ STATEMENT Violence against children: A hidden crisis of the COVID-19 pandemic”, 2020.

reporting, and involves the following steps: (1) examination, 'child check' and 'informal care check'; (2) seeking anonymous advice from *Veilig Thuis* (Safe Home) and preferably also from a colleague; (3) holding a conversation with the people involved; (4) consulting other professionals involved if necessary; and (5) deciding on further referral (to the competent authority) of the case based on specific assessment criteria. Whilst the Dutch approach does not entail an overall legal obligation for the individual professional, it obliges professional organisations to introduce specific reporting codes which must be followed by professionals. However, the experience in the Netherlands has shown that the obligation to report should not become an aim within itself: a legal obligation may also have potential repercussions, such as an overwhelming and unmanageable number of reports and unwanted negative effects such as possible avoidance of seeking healthcare by victims of abuse or domestic violence.

### **The Reporting Code on Child Abuse and Domestic Violence of the Royal Dutch Medical Association<sup>6</sup>**

The Reporting Code "Child Abuse and Domestic Violence" of the Royal Dutch Medical Association sets out a detailed roadmap to assist professionals when they consider reporting. In brief, the five steps include:

1. Step 1: Examination, child check and informal care check: the health-care professional collects and records all signs of suspicion of child abuse or domestic violence. 'Child check' and 'informal care check' are tools to help identify risks. The professional then records the signs identified, the examination carried out and the results thereof.
2. Step 2: Advice (anonymous) from *Veilig Thuis* (Safe Home) and preferably also with an expert colleague: advice is requested without data exchange. The consent of those involved is not required.
3. Step 3: Conversation with the people involved: unless this conversation poses a risk to the safety or health of the patient, a conversation is held with the people involved.
4. Step 4: Consult the professionals involved if necessary: particularly in case of non-acute or non-structurally unsafe situations, it may be useful to

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6. In the Netherlands, various sectors, including healthcare, are obliged to set up a reporting code for domestic violence and child abuse. This is based on the 'Act (2017): The Reporting Code for Domestic Violence and Child Abuse'. This act includes the elements that a reporting code should consist of.

consult with other professionals who are involved in the family system prior to a possible report. For consultation with other professionals (e.g. childcare leader, teacher, social worker), explicit permission is always required.

5. Step 5: Decision on further referral (to the competent authority) of the case via 5 assessment steps:

- a. Do I still suspect child abuse and/or domestic violence on the basis of steps 1 to 4?
- b. Based on steps 1 to 4, do I estimate that there is acute or structural insecurity?
- c. Am I able to provide or organise effective help to avert and monitor (imminent) child abuse and/or domestic violence?
- d. Do those involved accept help to avert (threatened) child abuse and/or domestic violence and are they willing and able to commit themselves to this?
- e. Does the aid lead to (restoration of) sustainable safety and/or the (restoration of) wellbeing of the person(s) involved within an acceptable or agreed time?

Step 1,2,3 and 5 are mandatory steps. In the event of acute danger – in addition to reporting to “Safe Home” – the police can be called at 112.

9. Research and exchanges of views undertaken when preparing the present recommendation and Explanatory Memorandum have shown that there is no consensus among Council of Europe member States whether legal or policy-based obligations to report are the most conducive to early identification and prevention of VAC. The close examination of the Irish and Dutch approaches to building reporting systems, via legal and policy-based obligations respectively – thus serving as typical examples – has helped develop the Recommendation in a way paying credit to different pathways followed and providing guidance to countries by offering different solutions. The recommendation itself therefore promotes either individual legal obligations for professionals to report, or policy-based obligations making reporting a mandatory step for professionals in specific areas. In this Explanatory Memorandum, examples from other member States have also been included to show how different systems approach specific issues related to the reporting of VAC.

10. Whilst the survey undertaken amongst member States in 2020 pointed to some of the gaps and issues yet to be addressed, substantial gaps remain

in the empirical evidence on how violence is reported in Council of Europe member States, and further guidance seems to be needed on how to better embed legal or policy-based reporting obligations into comprehensive child protection systems. Moreover, despite overall positive experiences with existing legal or policy-based systems in some countries, which are both respectively perceived as effective by the key agencies involved, the weaknesses and gaps observed in other countries continue to represent a serious obstacle to the protection of many children and to the prosecution of offenders. Such gaps include, for example, unclear definitions of VAC and a lack of guidance on when and how to report it, and to whom.

11. Based on General Comment No. 13 of the United Nations Committee on the Rights of the Child (UNCRC) on the right of the child to freedom from all forms of violence, the effective reporting of VAC by professionals should include a variety of elements such as co-operation between agencies, information-sharing, awareness raising, training, supportive protocols and adequate resources which are all essential elements for proper identification and reporting of VAC.

12. Accordingly, through the Recommendation containing guidelines on strengthening reporting systems on violence against children, the Council of Europe intends to provide member States with key guidance elements for any legislative and policy changes needed. The Recommendation and its guidelines encourage and guide member States in the strengthening, developing and monitoring of national reporting systems of violence against children for professionals, in order to guarantee the comprehensive, holistic, child-friendly, and effective reporting of any form of violence against children, with the ultimate goal of protecting all children in Europe from violence.

## **Preamble**

13. Several international and European human rights instruments address children's right to be protected from all forms of violence, most notably Article 19 of the UN Convention on the Rights of the Child (CRC) and Articles 2-5 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Preamble of the Recommendation lists the aforementioned instruments as well as additional instruments underlining member States' obligations towards children to protect them from violence.

14. The Preamble also reminds member States of the severity of the issue of violence against children, of effective strategies to safeguard the rights of

the child and of the need to eradicate all forms of violence against children, such as the ones covered by the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence (Recommendation [CM/Rec\(2009\)10](#)). As their title indicates, those Guidelines promote the development of integrated national strategies for the protection of children against violence, that include effective reporting systems and a mandatory obligation to report for all professionals working with and for children, both embedded in comprehensive child protection systems.

15. Other instruments of the Council of Europe relevant to the aim of the present Recommendation, which are not individually mentioned in the text itself are Recommendation [Rec\(2006\)19](#) on policies to support positive parenting, Recommendation [CM/Rec\(2011\)12](#) on children's rights and social services friendly to children and families, [CM/Rec\(2012\)2](#) on the participation of children and young people under the age of 18, PACE Recommendation 1666 (2004) on a Europe-wide ban on corporal punishment of children, the Council of Europe Guidelines on child-friendly justice and the Council of Europe Guidelines on child-friendly healthcare.

16. When implementing the guiding principles on strengthening reporting systems on violence against children outlined in the Recommendation, member States are reminded to act in accordance with the relevant international and European human rights and children's rights instruments mentioned. They are also encouraged to follow the relevant case-law of the European Court of Human Rights and the standards contained in the recommendations, resolutions and guidelines of the Committee of Ministers and of the Parliamentary Assembly of the Council of Europe, as well as relevant instruments of international monitoring bodies, in particular, General Comment No. 13 of the UNCRC, and its paragraph 49, which makes recommendations on the components of reporting systems.

17. In addition, the Preamble of the recommendation provides member States with relevant context, by drawing the attention to the many different forms of VAC, the considerable underreporting of VAC, and its severe and long-lasting consequences. It reminds member States that while VAC is a persistent phenomenon in all settings, it is also exacerbated in crisis situations. Finally, the Preamble underscores the important role played by professionals working with and for children across all sectors, and hence the need to ensure their training and preparedness and to enable them to work within interdisciplinary, holistic and adequately resourced child-protection systems with clearly defined reporting obligations.

## I. Aim, scope and definitions

18. The purpose of the recommendation is to address the following main challenges:

- i. Violence against children is a violation of the child's right to protection and compromises the enjoyment of many other rights. It is a complex and widespread phenomenon that takes many forms. Whilst reported cases of violence against children are very high, it remains largely underreported, particularly in the case of violence within the child's circle of trust.
- ii. Reporting mechanisms for professionals are a key pillar of any strategy to combat violence. Unfortunately, very often, mechanisms for professionals to report violence are inexistent, ineffective, or insufficient. Reasons include lack of awareness, unwillingness, or fear to report, as well as overburdened reporting systems and ineffective child protection systems. The recommendation aims at providing guidance to member States for developing, strengthening, and monitoring effective national reporting mechanisms of all forms of violence against children. Member States should embed reporting violence against children by professionals into their broader child protection system. Reporting is an important tool to prevent violence, to respond to it wherever it occurs, and to protect children, but should never be seen as a final step of professionals' responsibility. Professionals who report should remain responsible to protect children and monitor their situation in co-operation with reporting centres and in dialogue with children and, where appropriate, with their families.

19. In this chapter, the definition of violence against children is clearly stated to include all forms of VAC in whichever way it may manifest within the meaning of Article 19 of the CRC, which includes "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, [and] sexual abuse". According to the UNCRC, these harms carry equal weight and include both intentional and non-intentional acts and omissions. The definition of VAC, thus, should also be understood to encompass the non-exhaustive specific forms of violence, such as corporal punishment; trafficking in human beings; exploitation of children including for sexual purposes, child labour and slavery; children used in armed conflict; children living and/or working on the street; early or forced childhood marriages; and honour-related forms of violence, including female genital mutilation. VAC is also interpreted to include witnessing violence, which can be detrimental particularly when occurring in a child's circle of trust. As evidence has shown, witnessing violence can severely affect a child's wellbeing, personal

development, and social interactions both in childhood and in adulthood. It may also lead children to exhibiting the same behavioural and psychological disturbances as children who are directly exposed to violence.

20. VAC can take place in different contexts: whether in private or public sphere settings including, but not limited to, any place within the child's circle of trust, such as their home, in care and justice institutions, at school, in recreation and sport areas, or anywhere else within the community and greater society, including in an online format through the use of digital technologies. The same multidimensional nature implies that VAC can also take place on an individual, interpersonal, community or societal level.

21. The recommendation and its guidelines recognise that risk factors may expose individual children or certain groups of children in general or in particular contexts to violence. Risk factors may be linked to family situations such as, but not limited to, parental substance abuse, mental health problems, social isolation, external economic development factors such as poverty and unemployment, or social phenomena such as discrimination, exclusion, and marginalisation. Though all children between the ages of 0-18 are considered vulnerable until the completion of their neural, psychological, and physical growth and development, babies and young children are at a higher risk due to the immaturity of their developing brains and their complete dependency on adults. As the UNCRC has further noted, though both boys and girls are at risk, VAC often has a gender component. Children can also be exposed to different risk factors simultaneously.

22. In the context of VAC, certain situations or conditions are regularly perceived as increasing children's vulnerability and exposing them to a greater risk of violence. Some of these situations, including the ones recognised by the UNCRC in its General Comment no. 13 include, but are not limited to, children: living away from their families and placed in the various forms of alternative care and justice; not registered at birth; who are missing; who have been abducted; who are victims of human trafficking and/or are on the move as migrants or refugees; who are living and/or working on the street; in actual or perceived conflict with the law; living with disabilities such as physical, mental, learning and psychosocial disabilities, and congenital acquired and/or chronic illnesses or serious behavioural problems; who belong or are perceived to belong to particular groups, including indigenous, ethnic, religious or linguistic minorities; who are from the LGBTQI community; at risk of harmful practices such as early and/or forced childhood marriages, female genital mutilation and other honour-related practices; who experience and witness

violence in the home and/or in the community; are in a low socio-economic environment where weapons, drugs and alcohol are easily available; in crisis and emergency situations, including living in armed conflicts, in disaster and/or accident-prone areas and/or in toxic environments; living in or at risk of poverty; affected by HIV/AIDS in their family/community or who are themselves HIV infected; who are malnourished; who are looked after by other children or who are themselves carers and heads of households; born to parents who are themselves under the age of 18; who are unwanted, born prematurely or part of a multiple birth; hospitalised without inadequate supervision or contact with parents or other caregivers; and/or exposed to Information and Communication Technologies without adequate safeguards, supervision or empowerment to protect themselves.

23. This chapter also contains an explanation of the designated professionals or volunteers (both referred to as “professionals”) covered by the scope of the recommendation and thus expected to report. Since different conceptions of the roles of professionals and volunteers may exist against different professional backgrounds, and the involvement of volunteers alongside professionals may vary from one sector or country to the other; it is important to include both terms. In the understanding of the present texts, the term “professionals” refers to all persons involved in matters concerning children through their positions or occupations, including volunteers. Such positions or occupations involve regular contact with children, although not necessarily daily contact. In addition, the professional’s contact with children must not necessarily be direct and involve in-person contact, but may also be limited to contact via for instance phone or digital technologies (i.e. helplines, hotlines or other online contact forms), or indirectly via contact with the parents or caregivers of the child.

24. In addition to professionals involved in matters concerning children through their positions or occupations, who are expected to report VAC and who can be employed by or provide services both to public and private entities working with and for children, the recommendation also concerns professionals on the receiving end of such reports. Depending on the different national systems in each member State, such actors may be public authorities and services or private/non-governmental organisations responding to or processing reports (e.g. INHOPE hotlines which receive reports for Child Sexual Abuse Material (CSAM) and Child Sexual Exploitation Material (CSEM)).

