



**Fostering Child-Friendly Legal Environments  
through collaborative networks**

# **Training Package for Lawyers**

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## Introduction

This *Training Package for Lawyers* is designed to strengthen the capacity of legal professionals in effectively representing children who are victims of crime. Recognising the particular vulnerability and rights of child victims, the training aims to equip lawyers with the specialised knowledge, practical skills, and appropriate tools required to advocate for and protect children's best interests within the justice system.

Lawyers working with child victims must navigate complex legal, psychological, and social dimensions. This training package addresses these challenges by offering comprehensive content that integrates key thematic areas—such as child development, trauma-informed practice, and international legal standards—with hands-on advice for child-friendly communication, ethical representation, and interdisciplinary cooperation. The package is designed to be engaging and directly applicable to real-world legal practice.

This training package is the outcome of a collaborative effort among five partner organisations from Greece, Bulgaria, Slovenia, and Hungary, developed within the framework of the **FOSTER – Fostering Child-Friendly Legal Environments through Collaborative Networks** project, co-funded by the Justice Programme of the European Union (JUST-2023-JACC-EJUSTICE/ 101160568).

The [Centre for European Constitutional Law – CECL](#), project coordinator, is a leading public benefit foundation and research institute, based in Greece. Its areas of focus include Justice and Fundamental Rights, Democracy and Public Institutions, and Social Policy and the Welfare State. CECL is a training provider with extensive experience in the training of judges, prosecutors, lawyers, and other legal professionals, closely collaborating with the Greek School of the Judiciary, Bar Associations, and other professional associations at the national and European level. CECL also hosts the national focal point for FRANET, the multidisciplinary research network of the European Union Agency for Fundamental Rights (FRA), and is a member of the Greek National Human Rights Institutions (NHRI).

The [Society of Social Psychiatry P. Sakellaropoulos – SSP. P. Sakellaropoulos](#) is a non-profit non-governmental scientific organisation, which was founded in 1986 and provides high quality mental health services in Greece as part of the National Plan for Mental Health “Psychargos” of the Ministry of Health. It focuses on prevention, timely intervention, human rights promotion in mental health, advocacy and networking and it operates 35 mental health units in 5 Prefectures, including mobile mental health units and day centers for children and adults, rehabilitation units. It also provides training to professionals, including teachers, judges, prosecutors, legal experts, police officers, journalists in the framework of community awareness rising.

The [Center for the Study of Democracy – CSD](#) in Bulgaria, which has been long engaged in advancing child rights, with a focus on protecting the rights of child victims of crime. Over



the years, CSD has conducted comprehensive research, developed policy recommendations, and implemented training programmes aimed at improving the treatment of children within the justice system. The Centre has been instrumental in promoting a child-sensitive and trauma-informed approach to legal proceedings, advocating for reforms to align national practices with international standards.

[The Centre for Social Sciences Institute for Legal Studies \(CSS\)](#) in Hungary, CSS is a research centre for the legal sciences, conducting theoretical, empirical and comparative researches. The Centre also carries out basic, applied and comparative research in these fields and conducts its scientific work independently of political influence, and

The [Institute of Criminology \(IK\)](#) at the Faculty of Law in Ljubljana is an organisation founded in 1954 as the first criminological institute in the former Yugoslavia. Since its establishment, its primary activities have included research, teaching, information dissemination, and the organization of a library and documentation service.

The content of the training package provides in-depth guidance on critical topics, including:

- **Child-Friendly Justice** and the **rights of child victims of crime**, with reference to international and European legal frameworks;
- **Protection of children's personal data** and ethical responsibilities of lawyers when working with minors;
- **Fundamentals of child psychology** and practical child-sensitive communication techniques to ensure respectful, effective, and non-traumatising interactions; and
- The **importance of multi-agency cooperation** in handling cases involving children, promoting an integrated and coordinated response across sectors.

The goal of this training package is to equip lawyers with the knowledge and competencies to apply child-friendly legal standards, uphold children's rights, safeguard children's personal data, and adhere to the highest ethical and professional practices. Lawyers will also have the opportunity to develop essential skills to communicate effectively and empathetically with children, understand the psychological effects of trauma, and engage in coordinated, multi-agency responses. Ultimately, this training package will support the development of a more responsive, protective, and child-centred justice system—one that prioritises the safety, dignity, and well-being of every child involved in criminal proceedings.



# 1. Child Friendly Justice for Child Victims

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## 1.1 What is Child-Friendly Justice?

Child-friendly justice is a justice system that is designed, operated, and evaluated from the perspective of the child. It ensures that legal proceedings involving children are adapted to their age and maturity, respect their rights, and promote their well-being. The concept is anchored in the UN Convention on the Rights of the Child (UNCRC) and further elaborated by the Council of Europe Guidelines on Child-Friendly Justice. It applies to all stages and types of proceedings—criminal, civil, administrative—and to all children, whether as victims, witnesses, offenders, or parties in family law cases.

At its core, child-friendly justice is guided by four foundational principles:

1. **Participation:** Children have the right to express their views freely in all matters affecting them and to have those views taken seriously. Legal professionals must create safe and supportive environments in which children can be heard.
2. **Best Interests of the Child:** The child's best interests must be a primary consideration in all legal decisions. This requires careful, individualised assessments, not assumptions based on age or category.
3. **Dignity:** Children must be treated with respect and sensitivity. Their privacy, emotional well-being, and need for safety must be considered at every step.
4. **Non-Discrimination:** Every child must have equal access to justice, regardless of gender, disability, ethnicity, immigration status, or social background.

These principles are not abstract—they are meant to guide legal practice and professional behaviour. Their implementation depends on how lawyers and judges interpret their roles in relation to children.

## 1.2 Child-Friendly Justice for Child Victims

When children become victims of crime—whether of violence, abuse, exploitation, or trafficking—the harm they suffer is often compounded by their interaction with the justice system. Recounting traumatic experiences in a courtroom, facing questioning from multiple professionals, or enduring delays and procedural complexity can increase a child's distress. Without proper safeguards, the judicial process itself may cause as much harm as the crime it seeks to redress.





Child-friendly justice provides a framework to minimise these risks. It promotes measures such as early access to information, the right to legal assistance, child-sensitive interviews, protective measures during trial, and post-trial support. But these measures can only be effective if the professionals applying them understand both the legal and psychological needs of the child.

### 1.3 The Role of Lawyers in Implementing Child-Friendly Justice

Lawyers play a central role in making child-friendly justice a reality. Their responsibility goes beyond legal representation—they are often the first point of contact between a child and the justice system, and the way they communicate, prepare, and advocate can shape the child's entire experience of justice.

A child-friendly lawyer understands that effective representation of a child is not only about legal accuracy, but also about communication, trust, and empowerment. When representing child victims, this means:

- Communicating in child-appropriate ways: Legal language must be translated into terms the child can understand. This helps children know what to expect and reduces fear or confusion.
- Ensuring informed consent and participation: Children must be kept informed of the legal process and given real opportunities to express their wishes and concerns.
- Building trust: Many child victims have experienced betrayal or harm from adults. The lawyer's ability to build rapport and provide reassurance is crucial to their willingness to engage with the legal system.
- Protecting the child's rights throughout proceedings: This includes advocating for procedural adaptations (such as closed hearings, video testimonies, or the presence of a support person) and ensuring that the child is not subject to aggressive or inappropriate questioning.
- Balancing legal strategy with the child's well-being: Lawyers may need to assess whether pursuing certain lines of questioning, or appealing a decision, serves the best interests of the child in both legal and emotional terms.

Lawyers play a vital role in ensuring that child-friendly justice is not only a principle but a lived reality. As the legal professionals most directly responsible for advising, informing, and advocating for clients, lawyers are uniquely positioned to protect children's rights at every stage of the legal process. For children who are victims of crime, lawyers are often the first and most consistent adult presence guiding them through a justice system that can feel intimidating, foreign, or unsafe.

A child-friendly lawyer recognizes that children are not merely passive recipients of protection, but active rights-holders who deserve to be heard, respected, and involved in decisions that affect them. This requires more than legal skill; it demands the ability to communicate effectively with children, to build trust, and to advocate in a way that is both rights-based and trauma-informed.





When representing child victims, lawyers must be able to explain legal procedures in language a child can understand, help them prepare for difficult moments—such as giving testimony—and ensure that they feel informed and supported throughout the process. The lawyer's role also includes identifying when procedural adaptations may be necessary to protect the child from retraumatisation, such as requesting testimony via video link, avoiding unnecessary repetition of interviews, or coordinating with psychosocial support services.

In addition to working directly with children, lawyers must also be advocates within the system. This means challenging practices that risk harming children, pushing for procedural fairness, and ensuring that the child's views and best interests are presented clearly and convincingly. It also involves recognizing when legal strategy must be tempered by ethical judgment—such as advising against pursuing legal avenues that might expose a child to unnecessary harm or delay.

Lawyers working in areas beyond criminal justice—such as family law, child protection, immigration, or civil compensation—are equally central to the implementation of child-friendly justice. Whether advising a child in care, representing them in a custody dispute, or supporting an unaccompanied minor in an asylum procedure, lawyers must be equipped to apply the same child-sensitive principles. This includes ensuring that the child's views are meaningfully heard, that their rights are actively upheld, and that legal action does not inadvertently contribute to their vulnerability.

Even when lawyers are representing adult clients, their decisions and conduct may still affect children—particularly in family disputes, domestic violence cases, or cases involving children as witnesses. Integrating a child-friendly lens into all areas of legal practice is therefore essential. It requires a conscious commitment to respecting the rights of the child, even when they are not the primary client, and understanding how legal processes and decisions shape children's lives.

To embed these practices systematically across the profession, child-friendly justice must be an integral part of legal education and professional training. It is through structured, high-quality training that lawyers gain not only the technical knowledge but the sensitivity and confidence required to work effectively with and for children. Training also offers space for critical reflection, enabling lawyers to examine their assumptions, adapt their communication, and approach each child not as a legal problem to be solved but as a person to be respected.



## 2. The Rights of Child Victims of Crime

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### 2.1 International and EU legislation on children's rights

Research has shown that children are particularly vulnerable to stress and further victimisation during criminal proceedings. The environment and language of criminal proceedings are designed for adults and it is particularly difficult for minors to testify about traumatic events in front of strangers. Lengthy proceedings and repeated testimonies even exacerbate the child's negative experience. However, many protective measures can be taken in criminal proceedings that alleviate a child's stressful exposure. Therefore, various documents of international legislation regulate different aspects of child friendly justice. These documents stipulate rights of the children in criminal and other related proceedings as well as obligations of the state authorities and relevant stakeholders in procedures that involve children. This chapter briefly presents these pieces of international legislation.

Apart from the Convention on the Rights of the Child, which is a United Nations convention, all the other reviewed documents are EU directives. The body of EU law consists of the primary and secondary legislation. The primary law consists of the binding treaties between the member states, which are the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).

Part of the EU primary law is also the Charter of Fundamental Rights of the European Union. The Charter enshrines a bill of rights that belong to all persons in the EU and need to be respected when applying the EU law. Importantly, Article 24 of the Charter stipulates the rights of the child. The provisions of this article are based on the UN Convention on the Rights of the Child.

#### **Article 24 of the Charter of Fundamental Rights of the European Union**

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.





3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

The EU secondary law stems from the principles and objectives of the treaties and the Charter. The two most important types of the EU secondary law are regulations and directives. Regulations are binding in their entirety. They are directly and uniformly applicable to all EU member states when they enter into force. They do not need to be transposed into national law.

Directives, on the other hand, set binding goals upon EU member states to achieve specific results. However, the member states are free in how they achieve these objectives. They must incorporate the requirements of directives into national law (transposition). This means that the rights and obligations of the EU directives summarised in this chapter can be found in national laws of the member states, for example in the criminal procedure code of a relevant member state.

## 2.2 The United Nations Convention on the Rights of the Child

*The UN Convention on the Rights of the Child (UNCRC), adopted in 1989, is a legally binding international treaty that sets out the civil, political, economic, social, and cultural rights of children. It establishes key principles, such as the best interests of the child, non-discrimination, the right to survival and development, and the right to be heard. All signatory states must take legislative and administrative measures to protect children's rights and ensure their well-being.*

### **The Four Guiding Principles of the Convention on the Rights of the Child (UNCRC)**

The UNCRC is based on four principles that shape the interpretation and implementation of all other rights:

- Non-discrimination/equality (Article 2)
- The best interest of the child (Article 3)
- The right to life and development (Article 6)
- The right to be heard (Article 12)

### **Non-discrimination/ Equality**

The rights outlined in the UNCRC must be guaranteed to every child within a state's jurisdiction without discrimination of any kind. This applies regardless of the child's or their parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status (Article 2/1).



States must protect children from all forms of discrimination or punishment based on the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Article 2/1).

### **The Best Interests of the Child**

When actions concerning children are taken – whether by courts, social institutions or other entities – children's best interests are to be taken as primary consideration. This ensures a supportive environment for the child when being involved in the legal processes. (Article 3/1).

The concept of the best interests of the child encompasses three key aspects. First, it is a substantive right, meaning every child has the right to have their best interests assessed and treated as a primary consideration in any decision affecting them, with this right enforceable in court. Second, it functions as a fundamental legal principle, requiring that when laws allow multiple interpretations, the one that best serves the child's interests must be chosen, guided by the Convention and its Optional Protocols. Third, it is a procedural rule, mandating that all decisions affecting children include an assessment of their potential impact and ensure procedural safeguards. Authorities must justify such decisions by explicitly showing how the child's best interests were considered, the criteria used, and how they were balanced with other factors.

The concept of the child's best interests aims to protect the child's overall physical, psychological, moral, and spiritual integrity and uphold their human dignity. While the notion is complex, its meaning must be determined case by case. Through interpreting and applying Article 3, Paragraph 1, alongside other Convention provisions, professionals such as judges, attorneys, and social workers can give the concept practical meaning. The best interest of the child principle is flexible and should be tailored to each child's unique situation, needs, and context. In individual cases, it must be assessed based on the specific circumstances of the child concerned<sup>1</sup>.

### **Survival and Development**

States must acknowledge every child's inherent right to life and take all possible measures to ensure the child's survival and development (Article 6).

### **The Right to Be Heard**

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<sup>1</sup> General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), available at: <https://www.refworld.org/legal/general/crc/2013/en/95780>





Every child who is capable of forming their own views has the right to express those views freely in all matters that affect them. The child's views must be given appropriate weight based on their age and maturity (Article 12/1).

- The child shall be afforded the right to be heard in any judicial or administrative proceedings affecting them (Article 12/2). This can be done either directly, or through a representative or an appropriate body, in accordance with the procedural rules of national law.
- Expressing views is a choice of a child, not their obligation. States must ensure that the child receives all necessary information and guidance to make decisions that align with their best interests.<sup>2</sup>
- This right is among the four guiding principles of the UNCRC because it recognises children as subjects of rights.<sup>3</sup>

### **Respect for Parental and Community Roles**

States must respect the responsibilities, rights and duties of a child's legal representatives while keeping in mind the child's ever-evolving capacities when the rights of the Convention are being exercised (Article 5).

### **Providing Information in Case of Separation**

When a child is separated from one or both parents due to actions by the state, such as detention or deportation, the state must provide essential information about the location of that absent member upon request if submitting such a request would not be detrimental to the well-being of the child. (Article 9/4). Information can be requested either by a child for the absent parent, or from a parent about the separated child (other members of the family can request the information).

### **Freedom of Expression**

Child has the right to freedom of expression, including the freedom to seek, receive and impart information (including ideas) of all kinds through any media of their choice. Restrictions on this right can only be imposed if they are required by law and are necessary to protect:

- The rights or reputations of others, or

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<sup>2</sup> General comment no. 12 (2009), The right of the child to be heard, available at: <https://digitallibrary.un.org/record/671444?v=pdf> (Accessed 5. 6. 2025).

<sup>3</sup> General comment no. 12 (2009), The right of the child to be heard, available at: <https://digitallibrary.un.org/record/671444?v=pdf> (Accessed 5. 6. 2025).



- National security, public order, public health or morals (Articles 13/ 1 and 13/2).

### **Access to Information Through Mass Media**

The media plays a crucial role in ensuring children can access information/ material from both national and international sources (especially if they aim at their social, spiritual or any other ways of bettering their health). Thus, states must encourage mass media to share information and materials that benefit the child's development and ensure that media consider the linguistic needs of children from minority or indigenous groups (Article 17).

### **Protection from Violence and Abuse**

States are obliged to take appropriate measures to protect the child from all forms of physical/mental violence, injuries, and abuse while being in the care of a person who is trusted with the care of the child, including his legal representation. Measures may include legislative, administrative, or educational actions (Article 19).

### **Informed Consent in Adoption**

When adoption is considered, it is of paramount importance that the adoption has been given informed consent by the relatives if required (Article 21/1/a).

### **Support for Refugee Children**

Children seeking refugee status must be supported by the State to obtain necessary information for reunification with their family. (Article 22/2)

### **Protection from Exploitation**

States have the obligation to protect children from any form of exploitation that could harm their well-being. This protection extends to legal processes, ensuring a supportive environment during legal proceedings (Article 36).

### **Rehabilitation and Social Reintegration of Child Victims**

State Parties must take appropriate measures to promote any form of child victim's recovery and social reintegration. Such recovery and reintegration must take place in an appropriate environment. (Article 39)

### **Rights of Children Alleged, Accused, or Recognised as Infringing the Penal Code**





Any child, alleged, accused or found in violation of the penal code, shall be treated in a manner that respects their dignity and worth. This treatment should reinforce the child's respect for the human rights and freedoms of others, taking into account their age and the need to support their reintegration into society and their constructive role within it. States must ensure the following protections for every child who is alleged or accused of violating the law:

- Prompt and clear information about the charges against them, when appropriate, through parents/legal guardians.
- Access to legal assistance in the process of preparing and preparing their defence.
- Timely and impartial hearings in a supportive environment in the presence of legal assistance unless it would not be in the best interest of the child (taking into consideration their age/ situation/situation of their parents or legal guardians).
- Protection against forced testimony or confessions.