25. This chapter also provides working definitions of key terms used throughout the text, for the purposes of the recommendation. The definitions included are:

- a “child” means an individual under the age of 18;

- the child’s usual “circle of trust” is understood as comprising the home, the larger family context, caretakers including teachers and other professionals in schools, childcare professionals, sports coaches or other professionals working in sports facilities and events, religious workers, health and social professionals, adults in charge of extra-curricular activities, tutors, guardians and other persons with whom children may have close relations, including their peers;
- the term “legal obligation to report” refers to an obligation to report provided for by domestic law;
- the term “policy-based obligation to report” refers to an obligation to report embedded in other documents such as implementing or professional standards, protocols, codes of conduct, recommendations, guidelines or manuals;
- the term “reporting systems” refers to the procedures containing concrete steps to be followed by professionals when identifying, reporting, receiving and following-up a reasonable concern or suspicion of violence against children, and to the mechanisms and protocols in place to co-ordinate and collaborate between the professional groups and agencies involved;
- the term “child-friendly procedures” refers to mechanisms that guarantee the respect and the effective implementation of the rights of the child at the highest attainable level, bearing in mind fundamental principles such as the best interests of the child, non-discrimination, right to life and development, and which provide child-friendly information;
- “child-friendly information” refers to information conveyed to a child about a report being made and its potential consequences, in a manner which is adapted to a child’s age, maturity, language, gender, special needs and culture at all stages of a reporting process.

## **II. Fundamental principles**

26. The seven fundamental principles contained in this chapter, which include the four “general principles” of the CRC, pertain to international human rights standards which were given due consideration in the development of the guidelines provided in the recommendation and are considered “fundamental” for the purposes of the recommendation. Member States shall give due consideration to these standards when applying the guidelines for the reporting of VAC by professionals.

### III. Legal and policy-based obligations to report

27. The recommendation includes guidelines to member States on how legal and policy-based obligations to report VAC can effectively be adjusted or implemented in national legislation and policy frameworks or how a mandatory code for specific professions can be established to report concerns or suspicions of violence against children. Whether a member State opts for a legal or policy-based obligation to report, or adopts a mandatory code for certain specific professions, there should be clear rules establishing the responsibilities to report and the procedures to be followed. Moreover, national laws should cover the prevention of all forms of VAC, however mild, and clearly prohibit all forms of violence at *all* times and in *all* settings, including in the digital environment. They should also include reporting of children going missing. Appropriate legislative measures should repeal legal defences and authorisations for any form of violence, including those inflicted for disciplinary purposes, whether within the family context or outside of it. Member States should ensure that all types of VAC – either by commission or omission – are clearly defined and prohibited under national law and should guarantee an effective implementation of the legislative prohibition of VAC.

#### **Examples of legal obligations to report include Albania, Denmark, Italy, Malta, Portugal, Sweden and Switzerland.**

In **Albania**, according to Law 18\2017 “On the rights and protection of the child” any employee of public and private institutions who comes into contact with children in the context of their profession and suspects of a child being abused, neglected, maltreated or found at risk thereof, must notify immediately the State Police authorities or the child protection structures at local level.

In **Denmark**,<sup>7</sup> a framework law<sup>8</sup> covers all cases of VAC, whether in private or public settings. The obligation to notify the municipality in cases of VAC applies to all adults in Denmark. However, the Danish State has wider authority when it comes to regulating obligations, procedures and policies regarding public institutions and authorities compared to private organisations.

7. In Denmark, “duty to report” is called “duty to notification” (underretningspligt) in the social system. The references to the Danish reporting system relate to the Danish legislation and practice in this regard.
8. The Consolidation Act on Social Services is the main legal framework in Denmark regarding reporting procedures, casework and measures of special support within the social system.

*Reporters:* Any person who learns that a child or young person under 18 years of age is being exposed to neglect or degrading treatment, including violence, by their parents or other caregivers or is living under conditions endangering their health or development has an obligation to notify the municipality.<sup>9</sup> Hence, this obligation applies to all adults in Denmark. In addition, there is a special obligation of notification for persons performing public functions or holding public offices, including private persons, organisations, or institutions part of the public service delivery in the Danish municipalities.<sup>10</sup> For persons performing public functions or holding public offices, it is a criminal offence not to fulfil the obligation to report to the authorities in cases of violence against a child.

*Receivers and responders:* Under the same law, the municipal council shall ensure a timely and systematic assessment of all notifications to determine whether the child needs special support. Within 24 hours of receiving a notification, the municipal council shall assess whether the health or development of the child is at risk and whether there is a need for implementing immediate measures. The municipality council shall in all cases react and assess what measures should be taken based on a notification, including an assessment of the requirement to further examine the needs of the child and carry out measures to help and support the child.

In **Italy**, all public officials and persons in charge of a public service are obliged by law to report to the judicial authority (public prosecutor or a judicial police officer) crimes prosecutable *ex officio* (including mistreatment, trafficking, sexual violence against children, sexual exploitation, sexual acts with a child if committed by a relative, parent, including adoptive parent, or cohabiting parent, guardian or other person to whom the child is entrusted for reasons of care, education, instruction, supervision or custody or who has a cohabiting relationship with the child), of which they have become aware in the exercise or because of their functions or service.<sup>11</sup> Failure to do so constitutes a crime.<sup>12</sup> Article 332 of the Code of Criminal Procedure describes the content that the complaint must have.

In addition, for public servants and public officials who become aware of a situation of prejudice, distress or material or moral neglect to the detriment

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9. According to § 154 of the Danish Consolidation Act on Social Services.

10. According to § 153 of the Danish Consolidation Act on Social Services.

11. According to Art. 331 of the Italian Code of Criminal Procedure.

12. According to Arts. 361 and 362 of the Italian Criminal Code.

of a child, many special laws prescribe an obligation to report (regardless of the intentional or unintentional nature of the conduct engaged by the alleged perpetrator and the existence of a crime) to the Juvenile Court which will take measures to protect the child.<sup>13</sup>

In **Malta**, the onus of reporting is on all professionals who possess information of harm on children. This is established under Chapter 602 Art 9(b) of the Laws of Malta. It is then the function of the Directorate for Child Protection Services (DCPS) and the Malta Police Force to investigate any such reports to determine risk and veracity, leading to protective action. There is also another obligation set by the Protection of Minors Act (POMA) on the employer, to vet and check all prospective employees who are going to work with or around children, whether voluntarily or against payment, to ensure that the person about to be employed has not been convicted of crimes against children.

In **Portugal**, Chapter IV of the Act on the Protection of Children and Young People in Danger<sup>14</sup> covers reporting situations of VAC and other situations that put children in danger. Situations that cannot be solved by the intervention of first-line respondents/entities, have to be reported to the local Commission for the Protection of Children and Young People in the area where the child or adolescent lives (there are 311 local Commissions covering all country). The obligation to report is placed on the judiciary and police authorities as well as all entities with competences in dealing with childhood and youth. The Law also includes the obligation to report by the local Commissions for the Protection of Children and Young People (which includes professionals that compose them) to the Public Prosecutor (art. 70) in cases requiring criminal proceedings. Local Commissions are independent entities monitored by the [National Commission for the Promotion of the Rights and the Protection of Children and Young People](#) to whom they annually report their activities to protect children and young people from violence and other dangerous situations that were communicated to them by other entities or individuals. The local Commissions also have the obligation to report monthly to the Public Prosecutor on severe cases of VAC which include ill-treatment and sexual abuse.

In **Sweden**, according to the Social Services Act ([2001:453] Ch 14, para 1), when being informed, or suspecting, that a child is at risk of violence,

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13. See Art. 9 of Law 184/1983.

14. Law No. 147/99, of September 1, amended by Law No. 31/2003, of August 22, Law No. 142/2015, of September 8, Law No. 23/2017, of May 23 and Law No. 26/2018, of July 5.

certain agencies and their staff are obliged to immediately report to the Social Services Committee.

In **Switzerland**, new reporting rules came into force on 1 January 2019. In principle, all persons acting in an official capacity (e.g. teachers) as well as those who have regular professional contact with children (e.g. persons employed in day-care centres) have an obligation to notify the authority when there are concrete indications that the physical, psychological or sexual integrity of the child is threatened and they cannot remedy the situation themselves within the framework of their activity. This emphasis on the efforts of the professionals themselves was an essential element of the revision, as it gives them the necessary leeway to seek solutions at the lowest level. If these efforts fail, a report to the child protection authority is mandatory. The introduction of these new rules has increased the awareness of child protection issues among the relevant professional groups.

In March 2019, in order to facilitate the implementation of the new rules, the Conference for the Protection of Minors and Adults (COPMA) published a [COPMA checklist](#) for interested professionals. COPMA has also published a list of [Cantonal Reporting Provisions](#) since, in addition to the federal legal obligation under [Art. 314d of the Swiss Civil Code](#), the cantons may provide for other obligations to notify the authority. Several cantons have enacted additional reporting obligations in their legislation on schools, education, social welfare, health and police.

In addition, several cantons or institutions have developed codes of practice for the relevant professional categories to help them recognise risk situations and how to deal with them:

- The activities of the Canton of Bern in the field of early detection of situations that endanger the wellbeing of the child can be mentioned as a promising practice. In the Canton of Bern, professionals receive specific training and instructions on how to proceed and can seek advice from a specialised unit, cf.: [Early detection in young children \(0-5 years\) \(Child and Adult Protection\) Directorate of the Interior and Justice - Canton of Bern](#); and [Early detection in the school sector \(6-16 years\) \(Child and Adult Protection\) Directorate of the Interior and Justice - Canton of Bern](#)
- Kanton St. Gallen, [Leitfaden für das Vorgehen bei Gefährdung des Kindeswohls](#)

- Kanton Zürich: [Leitfaden zur Kindeswohlgefährdung](#) Für Fachpersonen, die mit Kindern arbeiten
- Kanton Thurgau: [Guter Start ins Kinderleben. Networking and cooperation in early childhood and in child protection. Eine Broschüre für Fachpersonen](#)
- Child Protection Switzerland has also published several guides:
  - Child abuse - Child protection, [Guide to early detection and action in medical practices](#)
  - Identifying and Responding to Child Endangerment, [A Guide for Social Workers](#)
- Early detection of violence against young children, [Leitfaden für Fachpersonen im Frühbereich](#)

28. In order to protect children from all forms of violence, legal obligations, policy-based obligations or mandatory codes to report VAC for professionals are vital. Where legal obligations are implemented through policy-based reporting obligations, States should ensure coordination between them. Developing and reviewing relevant legislation and policy to guarantee an effective obligation to report for professionals in the course of their profession is imperative. Such legislation and/or policy should ensure compliance with the CRC and include a clearly defined obligation to report VAC which is embedded in national law or policy standards, including, at least: 1) a clear definition of the concept of VAC in line with the CRC; 2) a clear list of the designated occupational groups covered by the obligation to report, which are in line with the professionals targeted by the recommendation; 3) clear instructions on what details the report must include; 4) clear instructions concerning the recipients of reports, and; 5) clear instructions about the elements and steps involved in the follow-up process, including with regard to perpetrators, victims and witnesses of violence; as well as 6) clear instructions on the roles and responsibilities of each agency and agent throughout the whole process, both with regard to individual measures taken and collaboration with others.

29. Depending on the national system of each member State, professionals covered by the obligation to report may vary. Such professionals may be attached to public authorities at national, regional and/or local levels, including for instance police and other law enforcement staff, social workers, medical and para-medical staff, legal professionals, educational and child-care personnel, professionals or volunteers working with and for children in sectors such as sports, culture and

leisure or working in national helplines and hotlines. In addition, also depending on the national system of each member State, reporting obligations may cover professionals and volunteers involved in the abovementioned professions and activities also when these are privately run. In all cases, it is essential that all professional groups covered by reporting obligations are adequately informed and prepared for this task and aware of their responsibility, the consequences of non-reporting, and the procedures to follow.

30. Professionals involved in receiving and processing reports on VAC may also vary from system to system and pertain to public authorities or private entities which are granted such mandates. Whichever actors at local, regional, or national level carry that responsibility, it is crucial that such services are adequately staffed and financed. Reporting VAC can only lead to a positive outcome if reports are handled timely and in accordance with well-established procedures, making sure the most appropriate response is given. Leaving reports of VAC unattended or improperly handled may expose children to further risk and may also discourage professionals from reporting.

#### **Example: Financing of reporting obligations in Denmark**

Under the Danish Constitutional Act,<sup>15</sup> Danish municipalities have the right to manage their affairs independently under the State's supervision. The framework for the total expenditure of municipalities is decided upon annually as provided by law<sup>16</sup> in an agreement between the Government and Local Governments of Denmark. It also deals with the framework for total local government expenditure for the delivery of services, including social services. When imposing new concrete obligations to the Danish municipalities by law, the State is required to compensate the municipalities financially for the undertaken task. Hence, when introducing the obligation to notify municipalities of VAC,<sup>17</sup> and the obligations for the municipalities to process and assess all incoming notifications, the Danish municipalities have been financially compensated by the State for the entailed tasks.

31. Most member States have implemented both legal- and policy-based obligations to report VAC. In these cases, it is of utmost importance to clearly define when and how each specific obligation is activated because, in practice,

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15. Section 82 of the Danish Constitutional Act.

16. Act on provision of expenditure limits for state, regions and municipalities.

17. According to § 153 and § 154 of the Danish Consolidation Act on Social Services.

a vague distinction between a legal obligation to report and policy-based obligations may be confusing and hamper reporting. For instance, the distinction may lie in the type of VAC which is subject to reporting. Usually, the most severe forms of violence are criminalised and subject to legal reporting obligations to the relevant law enforcement authorities. Conversely, it is not always clear whether situations of suspected acts of violence which do not reach the threshold of criminal offence or caregivers' omissions (e.g. neglect) give rise to a legal reporting obligation, policy-based obligation or are exempted altogether from these obligations. Legal and policy-based reporting obligations should be complementary to provide full protection to children. Thus, if legal obligations to report VAC only cover criminal acts, then member States should ensure that acts of VAC that do not reach the threshold of criminal offences are covered by policy-based obligations to report.

32. Appropriate and proportionate measures or sanctions for professionals that fail to comply with their reporting obligations should be included in the legal and/or policy-based obligations to report to ensure the effectiveness of the reporting system. While such measures or sanctions can vary between different member States, they should be proportionate to the failure to report and take into account factors such as the information the professional had at hand about the VAC situation as well as the capacity and preparedness (e.g. through work experience and professional training) of the professional to identify relevant signs and assess potential situations of VAC. In that regard, the responsibility placed on professionals who are employed or under remunerated contracts may differ from that of volunteers.

33. In establishing or strengthening legal and policy obligations to report VAC as part of national child protection systems, the Recommendation and its guidelines also set forth that child participation should be part of the development and implementation of such systems. By empowering children to participate in a meaningful way, providing them with information in a language and format that they can fully grasp, enabling them to have a voice, and giving due weight to their views and opinions in accordance with their age, maturity and evolving capacities, child protection systems will better respond to the actual needs of children. In order to ensure that children's participation is meaningful, the Recommendation also points to the need for member States to make adequate resources available.

### **Child participation mechanisms in Belgium, Malta and Portugal**

In Flanders (**Belgium**), the Flemish government subsidises “Cachet”, a client organisation and network for young people with experience in youth care (and, thus, sometimes, VAC). Cachet organises activities and regional and thematical focus groups to hear young people’s opinions about youth care. Young people choose their own topics or comment on topics on demand of the government or care services, always based on their experiences. Cachet (and sometimes young people themselves) also participate in the monthly advisory group on youth care public policy. Cachet is an important interlocutor for developing new policies. It is a member of the client forum (‘cliëntenforum’) which is tasked with bringing the voices of people in contact with youth care (children, youngsters, parents, etc.) into policies.

In **Malta**, the Foundation for Social Welfare Services (FSWS) within the Ministry for Social Policy and Children’s Rights uses its experience with children and takes on the voices of the children who speak to the professionals during all of their interventions to shape its future work in a way that fits the best interests of children.

In November 2019, the [National Commission for the Promotion of Rights and the Protection of Children and Young People](#) in **Portugal** launched and established the [National Council of Children and Young People](#), which started its activities in March 2020. This Council is composed of children aged between 8 and 17 from all over the country. Besides consisting of a forum where children and young people are given a voice and empowered to express their experiences, concerns, needs and expectations, the Council also acts as a tool that connects their child and young person members amongst themselves and with their local communities. The Council is expected to have an impact on public policies (including protection policies and legislation) and on social change.

## **IV. Creating a favourable context for reporting violence against children**

34. To facilitate the reporting of VAC, it is necessary to create an adequate social, legal, and policy context. In this part of the guidelines, the ways in which such a favourable context can and should be created are described.

35. It is made clear in this chapter that children can only be effectively protected from violence if the entire social context favours and facilitates

the awareness, recognition, and elimination of violence, especially by those tasked with the protection of children, such as the designated professionals. In this regard, the Recommendation on Integrated national strategies for the protection of children from violence (CM/Rec(2009)10) includes a section named 'Building a culture of respect for the rights of the child', stating that the objective is to achieve a "qualitative change in the perception of children and childhood, and of violence against children". This can only be achieved when a genuine culture of respect for the rights of the child has permeated the fabric of society.

36. The importance of professionals' attitudes towards reporting is highlighted, as the effectiveness of any reporting system is contingent on the willingness of professionals to report. Therefore, any obstacles to report should be identified and eliminated and reporting of professionals should be stimulated and facilitated. Obstacles to report may include complicated reporting mechanisms, highly bureaucratic reporting procedures, vague rules around how and when to report, lack of certainty of what will happen after reporting or absence of follow-up, lack of certainty regarding consequences for reporting or not reporting. These and other barriers encountered before reporting, or during the reporting process might undermine professionals' trust in the reporting and child protection systems.

37. More precisely, to encourage reporting, the recommendation invites States to consider whether professionals should be able to request to report VAC anonymously vis-à-vis third parties in instances where reporting would expose them or the child to serious risks. This includes, for example, situations in which the professional received serious threats from a third party to deter them from reporting. In such cases, the professional should be able to apply for the possibility to anonymously report due to certain circumstances, such as danger or serious threats. This refers to anonymity towards the parties to the case and not the child protection or reporting authority. The possibility to report acts of VAC anonymously vis-à-vis third parties offers professionals an additional degree of protection and participates in fostering a favourable context for reporting.

### **Promising practice examples of anonymity**

One example for anonymous reporting is the ability to report, even anonymously, online Child Sexual Abuse Material and Child Sexual Exploitation Material to national hotlines which are members of INHOPE. The national

hotlines have online reporting forms available through their websites where everyone can report the *url* which contains illegal online content.

In **Denmark**, professionals can request to have their details omitted from a report if they fear the reaction from a third party. In that case, an individual judgment will determine if the request is in line with the best interests of the child, as there has to be a clear concern regarding the reporter that exceeds the family's interest in knowing the identity of the reporter.

Another promising practice example of anonymity of reporters can be found in **Iceland**. Under Article 19 of the Icelandic Child Protection Act, any person who gives notification to a child protection service shall identify him/herself. However, Article 16 allows a notifying party to request anonymity vis-à-vis parties other than the child protection service. This shall be respected unless there are special reasons not to do so.

Anonymity under Article 19 only applies to individuals who report to child protection services according to Article 16 of the Child Protection Act. These are usually relatives, neighbours or others who are familiar with the child's circumstances, and it is important that they can enjoy a certain degree of protection. Those who work with or are involved in matters concerning children, cf. Articles 17 and 18 the Child Protection Act, do not enjoy anonymity. Generally, notifications are sent in the name of the institution in question and not from an individual employee who is in close contact with the child and / or his or her parents, such as named teacher or nurse. In most cases, the institution in question informs parents that the matter has been reported to the child protection service, but this is not obligatory.

A decision by a child protection service regarding anonymity or a refusal to lift anonymity may be appealed to the Welfare Appeals Committee. Notifying parties, and parents, shall be informed of their right to appeal against the child protection service's decision.

In **Portugal**, reports concerning children or young people that are in danger can be anonymously communicated in case they are made by children, young people, or adults as members of civil society. Where a report is made by an entity that has the legal obligation to report, as obliged in the Act on the Protection of Children and Young People in Danger, reports must be signed by the entities responsible as opposed to by an individual working for the authority/entity. Sometimes, the local Commission might be able to identify the author of a report because of the way it is drafted which could prevent the reporting in the first place or result in risks arising from

reporting. To conceal the identity of the individual that filed a report and to encourage reporting violence against children, local Commissions are authorised to make the necessary changes to the parts of the report which may give rise to the identity of the author. The original report is kept safe and in case the situation is forwarded to the Public Prosecutor, the original report is sent to the Public Prosecutor.

38. Confidentiality rules should not hamper reporting and professionals should benefit from immunity from sanctions for breach of such rules when reporting in good faith. Moreover, disciplinary measures aimed at sanctioning non-reporting of known acts of violence should be avoided.

39. Most professionals interacting with children are bound to certain professional secrecy rules by virtue of their professions. For the purposes of this Explanatory Memorandum, 'professional secrecy' or 'confidentiality' is to be understood to refer to communications occurring in a recognised context, which allow the speakers to resist legal pressure to disclose its contents. Disclosure of information protected by professional secrecy and confidentiality rules may result in civil, tort or criminal liability, depending on the applicable national legal provisions. Section 6.4. of the Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children (CM/Rec(2009)10) notes, among others, that confidentiality norms should not hamper reporting and that national legislation should remove requirements for parents' and caregivers' permission to file complaints. Several other international instruments also provide that States should take steps to waive statutory protections regarding confidentiality in cases of suspicion of VAC. The correct interpretation of, and the release from professional secrecy obligations, if needed, is thus key to an effective reporting system.

### **Promising practices regarding confidentiality**

In **Belgium**, in the French community, the youth care and protection sector is primarily based on a social and voluntary approach, on the trust between the beneficiary and the worker. But exceptions to professional confidentiality are provided for in the legislation to enable professionals to deal with situations of danger that they encounter:

1. The state of necessity: when there is a serious and imminent danger to others or to the beneficiary of the assistance, the professional may be

authorised to lift professional confidentiality and alert the competent authority if he/she is unable, alone or with the help of others, to protect the person.

2. Shared professional confidentiality: under certain specific conditions, the professional may share information received with other workers with whom he/she collaborates on a situation, with a view to better handling the situation.

In **Denmark**, the obligation to notify the municipalities takes precedence over the rules on confidentiality/professional secrecy for public employees. This is clearly highlighted, for instance, in the official guide to the Danish Consolidations Act on Social Services.

However, professionals can request to have their details omitted from a report if they fear the reaction from a third party. In that case, there will be an individual judgement on the best interests of the child. The reporter's concern should exceed the sake of the family and their interest in knowing the identity of the reporter.

In **Ireland**, Article 44 of the Child Protection Act<sup>18</sup> provides that: "[...] The obligation to provide information under this Article takes precedence over provisions in law or codes of ethics regarding confidentiality for specific professions".

As an absolute and uniform minimum standard for the whole of Switzerland, any person, including persons subject to professional secrecy under criminal law, has the right to notify the child protection authority if the physical, psychological or sexual integrity of a child appears to be under threat. Persons subject to professional secrecy under criminal law do not need to be released from professional secrecy beforehand (Art. 314c Swiss Civil Code).

40. Any professional reporting VAC in good faith must be exempted from disciplinary measures or civil or criminal liability, as well as protected from reprisals or other negative consequences. For instance, measures protecting professionals from reprisals or negative consequences from families must ensure and specify the protection for both employed professionals working for formal institutions, as well as self-employed professionals. Self-employed professionals who are equally

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18. Ireland, Child Protection Act, No. 80/2002

under an obligation to report VAC can include professionals such as, but not limited to, babysitters and child minders.

### **Examples of legislation protecting professionals from reprisals**

The **Belgian** criminal code (Art. 458bis) contains a “right to report” to the public prosecutor for professions with a professional secrecy, when concrete criteria are met, with specified (criminal) acts against children, vulnerable persons, and great and urgent danger for the integrity of a person.

In **Malta**, Chapter 602 of the laws of Malta [Minor Protection (Alternative Care) Act], Art 9(4), indicates that no action may be taken against a professional making a bona fide report.

In **Portugal**, the Penal Code includes violence or threats against professionals as specific offences that amount to public crimes, what means that criminal prosecution will take place even if a report is not filed, with the aim of preventing reprisal acts against professionals.

41. Unless there is a perceived threat to the safety and/or wellbeing of the child or the professional, and depending on the specific circumstances of each case, member States should seek to ensure that parents and caregivers, as those primarily responsible for the protection of their children, have the right to transparency and to be informed about a report made concerning their child(ren) and a suspicion of violence. Nevertheless, as the guidelines clearly set forth, parental or caregivers’ consent is not required to report, and professionals should not have to seek agreement or approval in order to proceed with reporting a potential situation of VAC.

### **The right of parents to have access to information**

In **Denmark**, in most situations, the parent will have the right to be informed when the municipality receives a notification about their child. Thus, it is a general principle in the Danish Consolidation Act on Social Services that caseworkers shall always involve and co-operate with parents when this is in line with the best interests of the child. However, in cases when the municipality suspects that a parent has committed violence against the child, measures are foreseen in the law to protect the child. First, the caseworker is obliged to talk to the child about the suspected violence without the parent’s consent and presence. Furthermore, it is up to the judgement of the police and the municipality in each concrete case when the parent(s)

should be informed about the reported violence against the child and when they should be involved in the investigation and examination of the case.

The parents will usually be parties to the case regarding violence against their child and they will generally have access to information regarding the case. However, the municipality can restrict the access to information based on a concrete and individual assessment in each case e.g. based on a consideration to protect the child.

In the judicial system, parents who are suspected of having committed violence against their child do not have the right to receive information on a police report being made. If the parents are accused of a criminal offence, they have the right to defence. Their defence lawyer will have access to the case documents including information about police reports being filed. The defence lawyer may only forward the case documents to the accused if the police consent hereto. The police may order the defence lawyer not to pass on information received from the police if it is necessary for the sake of, inter alia, the investigation of the case or a third party, including for the safety of a witness.

An accused person who does not have a defence lawyer must also, upon request, be granted access to the case documents concerning the accused. For the same reasons as mentioned above, the police may refuse to pass on information received concerning the case.

Following a request by the police, the Court may decide that the rules on the defence's and the accused's right to access documents are waived if this is required, inter alia, in order to solve a case, for the sake of the life or health of third parties or protection of confidential information concerning police investigation methods.

In **Malta**, parents are given the details of what form of abuse took place in relation to their child. The identity of the reporting person is kept anonymous.

In **Portugal**, justice secrecy applies in criminal proceedings, which can only be lifted by a court order if it does not compromise the security of the offender. In protection proceedings, the file of the child is always confidential, but parents and the child can have access to information. Nevertheless, parts of the information may be removed from the file if they risk compromising the child's security or best interests or even if they may compromise the security of one of the parents. The removal of parts of the information in a file must always be communicated to the Public Prosecutor. Where the

protection case has to be forwarded to the Public Prosecutor, it is always sent with all the information (including the information that was removed of access to parents).

42. Child safeguarding policies (or child protection policies) represent a valuable tool in the protection of children from violence and other violations of their rights within both public and private institutions and organisations. The Recommendation requests member States to ensure that such policies are in place for any entity whose professionals have recurring contact with children. One important element of such child safeguarding policies is precisely the existence of internal reporting mechanisms and protocols.