Privacy should be safeguarded through all stages of the proceedings (Article 40/1, 40/2/b).

States shall promote the development of laws, procedures, institutions and authorities tailored to children who are alleged to have committed criminal offences, including setting a minimum age for criminal responsibility and considering alternative measures to formal judicial proceedings. States should offer alternatives to institutional care, such as counselling, probation, foster care, and educational programs, to ensure that children are treated in a way that is appropriate for their well-being and the nature of the offence (Article 40/3).

### 2.3 EU Directive 2012/29 (Victims' Rights)

*Directive 2012/29/EU establishes minimum standards on the rights, support, and protection of victims of crime across the EU. It ensures that victims are recognised, treated with respect and dignity, and receive appropriate information, protection, and support tailored to their individual needs. The Directive grants rights such as the right to be informed, to participate in criminal proceedings, and to access victim support services. It also provides special protection for vulnerable victims, including children and victims of sexual violence.*

#### **Right to Information, Support, Protection, and Participation**



Victims, including child victims, are entitled to information, support (including legal representation) and protection throughout the criminal justice process. The Directive ensures they are able to participate in proceedings. (Article 1/1).

### **Child Victim's Rights**

For child victims, the Directive emphasises that their interests should be the primary consideration and shall be assessed on an individual basis. The child's age, maturity, views, needs and concerns must be taken into account, and the child and their representatives must be informed of specific measures and rights that apply to children. (Article 1/2).

### **Provision of Information and Support**

#### **Right to understand and be understood**

- States have to ensure the victims understand and are understood from the first contact with a competent authority in the criminal procedure, including where information is provided by the authority. (Article 3/1)
- Communication with the victim must be conducted in a simple and accessible language – special consideration must be paid to the age of the child victim in order for the right information to be respected and also to ensure the supportive environment in legal proceedings. (Article 3/2)
- If a victim requires assistance to understand or be understood, Member States shall allow them to be accompanied by a person of their choice during their first contact with a competent authority, unless such accompaniment would be contrary to the interests of the victim or would interfere with the conduct of the proceedings. (Article 3/3). As such, the right to information and the child's evolving capacity to participate in a legal proceeding is respected.

#### **Right to information and translation**

From their first contact with authorities, victims must be promptly provided with essential information, including (Article 4/1):

- types of support available (medical, psychological, accommodation),
- procedures for filing complaints and their role in the process,
- how to access protection measures,
- how to get legal advice, aid, and other forms of assistance,
- access to compensation,
- availability of interpretation and translation services,





- special measures for victims from other Member States,
- how to complain if rights are not respected,
- contact details for communication about their case,
- restorative justice services,
- information on reimbursing expenses incurred in the process.

The level of detail provided in the information should be tailored to their needs and personal circumstances (thus keeping in mind the child's age and their capability of participating in the legal proceeding). Additional information can be provided to the victim at later stages if needed (Article 4/2). If a victim does not understand the language of the competent authority, they must be provided with free interpretation services in the criminal proceeding upon their request. Such action must be requested and free of charge. This applies, at a minimum, during any questioning or interrogation by investigative or judicial authorities, including police questioning, as well as for their participation in court hearings and any necessary interim interviews (Article 7/1). In addition, victims are entitled to receive, upon request, translations of essential information related to the exercise of their rights in criminal proceedings, in a language they understand, also free of charge. This includes, at a minimum, any final decisions that conclude criminal proceedings and a brief summary of reasons, except in the case of a jury decision or a decision where the reasons are confidential (Article 7/3).

## **Participation in Criminal Proceedings**

### **Right to be Heard and Provide Evidence**

Victims must be allowed to be heard and provide evidence in a criminal proceeding. For child victims, their age and maturity must be considered, ensuring their right to information and evolving capacity to participate (Article 10/1).

### **Protection in Restorative Justice Services**

States must ensure safeguards are in place to protect victims, especially children, from secondary victimisation and retaliation when engaging in restorative justice services (Article 12/1). Restorative services are only to be used if they are in the victim's best interest, with the following safeguards:

- Voluntary participation: victims must freely and voluntarily consent to participate, with the option to withdraw at any point,
- Full and unbiased information: victims must be provided with unbiased information about the process and potential outcomes,



- Acknowledgement of the offender: the offender must acknowledge the basic facts of the case.

### **Right to Legal Aid**

Victims involved in criminal proceedings as parties are entitled to legal aid/representation (Article 13).

### **Protection from Secondary Victimisation**

Without favouring the defence, victims and their family members should be protected from secondary and repeat victimisation, intimidation, retaliation, and risk of emotional and psychological harm. Their dignity should be protected during testimonies and questionings (Article 18).

### **Privacy protection**

Appropriate measures must be in place to protect the privacy of the victim and their family. Special consideration should be paid to children, and states may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim (Article 21/1).

### **Individual Assessment of Victims to Identify Specific Protection Needs**

To ensure the victim's protection and a safe environment in legal proceedings, they must be subjected to an individual assessment to determine any specific protection needs. Based on this assessment, victims might be granted special measures due to their vulnerability to secondary and repeat victimisation, intimidation and retaliation (Article 22/1). The assessment shall especially consider: (i) the personal characteristics of the victim, (ii) the type or nature of the crime and (iii) the circumstances of the crime (Article 22/2). All child victims are presumed to have special protection needs due to their increased vulnerability. To determine the extent of these needs and the specific measures required for their protection, child victims must undergo an individual assessment mentioned above (Article 22/5).

### **Specific Measures for Child Victims<sup>4</sup>**

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<sup>4</sup> This chapter of the Directive addresses measures for the protection of all victims with special protection needs. In this guide, we focus specifically on children.





When a child is a victim of a criminal offence, the following measures should be ensured to provide appropriate care and support.

During criminal investigations, child victims must have access to the following measures (Articles 23/2 and 24):

- Child-friendly environment: interviews should be conducted in premises adapted for this purpose,
- Qualified Professionals: interviews must be carried out by or through a trained professional trained to work with child victims,
- Consistency in interviewers: if possible, the same individuals should conduct all interviews,
- Gender-sensitive approach: in cases of sexual violence, gender-based violence, or domestic violence, the interviews are conducted by a person of the same gender as the child, if the child requests it and it does not disrupt the criminal proceedings,
- Audiovisual recording of interviews: all interviews can be audiovisually **recorded**, and recordings may be used as evidence in court.

During judicial proceedings, child victims should be provided with the following measures (Article 23/1):

- Avoiding contact with offenders: measures to prevent visual contact between the victim and offender
- Remote testimony: measures to ensure that victims can provide testimony without being present in court, particularly through the use of suitable communication technology
- Limiting intrusive questioning: measures should be taken to avoid unnecessary questioning about the victim's private life that is not related to the criminal offence, and
- Exclusion of the public: measures to allow hearings to take place without the presence of the public to protect the child's privacy.

In addition, Member States must ensure the following for child victims (Article 24):

- Appointment of a representative: competent authorities appoint a representative to the child during criminal investigations and proceedings, if:
  - those with paternal responsibility cannot represent the child victim due to a conflict of interest with the child, or
  - the child victim is unaccompanied or has been separated from the family
- Right to legal representation: if a child has the right to legal representation, they are also entitled to legal advice and representation in their own name in



proceedings where a conflict of interest exists or may arise between them and the those with parental responsibility. (Article 24/1c).

When in doubt if someone can be classified as a child, they are presumed to be and thus enjoy all the benefits child victims enjoy under this directive. (Article 24/2).

#### 2.4 Council Directive 2004/80 (Compensation to Victims)

*Council Directive 2004/80/EC ensures that all EU residents can access fair and appropriate compensation for violent intentional crimes committed in another Member State. It requires each Member State to establish a national compensation scheme for such victims. The Directive also sets up a system of cooperation between national authorities to help victims apply for compensation across borders. Standard procedures and designated contact points simplify communication and processing of cross-border claims. Ultimately, the Directive promotes equal access to justice for victims throughout the EU, regardless of where the crime occurred.*

Although child victims are not specifically mentioned in the Directive, they are covered as victims of violent intentional crimes committed in another EU Member State.

##### **Right to Fair and Appropriate Compensation (Article 1)**

All victims of violent intentional crimes committed in another EU Member State have the right to apply for fair and appropriate compensation from the state where the crime occurred

##### **National Compensation Schemes (Article 12)**

Every EU Member State must have a system in place to ensure that victims of violent crimes in their country receive fair and appropriate compensation, no matter where the victim is from. The rules for receiving compensation in cross-border situations are based on each country's own compensation scheme for victims of violent crimes that happen within their borders.

##### **Cooperation Between Member States (Articles 3 and 5)**

Member States must designate assisting and deciding authorities to facilitate cooperation in processing claims across borders, including helping victims submit applications and exchanging necessary information

##### **Simplified Access for Victims in Cross-border Cases (Article 1)**





Victims residing in a different Member State than where the crime occurred can submit applications through their home country's assisting authority, which will forward it to the deciding authority in the country where the crime happened.

## 2.5 EU Directive 2011/99 (European Protection Order)

*Directive 2011/99/EU on the European Protection Order allows a protection measure issued in one EU Member State in criminal matters to be recognised and enforced in another Member State. It aims to ensure that victims, particularly those of violence or harassment, remain protected when they move across EU borders. The Directive applies to measures restricting a person's contact or proximity to the victim, ensuring continuity of protection. It complements Regulation (EU) No 606/2013, which covers civil protection measures.*

### Requesting the European Protection Order

- A European Protection Order (from now on referred to as EPO) can only be issued if there is already a protection measure in place in the country where it was issued. This protection measure must include one or more of the following (Articles 5 and 6):
  - a prohibition from entering certain areas where the protected person lives or visits,
  - a prohibition or regulation of contact with the protected person, including by phone, electronic or ordinary mail, or
  - a prohibition or regulation on approaching the protected person closer than a prescribed distance.
- The protected person can request the issuance of EPO either from the authorities in the country where the order is being issued (the issuing State) or from the authorities in the country where the order needs to be enforced (the executing State). If the request is made in the executing State, the authorities there must quickly forward the request to the issuing State. (Article 6/3). If a person has a legal representation, that person can also make a request on their behalf (Article 6/6).

### Form and Content of the European Protection Order

The EPO must include specific details, such as:

- If the protected person is a child, it should include the child's identity and also the identity of their legal representative (Article 7/1a).
- It should also specify whether the issuing state's authority knows if the protected person has been granted free legal aid in the issuing state (Article 7/1i).



## Measures in the Executing State

The authority of executing state must inform the person causing harm, the issuing State's authority, and the protected person about any measures adopted to ensure the protection of the protected person. The protected person's address shall not be disclosed to the person of danger unless necessary for enforcing the measure (Article 9/3).

## Grounds for Non-recognition of a European Protection Order

The executing State can refuse to enforce EPO on certain grounds, including if the person causing the danger cannot be held criminally responsible for the act in relation to which EPO has been requested (Article 10/1h).

## Breach of the Measure

In the case of breach of the measure, executive State can take measures, like impose criminal penalties (if the breach amounts to a criminal offence in the executing State), non-criminal decision and urgent/provisional measure to put an end to the breach and thus ensure a supportive environment if a child is involved in the legal proceeding (Article 11/2).

## 2.6 European Union (EU) Directive 2011/92 (Against Child Sexual Abuse)

*Directive 2011/92/EU aims to combat the sexual abuse and exploitation of children, as well as child pornography, by setting common EU-wide rules for criminal offences and penalties. It requires Member States to criminalise various forms of child sexual exploitation, ensure victim protection, and improve prevention measures, including the removal of child abuse material online. The Directive also strengthens law enforcement cooperation and provides safeguards such as extended limitation periods to allow victims to seek justice even after reaching adulthood.*

## Criminalisation of Various Forms of Sexual Abuse

Member States must criminalise and appropriately punish the following groups of criminal offences defined by the Directive (Articles 3, 4, 5, 7):

- Sexual Abuse of Children
- Sexual Exploitation of Children
- Child Pornography
- Solicitation of Children for Sexual Purposes
- Incitement, Aiding and Abetting, and Attempt





## **Aggravating Circumstances in Child Sexual Offences**

If an individual in a position of a trust (such as a legal representative) commits any of the following offences, it will be considered an aggravating circumstance: child pornography, sexual exploitation, sexual abuse, incitement, aiding and abetting, and attempt, solicitation of children for sexual purposes (further referred offences) (Article 9/b).

## **Preventing Repeat Offences and Protecting Children**

### **Measures to prevent reoffending**

States can take appropriate measures to prevent individuals who have committed these offences from engaging in any professional activities that involve direct and regular contact with children. States must ensure that employers hiring for such positions must be allowed to request information of the existence of criminal conviction for already mentioned offences (Articles 10/1 and 10/2).

## **Reporting Suspicion of Sexual Abuse or Sexual Exploitation**

Professionals mainly working with children and bound by the confidentiality rules, imposed by national law, must not face obstacles when reporting situations where there are reasonable grounds to believe that a child has been a victim of the offences specified in the Directive (Article 16/1).

## **Providing Support and Legal Assistance to Child Victims**

Children who are victims of offences covered in the Directive must receive assistance, including legal representation, before, during and for an appropriate amount of time after the criminal procedure.

- Special attention and necessary measures should be taken for the victims of abuse within their own family (Article 19/1).
- Assistance cannot be made conditional on the victims' willingness to cooperate in the criminal procedure (Article 19/2).
- Legal assistance shall be provided to the victims after an individual assessment of the special circumstances of each child (Article 19/3).

## **Protection of child victims in criminal investigations and proceedings**

To ensure the child's interests are fully represented, a special representative should be appointed in both criminal procedures and investigations when holders of parental rights



might be in conflict with the interests of the child. The same logic shall be applied for the child unaccompanied or separated from the family (Article 20/1).

Child victims must be given immediate access to legal representation, including support for the purposes of seeking compensation. If the child cannot afford legal representation, it must be provided free of charge (Article 20/2).

Without prejudice to the rights of the defence, states must take appropriate measures, in criminal investigations for the covered offences, such as:

- Interviews with the victim should take place with unjustified delays after the facts have been reported to the authority.
- When necessary, interviews take place in premises designed for this purpose.
- If possible, all interviews are conducted by the same persons.
- The number of interviews shall be limited only for necessary reasons.
- The victim may be accompanied by their legal representative or by an adult of their choice, unless a reasoned decision has been made to the contrary in respect of that person (Article 20/3).

Interviews with the child victim or, when appropriate, witness of the mentioned offences can be audio-visually recorded and used as evidence in criminal court proceedings (Article 20/4). In criminal court proceedings related to any of the covered offences, a hearing can take place without the presence of the public, or the victim can be heard with the use of technology in the courtroom without being present (Article 20/5). Member states must take steps to protect child victims by keeping their identity, privacy, and image safe. This includes ensuring that any information which could reveal the identity of the child is not publicly disclosed (Article 20/6).

## 2.7 EU Directive 2011/36 (Trafficking in Human Beings)

*Directive 2011/36/EU aims to prevent and combat Trafficking in Human Beings and protect victims, especially women and children. It defines trafficking broadly, covering exploitation for sexual purposes, forced labour, slavery, and organ removal. The Directive strengthens criminal penalties, encourages cross-border cooperation, and obliges Member States to prosecute offences effectively. It also mandates victim support measures, such as access to legal assistance, medical care, and safe housing, regardless of the victim's willingness to cooperate with authorities. Importantly, it emphasizes a human rights-based, gender-sensitive, and child-focused approach throughout.*

### **Vulnerability of Child Victims of Human Trafficking**





Children are recognised as among the most vulnerable groups (Article 4/2a). If an official exploits a child victim, that must be considered punishable by a maximum punishment of at least 10 years imprisonment (Article 4/3).

### **Assistance and Support for Victims of Human Trafficking**

Victims who may have been trafficked are entitled to assistance and support during the legal proceedings to make them as safe and sound as possible. This support must be provided to them as soon as the authorities have reasonable grounds to suspect trafficking as defined in the Directive (Articles 11/1 and 11/2).

Victims must have access to living conditions that ensure their wellbeing and subsistence, through measures such as (i) the provision of appropriate and safe accommodation and material assistance, and (ii) access to information and counselling (Article 11/5). Authorities must also provide information about a reflection and recovery period and the possibility of international protection for the victims (Article 11/6). If a victim has special needs, for example, if they are pregnant, special needs derived from their health, disability, mental disorder or a serious form of psychological, physical or sexual violence they have suffered, their needs shall be attended to (Article 11/7).

### **Access to (Free) Legal Assistance**

Victims shall have access without delays to legal counselling and representation, including assistance with claiming compensation. Such services shall be free of charge if the victim does not possess sufficient financial resources. (Articles 12/2 and 15/2)

### **Child Victim Protection**

Children who are victims of trafficking must receive help, support, and protection, with their best interests as a top priority. If there is any doubt about a person's age, they should be treated as a child and immediately receive appropriate assistance and protection (Article 13). Individual Assessment and Special Measures: Each child must undergo an individual assessment considering their views, needs and concerns to determine a durable solution for the child. Special attention should be given to unaccompanied children (Article 14/1 and 16/1). Following this individual assessment, measures shall be implemented to assist and support the child in both the short and long term, focusing on their physical and psycho-social recovery. This ensures that children are provided with a supportive environment in the legal processes (Article 14/1). In case of a conflict between the child's interests and the interests of the parents or guardians, a guardian or a representative must be appointed for the child. This appointment should occur as soon as the child is identified by the authorities to ensure the most supportive environment



possible. Additionally, the child must be provided with a representative during criminal investigations and proceedings (Articles 14/2 and 15/1).

### **Supportive Environment during Investigations and Proceedings**

Key measures to ensure a supportive environment for children during legal proceedings include:

- Interviews with a child shall be conducted without delay after facts are reported to the authorities
- When needed, interviews should take place in a place designed for interviews with children
- The same professional should conduct all the interviews
- Interviews should be conducted only when necessary, and lastly
- The child may have a representative or, where appropriate, or trusted adult present during interviews, unless a reasoned decision is made otherwise (Article 15/3).

When conducting interviews with a child, interviews with the victims or witnesses can be recorded and used as evidence in court, thereby preserving the child's right to privacy. Article 15/4). To protect the privacy of a child victim/witness and ensure a supportive environment, legal hearings can be held without public access, and the victim may participate remotely through communication technologies (Article 15/5).

### **2.8 The European Convention on Human Rights and the case-law of the European Court of Human rights**

Under the European Convention on Human Rights (ECHR), states have the obligation to protect children's physical and psychological integrity and personal development, during judicial proceedings (Article 8). The European Court of Human Rights (ECtHR) has emphasized the duty of judicial authorities to minimizing trauma and protecting dignity of children (e.g. *S.N. v. Sweden*, 2002; *Y v. Slovenia*, 2015). A special attention has been paid to the manner and content of questioning children in proceedings. The use of video testimony, special interview rooms, and child-sensitive procedures is encouraged by the ECtHR.

On the other hand, the ECtHR is also aware that such measures may impede the defendant's right to a fair trial (Article 6/3). They may particularly come into conflict with the defendant's right to directly examine witnesses against him. ECtHR has recognised that the protection of the child's well-being, can be a good reason for the absence of the witness at the trial, but the authorities must adequately balance the rights of the defence,





for example by allowing the defence attorney to submit indirect questions through a specialist (e.g. psychologist), without the accused's direct presence, or in a controlled environment supervised by investigative authorities (e.g. *Vronchenko v. Estonia*, 2013). However, without sufficient counterbalancing measures, the Court will find a violation of the accused's right to a fair trial. In order to evaluate whether the right to a fair trial has been respected despite the absence of an incriminating witness at trial, ECtHR has developed the so-called *Al-Khawaja* test (see *Al-Khawaja and Tahery v. UK*, 2011; *Schastchaschwili v. Germany*, 2015).



## 3. Protection of Children's Personal Data and Ethical Responsibilities of Lawyers

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### 3.1 The interplay between legal framework and ethics

Children's personal data is considered sensitive due to their vulnerability and limited capacity to understand the implications of data processing. Data related to children involved in legal proceedings (whether as victims, witnesses, offenders, or parties) must be protected with special care. The protection of children's personal data and the ethical responsibilities of lawyers intersect in a crucial way, especially in an increasingly digital world. Lawyers play a vital role in ensuring the protection of children's data both through direct legal representation and broader advisory roles.

Many jurisdictions provide for closed legal proceedings (hearings) in cases involving children to protect their privacy. Confidentiality and personal data protection in judicial procedures—especially those involving children—are critical concerns under EU law, including the General Data Protection Regulation (GDPR) and Directive (EU) 2016/800 on procedural safeguards for children in criminal proceedings. Lawyers have to combine compliance with existing regulations with a child-centred approach in their practice, always prioritising the welfare and dignity of the children they represent.

However, the protection of children's personal data is not just a legal obligation but an ethical issue. Lawyers must always act with integrity, independence, and respect for the rule of law. When representing or interacting with children, extra caution and ethical rigor is required. Violating children's data protection rights or ethical boundaries damages the public's trust in legal institutions. Lawyers play a critical role in defending children's rights. Upholding ethical duties ensures that children are treated with the respect, dignity, and care the legal system owes them. Good practice isn't just about legal compliance; it's about doing what is right for the most vulnerable clients.

### 3.2 International and European legal framework

#### a) United Nations Convention on the Rights of the Child (UNCRC)





Lawyers shall ensure that the best interests of the child are a primary consideration in all actions and decisions involving children, in accordance with **Article 3 UNCRC**. In this frame, lawyers must assess how legal proceedings affect the child's well-being, and they must advocate for outcomes that serve the child's long-term welfare, development, and safety.

Furthermore, lawyers have always to respect for the so-called "child's right to be heard". Generally speaking, children have a right to express their views freely in matters affecting them (**Article 12 UNCRC**). Lawyers have to listen to and take seriously the views and wishes of the child, according to age and maturity. Furthermore, lawyers have to explain legal proceedings in language the child can understand, and to facilitate children's meaningful participation in the legal process in a child-sensitive manner<sup>5</sup>.

Finally, the **Article 16 UNCRC** recognises the child's right to privacy.

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

### b) Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice

Based on the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice adopted by the Committee of Ministers of the Council of Europe on 17 November 2010:

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<sup>5</sup> **Article 3 UNCRC**. 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**Article 12 UNCRC**. 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.



“Child-friendly justice” refers to justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child’s level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

**Abstract from the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010), available at <https://rm.coe.int/16804b2cf3>**

*“6. The privacy and personal data of children who are or have been involved in judicial or non-judicial proceedings and other interventions should be protected in accordance with national law. This generally implies that no information or personal data may be made available or published, particularly in the media, which could **reveal or indirectly enable the disclosure of the child’s identity, including images, detailed descriptions of the child or the child’s family, names or addresses, audio and video records, etc.***

*7. Member states should prevent violations of the privacy rights as mentioned under guideline 6 above by the media through legislative measures or monitoring self-regulation by the media.*

*8. Member states should stipulate limited access to all records or documents containing personal and sensitive data of children, in particular in proceedings involving them. **If the transfer of personal and sensitive data is necessary**, while taking into account the best interests of the child, member states should **regulate this transfer** in line with relevant data protection legislation.*

*9. Whenever children are being heard or giving evidence in judicial or non-judicial proceedings or other interventions, where appropriate, this should preferably take place **in camera**. As a rule, only those directly involved should be present, provided that they do not obstruct children in giving evidence.*

*10. Professionals working with and for children should abide by the strict rules of confidentiality, except where there is a risk of harm to the child.*

*57. Anonymity and protection of personal data in relation to the mass media may be necessary for the child, as stipulated by several instruments.( ...) As in the case of the European Convention on Human Rights, children enjoy all rights under this convention even though it does not explicitly refer to children’s rights. Additionally, its Article 6 provides for special safeguards when it comes to sensitive data, such as personal data related to criminal convictions. Other categories of data could be defined as sensitive by domestic law or treated as such by public authorities allowing for the better protection of children’s privacy. By way of example, one instrument lists the following categories: disciplinary proceedings, recording cases of violence, medical treatment in school, school orientation, special education for disabled people and social aid to pupils from poor families.*

*58. In its General Comment No. 10 on Children’s Rights in Juvenile Justice, the United Nations Committee on the Rights of the Child recommends, among others, proceedings in camera, preserving confidentiality of records, delivering judgment which will not reveal the child’s identity, etc. The Court includes the possibility of having cases tried behind closed doors when the interests of the child or his or her privacy require it, and Guideline 9 reminds member states of this good practice. This principle should, however, be reconciled with the principle of free access to judicial proceedings, which exists in many member states.*





59. Other possible ways to protect the privacy in the media are, inter alia, granting anonymity or a pseudonym, using screens or disguising voices, deletion of names and other elements that can lead to the identification of a child from all documents, prohibiting any form of recording (photo, audio, video), etc.

60. Member states have positive obligations in this respect. Guideline 7 reiterates that monitoring on either **legally binding or professional codes of conduct for the press is essential, given the fact that any damage made after publication of names and/or photos is often irreparable.**

61. Although the principle of keeping identifiable information inaccessible to the general public and the press remains the guiding one, there might be cases where exceptionally the child may benefit if the case is revealed or even publicised widely, for example, where a child has been abducted. Equally, the issue at stake may benefit from public exposure to stimulate advocacy or awareness raising.

62. (...) Guideline 10 imposes a strict obligation in this respect on all professionals working with children except where there is a risk of harm to the child (see Article 12 of the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, CETS No. 201)."

### c) General Data Protection Regulation

The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, the so-called "**General Data Protection Regulation**" (GDPR), applies to all processing of personal data, including within judicial procedures. Member States can restrict data subject rights to safeguard judicial independence or avoid obstructing proceedings (Art. 23). However, these restrictions must be proportionate and subject to safeguards.

#### **Article 5. Principles relating to processing of personal data**

1. Personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with



*Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');*

*(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').*

*2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').*

### **Article 23. Restrictions**

*1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34, as well as Article 5 ... when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard: ... (d) **the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;** ... (i) **the protection of the data subject or the rights and freedoms of others...***

*2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to: (a) the purposes of the processing or categories of processing; (b) the categories of personal data; (c) the scope of the restrictions introduced; (d) the safeguards to prevent abuse or unlawful access or transfer; (e) the specification of the controller or categories of controllers; (f) the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing; (g) the risks to the rights and freedoms of data subjects; and (h) the right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction.*

Therefore, data protection principles and data subject rights are not absolute; they may be limited through Union or Member State law. However, for any such limitation to be lawful, it must meet the criteria set out in Article 23 of the GDPR. Specifically, the measure must:

- Respect the core of the right to data protection
- Be predictable in its impact
- Serve a legitimate and substantial public interest
- Apply only to the rights and obligations that the GDPR allows to be restricted
- Be necessary
- Be proportionate, and
- Include clear safeguards and information requirements as outlined in Article 23(2) GDPR.





If the measure satisfies these conditions and is therefore lawful and valid, the accountability principle under Article 5(2) GDPR obliges the controller to document and maintain records of how such restrictions are applied in individual cases<sup>6</sup>.

Children's data receive heightened protection due to their vulnerability (Recital 38):

*"Children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should, in particular, apply to the use of personal data of children for the purposes of marketing or creating personality or user profiles and the collection of personal data with regard to children when using services offered directly to a child. The consent of the holder of parental responsibility should not be necessary in the context of preventive or counselling services offered directly to a child".*

**Article 8 GDPR** sets specific rules for processing children's data, requiring parental consent in many cases and emphasising clear, age-appropriate communication regarding data use.

#### **Article 6. Lawfulness of processing**

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks [...].

#### **Article 8. Conditions applicable to child's consent in relation to information society services**

1. Where point (a) of Article 6(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful

<sup>6</sup> For more information, see recital 73, Restrictions of Rights and Principles, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679>



*where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child. Member States may provide by law for a lower age for those purposes provided that such lower age is not below 13 years.*

*2. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.*

*3. Paragraph 1 shall not affect the general contract law of Member States such as the rules on the validity, formation or effect of a contract in relation to a child.*

#### **d) Directive (EU) 2016/800 on Procedural Safeguards for Children**

The Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings establishes minimum standards for protecting children involved in criminal proceedings, including personal data protection. Generally speaking, the purpose of this Directive is to establish procedural safeguards to ensure that children who are suspects or accused persons in criminal proceedings, are able to understand and follow those proceedings and to exercise their right to a fair trial, and to prevent children from re-offending and foster their social integration. The Directive promotes the rights of the child, taking into account the Guidelines of the Council of Europe on child-friendly justice (see above).

Based on the **Article 14 of the Directive (EU) 2016/800**, member states must ensure the protection of the child's privacy at all stages of the criminal justice process. This includes preventing the public disclosure of identifying information unless it is in the child's best interest. Judicial hearings involving children may be held closed to the public. Furthermore, children must be informed clearly and appropriately about how their data is used, especially regarding recordings of interrogations or testimonies. Data access rights must be compatible with the child's right to a fair trial, while balancing privacy. Finally, the Directive emphasizes avoiding stigmatization of children. This aligns with the confidentiality of records and limiting dissemination of judicial outcomes involving children. The lawyer needs to ensure that this right is absolutely respected.

#### **Article 9. Audiovisual recording of questioning**

*1. Member States shall ensure that questioning of children by police or other law enforcement authorities during the criminal proceedings is audio-visually recorded where this is proportionate in the circumstances of the case, taking into account, inter alia, whether a lawyer is present or not and whether the child is deprived of liberty or not, provided that the child's best interests are always a primary consideration.*

*2. In the absence of audiovisual recording, questioning shall be recorded in another appropriate manner, such as by written minutes which are duly verified.*





*3. This Article shall be without prejudice to the possibility to ask questions for the sole purpose of the identification of the child without audiovisual recording.*

**Article 14. Right to protection of privacy**

*1. Member States shall ensure that the privacy of children during criminal proceedings is protected.*

*2. To that end, Member States shall either provide that court hearings involving children are usually held in the absence of the public, or allow courts or judges to decide to hold such hearings in the absence of the public.*

*3. Member States shall take appropriate measures to ensure that the records referred to in Article 9 are not publicly disseminated.*

*4. Member States shall, while respecting freedom of expression and information, and freedom and pluralism of the media, encourage the media to take self-regulatory measures in order to achieve the objectives set out in this Article.*

## **Ethical Responsibilities of Lawyers**

Lawyers in almost all jurisdictions are bound by professional codes of conduct and ethics; lawyers must always act with integrity, independence, and respect for the rule of law. When representing or interacting with children, extra caution and ethical rigor is required. Lawyers act as a protector of the child's rights in legal proceedings.

The **International Bar Association (IBA)** has not issued a dedicated set of guidelines exclusively focused on the protection of children's personal data. However, legal professionals are encouraged to adhere to international standards when handling children's data.

**International Principles on Conduct for the Legal Profession, International Bar Association (2011), available at <https://www.icj.org/wp-content/uploads/2014/10/IBA-International-Principles-on-Conduct-for-the-legal-prof.pdf>**

## **Guidelines on child friendly legal aid, UNHCR, UNICEF's Europe and Central Asia Regional Office (ECARO), October 2018**

In 2015, UNICEF's Europe and Central Asia Regional Office (UNICEF ECARO) conducted a study on children's access to justice in Central and Eastern Europe and Central Asia. One of the key findings was the lack of clear guidance for legal practitioners supporting children in accessing justice. As a response, UNICEF developed practical Guidelines to assist both experienced and newly qualified legal professionals in their work with children. A core element of the Guidelines is the emphasis on respecting and protecting a child's right to privacy.



**Abstract from the Guidelines on child friendly legal aid, UNHCR, UNICEF's Europe and Central Asia Regional Office (ECARO), October 2018, available at <https://www.unicef.org/eca/media/5171/file>**

*Legal professionals should uphold a child's right to privacy during legal proceedings and ensure that all communication with the client is kept confidential in accordance with professional codes of conduct. The right to privacy is vitally important: child victims and witnesses can be put directly in danger and experience severe emotional harm if their identity is disclosed, and child defendants can experience discrimination and stigmatization if their offending is widely publicized. ... Legal professionals play an important role in protecting this right and should do their utmost to ensure that:*

- *court hearings involving children are held in private unless there are clear reasons why it is in the child's best interests for them to be public;*
- *judgments are given in such a way that the identity of the child is not revealed;*
- ***if details of a case are being shared for legal education purposes or to the media because of a public interest angle, the child gives consent for this disclosure and the details provided do not reveal the child's identity;***
- *the media do not disclose information that could lead to a breach of a child's privacy. Litigation or complaints should be brought against media organizations that breach a child's privacy.*

*In most countries, the relationship between a client and a lawyer is subject to strict rules about confidentiality, and this applies as much to children as to adults. The rules apply to meetings, correspondence, telephone conversations and other forms of communication such as social media. This is a vital part of building a relationship of trust with a child client and ensuring the child can speak to the lawyer freely and openly. In practice this means that a legal professional must:*

- ***inform the child client that their exchanges will be confidential;***
- ***explain that exchanges between legal professionals and family members are not protected by the same rules of confidentiality;***
- *be vigilant about securing the confidentiality of all forms of communication; for example, if meeting with a client in a police station or the hallway of a courtroom, ensure that they cannot be overheard; and if speaking on the telephone with a child client who is in detention, check with the child if they can be overheard; and*
- *ensure that the child's personal data (for example case files) are protected in accordance with national law and are kept securely and cannot be accessed by*





*third parties unless in accordance with the best interests of the child and data protection legislation. **This implies that no information or personal data is made available or published, particularly in the media, which could reveal (directly or indirectly) the child's identity. This includes: images, detailed descriptions of the child or the child's family, names or addresses, audio and video records, and so on.***

*There may be exceptional circumstances, permitted in national regulations, in which legal professionals should reveal confidential information about their clients to an appropriate authority: in many jurisdictions, **the strict rules of lawyer-client confidentiality can be waived if there is a risk that non-disclosure could lead to the death or personal injury of a person, or if what the child reveals relates to a criminal activity.** Such situations may include cases in which the child reveals information that indicates continuing sexual or other physical abuse but refuses to allow disclosure of such information to third parties. Similarly, there may be situations in which an adult discloses abuse committed either by himself or herself or by another adult against a child but refuses to allow any disclosure. This can be a very challenging situation as the principle of confidentiality lies at the heart of building a trusting relationship with a child client. There are no clear-cut answers, but in such circumstances the practitioner must weigh up the position in national law regarding when it is acceptable to breach confidentiality. In many jurisdictions, support with these difficult ethical considerations can be given by the Bar Association's ethics committee, which can help discuss the national provisions and whether it is in the child's best interests to breach the strict rule of confidentiality because of threats to the child's life or health, both mental and physical.*

### ***Practical Guide for Lawyers: How to defend a child in conflict with the law?, Defence for Children International (2018)***

The *Practical Guide for Lawyers: How to Defend a Child in Conflict with the Law* was authored by juvenile justice expert M. Braun, who also serves as the coordinator of the EU-funded project "My Lawyer, My Rights," and co-authored by M. Magli, a juvenile justice assistant. The drafting was carried out under the supervision of B. Van Keirsbilck, Director of Defence for Children International (DCI)-Belgium and former President of DCI-International. The Guide was further shaped by significant contributions from DCI-Belgium team members, notably A. Carré and J. Laffineur. Its development benefited from the collaboration and expertise of ten European partners and associated partners, as well as five legal experts involved in the "My Lawyer, My Rights" project.