### **Promising practice – child safeguarding policies**

In **Belgium**, in the French community, there are “SOS Children” teams. They intervene on the basis of reports from front-line professionals or relatives in order to verify the situation, to accompany the family, and to refer it to protection services or to the justice system if there is the need to put the child under rapid protection.

In **Malta**, the Office of the Commissioner for Children (CFC) is a member of the European Network of Ombudspersons for Children (ENOC) and has adopted the child protection policy published by ENOC which is available [here](#). Hence, the child protection policy published by ENOC is mandatory for CFC professionals working directly with children.

In **Portugal**, the National Commission for the promotion of Rights and the protection of Children and Young People has adopted a “[Safeguarding Policy for the Promotion of the Rights and the Protection of Children and Young People](#)”, which is mandatory for their professionals and which also exists in a [child-friendly language](#) to be distributed to children and young people before participating in child consultations.

43. To increase trust and knowledge in the reporting systems, member States should ensure far-reaching awareness-raising campaigns for children, families and professionals working for and with children, with the aim of increasing the willingness to report by professionals and bringing the eradication of VAC one step closer.

44. The guidelines also establish that awareness-raising campaigns should include the promotion of free and easily accessible tools, both for children

and the general public, to signal any violence. This includes the promotion of hotlines and helplines, which are often provided by non-State entities including NGOs, and which play an equally important role in reporting cases of VAC. Nevertheless, it is important to distinguish between the two mechanisms. Hotlines, on the one hand, are primarily used by children and other members of the general public for reporting VAC. Though hotlines may also give limited advice, child helplines, on the other hand, generally provide more active support and advice based on listening and counselling services, and referral of self-reported concerns of VAC coming from children and adults.<sup>19</sup> Child hotlines and helplines should facilitate the communication with children with special needs and disabilities.

45. To increase reporting of suspected incidents of VAC, member States should promote and raise awareness of both hotlines and helplines, in order to increase accessibility for children and the general public. Methods aimed at increasing public awareness can include, for example, advising social workers or those working with families to transfer information about child hotlines and helplines to children and their families; coordinating between governmental authorities and partners to promote child hotlines and helpline information within existing public information messages, and placing information in both offline and online public spaces (for example in schools and online learning platforms, tv programmes, recreation and sport facilities, pharmacies, health centres, police offices, markets and public transport stations); including mobile operators and social media platforms in promoting awareness of and increasing accessibility of hotlines and helplines; and, where necessary, undertaking data analysis by consulting children and families on where and how they are accessing information and communicating with others, in order to identify those who are not accessing hotlines and helplines, and using this information to conduct targeted messaging for said groups.<sup>20</sup> For any promotional and awareness-raising activities it should be kept in mind that the information should be conveyed in a child-friendly and age-appropriate manner.

46. Finally, though hotlines and helplines that receive reports or requests for help from the general public, including from children themselves, can have an important complementary function in national child protection systems

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19. Alliance for Child Protection in Humanitarian Action, Child Helpline International, Child Protection Area of Responsibility and United Nations Children's Fund, "Technical Note: Child Helplines and the Protection of Children during the COVID-19 Pandemic", Version 1, May 2020.

20. Ibid.

to signal cases of VAC and help prevent further violence, they are often distinguished from, and play a less central role for professionals reporting violence within clearly defined national reporting mechanisms and reporting obligations.

### **Promising practices: facilitating reporting by citizens through hotlines and helplines**

In Flanders (**Belgium**) the 1712 helpline for citizens with concerns about violence is available by phone, mail and chat. All kinds of violence can be reported (sexual, physical, emotional, neglect, domestic, etc.). 1712 is set up through a co-operation between the General welfare centres Centra ('Algemeen Welzijnswerk') and the Trust Centres for Child Abuse ('Vertrouwenscentra Kindermishandeling'). The latter are mandated to decide whether an intervention is needed. Professional counsellors of both centres offer help by telephone and online.

Another initiative of the Trust Centres for Child Abuse is the chat box for children who have questions about or are victims of abuse, neglect or sexual violence "Nupraatikerover.be" (Now I talk about it), which cooperates with 1712. Stop it Now! listens to and provides information, advice and support to persons who are concerned about their own feelings or behaviour, or the feelings or behaviour of their close ones, towards children.

In **Bulgaria**, the 116 111 hotline is free, works 24 hours, 7 days a week. It is managed and controlled by the State Agency for Child Protection. Anyone can report a case of violence and it will be transferred to the relevant authorities for referral.

In **Croatia**, the Ministry of Justice has set up the 'Red Button' as a platform facilitating online reports of VAC with the possibility for anonymous reporting.

In **Greece**, SafeLine ([www.safeline.gr](http://www.safeline.gr)) is the hotline that receives reports for online Child Sexual Abuse Material (CSAM) and online Child Sexual Exploitation Material (CSEM). It has been operating since 2003 by the Foundation for Research and Technology-Hellas (FORTH) and is an official member of INHOPE and one of the three axes of the Greek Safer Internet Centre ([www.saferinternet4kids.gr](http://www.saferinternet4kids.gr)). SafeLine contributes to the ICCAM database of INTERPOL.

In **Italy**, the Department for Family Policies has set up "114 Childhood Emergency Service", a hotline managed by "Telefono Azzurro". This number,

which provides a multilingual service, is accessible free of charge from both landlines and mobile phones, throughout the country, 365 days a year, 24 hours a day, and is aimed at anyone who wants to report emergency or troubling situations which could be potentially damaging to the mental and physical development of a child. The service is accessible via different channels both for children and adults. The service provides psychological, psycho-pedagogical, legal and sociological counselling, and may intervene in situations of distress. In recent years, the Department for Family Policies has been promoting communication campaigns related to the “114 Childhood Emergency Service” as well as to cyberbullying, designed and implemented with appropriate language for children and adolescents.

In **Malta**, Supportline 179 is the national helpline, which offers support, information about local social welfare services and other agencies, and a referral service to callers who require assistance. It is also a national service for people who are in times of difficulty or crisis. The primary mission of the Supportline 179 service is to provide immediate and unbiased help to those seeking information, support, and/or require a referral to social service agencies. Supportline 179 receives calls on situations of child abuse, domestic violence, drug/alcohol/gambling problems, and homelessness, amongst others. When a child reports through the helpline, the child will be followed-up by professionals who will offer support and guidance.

The BeSmartOnline! is a hotline co-funded by the European Union. The consortium working on the project is led by the Foundation for Social Welfare Services through Aġenzija Appoġġ, the Office of the Commissioner for Children, the Ministry responsible for Education (specifically the Directorate for Learning and Assessment Programmes), and the Cybercrime Unit within the Malta Police Force. The hotline receives reports from internet users on illegal content such as child sexual abuse material. All reports which are deemed illegal by the childwebalert hotline are inputted in the ICCAM database hosted by Inhope ([www.inhope.org](http://www.inhope.org)), the international network of Hotlines, which the FSWS is a member of. The ICCAM database is linked to the ICSE database by Interpol and those images and videos which are highlighted as baseline are further investigated to try to find the victims and consequently rescue them.

Awareness-raising campaigns are held to promote the work of both the helpline and hotline as well as to raise awareness on online issues in which children may fall victims of abuse. Through these campaigns, the Besmartonline consortium aims to target all children in Malta and Gozo

and to educate the parents and/or guardians on online risks that might expose their children to different forms of abuse.

In **Portugal**, the helpline 'Children in Danger' can be used by any citizen to report VAC (anonymously if so wished) when the reporter is unsure of the appropriate competent body. The report is then immediately filed to the competent authority.

During the pandemic, and to increase the opportunity for children and young people as well as for NGOs and citizens to report any situation of children in danger, the National Commission for the Promotion of Rights and the Protection of Children and Young People created a hotline and helpline (number: 96 123 11 11) specifically designed for the purpose of facilitating reporting by the public. An online form for filing reports was also created, which can be reached through a child-friendly website, and acts as a "Space for Children and Young People". A video and written information are also available on the website, designed to facilitate help in these situations. Situations that are reported through the hotline and helpline and the online form are communicated to the local Commissions for the Protection of Children and Young People, which can then intervene in the case and refer it to the Public Prosecutor when criminal proceedings are required.

## **V. Effective reporting procedures**

47. The Recommendation and its guidelines highlight the importance of developing holistic child protection systems that promote general awareness of the need to report violence against children and support reporting in different contexts where professionals are in contact with children, whether on a regular or occasional basis.

48. Developing and reviewing relevant legislation and policy to guarantee an effective obligation to report is imperative, but an effective reporting system includes much more than just an obligation to report, which is only one step in the process. In order to protect children against violence, a holistic and effective reporting system must include: the recognition and identification of signs of violence against children; a preliminary assessment of the situation to determine if reporting is necessary; the actual reporting whereby information is transmitted to the receiving authority; the reception of the report by the relevant authority; the follow-up process which includes the assessment of the information provided and the determination of the most adequate

response; and lastly, the implementation of the response through, for instance, legal proceedings and/or support services for the child and, if relevant, their family. Awareness-raising and a willingness to report amongst professionals, swift processing of reports, effective responses to reports, sufficient support services for children and families, effective co-operation between agencies, information-sharing, training, supportive protocols, adequate resources and adequately trained workforces are essential elements of a child protection system that stimulates the identification, reporting of and responding to violence against children.

49. For a comprehensive reporting system to work properly and achieve its goals, sufficient resources should be guaranteed by member States to ensure a reporting mechanism that processes reports swiftly and accurately and has the necessary competence and power to take matters further as needed.

50. Member States should guarantee an obligation to report for professionals as an essential element of their reporting mechanism, in order to take action aimed at the protection of children who are suspected to suffer from or are clearly subject to violence. The guidelines set forth that a condition for the effective implementation of such reporting mechanisms is to create an enabling environment for professionals to report, including by: supporting them to seek advice from competent services; offering them professional training on VAC and its detection, prevention and resolution; putting in place protocols to support professionals in co-operation, information sharing and case management; and by developing or supporting the development of internal child safeguarding policies.

51. Member States should develop professional standards, for example a step-by-step code of reporting for professionals which indicates a pathway to reporting decisions and guides the professionals on: (1) the need for consulting a colleague or contact a supervisor or focal point; (2) the need to express concerns to parents, which is to be determined on a case-by-case basis depending on the best interests of the child and the child's safety; (3) the threshold as of which judicial proceedings should be initiated; and (4) the need to explain in a client's or patient's file why a decision to report has been made.

52. To facilitate the identification of VAC, member States should take action to put in place a professional environment that stimulates interagency co-operation and co-ordination, as appropriate within the national legal context. With that aim, contact points for relevant authorities are recommended to facilitate a liaison between relevant authorities and professionals working in contact with children.

A designated focal point and/or contact person for professionals (e.g. child protection officer or child safeguarding officer) within organisations is required. Professionals should be able to consult a designated person responsible for responding to suspicions of violence. Focal points are to be designated at national level as well as contact points for relevant public and private institutions, who can easily liaise with each other for effective interagency co-operation and co-ordination, with due respect to the protection of personal data.

### **Promising practice – co-operation between professionals**

In the **Czech Republic**, the position of school psychologists allows for an effective co-operation between schools and other professionals. A school psychologist is able to assess teachers' reports of suspected child abuse and neglect and further report the potential threat to competent authorities.

In **Malta**, collaboration between the Child Protection Directorate within the Foundation for Social Welfare Services and the Ministry responsible for education permits regular consultations on cases of suspected harm. The Child Protection Directorate has a consultant in every School/College that regularly reviews cases. The Ministry responsible for education has a mandatory reporting system that is well placed and within that system there is a secondary portal of counsellors who provide in-depth professional consultancy services and review reports received of suspected child abuse cases.

### **Promising practice – co-ordination at central level**

In **Lithuania**, as of 1 July 2018, the function of protecting the rights of the child has been delegated to the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour (the "CP Service"). The CP Service has become the central institution of the Republic of Lithuania implementing the child rights protection policy and has been mandated to ensure the co-ordination of the actions in relation to the rights of a child in all sectors at national, municipal, and local levels. Since 1 July 2018 the CP Service reacts to the reports on possible violations of children's rights. In addition, strict timeframes for CP Service's response have been established.

## Promising practice – contact points

In Flanders (**Belgium**), there is the legal obligation for each recognised and subsidised youth and sport organisation to have an integrity contact point (abbreviated as API ('aanspreekpunt integriteit')) and to conduct a policy on integrity. The API is defined as the person(s) who is the contact point for cases of transgressive behaviour where the physical, psychological, and sexual integrity of individuals is violated. The API oversees initial reception, recording and referral, co-ordinates internal procedures to promote the integrity of individuals and follows up and operationalises the association's integrity policy document. The youth support organisation 'De Ambrassade' and the Centre for Ethics in Sports (ICES) train and coach the APIs.

The Flemish Government appointed a contact person within different departments and agencies who can liaise with the public prosecutor's office in case of serious suspicions or convictions. The public prosecutor's office is allowed, respecting the confidentiality of the investigation, to report back whether the person in question is effectively the subject of an investigation or prosecution.

In **Malta**, the Public Schools have an internal Children Safety Service that offers daily support to the schools, who are able to ask for consultation at the school premises on observed concerns. These are trained officials, with a specialisation in child abuse, who are able to make determinations of preliminary risks and then refer the report to the Child Protection Services. Furthermore, the Directorate for Child Protection Services has established a Contact Liaison Leader, who is available for direct line consultations with schools who wish for a consultation about a case of suspected child abuse. These two mechanisms have been able to sift through the hundreds of suspected cases and make good decisions as to what should be reported and what should not.