***Practical Guide for Lawyers: How to defend a child in conflict with the law?,***



**Defence for Children International (2018), available at**  
[https://www.defenceforchildren.nl/media/2318/manual-for-eu-  
 ms web en.pdf](https://www.defenceforchildren.nl/media/2318/manual-for-eu-ms-web-en.pdf)

*Each national code of conduct envisages that communications and consultations between lawyer and client should remain confidential. Lawyers should play a major role in facilitating the confidentiality of the communications in order to ensure the protection of the child's privacy. The lawyer needs to:*

- *Ensure that the room where the consultation takes place is private;*
- *Ensure that the room is adapted for a child.*
- *Ensure that what the child says will not be publicly shared and disseminated.*

*When a child is deprived of liberty, the lawyer needs to:*

- *Ensure no law enforcement official is present during confidential communications if there are no security reasons;*
- *Ask the child if he is alone when conversations take place on the phone.*

*International (BPRL, Rules 8 and 22; PGALA, Guideline 10) and regional (directives 2013/48/EU, art. 4 and (EU) 2016/800, art 5.6) standards stipulate that confidentiality of communication between children and their lawyer, when the lawyer is providing professional assistance, should always be respected. Such confidentiality includes meetings, correspondence, telephone conversations and other forms of communication permitted under national law.*

- *Inform the child of typical working practices;*
- *Explain clearly to the child the importance of legal assistance and defence, in order to remain in contact with him. For example, a child can change phone number frequently and he needs to be aware of the need to notify the lawyer about this;*
- *Prefer a visit in the police cell or institution, rather than a phone call, when the child is deprived of liberty;*
- *Generally, choose face-to-face meetings with the child in order to apply the above-mentioned language techniques.*

### **Practical implications for legal professionals**

Based on the international and European legal framework, as well the relevant ethical guidelines, lawyers involved in child protection law cases have a dual responsibility:





- Comply with data protection regulations, ensuring no unlawful handling of children's data.
- Uphold ethical obligations by being proactive in identifying and addressing potential abuses of children's data.

## Confidentiality and Privacy

Generally speaking, client confidentiality is a cornerstone of legal ethics<sup>7</sup>. When dealing with children, lawyers must be especially vigilant in safeguarding personal data, particularly in family law and juvenile justice cases. This core ethical duty applies both during and after the representation, and it extends to all communications, documents, and personal data.

Lawyers shall ensure that the best interests of the child are a primary consideration in all actions and decisions involving children, in accordance with Article 3 of the UNCRC. Lawyers must assess how legal proceedings affect the child's well-being, and they must advocate for outcomes that serve the child's long-term welfare, development, and safety. For example, they should always advocate for closed hearings when necessary to protect a child's identity. They should also ensure third parties (expert witnesses, interpreters etc.) understand and comply with confidentiality rules. Where multiple parties (e.g., parent and child) are involved, lawyers must ensure that the child's legal interests are not compromised.

Lawyers should keep all information about the child or case strictly private. Lawyers should also collect only what is strictly necessary, and use children's data only for specified legal purposes. They should also take all the appropriate measures required for the protection of data. In particular, based on the European legal framework:

- Collect only what is strictly necessary.
- Use data only for specified legal purposes.
- Limit access to data to those directly involved in the case.
- Store case files securely; use encryption and restricted access.
- Do not keep personal data for longer than necessary.
- Avoid discussing identifiable case details in public settings.
- Inform children and guardians about how their data is used.

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<sup>7</sup> See *Model Code of Conduct for European Lawyers 2021*, Council of Bars and Law Societies of Europe – The voice of European Lawyers, available at [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/DEONTOLOGY/DEON\\_CoC/EN\\_DEONTO\\_2021\\_Model\\_Code.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/DEONTOLOGY/DEON_CoC/EN_DEONTO_2021_Model_Code.pdf).



- Anonymise identifying details when sharing legal documents or precedents.

Lawyers must refrain from any media involvement or publicity that exposes a child's identity or case. They must also discourage the media from disclosing identifying details of the child. Any public commentary must prioritise the child's privacy and dignity<sup>8</sup>.

### **Informed Consent and Communication**

When interacting directly with children, lawyers must explain legal processes in a manner appropriate for the child's age and comprehension level. Furthermore, lawyers have to ensure informed consent (or parental consent, depending on the child's age and legal status) for sharing or using any personal data. Lawyers must assess whether a child has the capacity to consent to data sharing or understand their rights. If not, consent must be obtained from a legal guardian or representative, ensuring the child's best interests.

## 4. Child Psychology and Child-Friendly Communication

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### Understanding Child Psychology

#### 4.1 Developmental Psychology

### **Basic principles:**

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<sup>8</sup> See also <https://www.lawsociety.org.uk/topics/gdpr/gdpr-for-solicitors> and <https://www.lawsociety.ie/news/news/Stories/gdpr-and-childrens-data-what-lawyers-need-to-know/>.





Developmental psychology aims to understand physical, cognitive, emotional and social changes throughout life. It examines the influences of nature *and* nurture on the process of human development and behaviour. The interaction of biological and environmental factors and how transitioning through stages of life impact our behaviours and development.

In child-friendly justice, understanding **cognitive, emotional and social development** is essential to ensure that children are treated fairly, and their rights are protected during legal processes.

#### 4.1.1 Cognitive and Language Development

##### Stages of cognitive development<sup>9</sup>

###### **Sensorimotor Stage (Birth to 2 years):**

During this stage the child learns that the world exists separately from themselves. It starts to understand the causality (for example: it throws a tower of building blocks with its hands) and the permanence of the object, what means that a doll is still there, even when we hide it under the blanket so the child can't see it.

###### **Preoperational Stage (2 to 7 years):**

Children in this stage start developing language and imagination but are still limited in their ability to think logically. Their thinking is egocentric – they are unable to take the point of view of other people and may think of themselves as the reason why unrelated events happen. Children develop mental representations of objects in the world around them and use symbols for those, language develops. They pretend in role plays and mix fantasy and reality. Memories are often tactile, olfactory, visual.

###### **Early Childhood (0- 7) years: Impact on Legal Situations:**

Young children's memories are less reliable, and their ability to recount events accurately may be influenced by their emotions or imagination. A 4-year-old may not have the words to explain what happened in a situation without help, potentially mixing up facts or struggling with the sequence of events (concepts like before, after).<sup>10</sup>

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<sup>9</sup> J. Piaget, 'The origins of intelligence in children.'. (M. Cook, Trans.). W W Norton & Co 1952. <https://doi.org/10.1037/11494-000>

<sup>10</sup> National Children's Advocacy Center. *Interviewing Preschoolers: A Bibliography*. 2023. Huntsville, AL: Author. <https://files.calio.org/BIBS/interviewing-preschoolers-bib.pdf>, (accessed 28.04.2025).



**"and it was like just one day I had this huge memory of images, and it was... it was like the end of one of the most serious events... and then... I remembered the last part when I was washing..." Adult victim recalling an early childhood trauma.<sup>11</sup>**

**Concrete Operational Stage (7 to 11 years):** Children at this stage can understand concrete events and begin to think logically about direct experiences. They can grasp concepts of past, present, and future, and can organise events in sequence. They can understand basic concepts of fairness and the rules that govern behaviour. However, they may not understand more abstract ideas.

**Middle Childhood: Impact on Legal Situations:**

At this age, children can usually recall events. However, they may still need help to recall details or explain events in a structured way.<sup>12</sup> School aged children are beginning to understand the difference between right and wrong, but their concept of justice is still rooted in concrete examples.

**Formal Operational Stage (12 years and older):** At this stage, adolescents can think abstractly, logically, and hypothetically. They can understand complex ideas. However, they may still be highly influenced by emotions and peer pressure, which can affect their behaviour. They have heightened self-awareness and the metacognitive ability to think about the way they think.

**Adolescents: Impact on Legal Situations:**

Teenagers may be better able to recall events accurately, but they might still struggle with consistency, especially if they are emotionally distressed. Adolescents can understand the seriousness of legal proceedings and the potential consequences of their actions. They may be influenced by peer pressure, social concerns, or a desire for independence.

**"I distanced myself from my family because my sister had been sexually abused by my father. Even though he had abused me too, I never admitted it in research interviews. I didn't admit anything for three years. Then I started telling everything to my psychologist."<sup>13</sup>**

<sup>11</sup> O. Themeli, 'Τα παιδιά καταθέτει. Η δικανική εξέταση ανήλικων μαρτύρων, θυμάτων σεξουαλικής κακοποίησης' 2014.

<sup>12</sup> M. Lamb, et al. 'Age differences in young children's responses to open-ended invitations in the course of forensic interviews.' *Journal of Consulting and Clinical Psychology*, vol. 71, no 5, 2003, p. 926–934. <https://doi.org/10.1037/0022-006X.71.5.926>

<sup>13</sup> O. Themeli, 'Τα παιδιά καταθέτει. Η δικανική εξέταση ανήλικων μαρτύρων, θυμάτων σεξουαλικής κακοποίησης' 2014.





## The Ecological Systems Theory<sup>14</sup>

Views child development as a complex system of relationships affected by multiple levels of the surrounding environment. A child, with a helpful adult, can manage difficult for his/her age tasks and “move” to a higher level of performance.

In a holistic approach, this theory includes all the systems children, and their families are involved in, reflecting the dynamic nature of the child development and family relationships.

### Impact for Legal Situations:

Even so, for example, a child 4 or 5 years old might struggle with the time sequence of an event, an interviewer using preparation for free recall can help the child to tell a reliable narration of the abusive incident.<sup>15</sup>

### 4.1.2. Emotional and Social Development

Children’s emotional and social development influences how a child reacts to stress, trauma, or even a seemingly neutral legal procedure.

#### Emotional and Social Development Stages:

**Early Childhood (0-7 years):** Infants primarily experience basic emotions such as happiness, fear, and anger. A strong emotional attachment to parents or caregivers is essential at this stage. As children grow, they develop a wider range of emotions and start to understand emotions in others, though they still might not be able to articulate complex feelings. Young children feel overwhelmed by the presence of authority figures and unfamiliar settings.

### Early Childhood – Impact for Legal Situations:

Children victims need help to express their feelings, whereby express means to press out – to release something from within. When a child expresses an emotion, they are not merely stating it- they are freeing themselves from it. It is important for the child to have a trusted adult nearby and to be in a safe environment during and after disclosure.

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<sup>14</sup>U. Bronfenbrenner. ‘[Toward an experimental ecology of human development](https://doi.org/10.1037/0003-066X.32.7.513).’ *American psychologist*, vol 32, no 7, 1977, 513- 531. <https://doi.org/10.1037/0003-066X.32.7.513>

<sup>15</sup> M. Lamb & M. Sim. ‘Developmental Factors Affecting Children in Legal Contexts’, *Youth Justice*, vol. 13, no 2, 2013, p. 131–144



**7 years old Michael asked the Therapist: "Please, help me to think thoughts." He certainly wished, at this point, to be helped to think about "where it hurts and why it hurts."<sup>16</sup>**

**Middle Childhood (7-11 years):** Children at this stage develop better emotional regulation and begin to recognise emotions in others. However, they can experience intense emotions, such as shame or embarrassment. Children at this stage are also more influenced by peer relationships and social comparisons. They may worry about how they are perceived by others.

**Middle Childhood - Impact on Legal Situations:**

Children may become anxious or frightened and fear making mistakes or not being believed can be overwhelming. They might agree with things they don't fully understand out of fear or a desire to please an adult.

**Adolescence (12-18 years):** Teenagers begin to experience more complex emotions related to their growing independence, identity, and social relationships. They may still struggle with emotional regulation<sup>17</sup> during stressful situations, especially if they feel conflicted or unsupported. They struggle with authority but also with interrogative suggestibility.<sup>18</sup>

**Adolescence - Impact on Legal Situations:**

A supportive, non-judgmental atmosphere can help the teenager to feel more in control of the situation. The adolescent's growing sense of independence and autonomy must be acknowledged. Confidentiality is crucial. Remember that a teenager is a child not a young adult.

#### 4.2. Attachment relationship – children and parents (caregiver):

The base of the feeling of security, inner steadiness and integration in the world is this inner picture (object) of being loved and protected and loving and protecting back. (M. Klein, 1957).

<sup>16</sup> G. Williams. 'On different introjective processes and the hypothesis of an "omega function"', *Psychoanalytic Inquiry: A Topical Journal for Mental Health Professionals*, Vol. 19(2), 1999, p. 243-253.

<sup>17</sup> L. Van Leijenhorst et al., 'Adolescent risky decision-making: neurocognitive development of reward and control regions.' *Neuroimage*. 2010, vol. 15;51, no 1, 2010, p. 345-55. doi: 10.1016/j.neuroimage.2010.02.038. Epub 2010 Feb 24. PMID: 20188198.

<sup>18</sup> Richardson G, Gudjonsson GH and Kelly TP (1995) Interrogative suggestibility in an adolescent forensic population. *Journal of Adolescence*, vol 18, no 2, 1995, p. 211-216. doi: 10.1006/jado1014





Psychoanalysis talks about "alpha function", as the parental function of keeping in the mind, giving a meaning, making difficult feelings for the child thinkable also. The parent should be able to tolerate the pain the child cannot tolerate himself/ herself. After repeated experiences of this containment, such a function can be internalized by the child as he/ she grows up and gradually becomes able to better deal with their anxiety.<sup>19</sup>

Being a parent means to feel responsible for the child. The child - parent relationship is inherently asymmetrical though non possessive. A child should never feel responsible for the parents' emotional state.

### John Bowlby's Attachment Theory<sup>20</sup>:

Bowlby developed the attachment theory to explain emotional bonding between infants and caregivers. The emotional response of a parent (or other important caregiver) their availability and reliability provide the child with an inner working model of himself/ herself and others. It leads to a perception of being worthy of love and to the expectation of the same experiences in later relationships, for example with friends, and romantic partners.

The social and emotional responses of the primary caregiver (usually a parent) provide the infant with information about the world and other people, and how they view themselves as individuals.

<b>Secure attachment (about 55-60%)</b> When a caregiver is consistently responsive and sensitive to a child's needs, the child develops a sense of trust and security. This secure base is built in the first years of life (until mostly 5 years) and after this period, even if there are periods of crisis in the family, the child is able to go through those with more confidence.	<b>Anxious attachment (about 15%)</b> When the caregiver's response to the child is inconsistent and overly anxious the exploratory behaviour of the child is limited, it reacts with climbing and anger and develops a chronic fear of abandonment.
<b>Avoidant attachment (about 20%)</b>	<b>Disorganised attachment (about 5%)</b>

<sup>19</sup> G. Williams. 'On different introjective processes and the hypothesis of an "omega function"', *Psychoanalytic Inquiry: A Topical Journal for Mental Health Professionals*, Vol. 19(2), 1999, p. 243-253.

<sup>20</sup> Bowlby, J. (1978). 'Attachment theory and its therapeutic implications.' *Adolescent Psychiatry*, Vol. 6, 1978, p. 5-33.



When a caregiver doesn't respond to the child's emotional needs, the child learns to suppress its innate desire for affection and acceptance. They show overly independent behaviour and distance themselves from others.

When a caregiver – the only source of security – becomes a source of fear. Caregivers are frightened and frightening and often have a trauma history themselves.<sup>21</sup>  
Child victims of domestic crimes are overrepresented in this attachment style.

#### 4.3 Understanding how family (dynamics) affect(s) child's situation

Young children experience *their world as relationships, and these relationships have impact on all aspects of their development – intellectual, social, emotional, physical and behavioural.*

Healthy child development depends on the healthy bounding within these relationships in the family (caregiver). If the members of the family themselves, or the dynamics of the family do not provide a safe umbrella for the child to grow, or if overly stressful situations interfere with the secure base in the family, the young child is in danger of developing insecure or even disorganised attachment.

#### Impact on Legal Situations

Keep in mind that the existence of a supportive family environment is virtual to safeguard the child. Inform a non-abusive parent (care giver), about the proceedings' most important phases and issues so that they can provide children with adequate information and support.<sup>22</sup>

*Handling a case with a child victim is a long-term, dynamic process. Some of those children, even if they need to be removed for a short period of time from their environment, can go back to their families, their familiar environment, healing from trauma, but those families need professional support and legal advice.*

<sup>21</sup> M. Main & J. Solomon. 'Discovery of an insecure-disorganized/disoriented attachment pattern.' In T. B. Brazelton & M. W. Yogman (Eds.), *Affective development in infancy*, 1986, p. 95–124. Ablex Publishing.

<sup>22</sup> European Union Agency for Fundamental Rights. *Child-friendly justice, Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States*. 2017 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-child-friendly-justice-children-s-perspective\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-child-friendly-justice-children-s-perspective_en.pdf) (accessed at 09.05.2025)





#### 4.4. Comprehensive approach of child victim

The **Society of Social Psychiatry P. Sakellaropoulos**<sup>23</sup> approaches child victims not solely as individuals in need of legal protection, but as persons embedded in family, school, and community systems, in the framework of action research. Drawing from principles of social and community psychiatry and the “psychoanalytic prism”, the organisation promotes a holistic, long-term, and trauma-informed intervention strategy. This includes working closely with the child, their caregivers/family, schools, and local stakeholders to ensure comprehensive care and future reintegration. Lawyers representing children are encouraged to adopt this perspective: to advocate not only for immediate safety, but for the child’s broader well-being, avoiding automatic institutionalisation, but supporting, wherever possible, the child’s healing within their own social environment—when safe and therapeutically supported.<sup>24</sup>

#### Group discussion:

**Research<sup>25</sup> showed that in early childhood abuse disclosures happen spontaneously, often “by accident”. Older children disclose abuse more thoughtfully. The age group between 7-9 discloses abuse to their parents statistically more frequent (73%) than the older age groups (13%).**

**Discuss the finding in the light of cognitive and emotional/ social development.**

#### Background information:

<sup>23</sup> Society of Social Psychiatry P. Sakellaropoulos, *Annual Reports* <https://ekpse.gr/en/who-we-are/annual-reports> [accessed 10 July 2025].

Society of Social Psychiatry P. Sakellaropoulos, *Day Centre for Children, Adolescents and Adults – Fokida Prefecture* <https://ekpse.gr/en/our-services/day-centre/day-centre-for-children-adolescents-and-adults-fokida-prefecture> [accessed 10 July 2025].

Society of Social Psychiatry P. Sakellaropoulos, *Living and Learning Together: Sensitisation, Prevention and Enhancement of Psychological Resilience in School Communities* <https://ekpse.gr/en/programmes/living-and-learning-together-sensitisation-prevention-and-enhancement-of-psychological-resilience-in-school-communities> [accessed 10 July 2025].

Katsouda, D., The SSP P. Sakellaropoulos “Pyramid” Approach, a holistic model for child, adolescent, and family mental health care in local communities. *Poster presented to WHO Regional Office for Europe’s 3rd “Mental Health Week” Meeting on Quality of Child and Adolescent Mental Health Care, Thessaloniki, Greece, 6-7 November 2024*

<sup>24</sup> Karantzali, A., Maerkl, C., Vourdas, A. (ed.), Fitsiou, P. and Fragkouli – Sakellaropoulou, A., “Guide on Access to Justice for Children with Disabilities and/or Psychosocial Problems”, Society of Social Psychiatry P. Sakellaropoulos, *EU co-funded project CHILDFront – Child Friendly Justice in the Greek and Cypriot Courts*, 2022.

<sup>25</sup> I. Hershkowitz, O. Lanes, & M. Lamb. ‘Exploring the disclosure of child sexual abuse with alleged victims and their parents.’ *Child abuse & neglect*. Vol.31. 2007. 111-123.



Younger children under 7 years might express their traumatic experience spontaneously, without cognitive regulation of the disclosure process in great emotional stress. The possible reason, in the light of developmental psychology, why the age group of 7-9 years were more reluctant to disclose and tended to postpone disclosure to their parents is because the older children were more aware of social norms and taboos, or because they were embarrassed or ashamed of not preventing the abuse. Also, the increasingly supportive role played by the peer group as children get older might reflect avoidance of disclosure to parents<sup>26</sup>.

## Understanding Trauma

### 4.5 Adverse Childhood Experiences

Adverse Childhood Experiences (ACEs) are disruptions to the promotion of safe, stable, and nurturing family relationships and are characterised by stressful or traumatic events that occur during an individual's first 18 years of life.<sup>27</sup>

Types of ACE resulting to Child Trauma (experienced personally or as a family or community member):

- Assault (physical, or sexual)
- Abuse (verbal, psychological, physical, or sexual)
- Domestic violence
- Physical and Emotional Neglect
- School or community violence (bullying)
- Serious accidents or life-threatening illness
- Alcoholic Parent(s)
- Household members' substance abuse
- Mental illness or suicidal behaviour in the home
- Sudden or violent loss of a loved one divorce, abandonment, or death
- Incarceration of a household member
- Teen Pregnancy
- Placement in foster care or child-care institutions
- Refugee or war experiences

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<sup>26</sup> For more information, the reader is invited to watch [www.youtube.com/watch?v=hlu3ghTsZT0](https://www.youtube.com/watch?v=hlu3ghTsZT0)

<sup>27</sup>CD Bethell, A Carle, J Hudziak, et al. Methods to Assess Adverse Childhood Experiences of Children and Families: Toward Approaches to Promote Child Well-being in Policy and Practice. *Acad Pediatr.* 2017;17(7S):S51–S69. doi:10.1016/j.acap.2017.04.161





- Extreme poverty/Homelessness
- National disasters or terrorism
- Loss of property or displacement due to disaster
- Military family-related stress (e.g. parental deployment)

*Remember: It is normal to react to abnormal situations!*

#### *THE HOLE IN THE BRIDGE*

*Picture a large group of friends having a spring picnic beside a river that flows through their town. Suddenly, they hear a cry from the river and see a child being swept downstream. One of them kicks off his shoes, jumps in, and brings the child to the riverbank where the others gather around to make sure she is okay. While taking care of her, they hear another child, and then another, followed by another, and another. Soon everyone is either rescuing children from the river or helping those pulled to shore recover from nearly drowning. Then they notice that one of the friends has left them and is running upstream. They call to her, saying, "Where are you going? We need you here!" to which she replies, "I'm going to find the hole in the bridge."*

When we first learned about the Adverse Childhood Experiences Study and saw the data linking childhood adversity with later risky health behaviours, chronic illnesses, poor developmental outcomes, and the links between early adversity and neurobiological adaptations to stress, we realised we had found the hole in the bridge.<sup>28</sup>

#### 4.6 What is trauma and how it affects children

According to the American Psychological Association (APA), trauma is "an emotional response to a terrible event"<sup>29</sup>. In other words, it is a response to an event or a situation that a person finds highly stressful, threatening or harmful (physically or emotionally). A person may experience an isolated traumatic event or multiple, repeated, ongoing traumatic ones. It is also documented that someone can experience trauma after witnessing a traumatic event experienced by another individual.

<sup>28</sup>J. Hays-Grudo and A. S. Morris in: Adverse and Protective Childhood Experiences: A Developmental Perspective (Preface ix) Copyright © 2020 by the American Psychological Association. All rights reserved. <http://dx.doi.org/10.1037/0000177-001>

<sup>29</sup> American Psychological Association, *Trauma*, accessed 10 July 2025. Available at: <https://www.apa.org/topics/trauma>



Traumatic experiences	
physical, psychological, or sexual abuse	sudden loss of a loved one
harassment	traffic collisions
sexual assault	natural disasters
attack	acts of terrorism
kidnapping	war

The following types of trauma have been described, in relation to the characteristics of the traumatic event(s)

- Acute trauma, which results from a single stressful or dangerous event.
- Chronic trauma, which results from repeated and prolonged exposure to highly stressful events.
- Complex trauma, which results from exposure to multiple traumatic events.
- Secondary trauma, which occurs due to close contact or relationship with someone who has experienced a traumatic event (it doesn't refer to the victim but to non-offending parents, family members, care givers, mental health and other professionals)

Trauma can cause a wide range of physical and emotional symptoms either immediately after the event and/or in the long term. The symptoms of trauma can range from subclinical consequences, that fall outside of diagnostic criteria, to severe ones and can persist only for a few weeks, or for much longer periods of time.

It is important to remember that not everyone who experiences a stressful event will develop trauma.

*Dr. Gabor Maté often says that trauma is a wound. Trauma is not about what happened to us, but rather what happened inside of us as a result of what happened to us<sup>30</sup>.*

Common responses/symptoms	Emotional and Psychological
denial	anger
fear	sadness
shame	confusion
anxiety	depression
numbness	guilt
helplessness	irritability
difficulty concentrating	withdrawal

<sup>30</sup> G. Maté, *The Myth of Normal: Trauma, Illness, and Healing in a Toxic Culture*





emotional outbursts

nightmares/flashbacks

## Common physical symptoms

headaches

constant unexplained fatigue

sweating

sleeping difficulty

digestive symptoms

increased heart rate

jumpiness

hyperarousal

The trauma-related disorder that receives the greatest attention is Post Traumatic Stress Disorder (PTSD); it is the most commonly diagnosed trauma-related disorder, and its symptoms can be quite debilitating over time. The DSM-5 identifies four symptom clusters for PTSD: presence of intrusion symptoms, persistent avoidance of stimuli, negative alterations in cognitions and mood, and marked alterations in arousal and reactivity. Individuals must have been exposed to actual or threatened death, serious injury, or sexual violence, and the symptoms must produce significant distress and impairment for more than 4 weeks.<sup>31</sup>

According to a World Health Organization research from 2017<sup>32</sup>:

- Lifetime trauma exposure is the norm in most countries.
- Interpersonal violence traumas carry the highest PTSD risk.
- Lifetime population burden of PTSD is 77.7 person-years/100 respondents across surveys.
- Trauma types with highest PTSD burden include those involving intimate partner sexual violence (relatively uncommon traumas associated with high PTSD risk) and unexpected death of a loved one (a very common trauma associated with low PTSD risk).
- Although many cases remit within months, PTSD symptoms typically are quite persistent.

#### 4.7 Childhood Trauma

<sup>31</sup> American Psychiatric Association. Diagnostic and statistical manual of mental disorders. 5th ed. Arlington, VA: American Psychiatric Association; 2013.

<sup>32</sup> RC Kessler et al. Trauma and PTSD in the WHO World Mental Health Surveys. Eur J Psychotraumatol. 2017 Oct 27;8(sup5):1353383. doi: 10.1080/20008198.2017.1353383. PMID: 29075426; PMCID: PMC5632781



According to the American Academy of Paediatrics, it is estimated that 34 million American children (or 46% of children) ages 18 or younger have experienced trauma at least once in their lives.<sup>33</sup>

Childhood trauma can be caused by a one-time occurrence (a car accident, a natural disaster, an assault) or an ongoing situation (physical or sexual abuse, neglect, racism, bullying), experienced by a child, that is perceived as life-threatening, violent, and/or dangerous. Trauma in children, especially ongoing trauma, can affect their physical, mental, social, and emotional development. Untreated or unresolved trauma in children can carry into adulthood resulting to learning difficulties and lower academic performance, increased use of health and mental health services, higher involvement in juvenile justice systems and long-term health issues.<sup>34,35</sup>

### Emotional Signs of Trauma in children and adolescents

A child's reaction to trauma may differ depending on his/her age and resiliency

Emotional Signs of Trauma in children and adolescents	
Age (chronological/developmental)	Signs of Trauma
Infants, toddlers (0-5 years, preschool)	Oppositional behaviour, crying or screaming, tantrums, separation anxiety, poor appetite, withdrawn behaviour, nightmares.
School age (6-11 years, elementary school)	Anxiety, withdrawal, disinterest, lack of concentration, aggression, avoidance, shame, enuresis, sleeping difficulties.
Adolescents (12-18 years, middle & high school)	Depression, self-cutting, suicidal behaviours, substance use, social withdrawal, high-risk behaviours, indiscriminate sexual behaviour, aggression.

Sexually abused children may display symptoms common with other types of trauma, but also more specific ones, like sexual knowledge, language, and/or behaviours that are

<sup>33</sup> Forkey, Heather, et al. "Trauma-informed care." *Pediatrics* 148.2 (2021).

<sup>34</sup> Substance Abuse and Mental Health Services Administration. Helping children and youth who have traumatic experiences National Children's Mental Health Awareness Day – May 10, 2018 <http://www.samhsa.gov/children>

<sup>35</sup> N Nikkheslat et al. Childhood trauma, HPA axis activity and antidepressant response in patients with depression. *Brain Behav Immun.* 2020;87:229–237. doi:10.1016/j.bbi.2019.11.024



inappropriate for the child's age and experiences, difficulty in accepting a paediatrician's examination, not wanting to be left alone with particular individuals (often the offender or people with similar appearance). Some children include sexual elements in their play or drawings.

Resilience is the process and outcome of successfully adapting to difficult or challenging life experiences, especially through mental, emotional, and behavioural flexibility and adjustment to external and internal demands.<sup>36</sup>

It is important to remember that children are resilient and can develop coping mechanisms to help them deal with the trauma they have experienced. They are often protected by multiple "back-up" systems, particularly embedded in their relationships with other people in their homes and communities.<sup>37</sup>

#### 4.8 Impact of early trauma on memory, testimony, and participation

Early trauma is associated with altered function in neural pathways of the developing brain.<sup>38</sup>

In fact, when a child is chronically exposed to adverse and traumatic experiences, the brain's stress activation system, responsible for the immune, metabolic, and cardiovascular functioning, is constantly in overdrive. As a result, there is a constant flood of stress hormones, so the developing brain is stuck in fight-or-flight mode, which affects the delicate balance of neurotransmitters. This can lead to poor regulation of emotions, aggression, learning difficulties and impaired social interactions. Moreover, it affects the development of certain areas of the brain, such as the hippocampus, which is important for memory formation.

Consequently, the way the brain processes, forms, stores and retrieves memories is seriously affected, leading to memory loss or repression. This can lead to memory gaps and difficulties recalling details of events that occurred before or after the traumatic event.

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<sup>36</sup>The road to resilience [website]. Washington (DC): American Psychological Association; 2009 (<http://www.apa.org/helpcenter/road-resilience.aspx>, accessed 1 May 2025).

<sup>37</sup>AS Masten, AJ Barnes. Resilience in Children: Developmental Perspectives. *Children* (Basel). 2018 Jul 17;5(7):98. doi: 10.3390/children5070098. PMID: 30018217; PMCID: PMC6069421

<sup>38</sup>ME Thomason, HA Marusak. Toward understanding the impact of trauma on the early developing human brain. *Neuroscience*. 2017 Feb 7;342:5567.doi10.1016/j.neuroscience.2016.02.022. Epub 2016 Feb 15. PMID: 26892294; PMCID: PMC4985495.





As a result, the child can have serious difficulty recalling certain events or details. Memories of traumatic events can be fragmented, containing very few, often distorted facts such as the time, place, or people involved, so that the narrative of the experience is muddled and incomplete. Instead, they may remember mainly the emotions they felt during the event or details of little usefulness in court (i.e. the laughter of the perpetrator, the smell of a place, a small detail on the ceiling).

Memory loss, partial or total, can be an obstacle to the adolescent's formation of a sense of identity and doesn't facilitate the psychotherapeutic work.

In extreme cases, when the abuse is particularly cruel (often by a parent, whom the child loves and trusts) the victim, in order to survive the overwhelming and terrifying emotions, uses a coping mechanism called dissociation which leads to block out or forget parts of his/her experience, as he/she mentally separates him/herself from the experience. Even as grown-ups, he/she may not be aware of their memory loss. In extreme cases dissociative amnesia might lead to the formation of multiple personalities. Children who have learned to dissociate as a defence mechanism, may automatically dissociate during stressful situations of any kind, or when faced with trauma reminders. As a result, their testimony in court can become a trigger resulting to stressed, inattentive, aggressive or even dissociated behaviours.

When working with a child victim or witness of abuse, keep in mind that:

- The child might not be able to recall the traumatic experience from start to finish
- The child victim might be able to recall some details quite clearly while being unable entirely to recall other details
- The child might have to rely on sensory memory to help his/her recollection
- The child might appear uncooperative or to be lying

Children victims or witnesses of abuse are often obliged to be involved in procedures of the criminal justice system, considered confusing, intimidating and stressful by most adults. Children, on the other hand, are in great danger of distress and exacerbation of the trauma during their interview or testimony in court.

Children abuse victims are often exposed to procedures tailored for the stipulations of adults, which do not take into consideration their special needs. Their exposure to the particularly dangerous mechanisms of the Criminal Justice System (expert reports,



preliminary proceedings, inquisition, hearing etc.) is responsible for the hiding of their abuse as well as their victimisation.<sup>39</sup>

The way the child victim is interviewed will have a direct impact on his/her ability to recall experiences and the consistency with which they tell their story, with effective interview practices supporting the survivor in their recollection, and harmful practices likely resulting in increased inconsistencies.

## Communication and Trauma-Informed Approach

### 4.9 Guidelines for lawyers on child-friendly communication

Forensic interviews are always conducted by a Child Psychiatrist/ Psychologist or Legal Practitioner with a special education and supervision<sup>40,41</sup>. General Guidelines for forensic interviews apply also for legal interviews.

#### 4.9.1 Prepare for the meeting

Preparation for the interview with the child is very important. Ensure that the environment is child-friendly decorated, comfortable, quiet, without distractions from others coming in or telephones ringing. Have a sitting arrangement suitable for the child's age and ensure you sit on the child's eye level, without a desk in front of you. Try to get information on the child's age and development level. Make hypothesis about the allegation, to practice the interview in a way that is 'consciously objective'. Also make sure that the child speaks your language, otherwise get a translator and inform him/her about the child<sup>42</sup>, before the meeting (Special concerns for children from different cultural background see in Chapter 4.14). Ensure you have planned enough time for the interview and do not keep the child waiting.

<sup>39</sup>O. Themeli, & M. Panagiotaki, (2014). Forensic Interviews With Children Victims of Sexual Abuse: The Role of the Counselling Psychologist. *The European Journal of Counselling Psychology*, 3(1), 1–19. <https://doi.org/10.5964/eicop.v3i1.17>

<sup>40</sup> M. E. Lamb et al., 'A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol'. *Child Abuse & Neglect*, vol. 31, 2007, p. 1201-1231. <https://doi.org/10.1016/j.chiabu.2007.03.021>.

<sup>41</sup> S. Brubacher, E. Shulman, M. Bearman, & M.B. Powell. 'Teaching child investigative interviewing skills: Long-term retention requires cumulative training.' *Psychology, Public Policy, and Law*, vol. 28, no.1, 2022, p. 123–136. <https://doi.org/10.1037/law0000332>

<sup>42</sup> V. Talwar et al. Urgent Issues and Prospects on Investigative Interviews with Children and Adolescents. *Legal and Criminological Psychology*. Vol. 00. 2024. 1-22.



#### 4.9.2. Use age-appropriate language

Listen carefully to the child, so you can adapt to their language pattern and level of understanding. Use plain language and short sentences. Explain legal terms, so the child can understand the most important words, as they are going to be confronted with them throughout the legal procedure.

#### 4.9.3. Inform the child

Give clear and transparent information about you, your role in the legal process and explain in simple words what will happen. Balance how much information the child needs at every step, so it can comprehend the progress. If it is necessary use written information or keep in touch with the child using mobile apps, instead of emails. Use or give handouts you checked for their relevance in the case and your country's law.<sup>43</sup>

**Best Practice: Cyprus Judicial Training School and “Hope For Children” CRC Policy Center developed the “[Kids in Court Game \(KiCGame\)](#)” that consists of four different games designed to prepare children psychologically and emotionally to testify in court as witnesses.<sup>44</sup>**

#### 4.9.4. Be honest

It is very important to build a rapport with your child client. Honesty, consistency and still sensitivity are important for any victim of crime, but especially for children.

**What will you say, if the minor asks you to promise him/her - in order to talk to you - that the perpetrator will not be punished for what he caused him/her (for example that he will not go to prison)?**

**Say something like: “I understand how you feel and what you want. But it's not my job to decide what happens to the person who treated you like that. I can't promise**

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<sup>43</sup> Center for Justice Innovation, ‘Criminal Legal System Glossary for Kids’, 2022, [https://www.innovatingjustice.org/sites/default/files/media/document/2023/Monograph\\_CJI\\_CWMP\\_CLS\\_Glossary\\_0504\\_2023.pdf](https://www.innovatingjustice.org/sites/default/files/media/document/2023/Monograph_CJI_CWMP_CLS_Glossary_0504_2023.pdf) (accessed 24.04.2025)

European Union Agency for Fundamental Rights: Child-friendly justice: Key terms, 2014, [https://fra.europa.eu/sites/default/files/fra-2014-child-friendly-justice-key-terms\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-2014-child-friendly-justice-key-terms_en.pdf) (accessed 24.04.2025)

<sup>44</sup> Hope For Children & Sheffield Hallam University “Kids in Court Game”, 2023, <https://uncrcpc.org.cy/article/hope-children-introduces-innovative-kids-court-game-europols-annual-expert-meeting> (accessed 24.04.2025)





**you that, nor can I predict what will eventually happen to him/her. I can only promise you that I will do my best to help you. Do you agree?"**

#### **4.9.5. Respect the child's rhythm in the interview:**

Children need more time to process information. Don't rush the child, respect silent pauses in the interview and tell them to take their time. Actively listen to the child, try to understand what they have to say using open questions and giving them time to respond.