## **Promising practice – example of multidisciplinary prevention mechanisms in Slovenia**

In **Slovenia**, The Pomurje Social Work Centre, together with the Murska Sobota Police Department and Health Care Centre, established a prevention group called the “Multidisciplinary Group for the Prevention of Domestic Violence Pomurje”, which received the European Award for Social Services in 2022. It is an example of promising practice in the implementation of preventive and multidisciplinary activities. A special feature of the preventive approach is the inter-institutional approach, adjusting the activities and members to target groups and responding to current issues within the domain of domestic violence. The Group constantly improves the mutual co-operation between all institutions that could be involved in the issue of domestic violence (social work centres, police departments, schools, kindergartens, health organisations, the prosecutor’s office, the judiciary, non-governmental organisations). The Group membership is not fixed and is subject to change. It is dependent on the current issues at hand and the specifics of the target group, which means that they select different members for different scenarios. The only permanent members of the Group are the co-ordinator for preventing domestic violence at Pomurje Social Work Centre and the senior police inspector at the Murska Sobota Police Department. Their purpose is to be present and accessible in the local environment as well as in institutions themselves.

### **MAIN GOALS:**

- Raising awareness about and preventing domestic violence among vulnerable groups, especially children and the elderly;
- Appropriate training for professionals who work with vulnerable social groups. Only by improving co-operation between the competent authorities and further training of professionals can we ensure the best possible treatment for victims and also the perpetrators of domestic violence;
- Increasing people’s sensitivity to acts of domestic violence, and hence reducing the time interval from detection to reporting perpetrators of violent acts to police, authorities or other institutions;
- Intensive co-operation between competent authorities and an accurate analysis of complex cases of domestic violence.

## TOPICS:

- Definition of violence (process, recognition, signs, stereotypes that need to be overcome, dynamics of a violent relationship, etc.);
- Obligation to act (legislation that obliges bodies and organisations to respond to the problem and participate in the hearing - emphasis on the improvement of the domestic violence prevention legislation);
- The treatment procedure and the role of the Social Work Centre;
- Preparing to testify in court for a witness;
- The role of the police department in preventing violence;
- Violent acts of children against their parents.

53. Professionals may lack knowledge about the threshold to reach for reporting. Indeed, unclear rules on indicators triggering reports – physical evidence or suspicions arising from, for instance, a child’s changing behaviour – may hamper the identification and reporting of VAC cases. On the one hand, too high a threshold may limit reporting. On the other hand, there are concerns that child protection systems may become burdened by over-reporting if the thresholds are too low. Based on the scientific evidence produced by the reports on which the Recommendation is based, it is recommended that the threshold for reporting VAC is very clearly defined, in order to avoid confusion amongst professionals as to when VAC should be reported. Laws and policies should foresee the activation of the obligation to report on the basis of suspicion of violence. Children who have gone missing should always trigger a report of violence. This recommended threshold entails that physical evidence or a certain knowledge of violence is not necessary for triggering a VAC report.

54. Any work undertaken with the aim of developing indicators of VAC and defining a threshold that will trigger a report on suspicion of violence should consider that indicators may be affected by a variety of factors. For example, different indicators may be relevant in the assessment of a suspicion of VAC by doctors or teachers, who respectively have different possibilities for detecting physical or psychological signs of violence (by seeing the child in different conditions and for different periods of time). Different indicators would also be used with regard to the age and state of development of each child; for example, the threshold to report a suspicion of violence will certainly be lower for a new-born than for a young child that is mobile or can express him- or herself orally. Also, special attention should be paid to children who are considered to be living in more vulnerable situations.

### **Mechanisms facilitated by Denmark**

Danish municipalities are committed by law to have a local “action plan” on how to deal with cases of children experiencing violence or sexual abuse. The “action plan” shall describe how to prevent, detect and deal with cases regarding violence and sexual abuse against children, and it shall be approved by the local government and made public. Furthermore, the municipal council should ensure that all professionals working with children within the municipality know the local “action plan” and hence which steps to take in case of VAC. Anyone can contact the National Social Appeals Board if they suspect that a municipality is not taking the necessary steps in order to help a child in need for special support.

The Danish Consolidation Act on Social Services has no fixed threshold or requirement of proof regarding reports on VAC or any other concern regarding the wellbeing of a child. It is the responsibility of the relevant municipality to process any incoming report in order to assess whether any steps must be taken to further examine the needs of the child and carry out support measures.

### **Promising practice: reporting code for domestic violence in the Netherlands**

The Reporting Code “Child Abuse and Domestic Violence” of the **Royal Dutch Medical Association** sets out a detailed roadmap to assist professionals when they consider reporting. In brief, the five steps include:

Step 1 Examination, ‘child check’ and ‘informal care check’

Step 2 Advice (anonymous) from *Veilig Thuis* (Safe Home) and preferably also a colleague

Step 3 Conversation with the people involved

Step 4 Consult the professionals involved if necessary

Step 5 Decision on further referral (to the competent authority) of the case via 5 assessment steps:

- a. Do I still suspect child abuse and/or domestic violence on the basis of steps 1 to 4?
- b. Based on steps 1 to 4, do I estimate that there is acute or structural insecurity?

- c. Am I able to provide or organise effective help to avert and monitor (imminent) child abuse and/or domestic violence?
- d. Do those involved accept help to avert (threatened) child abuse and/or domestic violence and are they willing and able to commit themselves to this?
- e. Does the aid lead to (restoration of) sustainable safety and/or the (restoration of) wellbeing of the person(s) involved within an acceptable or agreed time?

### **Promising practice: indicators of VAC in Ireland**

In **Ireland**, the “Children First: National Guidance for the Protection and Welfare of Children”, can be consulted by professionals in their assessment of whether and when to report a suspicion of VAC. The Guidance defines each specific form of VAC and outlines the various indicators and examples used to recognise their different symptoms, whilst taking into account the subjective variables needed to be considered when assessing the individual situation of a child (for example, if they are at particular risk of violence due to a specific vulnerability).

### **Promising practices: Guides for professionals having direct contact with children and young people in Portugal**

To help professionals address situations of maltreatment or any other situation that may put children in danger, **Portugal** has produced guidelines for professionals that have direct contact with children. The following guidelines are available for professionals: “Guide for health workers in addressing situations of maltreatment or other situations of danger”; “Guide for education professionals in addressing situations of maltreatment or other situations of danger”; “Guide for law enforcement professionals in addressing situations of maltreatment or other situations of danger” and “Guide for social workers in addressing situations of maltreatment or other situations of danger”. There is also a specific resource, the “Handbook of Procedures – Active Collaboration in the Prevention and Elimination of Female Genital Mutilation”, aimed at guiding and supporting all entities and professionals, but also NGOs with intervention in the protection of children and young people that face this specific danger.

55. Member States should develop a clear system of reporting for professionals, ensuring that reports are filed to a competent state agency in charge of receiving and processing individual cases. It is good practice to establish a single, simple telephone number for all professionals working for and with children to report to such an agency. Nevertheless, when danger to the child is imminent, professionals should be instructed to first contact the general emergency number for immediate police/ambulance intervention. Such single telephone numbers for professionals are not to be confused with hotlines and helplines that are usually the first contact points where reports are filed by the general public and children.

56. Sufficient resources and capacity for awareness-raising activities should be ensured to avoid the overburdening of reporting systems and a decline of professionals' willingness to report. Higher budget allocation can increase the effectiveness of reporting mechanisms and guarantee timely access to quality services for children who suffer from violence. When professionals have confidence in the processing of reports and the responses to violence against children, their willingness to report is usually improved.

57. In terms of professional training, it is crucial that all professionals that are expected to report violence against children are familiar with methods, protocols and procedures on how to prevent, detect and respond to such cases with a child-centred approach and with a view to avoid contact with the criminal justice system, encouraging the use of social services to deal with cases of violence against children.

58. Amongst the main barriers to reporting seem to be the lack of knowledge in recognising signs of violence on the one hand, and knowledge about reporting systems on the other hand.<sup>21</sup> Information about child protection and reporting systems must be included in relevant curricula of the initial education of professionals covered by these guidelines. Sector-specific and regular continued training for professionals already in service must ensure that professionals, throughout their career, are aware of their obligation to report and are familiar with how to identify VAC and how to proceed with concerns about possible violence, as well as how to refer and collaborate with other services by following integrated approaches to child protection. In addition, sector-specific training programmes should be developed for future professionals covered by the scope of the Recommendation who are still in the educational process on both child protection, including the

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21. Florescu, 2021, p. 22.

identification of violence against children, and reporting procedures, legal and policy frameworks.

59. Training courses should be available and easily accessible both online and offline during education and after having obtained professional qualifications, including intervision (such as peer coaching) sessions of professionals to discuss professional dilemmas and difficult cases. The training should pursue a comprehensive, holistic approach and prioritise early identification of VAC, methodologies and approaches including multi-agency co-operation and information-sharing, and accountability for a child in need both before and after reporting.<sup>22</sup> Training for professionals should also focus on understanding the importance of consulting with children on service delivery and experience, of developing the capacity to assess a service or programme from a child's perspective, and the meaning and significance of child-rights-based service responses.

### **Promising practices: training for professionals**

In **Finland**, the Finnish Institute for Health and Welfare (THL) has published online courses entitled "Create trust – Address violence" and a Barnahus training package from the perspective of professionals and other people who deal with VAC as part of their work.

In **Italy**, the various administrations facing issues related with VAC, alongside with other institutions, entities, and civil society organisations, conduct numerous training activities with the aim of supporting professionals in recognising the signs of VAC.

In addition, the new National Plan for Preventing and Combating Sexual Abuse and Exploitation of Children 2022-2023 has envisaged actions to raise awareness and organise training, in different contexts, on the issues of child sexual abuse and exploitation aimed at multiple target groups (children, families, caregivers, etc.) through:

- Specific basic, multidisciplinary and integrated information and training courses for public and private operators,

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22. The Icelandic experience with professional comprehensive training on the implications of the new law on integrated approach should be mentioned as a promising practice. This includes basic training for all professionals working for and with children in addition to duty-specific ones for each occupation.

- Specialised courses for sectoral professionals working with children (in health, social protection, education, justice, police settings, as well as in family-type communities, voluntary social work, sports, cultural and leisure activities).

Such actions are aimed at the early detection of signs of violence, abuse and mistreatment.

Since 2022, through the P.I.P.P.I. Programme of Intervention for Prevention of Institutionalisation, a 20-hour MOOC is available for all professionals dealing with child neglect (social services, schools, NGOs, Court, etc.), with the aim to train professionals in accountable and participative strategies responding to children's needs.

In **Poland**, the Centre for Education Development (ORE) developed a training course on the “Blue Card” procedure “Counteracting domestic violence against children and implementing the Blue Card procedure in education”. The training is addressed to educational staff: school head teachers, teachers, school specialists, specialists from teacher training centres and counselling and guidance centres. It is organised every year in two editions. The participants apply for the ORE training on a voluntary basis. The training courses are free of charge. The aim of the training is to prepare the educational staff to carry out effective intervention on school premises, in cases of suspected domestic violence against a student.

In **Portugal**, the National Commission for the Promotion of the Rights and the Protection of Children and Young People provides regular, free-of-charge training – including on the identification of signs of domestic violence and sexual violence against children – to the members of the local Commissions for the Protection of Children and Young People (CPCJ) scattered nationwide, which encompass elements of the security forces, teachers and social workers, among other professionals. The CPCJ are official entities of non-judicial nature and multi-sectorial composition, endowed with functional autonomy, aiming at promoting the rights of children and young people and preventing or eradicating situations that may negatively affect their safety, health, training, education or integral development.

60. Member States should strive to facilitate reporting in order to support professionals when they file a report. Promising practices such as the following can support member States with this endeavour.<sup>23</sup>

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23. See Florescu, 2021, p. 12.

### **Promising practice: facilitating reporting**

The **Norwegian** Directorate for Children, Youth and Family Affairs has developed a website to facilitate digital reporting to the child welfare services ([Melde fra til barnevernet \(bekymringsmelding\) bufdir.no](#)) The website provides descriptions on how reports can be made to the child welfare services by individuals acting in their private capacity or as public employees.

Some **UK** based companies currently report online child sexual abuse by UK users on their services to the National Center for Missing & Exploited Children (NCMEC) on a voluntary basis. The UK has set out broader safety expectations in an interim code of practice to help companies prepare and take further steps to protect children. The Home Secretary and her Five Country Ministerial counterparts have also called on “all technology companies to endorse the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse and report transparently on their implementation.”

61. Member States need to take account of children’s situation of vulnerability in general and of certain groups of children in particular. Integrated protocols should be drafted to address the specific needs of each vulnerable group. For instance, children in migration, in particular unaccompanied children, encounter specific issues including risks of trafficking, violence and sexual exploitation.

### **Promising practice: standardisation**

In **Croatia**, the standardisation of the assessment and professional conducts to assess risks related to parents and vulnerability of children significantly facilitated the early assessment and identification of children at risk.

62. Children in migration are regularly underreported as going missing and there is lack of awareness of avenues for reporting. This poses further challenges to a full understanding of the scale of the problem. Yet, when missing and out of the protection system, children are particularly vulnerable to harm, abuse and exploitation.

63. Therefore, professionals working in reception centres and in border facilities should be specially trained to recognise and assist children exposed to all forms of violence during their migration, including of violence through the use of technologies. Promising practices such as the following can be used as a source of inspiration for member States.<sup>24</sup>

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24. Ibid, p. 16-17.

### **Promising practices – missing children**

The INTERACT [Practical guidance on preventing and responding to trafficking and disappearances of children](#) (2019) provides clear guidelines for the reporting of missing children in migration and the actions to be taken after the disappearances.