#### **4.9.6. Empower the Child by respecting the Child's Autonomy and Opinions**

Always remember that the child is your client. You just must ensure that the child understands any decisions they may have to make and what choices they have<sup>45</sup>. Let them know that their opinions matter, even if not all requests can be granted. Reflect to show you understood what they want and keep the child updated about the case. Let children know how their input was used at different stages of the process. The child is going to take an **informed decision**. Keep in mind that the decision might be different from what the surrounding or even you think is best.

**Timeline: draw a timeline with the child to mark and paint key events and people involved. Prepare the child to anticipate what is going to happen next.**

#### **4.9.7 Observe verbal and non-verbal behaviour**

Observing the child's behaviour and speech in a context of free interaction leads to a better assessment in the individual interview. The same applies to understanding the dynamics of communication in the family, when we see the child with a member of the family.

#### **4.9.8 Watch your nonverbal behaviour**

It is possible that you hear a story from the child, what causes negative feelings. Be aware of your facial and nonverbal reactions – it is important to stay professionally interested neutral, while also being warm and approachable. Overly emotional reactions might frighten the child and closing it up.

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<sup>45</sup> A. Crowley, K. Larkins & L. Pinto. Listen-Act-Change – Council of Europe Handbook on children's participation, Council of Europe 2021, p.39.



#### 4.9.9. Be cautious with using materials like anatomic dolls, drawings etc.

Only in very special cases is material essential and helpful. Scientific research showed that children use this material in different ways and any assumption and interpretation of the use of material is not as strong as verbalisation<sup>46</sup>. Always prefer to invite the child for free narration of its story.

#### 4.9.10. Use documentation methods

Documentation and especially audio video recording are a virtual part of the forensic interview. Even though the forensic interview has different challenges compared to a legal interview, recordings might be helpful for documentation. Keep in mind that videotaping might be traumatising for a child victim, if the perpetrator had used a camera abusing.

### 4.10 Building Rapport with the Child

Throughout your work with a child client the relationship between you must be based on trust. At the first meeting the building rapport needs special attention<sup>4748</sup>. You introduce yourself, your role in the process and explain what is going to happen so the child gets orientated. The interviewer/ lawyer, contrariwise can begin to understand the child's linguistic patterns, developmental, emotional, and cultural needs. A narrative approach to building rapport sets a pattern of interaction that should be maintained throughout the interviews.

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<sup>46</sup> P. Santtila, J Korkman, & N. Kenneth Sandnabba. 'Effects of interview phase, repeated interviewing, presence of a support person, and anatomically detailed dolls on child sexual abuse interviews.' *Psychology, Crime & Law*. Vol 10, no1 2004, p. 21–35. <https://doi.org/10.1080/1068316021000044365>

<sup>47</sup> I. Hershkowitz, I et al. 'Does enhanced rapport-building alter the dynamics of investigative interviews with suspected victims of intra-familial abuse?' *Journal of Police and Criminal Psychology*. Vol.30. 2015. p.6-14. 10.1007/s11896-013-9136-8.

<sup>48</sup> Collins, R., Lincoln, R., & Frank, M. G. (2002). The effect of rapport in forensic interviewing. *Psychiatry, Psychology and Law*, 9(1), 69–78. <https://doi.org/10.1375/132187102760196916>



### Steps for the rapport building phase<sup>49</sup>

- After introducing yourself, engage the child in a brief conversation about his or her interests or activities. The interviewer should continue to use cued, open-ended questions that incorporate the child's own words or phrases to prompt the child to greater elaboration.

"Tell me some things about yourself,"  
"What do you like to do for fun?" "Tell  
me more about..." You said (child's  
words)...

- Provide an opportunity for the child to describe a recent non abusive experience in detail and exercise free narrative descriptions.

Tell me everything about your last  
birthday (the school trip, Christmas)"  
"From the beginning to end and not to  
leave anything out." "What happened  
next..." "You said (child's own words) ..."

- Describe the interview ground rules.

"I was not there and don't know what  
happened. When I ask you questions, I  
don't know the answer to those  
questions."  
"It's okay to say 'I don't know' or 'I don't  
understand that question.'"

- Discuss the importance of telling the truth

"If I say for example that the clothes, I  
am wearing are red, would I be telling  
the truth or a lie? If the child answers:  
'a lie', say: "Right. That's right, because  
the clothes I'm wearing are blue.  
Please, I would like you to tell me only  
the truth for as long as we are together."  
"Do you promise to tell the truth?"

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<sup>49</sup> For further information: T. Lyon, Interviewing Children: Getting More with Less, 2009,  
[https://www.youtube.com/watch?v=7my1T4Ghf7A&ab\\_channel=DavidLaRooy](https://www.youtube.com/watch?v=7my1T4Ghf7A&ab_channel=DavidLaRooy)





#### 4.10.1 Conducting the Interview<sup>50</sup>

After rapport building and explaining interview ground rules the transition to the topic of the suspected abuse should consider the characteristics of the child and the case. An interviewer/lawyer could ask the child, if it knows the reason they are meeting, and use the answer as a cue to ask the child to describe his or her experience in detail. Do not interrupt the child during this initial narrative account. Once the initial narration is fully explored, begin to ask more focused questions if needed to gather additional details, get clarification, or fill in missing information. Mirror the child's wording when asking follow-up questions. Exercise caution at this stage to avoid suggestive questions that could lead the child to respond inaccurately. Keep watching the child for signs of weariness or inattention. Make breaks if this is necessary and provide something to drink or a snack to the child.

#### 4.10.2 Ending the Interview

In the closure phase, the interviewer may ask if there is anything the child would like to add to their statement and how they feel after the interview as well as give them the opportunity to ask any questions they may have. You can thank the child for participation and give a telephone number, maybe also a social media account to reach you. Discuss safety plans and give information material. At the end of the meeting the interviewer and the child may talk about neutral topics so that the interview does not end too abruptly.

#### 4.10.3 Preventing Secondary Victimization

Secondary victimisation is "the exacerbation of the victim's conditions of suffering for the way the institutions operated during the post-complaint procedure and in the process, due to the unconscious inattention resulting from the routine treatment of facts that require a differentiated and individualised path". There are two types of secondary victimisation: the substantive type refers to the risk that, after reporting, the victim will be subjected to the same violent and abusive behaviour suffered up to that time. The procedural one, instead, relates to the harmful consequences that the injured person may suffer as a result of the criminal proceedings generated by his complaint.<sup>51</sup>

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<sup>50</sup> See for further reading: J. Korkman, et al. (2024). 'White paper on forensic child interviewing: research-based recommendations by the European Association of Psychology and Law.' *Psychology, Crime & Law*, 2024. p 1–44. <https://doi.org/10.1080/1068316X.2024.2324098>

<sup>51</sup> Claudia de Luca, How risks of secondary and repeat victimisation, intimidation and retaliation create challenges for the prosecution of perpetrators of violence against children, Experience from Naples, Italy In: Preventing secondary



In order to avoid secondary victimisation, professionals should take measures to<sup>52</sup>:

- prevent hardship during the detection, investigation and prosecution process
- ensure that the best interests and dignity of child victims and witnesses are respected.
- approach child victims and witnesses with sensitivity, so that they:
  - ✓ Provide support for child victims and witnesses,
  - ✓ Provide certainty about the process,
  - ✓ Ensure speedy trials, unless delays are in the child's best interest,
  - ✓ Use child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated under one roof, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an on-call system to ensure the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony.
- Limit the number of interviews.
- Avoid unnecessary contacts with the alleged perpetrator.

#### 4.11 Implementing a Trauma-Informed Approach

After a child reports an act of abuse, both the victim and the family can experience a great deal of mental and emotional stress.

In the past several decades, the concept of a trauma-informed approach has gained momentum among scholars and practitioners in the fields of psychology, psychiatry, developmental science, education, public health, criminal justice, and social work<sup>53</sup>.

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and repeat victimisation of child victims of crime: Risk assessments and solutions in the best interests of the child, International Capacity-Building Workshop under the project E-PROTECT II October 2021 (p 36,37) Publisher: South-East European Research Centre (SEERC) <https://www.seerc.org/docs/SEEV E-PROTECT International Workshop e-book.pdf>

<sup>52</sup> Pamela Hurley A Resource Guide for Justice Professionals Working with Child Witnesses in Northern Canada [https://cac-cae.ca/wp-content/uploads/Web-Resource-Guide\\_Lynx-1.pdf](https://cac-cae.ca/wp-content/uploads/Web-Resource-Guide_Lynx-1.pdf)

<sup>53</sup> RB Champine, et al. Systems Measures of a Trauma-Informed Approach: A Systematic Review. *Am J Community Psychol.* 2019 Dec;64(3-4):418-437. doi: 10.1002/ajcp.12388. Epub 2019 Aug 30. PMID: 31469452; PMCID: PMC7003149.



In order for attorneys to provide their clients with the most productive and effective advocacy possible, they need to recognise the prevalence of trauma. This is known as “trauma-informed lawyering.”

A trauma-informed lawyer is able to recognise trauma, is compassionate, empathetic, inspires safety, can ease his/her client’s anxieties by a non-judgmental and thoughtful way that doesn’t minimise or disregards the child’s experiences, works on building a positive attorney-client relationship based on trust, choice and collaboration, adapts the litigation strategy, and prevents secondary trauma.

The trauma-informed approach is guided by four assumptions, known as the “Four R’s”<sup>54</sup>:

1. Realisation about trauma and how it can affect people and groups
2. Recognising the signs of trauma
3. Responding to trauma
4. Resisting re-traumatisation

#### Awareness of Trauma Reactions in the courtroom environment: <sup>55</sup>

- Traumatic events can cause overwhelming emotions of fear, terror and helplessness. The intensity of the emotions may remain for years.
- The fear associated with the traumatic memory may cause a person to suppress or avoid thinking about that memory.
- Emotional shutting down, dissociative or numbing defences are a common response to chronic sexual or physical abuse.
- Some witnesses may be perceived as emotionally detached while recounting horrific events.
- A witness who experiences sleep disturbance may arrive at court exhausted.
- The impact of trauma can affect children and youth in different ways and at different times in their lives. The impact is most damaging when there was a relationship of trust.

<sup>54</sup> Substance Abuse and Mental Health Services Administration. SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

<sup>55</sup> Pamela Hurley A Resource Guide for Justice Professionals Working with Child Witnesses in Northern Canada [https://cac-cae.ca/wp-content/uploads/Web-Resource-Guide\\_Lynx-1.pdf](https://cac-cae.ca/wp-content/uploads/Web-Resource-Guide_Lynx-1.pdf)





- Children who have been traumatised may use a number of protective mechanisms that include avoiding reminders of the original trauma.
- Testifying about a traumatic event can be psychologically overwhelming for children who are not emotionally ready to talk about the trauma.
- Previous victimisation(s) can exacerbate a victim's emotional response.

It is important to remember that labelling children as 'victims' can impact the way they see themselves, as the term 'victim' often implies powerlessness, vulnerability, and weakness. So, instead of 'victims,' say 'children who have experienced/are experiencing abuse.'

#### 4.12 Do's and Don'ts of child communication

##### **Do's**<sup>56</sup>

**Establish Rapport and Trust:** Introduce yourself clearly, explain your role, why you ask certain questions, why you need certain information and assure the child that you're there to help. Provide frequent breaks and opportunities to relax. Offer breaks and chances to get up and move, offer tangible items (water, tissue, stress ball).

*Remember that the child's behaviour also may be influenced by the expectation that you will inevitably disappoint them.*

<sup>56</sup> American Bar Association, 'Tips for Working with Migrant Children and Trauma-Informed Lawyering' Children's Immigration Law Academy, Houston, Texas, 2023 <https://www.defendyouthrights.org/wp-content/uploads/2023.10.20-FINAL-Trauma-Informed-Lawyering-Tips-Binder.pdf> (accessed 2 May 2025);

The Dos and Don'ts of Trauma-Informed Legal Interviewing, [https://emond.ca/Emond-Blog/Emond-Insights/April-2024-\(1\)/The-Dos-and-Don%E2%80%99ts-of-Trauma-Informed-Legal-Interview?srltid=AfmBOorTQFeNDU0chgOWxS7xwldTBE6M4-W-LKhDLwMoAXOK0aOoV5lg](https://emond.ca/Emond-Blog/Emond-Insights/April-2024-(1)/The-Dos-and-Don%E2%80%99ts-of-Trauma-Informed-Legal-Interview?srltid=AfmBOorTQFeNDU0chgOWxS7xwldTBE6M4-W-LKhDLwMoAXOK0aOoV5lg) , Emond Publishing Inc. (accessed 27 May 2025);

Dart Center for Journalism and Trauma, 'Interviewing Children: Guidelines for Journalists' Columbia University Graduate School of Journalism, New York, 2013, <https://dartcenter.org/content/interviewing-children-guide-for-journalists> (accessed 2 May 2025);

Bendo, E. 'Guidelines for trauma informed legal practice for lawyers working with adult survivors of human rights violations', European Human Rights Advocacy Centre, Middlesex University, 2022, <http://ehrac.org.uk/wp-content/uploads/2022/03/Trauma-Informed-Legal-Practice-Toolkit-2022.pdf> (accessed 2 May 2025);

Valeria Olmedo, LMSW, Tips for Working with Migrant Children and Trauma Informed Lawyering, Young Center for Immigrant Children's Rights, American Bar Association, 2023, pp. 20-21 [https://www.theadvocatesforhumanrights.org/res/2023.02.07\\_Tips-for-Working-with-Migrant-Children-and-Trauma-Informed-Lawyering%20CILA.pdf](https://www.theadvocatesforhumanrights.org/res/2023.02.07_Tips-for-Working-with-Migrant-Children-and-Trauma-Informed-Lawyering%20CILA.pdf) (accessed 2 May 2025);

National Child Traumatic Stress Network, 'Trauma-Informed Legal Advocacy: A Resource for Juvenile Defense Attorneys', Justice Consortium Attorney Workgroup Subcommittee, 2018, Los Angeles, CA, and Durham, NC: National Center for Child Traumatic Str [https://www.nctsn.org/sites/default/files/resources/resource-guide/trauma\\_informed\\_legal\\_advocacy\\_a\\_resource\\_for\\_juvenile\\_defense\\_attorneys.pdf](https://www.nctsn.org/sites/default/files/resources/resource-guide/trauma_informed_legal_advocacy_a_resource_for_juvenile_defense_attorneys.pdf) (accessed 2 May 2025).



**Create a Safe and Comfortable Environment:** Meet in a quiet, private space where the child feels comfortable. Ensure that there are minimal distractions and that the meeting takes place outside the presence of others who may make the child feel threatened.

**Use Supportive Statements:** Affirm the child's bravery, validate their experiences by acknowledging the impact of trauma and the challenges that they may be facing. Reassure them that they are not to blame.

**Listen Actively and Empathetically:** Pay close attention to the child's responses, both verbal and nonverbal. Show understanding and validate their feelings by using empathetic and non-judgmental language. Affirm how difficult it may be to talk about certain subjects.

*Be aware of your body language and facial expressions; use gentle eye contact and try to reflect an overall non-judgmental attitude.*

**Be Patient:** Allow the child time to process and share their thoughts and feelings without rushing them.

*Remember that trauma survivors may need extra time to process questions and provide responses.*

**Respect Boundaries:** Give the child the option to stop the interview at any time.

**Maintain Neutrality:** Avoid expressing personal opinions or judgments about the situation.

**Use Visual Aids:** If appropriate, use drawings or other visual aids to help the child communicate their experiences

**End on a Positive Note:** Thank the child for their cooperation and offer support resources.

### **Don't s<sup>57</sup>**

**Lead the Child with Questions:** Avoid questions that suggest the answer you are looking for.

**Be Judgmental or Critical:** Avoid showing disapproval of the child's statements or actions. Be aware of your body language. Avoid crossing your arms or putting your hands on your hips or in your pockets.

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<sup>57</sup> As above.



**Ask Questions About the Trauma Too Early:** Instead start with neutral topics and build rapport before addressing sensitive issues.

**Ask too many detail questions:** Avoid asking if you do not need them or you think is best to come back to the details another time.

**Make Promises You Can't Keep:** Avoid making promises about the outcome of the investigation or the trial. Do not tell the child “everything will be fine” or that you will always be there for him/her, some legal cases keep on for years and attorneys frequently change. Instead, be clear, forthright, and honest in all communications; children may be triggered by feeling let down or misled by their attorney.

**Pressure the Child:** Trauma survivors may need extra time to process questions and provide responses. You should avoid pressuring the child to answer quickly or provide details that they are not comfortable sharing, instead you should let the child finish their thoughts before asking another question.

**Simply ask whether they understand:** Children and adolescents often will simply agree whether they understand or not. Instead, ask them to explain what they understand. Make sure to ask what questions the child has.

**Touch the child or the adolescent:** You may intend to be supportive when you put your arm around a youth, but that can trigger a reaction in people who have been physically or sexually abused. Respecting their personal space helps build a sense of control and safety.

**Use the term ‘victim’:** Instead use the term ‘child who has experienced/is experiencing abuse.’

*Remember that the language we use should reinforce the fact that abuse is something children **have experienced** and **not who they are**.*

### **Trauma reactions can be triggered by:**

- Recalling and describing details of the trauma while testifying.
- Reviewing a statement. Looking at photographs or images of the traumatic incident.
- Seeing the accused, months or years after the event, may cause the victim to relive the fear that was experienced when the trauma first occurred.
- Feelings of helplessness and powerlessness can be re-experienced during cross-examination.





## Reacting to Triggering<sup>58</sup>

- ✓ Try to react calmly
- ✓ Speak slowly, use short sentences
- ✓ Do not raise your voice
- ✓ Do not become defensive or confrontational, be gentle
- ✓ Do not ignore the triggering event, instead address it
- ✓ Validate the child's feelings, including frustration with you or the system "I can see that was difficult for you and it's okay for you to feel sad."
- ✓ Tell the child their reactions are normal—there is not something "wrong" with them
- ✓ Avoid saying "Don't cry" if the child starts crying while sharing a traumatic experience during the interview
- ✓ Be flexible to guide the conversation elsewhere if the child is shutting down or feeling uncomfortable.
- ✓ Offer the child a break the chance to get up and move, offer some water, a tissue, a stress ball.
- ✓ Remind the child that they are safe with you and that you will wait until they are ready

Once the child is ready:

- ✓ Ask what triggered them
- ✓ Tell them you will try to avoid or give notice of that trigger in the future
- ✓ Reassure them that they can let you know if they are uncomfortable

There are a few myths and stereotypes about the delay in the disclosure of abuse (especially sexual one). Until recently, even specialists believed that sexually abused children should be behaving in particular ways during disclosure, otherwise they could not be considered credible<sup>59</sup>.

Myths and Stereotypes	Truth- Reality
<ul style="list-style-type: none"> <li>• abused children ought to experience intense negative</li> </ul>	<ul style="list-style-type: none"> <li>• many children victims of abuse appear calm during disclosure</li> </ul>

<sup>58</sup> As above

<sup>59</sup>O. Themeli, & M. Panagiotaki, (2014). Forensic Interviews With Children Victims of Sexual Abuse: The Role of the Counselling Psychologist. The European Journal of Counselling Psychology, 3(1), 1–19. <https://doi.org/10.5964/ejcop.v3i1.17>



<p>emotions such as fear, anger, sadness, etc.</p> <ul style="list-style-type: none"> <li>• delay in the disclosure of the abuse was also considered as a factor that raised questions as to the credibility of minor victims</li> </ul>	<ul style="list-style-type: none"> <li>• this is a common phenomenon.</li> </ul>
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Recent studies indicate that:

- The majority of children victims delay extensively the disclosure of their "secret", which would probably never be revealed if it hadn't become known in some other way.
- Feelings of guilt and shame are the most important causes for suspending disclosure.
- In the majority of the cases, the absolute dominance of the offender upon the victim and the obedience of the latter, via complete submission and passivity, generate in the victim a feeling of "conspiracy" and complicity.
- Specialised child psychiatrists point out that the degree of trauma suffered by the child depends to a greater extent on the way in which the victim will be treated by his family and the Criminal Justice System following disclosure of the incident, than on the incident itself.

The maturity, the ability and the will of a child to disclose its victimisation play a decisive role in therapeutic intervention as well as in the legal outcome of the case.

When violence against the child occurs in the family, we also have to keep in mind that members of the family remain important for the child and possibly for the rest of the family. So, if after the legal procedure the perpetrator is sent to prison or separated from the family, that might evoke various emotions and influence family relations

As already mentioned, trauma informed lawyering refers also to the avoidance of secondary trauma. **Secondary or Vicarious trauma** is an occupational challenge for people working and volunteering in the fields of victim services, law enforcement, emergency medical services, fire services, and other allied professions, due to their continuous exposure to victims of trauma and violence. This work-related trauma exposure can occur from such experiences as listening to individual clients recount their victimisation; looking at videos of exploited children; reviewing



case files; hearing about or responding to the aftermath of violence and other traumatic events day after day; and responding to mass violence incidents that have resulted in numerous injuries and deaths.

**Secondary or Vicarious trauma** presents with various forms, most commonly as compassion fatigue, burnout and can share the same effects as direct trauma. Not all lawyers working with trauma develop symptoms of secondary trauma. Some may draw inspiration from a victim's resilience that strengthens their own mental and emotional fortitude, others can experience compassion satisfaction which motivates and, in turn, protects against the negative effects of trauma exposure.<sup>60</sup>

Some ways to address secondary trauma in a positive way and engage in self-care include<sup>61</sup>:

- Provide training to all stakeholders on secondary trauma and self-care.
- Interact with co-workers through informal gatherings.
- Establish a peer support group to create ongoing dialogue within the office.
- Maintain a healthy lifestyle, including exercise and good nutrition.
- Establish life-work balance, which may include flexitime scheduling or balanced caseloads
- Spend time with family and friends outside the professional setting.
- Consult a mental health professional or Employee Assistance Program (EAP).

*Just recently, we had a trial with a teenage boy in a case involving an attempted sexual assault. The boy did not want to meet with us in the year that the case was pending. We met with him the day before trial and he refused to discuss anything. He said he would talk about it "one time only" and that would be at the trial. When he took the stand, we expected that he would not be able to testify at all, and that the case might end in a mistrial or acquittal. Indeed, I warned the trial court and defence counsel of that possibility. Instead, the boy walked with confidence to the stand, sat up straight when he began to testify, looked at the defendant, never quavered, and gave compelling testimony on both his direct and cross examination. The jury convicted.*<sup>62</sup>

<sup>60</sup> <https://ovc.ojp.gov/program/vtt/what-is-vicarious-trauma>

<sup>61</sup> National Center for Child Traumatic Stress Secondary Stress Committee. Secondary Traumatic Stress: A Fact Sheet for Child-Serving Professionals. Los Angeles, CA, and Durham, NC: NCTSN, 2011.

<sup>62</sup> [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol\\_31/october\\_2012/preparing\\_childrenwithpost-traumaticstressdisorderforcourtamulti1](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol_31/october_2012/preparing_childrenwithpost-traumaticstressdisorderforcourtamulti1)





## Diversities in Child-Friendly Communication

### 4.13 Addressing polyvictimisation: Exposure to multiple or prolonged adverse experiences during childhood

Violence against children and young people is a global phenomenon and a widespread problem for child protection and safeguarding children's rights, a problem that leads to long-term negative consequences for general and mental health, as well as the social well-being of victims<sup>63</sup>.

To date, the exercise and impact of different forms of violence against children and adolescents have been studied separately, focusing on the phenomena of child abuse, sexual abuse, peer violence, school bullying or cyber bullying.

However, during their lives, minors are likely to experience violence in different forms, with ongoing duration and in more than one environment<sup>64</sup>. The phenomenon of multiple victimisation, in the sense of exposure to different types of abuse (verbal violence, physical violence, sexual abuse, exposure to violence) over time and in different environments (e.g., family, school) is called polyvictimisation<sup>65</sup>.

In recent years, the emergence of the phenomenon of polyvictimisation has been expanding, as it has been found that victims of a single form of violence are very rare. In many cases, one victimisation can lead to others, while children who have been polyvictimised are more likely to be victimised in the future<sup>66</sup>.

#### **Categorisation of 48 types of victimisation (Children's Exposure to Violence: A Comprehensive National Survey<sup>67</sup>)**

<sup>63</sup> J. F. Ford, B. C. Delker, 'Polyvictimization in childhood and its adverse impacts across the lifespan: Introduction to the special issue', *J Trauma Dissociation*, vol. 19 no. 3, 2018, pp.275-288.

<sup>64</sup> N. Pereda, G. Guilera, and J. Abad, 'Victimization and Polyvictimization of Spanish children and youth: results from a community sample', *Child Abuse Negl*, vol. 38, 2014, pp. 640-649.

<sup>65</sup> D. Finkelhor, K. R. Ormrod, and A. H. Turner, 'Polyvictimization and trauma in a national longitudinal cohort', *Dev. Psychopathol*, vol. 19, 2007, pp. 149-166.

<sup>66</sup> N. Pereda, G. Guilera, and J. Abad, 'Victimization and Polyvictimization of Spanish children and youth: results from a community sample', *Child Abuse Negl*, vol. 38, 2014, pp. 640-649.

<sup>67</sup> D. Finkelhor et al., '*Children's Exposure to Violence: A Comprehensive National Survey*', U.S. Department of Justice, 2009



**Conventional crime** (Robbery, theft, property destruction, assault with an object or weapon, attempted assault, threatening assault, kidnapping or attempted kidnapping, and hate crime or racist attack)

**Child maltreatment** (Beating, psychological or emotional abuse, neglect, abduction by parent or caregiver)

**Peer and sibling victimisation** (Attack by a group of children, violence from another child or from a sibling, emotional bullying)

**Sexual abuse** (Sexual abuse - harassment by a known person, by an unknown person, or by another child or adolescent)

**Indirect victimisation** (Exposure to violence in the family or community)

**School violence and bullying** (Threats or harassment at school)

**Internet violence and bullying** (Threats or harassment on the Internet, unwanted online sexual solicitation)

Unlike victims of a single form of violence, where the risk is limited to a specific context, polyvictimised children feel vulnerable to violence in many or all environments in which they find themselves. This condition increases the feeling of vulnerability and despair and creates a situation of chronic stress.<sup>68</sup> The consequences of polyvictimisation are serious and long-lasting, leading children and subsequent adolescents and adults to cognitive and developmental deficits, psychosocial and behavioural difficulties, substance abuse, and serious illnesses<sup>69</sup>. The Adverse Childhood Experiences (ACE) study links childhood polyvictimisation with complications in mental and physical health, and even early mortality<sup>70</sup>.

<sup>68</sup> D. Finkelhor, K. R. Ormrod, and A. H. Turner, 'Polyvictimization and trauma in a national longitudinal cohort', *Dev. Psychopathol*, vol. 19, 2007, pp. 149-166.

<sup>69</sup> K. Cyr, E. M. Clément, and C. Chamberland, 'Lifetime prevalence of multiple victimizations and its impact on children's mental health', *J. Interpers. Violence*, vol. 29, 2014, pp. 616-634.

<sup>70</sup> D. Finkelhor, et al., 'Polyvictimization: Children's exposure to multiple types of violence, crime, and abuse' U.S. Department of Justice, Office of Justice Programs, Washington, DC, 2011.



### Important Guidelines for Communicating with Multiply Victimised Children

1. Recognise that they may display complex trauma symptoms. Interacting with children who have experienced violence, especially when multiply victimised, requires special attention and sensitivity.
2. Acknowledge that building trust is particularly difficult. Children who have experienced multiple victimisations (often by institutions themselves) find it difficult to build relationships of trust, especially with professionals.
3. Be prepared for unexpected emotional reactions. Multiply victimised children may often display defence mechanisms (such as avoidant behaviour), or even violence, oppositional behaviour, and aggression.

It is very important:

- Not to express disbelief or surprise at what the child says.
- To avoid repeatedly asking the child to recount traumatic experiences.
- Not to promise things you cannot guarantee.
- To explain in simple terms who you are and what your role is.
- To inform the child about what will happen next.

4.14 Communication with children from different cultural backgrounds: understanding cultural diversity and differences, intercultural communication, and cultural variability

For those working with children and adults from different cultures, it is particularly important to understand the concept of cultural diversity, overcoming the idea that all forms of behaviour and action are judged based on one's own cultural standards<sup>71</sup>.

### The influence of culture on humans

- All humans are cultural beings.
- Culture influences the norms, values, and behaviours of all people.
- Culture influences how people understand, interpret, and respond to themselves, others, and the world around them.
- Because of culture, all people tend to be ethnocentric.

<sup>71</sup> Multicultural Mental Health Australia, *Cultural Awareness Tool: Understanding Cultural Diversity in Mental Health*, 2002.





- Despite the power of cultural influences, people within each culture will vary significantly.

Providing culturally competent services is an important parameter for professionals who come into contact with groups from different cultural backgrounds, especially children<sup>72</sup>. Specifically, it is important to take into account:

1. Culture (history, traditions, values, family systems, ways of expression).
2. The impact of racism and poverty on behaviour, attitudes, and values.
3. Help-seeking behaviours, which may differ in each culture.
4. The influence exerted by the institutional framework and migration policies (e.g., asylum procedure).
5. Available resources (e.g., services, informal support networks).

The verbal and non-verbal forms of expression we use in our daily lives have been influenced by the cultural context in which we grew up. These methods (such as gestures, voice intensity, eye contact) may differ among people from different cultural backgrounds<sup>73</sup>.

#### Examples of non-verbal ways of expression

- **Personal space** (e.g., the distance from the interlocutor during the discussion)
- **Eye contact and feedback behaviours** (E.g., looking in the eyes or avoiding eye contact)
- **Interruption behaviours and turn-taking** (E.g., in some cultural contexts, it may be considered natural for everyone to speak simultaneously)
- **Gestures** (Gestures may differ in different cultural contexts)
- **Facial expressions**
- **Prolonged silence**
- **Dominance behaviours** (Prolonged eye contact, or an upright posture are behaviours that may be interpreted as assertive or even aggressive)
- **Voice intensity**
- **Touch** (In some cultural environments, a person may be perceived as cold or indifferent if they avoid physical contact)

<sup>72</sup> D. Saldaña, 'Cultural Competency A practical guide for mental health service providers', Hogg Foundation for Mental Health - The University of Texas at Austin, 2001.

<sup>73</sup> D. Saldaña, 'Cultural Competency A practical guide for mental health service providers', Hogg Foundation for Mental Health - The University of Texas at Austin, 2001.



Knowledge of the particular cultural characteristics of a group is important for understanding the influence of culture on social identity and behaviour. However, each cultural group is characterised internally by a large degree of variety and individual differences (not all members of a cultural group are the same), as individual or social factors may have influenced them, such as poverty, educational level, beliefs, personal experiences<sup>74</sup>.

#### Cases of cultural variability:

- **Acculturation** (the factor that indicates the extent to which an individual feels familiar with and has good knowledge of the dominant culture of the country in which they reside)
- **Poverty**
- **Language**
- **Mobility, housing, and childcare**
- **Educational background**
- **Beliefs**
- **Physical characteristics**
- **Social history and previous experiences**
- **Culture shock and acculturation stress**
- **Physical support networks in the community**

#### Important Guidelines for Communicating with Refugee or Migrant Children

1. Become informed about the culture, values, and codes of the country of origin. Respect personal boundaries that may differ culturally. Often it is important to provide a choice regarding the gender of the professional working with the child.
2. Recognise different perceptions of childhood and family.
3. Avoid stereotypes and generalisations about specific cultural groups.
4. Respect religious beliefs and practices that may affect communication.

<sup>74</sup> Multicultural Mental Health Australia, *Cultural Awareness Tool: Understanding Cultural Diversity in Mental Health*, 2002.



5. Ensure a professional interpreter when necessary, ideally with training in child protection issues. Avoid using relatives or other children as interpreters.
6. Speak simply, slowly, and clearly, avoiding professional terminology. Frequently confirm understanding and clarify when needed.
7. Recognise the multiple traumas the child may have experienced (in the country of origin, during transit, in the host country). Understand that the trauma of the refugee experience may worsen the effects of violence and take into account the anxiety of uncertainty about migration status. There may be fear toward authorities or professionals due to residency status.
8. Assess risks related to cultural customs (e.g., honour issues).

Specifically:

- For unaccompanied children: ensure immediate appointment of a legal guardian.
- For child victims of trafficking: seek specialised support.
- For child soldiers: understand the complex dual identity of victim-perpetrator.
- For girls who have experienced gender-based violence: seek specialised support.

#### 4.15 Recognising and addressing gender discrimination, gender-based violence, applying an intersectional approach to communication.

Gender discrimination includes any direct or indirect discrimination, including sexual or moral harassment, as well as any less favourable treatment based on gender. The types of gender discrimination are (a) direct discrimination, (b) indirect discrimination, (c) discrimination due to pregnancy and/or marital status, (d) harassment, (e) sexual harassment. The prohibition of discrimination is established by a network of constitutional and legislative provisions.

Intersectionality<sup>75</sup> is a concept that was developed to describe the intersecting and interdependent discriminations faced by women, both due to gender (sexism) and due to race (racism). It is a filter for understanding the ways in which social and

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<sup>75</sup> K. Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', University of Chicago Legal Forum, vol. 1989, no. 1, 1989.





biological gender intersect with other identities (refugee, migrant, poor) and how these intersections lead to different experiences of discrimination.

Intersectionality presupposes that people have multiple and multi-level identities that come from social relationships, history, and the functioning of power structures.

Basic concepts (European Institute for Gender Equality - EIGE)
<p><b>Biological sex</b></p> <p>The biological and physiological characteristics that define a human being as a woman or a man. These are not always mutually exclusive, as there are individuals who possess both, but they tend to differentiate humans as women or men.</p>
<p><b>Social gender</b></p> <p>The set of socially determined gender roles, as well as the system of thought and ideological representations that culturally determine the masculine and feminine, construct gender identities, and simultaneously constitute a system of relations both between genders and within gender.</p>
<p><b>Gender identity</b></p> <p>The intense internal and personal experience of each human being regarding gender, which may or may not correspond to the gender assigned at birth, including the personal perception of the body (which may include, if the individual freely chooses, modification of physical appearance or function by medical, surgical, or other means) and other expressions of gender, including dress, speech, and manner of behaviour and movement.</p>
<p><b>Sexual orientation</b></p> <p>The ability of each individual for deep emotional, affectionate, and sexual attraction to, and for personal and sexual relationships with, individuals of a different or the same gender, or more than one gender.</p>

Important Guidelines for Communicating with Child Victims of Gender-Based Violence
<p>1. Avoid a judgmental attitude. Do not question the child's narratives, thoughts, and feelings.</p>



2. Avoid generalisations. People with common characteristics do not have the same experiences.
3. Do not adopt an attitude that may lead to blaming the child victim. Do not use assumptions, thoughts, or phrases that might imply the child victim's responsibility.
4. Respect self-determination. Recognise the child's right to make their own decisions.
5. Maintain confidentiality. Ensure the protection of personal data and respect boundaries.
6. Recognise multiple identities. Each child may carry many different identities that affect their experience, and often may lead them to face multiple and different forms of discrimination.