In **England**, in the case of missing children, effective reporting procedures should include a Return Home Interview (RHI). This interview, conducted by a professional with a previously missing child, should be completed no later than 72 hours after the child has returned. RHIs are part of the Statutory Guidance for local authorities in England, meaning that all missing children who are found or who return home must always be offered an RHI. The interview provides children with an opportunity to talk and be listened to, and the opportunity for professionals to conduct effective safeguarding if necessary. More importantly, RHIs are a way to assess if the child is safe and if they require longer term support.

64. A dialogue with parents or caregivers and the child is preferable when this is in the best interests of the child at risk of VAC. Professionals should be encouraged to discuss any concerns about the child's safety or wellbeing or suspicions of violence (including neglect, maltreatment or abuse) with parents or caregivers and the child. In more serious cases that involve the parents or caregivers in the perpetration of violence, professionals should swiftly report to the competent State authority that may initiate judicial proceedings without informing the parents or the child.

### **Promising practice - discussing with parents or caregivers**

In **Iceland**, in most cases, it is normal for the institution to let parents know that the matter has been reported to the child protection committee, but it is not obligatory. In cases where the report concerns the suspicion of physical or sexual violence against the child, it is important not to contact parents before sending a notification to the child protection committee. The rationale is that the safety of the child must be ensured as soon as the suspicion is discussed with the parents, especially if the alleged perpetrator is in the child's immediate environment. If parents are notified of this suspicion before a notification is sent to the child protection committee, there is a risk that the child will be subject to threats or further violence by the perpetrator. There is also a risk that the police investigation of a case will be spoiled, but these cases are generally investigated by the police following a child protection report.

65. In order for reporting mechanisms to be effective, it is important to take into account the child's right to be heard, and member States should ensure that the child's voice is included in VAC reporting mechanisms. According to Article 12 of the CRC, the child has the right to be heard in all decisions that concern him or her. More specifically, the UNCRC is of the opinion that "child participation promotes protection and child protection is key to participation. The child's right to be heard includes very young children who are particularly vulnerable to violence. Children's views must be invited and given due weight as a mandatory step at every point in a child protection process."<sup>25</sup> When a child objects to reporting, this does not necessarily hinder reporting if it is considered to be in the child's best interests, but taking children's views into account, informing them about the process and about the steps to be taken in a manner that they can understand, starting a dialogue with them and listening to their opinions and concerns are essential elements to strengthen child protection systems, including reporting mechanisms. Member States should therefore promote the child's voice to be included in any reporting mechanism, for example, by including this requirement in any protocol for all professionals with an obligation to report.

66. Child-friendly procedures are crucial and should be guaranteed to stimulate children's participation in reporting procedures to ensure their views are taken into account before and after a report of violence is made, while bearing in mind the protection of the child's privacy. Child-friendly procedures require providing child-friendly surroundings when professionals talk with children, and providing accessible and understandable information about the procedure, their right to be heard and to participate in the decision-making processes.<sup>26</sup> Furthermore, child-friendly procedures include transparency and feedback about the weight given to the child's voice and support during and after identifying and reporting violence. A child-inclusive reporting system should be developed that includes the promotion of safe, child-sensitive, well-advertised, confidential and easily accessible mechanisms, staffed by adequately trained professionals to whom children can report incidents of violence. Child hotlines and helplines can make it easier for child victims and their families to report violence and seek information and assistance.

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25. UNCRC, General Comment No. 13, the right of the child to freedom from all forms of violence, 2011.

26. Council of Europe Guidelines on child-friendly justice.

### **Promising practices for children filing reports**

In **Iceland**, in recent years, the Municipality of Kópavogur has implemented tablet computers in the education of primary school students, from the 5<sup>th</sup> grade. There is a special button on the children's tablets that makes it easier for them to ask for help if they need it, or to report difficult circumstances. By tapping on the icon, children access a page where they can express their concerns and request help from child protection services for themselves or other children. A child protection worker contacts the child who sent the report, gathers further information, and informs the parents about the request for help, if considered appropriate. Requests are then processed according to child protection procedures. Children also receive instructions on how to use the button and education and information on the role of child protection authorities.

In Iceland, more generally, an emphasis has been placed on informing children about child protection authorities and to encourage them to contact these authorities if they have experienced violence.

In **Italy**, [Telefono Azzuro](#) is a hotline and a helpline accessible to children, which offers concrete answers to their request for help in close collaboration with the relevant state authorities and other organisations and institutions.

In **Portugal**, children themselves can report situations of children in danger by filling out the online form provided at the child-friendly area of the website of the National Commission for the Promotion of the Rights and the Protection of Children and Young People, as well as by calling to the phone line "Children in Danger".

67. For authorities processing reports on VAC, having access to databases with offender registries may be helpful in order to verify whether an alleged offender of VAC has a criminal record. Nevertheless, such access should be restricted in accordance with the relevant provisions on the protection of personal data and only specifically trained and designated officials should have access to such databases.

68. Member States should also consider developing online databases and interoperable systems for information-sharing between relevant agencies, with due respect for the applicable data protection norms and the right to privacy.

### **Promising practice – information sharing**

In **Montenegro**, electronic databases between the police and social work centres are connected.

69. A model of interagency collaboration for cases of VAC is necessary to ensure an effective reporting system. Indeed, interagency co-ordination and co-operation continue to pose significant challenges at national level.<sup>27</sup> In some member States, the lack of efficient communication and information-sharing among agencies is seen as a persistent challenge of the national child protection systems. Among the barriers to interagency co-operation, member States highlighted professional secrecy (especially of health workers and where there are doubts about the threshold for reporting) and the necessity to obtain parental consent.<sup>28</sup> A multidisciplinary and systematic approach to VAC, bringing together all stakeholders, represents the most effective response that is sustainable over time.

### **A model of interagency collaboration for cases of violence in Italy**

In **Italy**, a Multidisciplinary Team for responding to child neglect was established in 2011 within the P.I.P.P.I. Programme of Intervention for Prevention of Institutionalisation. When there is a case of child neglect, the social services, schools, NGO's, paediatricians, psychologists and all actors involved in responding to the child's needs work together to provide a sole and coherent answer to the child's needs. One child, a sole care plan.

Moreover, when a criminal trial is initiated for the crimes of slavery, child prostitution, child pornography, sex tourism, trafficking in persons, sexual violence, solicitation of children, mistreatment, sexual acts with a child and persecutory acts committed against a child or by the parent of a child against the other, the Public Prosecutor shall notify the Juvenile Court so that the latter can take appropriate measures to protect the child.<sup>29</sup> The affective and psychological assistance of the child victim shall be ensured, at all stages and levels of the proceedings, by the presence of the parents or other appropriate persons indicated by the child, as well as groups,

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27. Florescu, 2021, p. 19.

28. Ibid.

29. As per article 609 decies of the Italian Criminal Code.

foundations, associations or NGOs with proven experience in the field of assistance and support for victims of the referred crimes and registered in the special list of persons entitled to this purpose, with the consent of the child, and admitted by the prosecuting judicial authority.<sup>30</sup> In any case, the child is supported by the assistance of the Juvenile Services of the Administration of Justice and services established by local authorities.

In addition, Law No. 69/2019 (the so-called “Red Code”) prescribes the mandatory communication of measures adopted in the criminal proceedings to the civil judge who is in charge of proceedings on parental separation, parental responsibility or other cases relating to children, to ensure that the Juvenile Court or ordinary judge has all elements to decide with respect to the care and custody of children, in cases in which VAC has been reported.<sup>31</sup>

At the local level, special Protocols are in place in multiple settings to coordinate the work of the diverse bodies operating in the field of juvenile protection (ex. Juvenile Courts, Ordinary Courts, Public Prosecutor’s Offices, Police Headquarters, Prefectures, Police/law enforcement offices, Social Services and Health Services, Anti-Violence Centers, Local Authorities) aimed at defining specific roles and procedures to be implemented in cases of VAC, which include information, reporting templates and reference persons for each body/institution involved, creating a synergy and more direct collaboration between the different actors.

70. In addition, data protection legislation or practices may sometimes be perceived as an obstacle to information sharing. All reporting procedures must be in line with data protection and privacy legislation at European and national levels, to ensure that both children’s and the alleged perpetrators’ privacy and data are protected. Privacy-by-default and privacy-by-design, as they are set in the European Data Protection Regulation (GDPR) and in Recommendation [CM/Rec\(2018\)7](#) of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, should be followed while processing of personal data takes place in online platforms.

71. With regard to refugee children and children in migration, co-operation between national and international child protection authorities as well as

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30. Ibid.

31. Art. 64 bis of the Implementation, Coordination and Transitory Rules of the Code of Criminal Procedure.

international civil society organisations specialised in the cross-border protection of children is particularly important and can allow recipients of VAC reports to swiftly obtain information about previous child protection concerns, reports and decisions made in another jurisdiction affecting a child who has moved within or between States. Such co-operation can thus highly contribute by speeding up the investigation process and ensuring a timely response to a VAC report.

## **VI. Responding to reports on violence against children and follow-up**

72. Swift processing of reports of violence against children by professionals is essential to promptly respond to VAC reports. This should be followed by effective responses to reports. States should offer support services that families may access on a voluntary basis, when this is in the best interests of the child. Services should be provided on a mandatory basis only if a need for this has been formally established by the child protection system, for example in cases of an allegation of a criminal offence.

73. An effective reporting mechanism needs to include swift and effective investigation and assessment of VAC reports. Competent authorities should ensure the swift and effective investigation by qualified and trained staff, with special attention to the obligation of securing the safety of the child during the reception and investigation process. Before and after reporting, professionals are, and remain, responsible for the child's protection against violence, and the child remains a key focus of their responsibility. A continuous dialogue with parents or caregivers should be maintained, when in the best interests of the child. Providing feedback to the professionals who reported is also important, as it can contribute to increasing trust in reporting processes and encourage professionals to report VAC.<sup>32</sup>

74. Several barriers to professionals' reporting cases of VAC exist. One barrier in reporting is concern about consequences of reporting for the child. For example, if professionals do not receive any follow-up to their reports, this might cast doubt for them on the efficiency of the reporting system and the safety of the children involved.<sup>33</sup> Moreover, the fear that responses to VAC reports may be too punitive is also a deterrent for professionals considering

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32. The lack of follow up received by reporters on their reports was one of the reasons cited by professionals for their concerns on the efficiency of the reporting system and about consequences of reporting for the safety of the children involved, ultimately constituting a barrier to reporting, Florescu, 2021, p. 15.

33. Florescu, 2021, p. 13-14.

reporting. Another barrier is the lack of trust in the reporting and follow-up mechanisms. Effective, timely and appropriate interventions aimed at keeping families together - if in the best interests of the child-, supporting child victims, stopping the abuse, and preventing further violence are crucial.

75. Children who are exposed to violence have the right to physical and psychological recovery and social reintegration. Moreover, whilst safeguarding the rules of data protection and privacy rights of the child, States should ensure that professionals who have reported a suspicion of VAC have the right to follow-up and be informed of the next steps being taken in the investigation of their report and of the potential proceedings that may follow from the case at hand.

### **National experience from Denmark**

In general, professionals who have reported suspicion of violence to the municipality have the right to be informed about relevant steps taken by the municipality based on the notification – e.g., whether the notification has given the municipality reason to examinations or measures under the Act on Social Services. It is only possible to not provide this information to professionals under very special circumstances, e.g., if it is regarded to be necessary in order to protect the child or in order to ensure co-operation with the family about support measures for the child.

76. All children should have access to quality services adapted to their needs (e.g., age, trauma- sensitivity, cognitive and emotional capacities). Member States should adapt and encourage a multidisciplinary and interagency approach to deliver timely and effective services to children affected by violence in a child-friendly manner. Long waiting lists and time intervals before the provision of services are to be avoided, for example to prevent new incidences of violence, avoid re-traumatisation of children and support families. In order to provide effective services, the child's voice must be heard and his/her wishes respected. Children should be interviewed by trained professionals in a child-friendly and child-sensitive manner, taking into account their age, developmental level, and needs. Specific interviewing protocols, such as the NICHD or NCAC protocols<sup>34</sup> for child forensic interviews, should be used on the basis of the latest scientific knowledge and evidence, to avoid repetitive

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34. For further reference on the NICHD and NCAC protocols to conduct child forensic interviews, see <https://nichdprotocol.com/> and <https://www.nationalcac.org/forensic-interviewing-of-children-training/> respectively

interviewing and secondary victimisation of the child, while facilitating the child's free expression.

### **Services adapted to children's needs in Italy**

In **Italy**, the Judicial Police, the Public Prosecutor or the defense counsel, when listening to a child victim or witness of a crime (i.e. slavery, mistreatment, sexual violence, sexual abuse or exploitation, persecutory acts) during the investigation, shall be supported by an expert in psychology or child psychiatry, and shall ensure that the child is not required to make multiple statements and has no contact with the suspect.<sup>35</sup> In addition, for the aforementioned crimes, there are specific rules which guarantee protection for the child witness or victim when the child is heard during criminal proceedings (so-called protected hearing). The judge may establish a special location, time and procedure (e.g., special rooms with one-way glass-mirror and intercom system, as well as audio/video recording) for the child's hearing, aimed at ensuring a suitable environment, greater protection of the child and avoiding the need to be heard several times.<sup>36</sup>

As to the victims of sex crimes, the regulatory framework has profoundly changed over the last 20 years. Legislative Decree no. 212 of 15 December 2015 makes significant progress in terms of expanding protection and support of victims through targeted interviews and with the cooperation of other social and specialised services, such as counselling centres, health local units, private communities and anti-violence shelters.

77. The Barnahus model, originating in Iceland, can be seen as one of the most successful child-friendly models offering a holistic and integrated approach responding to reports concerning cases of VAC. This model has been adopted by several countries in Europe and could be a source of inspiration for member States. The model aims to offer child-friendly access to justice by preventing the risk of re-traumatisation and secondary victimisation that may occur when multiple siloed and parallel enquiries, assessments, and responses are conducted by different disciplines at different institutions where a child may have to repeat their story more than once.

35. Arts. 351, 362 and 391 bis of the Code of Criminal Procedure.

36. Art. 392 paragraph 1 bis, art. 398 paragraph 5 bis, art. 498 paragraph 4, art. 190 bis paragraph 1.bis of the Code of Criminal Procedure.

78. At Barnahus, children are assessed by a multidisciplinary and interagency team of professionals collaborating from the fields of law enforcement, criminal justice, child protection and social services, and medical and mental health services. By avoiding repetitive interviews in a one-time co-ordinated forensic and exploratory interview and investigative assessment of the child, the team elicit a child's testimony whilst evaluating their specific needs to adapt effective responses and interventions designed to facilitate their path to recovery. The child-friendly services offered to the child are brought together in a "Four Room" concept under one roof.<sup>37</sup>

### **Promising practice – the Barnahus "Four Room" concept<sup>38</sup>**

At Barnahus, all services provided are under one roof at one premise, and might be organised around four spaces or "rooms", including:

1. "Child Protection room", where services are provided by a professional from the social services and/or child protection agency:
  - Responsible for child protection assessment and acute risk assessment
  - Responsible for information to child and parents/caregivers
  - Responsible for follow-up with child and parents/caregivers
  - Observes forensic interview
  - Actively engages in interagency collaboration, planning and case management
2. "Criminal Justice room", where the child meets professionals specialised in forensic interviews (e.g. police, mental health professionals) who undertake:
  - Court testimonies:
    - Responsible for obtaining the child's testimony under the auspices of a court judge and under observation of the defence, the prosecution, the police, the local child protection and the child's legal advocate
    - Mediate questions from the judge, the defence and others as appropriate

37. Florescu, 2021, p. 20; Council of the Baltic Sea States and Child Circle, « Barnahus Quality Standards », CBSS, Stockholm, Sweden <https://barnahus.eu/en/wp-content/uploads/2020/02/PROMISE-Barnahus-Quality-Standards.pdf>.

38. Council of Europe, "Protection of children against sexual exploitation and abuse: Child-friendly, multidisciplinary and interagency response inspired by the Barnahus model", <https://rm.coe.int/barnahus-leaflet-en/16809e55f4>.

- Testimonies are recorded for use during court hearing if indictment is made
- Exploratory interviews:
  - Eliciting the child’s narrative if possible in cases where disclosure is absent or ambiguous
  - Obtaining the child’s testimony in cases where the suspected offender is below the age of criminal responsibility
- 3. “Physical Wellbeing room”, where assessment, therapy and support are provided by specialised mental health professionals or child and adolescents’ psychiatrists:
  - Responsible for mental health assessment and treatment
  - Provide crisis support
  - Actively engage in interagency collaboration, planning and case management
- 4. “Mental Wellbeing room”, where specialised medical staff, including paediatricians with specific training as well as paediatric nurses, undertake forensic medical examinations:
  - Responsible for medical and/or forensic medical evaluations and treatment
  - Actively engage in interagency collaboration, planning and case management

79. Importantly, though Barnahus must be embedded within the national child protection system, the flexibility of the model means it can be adapted to fit the national context: it can be integrated into and attached to different services and institutional arrangements, can stand-alone or be attached to existing institutions, and can be centralised or decentralised according to the autonomy of local and regional authorities in the national system. For instance, Barnahus has been integrated into the social welfare/child protection services in Iceland, Estonia, Spain and Sweden; the social welfare services and the national agency for child and adolescent psychiatry in Linköping, Sweden; the police services in Denmark; the health system and at hospitals in Finland, Germany, England, and some regions of Sweden; and the justice system in Slovenia.<sup>39</sup>

39. Council of the Baltic Sea States and Child Circle, “Barnahus Quality Standards”, CBSS, Stockholm, Sweden <https://barnahus.eu/en/wp-content/uploads/2020/02/PROMISE-Barnahus-Quality-Standards.pdf>.

## **Barnahus/Children's Houses in Denmark and Malta**

In **Denmark**, the Children's Houses (børnehuse) are regulated by the Consolidation Act on Social Services. It is an institution under the municipalities, which facilitates co-operation between the municipalities, the police and the health services. If the municipality knows or suspects that a child is a victim of violence or sexual abuse, and when the police and/or the health system is involved in the case, then the municipality is obliged by law to use a Children's House as part of the child protection examination. Also, the police use the Children's Houses for questioning and video interviewing of children for the purposes of police investigations.

In **Malta**, with the enactment of Chapter 602 of the Laws of Malta (Minor Protection [Alternative Care] Act), its Children's House was established. The Children's House operates on the standard Barnahus Procedures. Whilst legislations to officialise the jurisdiction and procedure of the Children's House may be underway, the Children's House is in operation.

The Children's House was fully functional by 2020. In legal terms, the obligation to use the Children's House (CH) by the judiciary stems out of Chapter 602, which provides that the Juvenile Court, during proceedings related to requests for Protection Orders (Article 19 of Chapter 602) in which children are meant to be heard, should hear children through the functions of the CH. Other courts are insofar not obliged to use this measure, even though there is much local effort by the Directorate for Child Protection Services (DCPS) to encourage the Judiciary to migrate this procedure to the CH. This has ensured that the child victim (and potentially other family members) is given the chance to go through the entire forensic process safely in premises that are designed for this purpose. Great care is taken in the Barnahus model to protect victims of violence, and this is evident in the core principles of the project that feed into the commitment to keep children safe throughout the process. In fact, apart from ensuring that the victims have the least contact with perpetrators, it ensures that the gathering of evidence is done in a child-friendly manner whilst ensuring that it is done in a forensically sound manner to protect the narrative of the child in court (therefore enhancing the likelihood for justice). It also ensures that the climate of the process is not a burden to the child. The Barnahus project also looks into the need for expedient therapy soon after the forensic process is settled. The Child Protection Service makes sure that the gathering of evidence is done as swiftly as possible without engaging in practices that are troubling to the child. CPS workers liaise continuously

with the Police Vice Squad for this effect, and the Service is quick to refer children and their families for support at the Victim Support Unit, other services in the community, private practitioners or therapeutic services within the Foundation for Social Welfare Services.

80. Additionally, and in line with General Comment No. 8 by the UNCRC on corporal punishment, the prosecution of parents or caregivers, or the formal intervention in the family in other ways (for example, by removing the child or the perpetrator), should be a measure of last resort and, if necessary, be a step taken with great caution in order to protect the child. The underlying reasons for this include children's dependent status and the unique intimacy of family relations. The formal intervention should only happen when it is in the best interests of the affected child and necessary to protect the child from harm. The child's views should be given due weight, according to his or her age and maturity. Nevertheless, if the act committed by a parent amounts to a criminal offence, judicial intervention through criminal proceedings is necessary. Children having committed violence themselves should receive the necessary attention and support for resilience and full rehabilitation.

81. However, in General Comment No. 13, the UNCRC also recognises that much of the violence experienced by children, including sexual abuse, takes place within a family context and stresses the necessity of intervening in families if children are exposed to violence by family members, including intimate partner violence, as experiences of violence may be harmful and traumatising for the child, whether they are themselves the victims or witnesses of intrafamily violence.

82. Appropriate and necessary services must therefore be made available for child victims and witnesses of violence. These can include counselling and referrals to child protection services, the police, health care providers, and social welfare workers, special services for intrafamily violence and assistance with securing temporary accommodation when necessary. Consent from an abusive parent should not be necessary for the child to receive psychological support.

83. For children who have committed violence, various European and international standards have outlined the importance for children only to be criminally prosecuted as a measure of last resort. As the Lanzarote Committee duly notes in its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#), States must prioritise, depending on the circumstances, more appropriate methods of dealing with a child's harmful behaviour. This reasoning is also reflected in the UNCRC

General Comment No. 24 on Children's rights in the child justice system, which establishes minimum obligations for States in promoting measures for children in conflict with the law without resorting to judicial proceedings. In consideration of the best interests of the child, these obligations aim to give way to reintegration and restorative justice objectives.<sup>40</sup> The Committee also highlights that States should place emphasis on policies to prevent child offending, including by supporting families, in particular those in vulnerable situations and where violence occurs, as well as children at risk.

84. Over the last two decades, many States have taken steps to reform their juvenile justice systems to bring them in line with the various international standards on the rights of the child. As has been recommended by the UNCRC, this includes the good practice implementation of alternative services and methods responding to juvenile offenders, including educational measures, therapeutic assistance, and diversion programmes.<sup>41</sup>

### **Operation of the Juvenile Justice system in Belgium and Italy**

In **Belgium**, the Flemish Act of 15 February 2019 on juvenile delinquency, which applies to children who have committed a juvenile offence between the ages of 12 and 18, prioritises the use of both mediation and family group conferencing ("hergo").

Mediation is possible at any stage:

- At the public prosecution office, the juvenile magistrate must consider systematically for every case if mediation is suitable and possible. The magistrate can propose mediation between the child, the parents and the victim in all cases where a victim can be identified, where there is sufficient evidence of guilt, and where the child does not deny the offence. After a successful mediation, most cases are dismissed, but the juvenile magistrate can still decide to refer the child to court in more severe cases.
- At the juvenile court, a restorative justice offer can be made at the investigation and decision phases. The juvenile court judge should prioritise this option. If the judge decides not to make a restorative

40. UNCRC, General Comment No. 24, Children's Rights in the Child Justice System, 2019.

41. United Nations Children's Fund, "15 years of Juvenile Justice Reforms in Europe and Central Asia. Key results achieved for children and remaining challenges" UNICEF, New York, 2018; See also Mahmoudi et al, 2015: Child-Friendly Justice: A Quarter of a Century of the UN Convention on the Rights of the Child, BRILL.167-175.

justice offer, he/she should explicitly explain the decision. In contrast to the prosecutor's office, the juvenile court judge can also propose a family group conference (hergo). In the conference, not only the child, the parents and the victim participate, but also people of their respective social contexts.

The Act provides further offence-specific responses which are limited in time and attaches great importance to juveniles' legal safeguards. The Act aims to provide fast, constructive, and restorative responses, adapted to the child's needs. Placement in a detention facility is seen as a measure of last resort. In addition, the Act also gives great importance to the involvement and active participation of both the child and their parents.

When there is an underlying problematic living situation, the option to organise voluntary youth care should always be considered first. Besides, when there is a distressing situation and help gets stuck or is not accepted, a mandated facility (Youth Support Centres and Trust Centres for Child Abuse) can follow up the assistance or start new assistance. Young people for whom voluntary help is no longer possible in a severely problematic living situations can be referred to the juvenile court.

In case of a combined juvenile offence and an underlying problematic living situation, if voluntary youth care is no longer considered possible or proves to be insufficient, it is possible for the Public Prosecution Service to directly refer the child to the juvenile judge/court who is already involved considering the juvenile offence.

In **Italy**, the Department of Juvenile and Community Justice of the Ministry of Justice deals with juvenile offenders, with a view to implementing operational models in compliance with the legislation in force. All offenders who enter the Italian juvenile penal circuit are taken care of through multidisciplinary teams of social workers, educators and psychologists, who draft an Individual Treatment Plan, which may also involve some experts from the National Health Service as well as the child's family, aimed at fostering awareness of one's own affective-emotional needs as well as of the main defence mechanisms activated (denial, attribution of responsibility, minimisation of damage, etc.), thus helping juvenile offenders develop a conscious reading of reality, not altered by recurrent self-justifying cognitive distortions.

Pursuant to Act no. 66 of 15 February 1996, at the request of the Judicial Authority, the Department for Juvenile and Community Justice shall ensure

affective and psychological support, at every stage of criminal proceedings to juvenile victims of offences such as ill-treatment, child prostitution or pornography, enslavement, or group sexual violence.

### **Promising practice - diversion programmes in Georgia**

Commitments from the government of Georgia in the reformation of the juvenile justice system, as part of the wider criminal justice sector reform include the establishment of a functioning diversion programme for first-time juvenile offenders as an alternative measure to criminal prosecution. In operation since 2010, prosecutors can divert first-time juvenile offenders for less serious crimes from the formal criminal justice system. Through free and voluntary consent to signing a diversion agreement, the child or young person is offered a programme to follow that includes education and social programmes, as well as mediation aimed at establishing contact between the juvenile and the victim (if they wish to do so), in order to assist reconciliation. Since its implementation, over 200 young people have been diverted from criminal proceedings and the number of convicted children serving a jail sentence has reduced by over 50%, from 180 to approximately 70.

85. Basic health services, such as emergency medical care, clinical care and mental health care/psychological support for victims of violence, must be in place, as well as provision of counselling and social services. Emergency medical care, clinical care and mental health care/psychological support should notably be available for victims of sexual violence. Such services should also be available for children having committed violence themselves. Providing counselling and social services to victims and perpetrators of VAC can help to break the cycle of violence in children's lives and help them better cope with and recover from the health and mental health consequences of these experiences, including trauma symptoms (see INSPIRE approach by WHO in the box below). Trauma treatment is an essential element of child victim support and should form part of child support services.

## Good practice – INSPIRE strategies by the World Health Organization<sup>42</sup>

INSPIRE is an evidence-based resource to prevent and respond to VAC. It includes seven strategies based on the best available evidence to help countries and communities intensify their focus on the prevention programmes and services with the greatest potential to reduce VAC. Additionally, INSPIRE includes two cross-cutting activities that together help connect and strengthen – and assess progress towards – the seven strategies.

Each strategy is accompanied by a key objective, the rationale for the strategy, SDG Targets other than 16.2 which it contributes to and is supported by, its potential effects on preventing VAC, specific approaches (including programmes, practices and policies) that advance the strategy, and evidence supporting these approaches.

Strategy	Approach	Sectors	Cross-cutting activities
<b>Implementation and enforcement of laws</b>	<ul style="list-style-type: none"> <li>– Laws banning violent punishment of children by parents, teachers or other caregivers</li> <li>– Laws criminalizing sexual abuse and exploitation of children</li> <li>– Laws that prevent alcohol misuse</li> <li>– Laws limiting youth access to firearms and other weapons</li> </ul>	Justice	Multisectoral actions and coordination
<b>Norms and values</b>	<ul style="list-style-type: none"> <li>– Changing adherence to restrictive and harmful gender and social norms</li> <li>– Community mobilization programmes</li> <li>– Bystander interventions</li> </ul>	Health, Education, Social Welfare	
<b>Safe environments</b>	<ul style="list-style-type: none"> <li>– Reducing violence by addressing “hotspots”</li> <li>– Interrupting the spread of violence</li> <li>– Improving the built environment</li> </ul>	Interior, Planning	
<b>Parent and caregiver support</b>	<ul style="list-style-type: none"> <li>– Delivered through home visits</li> <li>– Delivered in groups in community settings</li> <li>– Delivered through comprehensive programmes</li> </ul>	Social Welfare, Health	

42. World Health Organization, “Inspire: Seven Strategies for Ending Violence Against Children”, WHO, Luxembourg, 2016 <https://www.who.int/publications/i/item/9789241565356>.

<b>Income and economic strengthening</b>	<ul style="list-style-type: none"> <li>– Cash transfers</li> <li>– Group saving and loans combined with gender equity training</li> <li>– Microfinance combined with gender norm training</li> </ul>	Finance, Labour	Monitoring and evaluation
<b>Response and support services</b>	<ul style="list-style-type: none"> <li>– Counselling and therapeutic approaches</li> <li>– Screening combined with interventions</li> <li>– Treatment programmes for juvenile offenders in the criminal justice system</li> <li>– Foster care interventions involving social welfare services</li> </ul>	Health, Justice, Social Welfare	
<b>Education and life skills</b>	<ul style="list-style-type: none"> <li>– Increase enrolment in pre-school, primary and secondary schools</li> <li>– Establish a safe and enabling school environment</li> <li>– Improve children’s knowledge about sexual abuse and how to protect themselves against it</li> <li>– Life and social skills training</li> <li>– Adolescent intimate partner violence prevention programmes</li> </ul>	Education	

## VII. Data collection and monitoring

86. The guidelines set forth the need for member States to have in place an effective system for data collection and information sharing on VAC. Such data collection mechanisms ideally take the form of a database with an interoperable system which makes it possible to grant and restrict access to data in accordance with national laws, make use of the information contained therein and, where relevant and appropriate, share information between relevant actors involved in the child protection system and reporting procedures on VAC.

87. In addition, member States should foster inter-state information sharing as means of monitoring inter-state child protection reports, including cases concerning reports of violence against children. In doing so, member States should seek to consult the available official channels and databases that deploy knowledge-sharing methods between states.

### The International Social Service

The International Social Service is a network of national entities and a General Secretariat that deploys knowledge sharing methods between countries to assist families confronted with complex social problems as a result of migration. Through this network, each national ISS office is able to contact another national counterpart when a cross-border child protection issue may arise.

88. Monitoring in accordance with a set of standards at national or regional level and carrying out regular reviews of reporting and data-collection mechanisms are important elements of an effective and mainstreamed reporting system. Such reporting mechanisms need minimum standards and information, monitoring and accountability mechanisms, and should be overseen by a competent monitoring body. The monitoring body should be independent and staffed with specially trained personnel that regularly monitors all institutions, services and facilities responsible for initiating, processing and responding to reports of professionals of violence against children, to guarantee quality of services including a child-friendly approach. Importantly, an independent monitoring body should have the mandate to make recommendations and publish findings.

89. Member States should guarantee a regular evaluation of reporting obligations among professionals. Reporting obligations in law and/or policy and the effectiveness of reporting mechanisms should be examined and kept under regular review. In particular, data from VAC reports should be analysed regularly to monitor what type of information is reported and by which professional groups, and to identify where existing reporting mechanisms may need further strengthening. Indeed, the implementation of an effective reporting mechanism for VAC depends on the availability and proper analysis of data at national, regional, and local levels.

90. Research on reporting violence against children by professionals and the effectiveness of national reporting mechanisms is essential to continuously strive to improve reporting and reporting mechanisms. Research should strive to understand the prevalence of different forms and manifestations of VAC, but also how reporting is perceived and carried out among different professional groups as well as among affected families and children. Identifying and understanding reasons for not reporting VAC, both by children and adults, including trained professionals who are under a reporting obligation, may contribute to shaping reporting mechanisms and child protection systems that are more effective.

91. In addition to the monitoring and evaluation of reporting mechanisms explained above, such mechanisms can also be kept under regular review for instance via (anonymous) questionnaires and surveys. At the national level, agencies or employees within agencies should be trained to monitor the reporting trajectory of VAC reports in order to examine the efficiency and accuracy of reporting mechanisms (e.g., reports filed vs. reports substantiated, reports filed vs. dark numbers, etc., assessed via anonymous surveys). Data

regarding reports should be processed and stored in an online database to enable continued follow up and long-term oversight and evaluation.

92. To the extent that personal data is collected and shared through data collection mechanisms, it must be done in accordance with national laws and applicable data protection rules.

### **Promising practices: data collection**

In **Ireland**, Tusla comprises seventeen areas spread across six regions, that in turn report to a national office. Data is collected quarterly, monthly and annually from these seventeen areas, on the numbers of referrals, numbers of children in care, numbers of children on the child protection notification system (a list of children living at home and considered to be at highest risk), as well as family support provision. This allows for a comprehensive analysis of the performance and activity of child protection, welfare and alternative care services within each area. Such analysis includes reviewing area and national data trends and highlighting risks to prompt appropriate responses. The performance and activity data are also considered alongside financial and human resources data to provide further insights into service provision at area and regional levels. Data gathered is published in an aggregate form and is a useful resource for stakeholders, NGOs and academics interest in child and family services.

In **Italy**, the Observatory for the fight against paedophilia and child pornography<sup>43</sup> collects and monitors data and information on the activities carried out by all public administrations for the prevention of sexual abuse and exploitation of children. The Observatory also has a database for the collection of data provided by the relevant administrations. Such data are useful for monitoring the above-mentioned phenomena. The Observatory Database (BDO) represents a unique tool to compile the knowledge on child sexual abuse and exploitation as it systematically organises relevant information, in a single database, of all data coming from the various Administrations.

In addition, the Department for Family Policies of the Presidency of the Council of Ministers annually edits the Report to Parliament about activities in the fight against prostitution, pornography, sex tourism, and new forms of slavery. This provides data and a detailed description of the actions conducted at national and international levels by the relevant administrations

43. Art. 17, paragraph 1-bis, of Law No. 269, August 3, 1998, as amended.

and associations, for the prevention and countering of sexual abuse and exploitation of children, as well as for the support and protection of children who are victims of such crimes.

Since 2011, within the P.I.P.P.I. Programme of Intervention for Prevention of Institutionalisation, participants are requested to gather data about the assessment and the care planning with the families, every 6-8 months. In 2023 the Ministry of Labour and Social Affairs is working for giving accessibility to such data to all municipalities.

In **Portugal**, the National Commission for the Promotion of the Rights and the Protection of Children and Young People has a software application where the local Commissions for the Protection of Children and Young People file information on all reports made of children and young people in danger. The categories of situations of danger reported and the measures of protection decided and applied to stop the situation of danger are filed. With the information reported by all the local Commissions in the country, the National Commission produces an annual report on the situations of danger communicated by the local Commissions each year. This report contains the measures of protection decided, challenges faced and how they were overcome, as well as what points to address in areas considered requiring special attention from each year's context. This report is always presented in an annual meeting with the local commissions.

## VIII. Media and communications

93. Media and the information society have a crucial role to play in building a culture of respect for children by prioritising and promoting the eradication of all forms of VAC. This can be done in many ways, including through traditional means of communication (TV, radio) and digital means of communication (e.g. web-based communication and social media). Media campaigns can be substantive contributions to processes aimed at building institutional accountability and a sense of personal responsibility for protecting children against violence. These campaigns can stimulate professionals' willingness to report VAC. Media campaigns and other instruments to share information about the importance to report VAC and laws, policies and practices linked to reporting systems for professionals should be realised and sufficient resources should be made available by member States.

94. The media has an impactful role to play in raising awareness on the prevalence and consequences of violence and exploitation of children. In this sense,

the media is crucial to enhance public understanding and facilitate public action calling on government standard-setting in responding to and preventing VAC. Article 9 of the Lanzarote Convention, for instance, prescribes the obligation of States Parties to encourage the media to provide information concerning all aspects of the sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press. However, whilst taking into account this special role, it is the obligation of State Parties to take all necessary legislative or other measures to ensure that children's rights and interests, including their special needs as witnesses, are protected throughout all stages of an investigation and/or proceedings that follow from a report concerning VAC, including their privacy in the media. Measures should be prescribed by national law aimed at the protection of the child's privacy and the prevention of the dissemination of any information that could lead to a child's identification, including preventing the disclosure or publication of personal information or data capable of directly or indirectly revealing the child's identity such as through images, detailed descriptions of the child or of his or her family, names and addresses, and audio and video recordings.

### **Protection of the child's privacy in Italy**

With regard to children involved in judicial proceedings, **Italy** prescribes specific norms for the juvenile criminal procedure. The publication and dissemination, by any means, of images enabling the identification of a child involved in criminal proceedings is prohibited.<sup>44</sup> The Privacy Code<sup>45</sup> extends this prohibition to judicial proceedings in matters other than criminal matters and provides that violation of the prohibition is criminally punishable.<sup>46</sup> Lastly, the Code of Criminal Procedure prescribes that "It is prohibited to publish the personal details and image of child witnesses, persons offended or harmed by the crime until they have come of age. The publication of elements that may lead indirectly to the identification of the aforesaid children is also prohibited".<sup>47</sup> A special safeguard is provided for victims of particularly serious crimes (sexual violence, sexual abuse and sexual exploitation). In such cases, anyone who divulges -including through mass media- the image of the victim, without the victim's consent, shall be criminally punished.<sup>48</sup>

44. Pursuant to Article 13 Presidential Decree No. 448 of September 22, 1988 on juvenile criminal proceedings.

45. Article 50 of Legislative Decree No. 196, June 30, 2003, as amended.

46. Under Article 684 of the Criminal Code.

47. Article 114, paragraph 6, of the Criminal Code.

48. Art. 734 bis of the Criminal Code.

95. As well as encouraging the implementation of a Code of Conduct for journalists, member States should promote other tools that can be consulted by journalists on the ethical considerations for reporting cases of VAC in the media, such as the WHO Guide for Journalists on Reporting on violence against children.<sup>49</sup>

### **Promising practice on guidance for journalists**

The **WHO Guide for Journalists on Reporting on violence against children** specifies ethical principles, practices, and reporting tips for the protection of children's privacy rights. For instance, in the case of interviewing children and publishing imagery or video footage of the child, the Guide highlights the prior necessity for establishing consent from children and/or their caregiver(s) to verify and/or preserve the child's identity. Blurring or removing the child's face or body in imagery and video content must also be ensured if the child asks for their privacy to be concealed or where the internal laws of a country require censorship for legitimate child welfare and/or protection reasons.<sup>50</sup>

In **Portugal**, the National Commission for the Promotion of Rights and the Protection of Children and Young People has organised two workshops for journalists designed to sensitise journalists on the rights of the child as enshrined in the Convention on the Rights of the Child. Two workshops have already taken place, both having "The protection of children and young people in the media: privacy and the right to image" as the main thematic focus.

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49. World Health Organisation, 2022: "Reporting on violence against children: a guide for journalists" WHO, Geneva.

50. Ibid.

## **IX. Review of this recommendation and co-operation between member States**

96. Both via the recommendation and the appended guidelines, member States are strongly encouraged to pursue their co-operation within the Council of Europe on the issue of strengthening reporting systems on violence against children. They can do so by sharing information, on a regular basis, concerning legislation, policies and practice as implemented in different countries, for example via the Steering Committee for the Rights of the Child (CDENF). Such exchanges of information and views are meant to allow national delegations to compare their own national practices with those of other countries and find inspiration in innovative approaches observed elsewhere. In the context of the present recommendation and guidelines, and in the light of the transnational character of certain forms of violence against children, member States shall also be invited to explore the need for any transnational arrangements and mechanisms, such as law enforcement across national borders or information-sharing by judicial and social services in different countries.

97. It will be proposed to the competent intergovernmental Committee to review the national implementation of the recommendation and guidelines on a regular basis and to keep the Committee of Ministers informed of progress made and remaining challenges. To this purpose, the Secretariat will propose relevant working methods to national delegations that may involve more comprehensive surveys that map the progress made in a larger number of member States, expert hearings for specific questions, or more selective but in-depth ways of examining legislative and political advancements in a smaller number of pilot countries.

**[www.coe.int](http://www.coe.int)**

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