**Specifically for children who belong to the LGBTQI+ community, it is important:**

1. Use neutral and inclusive language throughout the communication. It is important that questions do not presuppose heteronormativity and that there is awareness of your own biases and stereotypes.
  2. Accept the self-identified identity without questioning.
  3. Ask about preferred names and pronouns and avoid assumptions about gender identity or sexual orientation.
  4. Recognise that violence may be related to gender identity, sexual orientation, or gender expression (gender-based, homophobic, or transphobic violence).
  5. Be able to recognise signs of rejection from family or harassment at school.
  6. Explain the framework and boundaries of confidentiality and that you will not disclose gender identity or sexual orientation to third parties.
- It is important to have awareness of terms and issues related to gender-based violence and violence toward the LGBTQI+ community.
  - It is important to collaborate with services and specialised professionals who support child victims of gender-based violence and children from the LGBTQI+ community who have experienced violence.



#### 4.16 Communication approaches with children with disabilities

*The guidelines for communication with children with disabilities are based on the social model of disability and the rights of people with disabilities and integrate recovery-oriented perspectives.*

People with disabilities have in the past been deprived and continue to this day to be deprived of basic rights. The United Nations Convention on the Rights of Persons with Disabilities (CRPD), including persons with psychosocial disabilities, was established to correct this injustice and protect human rights from any form of violation.

According to the social model approach to disability:

- The person with disabilities ceases to be a "problem" of society (a position advocated by the clinical model and the theory of personal tragedy).
- Disability is a socially constructed condition and is not a fixed characteristic of the individual.
- Emphasis is placed on the responsibilities of the structure of modern society, labour relations, and the economic exclusion of the disabled person.

The social model was based on the community approach, which, in contrast to institutional care, presupposes the transition of people with disabilities and mental health problems from closed institutions to services in the community, while focusing on the concepts of independent living, empowerment, and promotion of rights.

The recovery model is based on the principle that disabled people or people with mental health problems can successfully continue their lives, despite the diagnosis they had been given<sup>76</sup>. The process of recovery is described as a life journey where emphasis is placed on the person and not on the disorder. Many approaches equate recovery with relief from the disorder and symptoms, while others focus on overturning the social factors that hinder recovery, such as stigma<sup>77</sup>.

Recovery is a process of interaction between the characteristics of the individual and their environment. It encompasses concepts such as empowerment of the

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<sup>76</sup> G. Morgan, 'A History of Advocacy'. In *Independent Advocacy and Spiritual Care* (pp.61-92). Palgrave Macmillan, London, 2017.

<sup>77</sup> S. J. Onken et al. 'An analysis of the definitions and elements of recovery: a review of the literature', *Psychiatric rehabilitation journal*, vol 31, no 1, 2007.





individual, focus on their capabilities, support of their support network, respect, responsibility, hope, but also access to equal opportunities.<sup>78</sup>

### **Important Guidelines for Communicating with Children with Disabilities**

1. Determine the most appropriate communication method based on the disability (sign language, alternative communication systems, visual aids).
  - Use tactile aids or descriptions for children with vision problems.
  - Ensure they can see your face if they read lips.
  - Avoid sudden movements or touches without warning.
2. Adapt the pace and complexity of the conversation to the child's abilities. Frequently confirm that the child understands the questions and information and feels comfortable.
3. Ensure physical accessibility of the space (ramps, elevators, accessible toilets).
4. Adjust the environment (lighting, noise) for children with sensory sensitivities.
5. Respect the child's right to participate in decisions that affect them. Strengthen their sense of control that may have been disrupted and recognize and utilise the child's abilities.

### **It is important to understand that:**

- Children with disabilities are at higher risk of abuse.
- Children with disabilities may have difficulty recognising or reporting abuse.
- Signs of victimisation may manifest differently.
- The child's credibility should not be underestimated due to their disability.
- Collaborate with specialists in the child's disability.

### **Additionally:**

- Consult specialised professionals for the best approaches.
- Seek specially trained interpreters when required.
- Learn about available support services for children with disabilities.

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<sup>78</sup> S. J. Onken et al. 'An analysis of the definitions and elements of recovery: a review of the literature', *Psychiatric rehabilitation journal*, vol 31, no 1, 2007.



## 5. Strengthening Collaboration in Child Protection and Victim Support

### Author:

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### 5.1 Mapping the Landscape – Actors in collaboration in child protection and victim support - Role and mandate of each sector and actor

State Actors	Ministries/Department responsible for Social Services and Child Protection	Role: They lead agencies in child protection and victim support Mandate: They formulate child protection policies, oversee child welfare, coordinate national, regional response
	Law Enforcement (Police, Child Protection Units)	Role: They investigate abuse, ensure child safety, and apprehend perpetrators. Mandate: They enforce child protection laws, refer cases to social services, provide temporary protection.
	Judiciary (Family & Juvenile Courts, Public Prosecutors)	Role: They adjudicate child protection cases. Mandate: They make rulings in the child's best interest (e.g., custody, protection orders, removal from harmful environments).
	Health Sector (Ministry of Health, Health Institutions)	Role: They provide medical care, forensic examinations, psychological, mental health support. Mandate: They identify and treat victims of abuse, report suspected abuse, support recovery.



	Education Sector (Ministry of Education, Schools)	<p>Role: They detect and report signs of abuse, provide safe learning environments.</p> <p>Mandate: They implement child protection policies, integrate life skills and awareness, refer cases.</p>
Non-Governmental Organisations (NGOs)	NGOs working on Child Protection	<p>Role: They provide direct services (counselling, shelter), raise awareness, advocate.</p> <p>Mandate: They cover gaps of support services, pilot interventions, provide emergency response.</p>
	Legal Aid Organisations	<p>Role: They offer legal representation and advice to child victims. Mandate: They uphold children rights, ensure access to justice.</p>
	Faith-Based Organisations (if existing)	<p>Role: They provide community-based support and advocacy.</p> <p>Mandate: They deliver psychosocial support, mediate in community cases, refer serious issues to authorities.</p>
Community Structures	Community Child Protection Committees (if existing)	<p>Role: They monitor child welfare, resolve minor issues, liaise with formal actors.</p> <p>Mandate: They educate on child rights, link community and state mechanisms.</p>
	Community Leaders	<p>Role: They influence community attitudes, resolve disputes. Mandate: They support reporting and response to abuse, help in the reintegration of victims.</p>





International Organisations (UN, EU, Council of Europe Agencies)	UN bodies (UNICEF, WHO, etc.)	Role: They provide technical assistance, policy support, funding. Mandate: They strengthen child protection systems, promote best practices
	EU Institutions	Role: They provide technical assistance, policy support, funding. Mandate: They strengthen child protection systems, promote best practices, develop policy recommendations.
	Council of Europe	Role: They provide technical assistance, policy support, funding. Mandate: They strengthen child protection systems, promote best practices, develop policy recommendations.
Victim Support Services	Shelters and Safe Houses	Role: They provide temporary protection and recovery space. Mandate: They provide immediate shelter, basic needs, psychosocial care.
	Psychological and Counselling Services	Role: They provide psychosocial support. Mandate: They provide trauma-informed therapy and ongoing support.
	Helplines and Hotlines	Role: They receive reports, provide crisis counselling, referrals. Mandate: They ensure access to immediate support.

## 5.2 The importance of cooperation among actors in cases with child victims



### EU Recommendation on developing and strengthening integrated child protection systems in the best interests of the child<sup>79</sup>

*“Upholding and fulfilling children’s rights is central in the EU Strategy on the rights of the child (the Strategy) ... In the Strategy, the Commission committed to ‘present an initiative aimed at supporting the development and strengthening of integrated child protection systems’ as a key deliverable to combat all forms of violence against children and ensure child protection.”*

*“Member States should facilitate cross-sectorial cooperation and coordination between private actors, local, regional, and national authorities and Union institutions, bodies, and agencies, to ensure equal access to child protection services. The best interests of the child should be taken as a primary consideration, while listening to children’s views. An integrated approach should also connect prevention, early warning, reporting, cross-sectorial support, and monitoring.”*

### Lawyers, Judges and Prosecutors

Judges and prosecutors ensure that child victims’ rights are upheld throughout the judicial procedures. Judges ensure that the child’s testimony is heard with minimal stress (for instance by admitting recorded forensic interviews as evidence instead of live testimony). They ensure procedural safeguards, coordinate with investigators and promote child participation and trauma-informed practice. Lawyers ensure children can participate appropriately.

### Police

Police investigators are often the first responders in a suspected crime against a child. They conduct the **pre-trial investigation** and evidence collection taking into account “the child’s best interest”. In practice, police work closely with other actors:

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<sup>79</sup> [https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1\\_en](https://commission.europa.eu/document/36591cfb-1b0a-4130-985e-332fd87d40c1_en)



information from referrals, reports from psychology or social work conduct interviews. Police use the material from the child-friendly interviews and forensic medical reports to build the case. They also ensure any immediate protection (e.g. arresting a suspect or placing the child in safety) and coordinate with prosecutors on issuing warrants or pressing charges. Police officers should receive training on child abuse, domestic violence, trauma-informed approaches, supervision, and stress-relief programmes to ensure they are well-prepared to conduct child-friendly and sensitive investigations while also preventing overburden and burnout.

- They lead the investigation: The police gathers evidence (witness statements, digital evidence, etc.) in parallel with the child's interview. They determine the appropriate steps—such as interviews, searches, and suspect interrogations—while keeping the child's welfare as the central priority.
- They coordinate with other agencies, actors: Seeking all the relevant information and documents from other actors, and ensuring the presence of the lawyer representing the parties.
- They apply trauma-informed practices: In some countries, police officers receive specialised training in child psychology and interviewing. The collaborative, child-friendly approach helps preserve evidence while protecting the child from further trauma, ensuring their well-being as far as possible.

### **Health Care Professionals**

Health professionals provide forensic assessments and follow-up care. In an optimal situation trained forensic medical doctors (often paediatricians or other specifically trained doctors) conduct a child-friendly physical examination to document injuries, collect any biological evidence, and ensure the child's immediate health needs are met. Clinical psychologists or child psychiatrists handle a forensic interview and perform a mental health assessment. They evaluate trauma symptoms and can issue medical or psychological statements for use in court. Therapeutic services for all children should be offered, as well as crisis intervention,





short- and long-term counselling, and trauma-informed therapy for them and non-offending family members. Mental-health staff also advise the team on the child's best interests and help tailor the process to the child's needs (e.g. scheduling breaks, using art/play therapy). Offenders should also be provided with the needed medical, psychological support, therapy if needed.

- They conduct medical examinations: They carry out a child-friendly medical evaluation to identify injuries and rule out medical concerns. They preserve forensic evidence (e.g. collecting DNA, photo documentation) and write reports to be used in the investigation and court procedures.
- Psychologists/ Psychiatrists conduct forensic interviews and assess the child's psychological state. They also provide immediate support (e.g. comforting the child before/after the interview) and recommend further therapy. All children should receive mental-health assessment and evidence-based trauma treatment (crisis intervention, play therapy, etc.).
- Health experts contribute to multisectoral team meetings (MTDs) (e.g. explaining assessment findings) and may testify in court about the child's condition. They also train other staff in trauma-informed care and can continue care or make referrals for long-term support.

### **Social services (mainly social workers)**

Social workers focus on the child's well-being, protection, and care. They assess safety and needs, both for the child victim and any siblings or non-offending caregivers. Social workers contribute to the assessment of protection needs and support follow-up concerning the child victim and other family members. They are conducting a thorough assessment (family circumstances, risk factors) and developing a safety plan. Social workers guide families to services (counselling, foster care or housing if needed, financial aid, etc.), and ensure follow-up after the forensic process. Social workers also liaise with schools and community resources to rebuild stability, and stay involved to monitor the child's recovery.



- **Assessment and protection planning:** They conduct psychosocial interviews and risk assessments to decide on immediate protective measures. Coordinate with police to implement safety orders or custody changes.
- **Family support and referrals:** They arrange counselling, parent support programmes or parenting assessments. Refer the child and family to relevant community services (e.g. child support groups, respite services).
- **Interagency case management:** They lead or participate in regular multi-agency meetings, ensuring all agencies (police, health and legal professionals) share information and agree on the intervention plan. Social workers often act as case workers who track the child's case through the system.
- **Advocacy and continuity of care:** They safeguard the child's interests in court or administrative proceedings by providing reports.

### **Professionals working in education sector (Teachers, School Counsellors, School Social Workers, School Nurses)**

Early years day-care professionals, teachers and other professionals working in schools and care provisions are crucial referral and support agents as they spend significant time with children. They are often the first to detect warning signs (such as unexplained injuries, emotional withdrawal or abrupt academic decline) and can initiate referrals to child protective services or the police.

- **Detection and referral:** They can notice behavioural changes or injuries, and report suspicions immediately per the law. They can inform parents (if safe) and initiate a referral to child protective services in collaboration with the designated safeguarding personnel.
- **Support and accommodation:** Once notified of a child's victimisation, they can provide emotional support (e.g. a safe space, act as a sympathetic listener) and adjust academics (deadlines, workloads) to reduce stress. Staff should attend multi-



agency meetings, case conferences to learn more and share their experiences (if safe).

- Awareness and prevention: They can participate to trainings and help create a child-friendly school culture where students know how to seek help and who to trust. Child protection policies help ensure that information is available for all.

### **Professionals working in care settings (caregivers and support staff)**

Professionals and support staff working in residential homes play roles that are equally, if not more, critical than those of school staff. Children placed in out-of-home care often have histories of abuse and violence, making them more vulnerable to re-victimisation—both as victims and as potential offenders. Therefore, ongoing training and regular supervision of residential care workers are essential to effectively prevent and address violence against children in foster care and residential settings.

- Detection and referral: Care professionals may notice behavioural changes or injuries, and report suspicions immediately according to the law. Inform parents (if safe) and refer to child support services with the help of the supervisors and guardians of children.
- Support and accommodation: Once notified of a child's victimisation, they can provide emotional support (e.g. a safe space, act as a sympathetic listener) and help reduce stress. Supervisors and guardians can serve as vital sources of support for children in care.
- Awareness and prevention: They can participate in training or community awareness events. Supervision helps create a child-friendly culture where children know how to seek help and who to trust.

### **Non-governmental Organisations**





Non-governmental actors often play a crucial role in addressing gaps within the care system and advocating for child-centred practices.

- **Child advocacy:** NGO staff (e.g. lawyers, social workers) accompany the child, explain proceedings in a child-friendly way, and speak up for the child's needs in planning meetings or court procedures.
- **Service provision:** Some NGOs operate therapy programmes, shelters, or after-care services. They can offer counselling for families or help navigate social welfare systems.
- **Networking and awareness:** NGOs play a pivotal role in establishing local child protection networks and actively engage in delivering training and prevention initiatives.

In cases involving child victims of crime, no single actor—whether police, social workers, legal professionals, or health workers—can address the complex needs of the child alone. All practitioners should follow trauma-informed care principles by using child-friendly communication, minimising repeat interviews, and providing psychological support<sup>80</sup>.

Effective interagency cooperation and clear communication are essential to protect the child's rights, ensure their safety, and support their recovery. In detail:

### **1. Child-Centred Approach**

- Cooperation helps keep the child's best interests at the centre of decision-making.
- It helps avoid fragmented services that can overwhelm or re-traumatise the child.

### **2. Prevention of Gaps and Duplications**

- When agencies work in isolation, critical information may be missed.



- Joint case planning and coordinated referrals reduce service duplication and conflicting interventions.

### **3. Trauma-Informed Response**

- Sharing relevant information allows professionals to understand the child's history, trauma, and triggers.
- Communication across actors helps avoid re-interviewing and minimises distress.

### **4. Improvement of Case Outcomes**

- Coordinated efforts between law enforcement, child protection, health, and legal services ensure swift, just, and informed decisions.
- Informed prosecution and appropriate support increase accountability for offenders and justice for victims.

### **5. Building Trust with Children and Families**

- Consistent and coordinated support from all actors help build confidence in the justice system.
- Families are more likely to actively engage when services are aligned and respectful.

### **6. Accountability Among Professionals**

- Clear roles, protocols, and communication channels ensure that everyone knows their responsibility.
- It creates a culture of mutual support and shared responsibility.

#### **5.3 The Barnahus Model**

In the mid-1980s, a group of services called Children's Advocacy Centres (CAC) were created in the United States with the aim of reducing what was termed revictimisation – that is, victimisation arising from the person's contact with the system of assessment and notification, which is not always well adapted to the needs of children and adolescents. The CACs proposed an alternative model designed to provide an adequate response to the needs of child victims of violence. The US model was soon adopted in Europe, with the creation of the first Barnahus centre (Icelandic for “children's home”) in Reykjavik in 1998. In the following years, other



Nordic countries implemented their own Barnahus systems, creating a network of centres which shared a series of common characteristics and objectives but always respected the legal, social and cultural reality of each particular context. This is how the Barnahus model was introduced. The inspiration of this model is the desire to act at all times in the best interests of the minor, to reduce revictimisation, and to create an environment in which the child receives comprehensive care from a multidisciplinary team of coordinated expert professionals (Johansson et al., 2017). As of November 2022, the PROMISE Barnahus Network has 26 member countries represented by 40 individual member organisations/persons, and engage with a total of 43 national contexts<sup>81</sup>. The Barnahus project originally took the CAC model as its starting point, adapting it to the European situation and establishing the common objective of providing an effective and respectful response to the well-being of children in cases of sexual abuse.

Many countries across Europe have established Barnahus centres, which can be defined as a practical effort to operationalise children's rights—particularly their rights to adequate support, protection, and access to child-friendly justice. These operational practices are guided by the Barnahus Standards, which serve as a roadmap for strengthening the rights of child victims and witnesses within legal proceedings.

The Barnahus model brings together professionals from multiple sectors—judicial, social, and medical—under one child-friendly roof. Its core principle is that a child's disclosure is essential for the effective identification and investigation of abuse, serving criminal, protective, and therapeutic purposes.

While the overarching goals of Barnahus are consistent, its implementation varies across countries, reflecting different legal systems and policy contexts. This

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<sup>81</sup> PROMISE Barnahus Network, retrieved in July 2025 from <https://cbss.org/cbss-bodies/other-bodies/promise-barnahus/>





flexibility allows each state to adapt the model to its specific legal and institutional framework.

The principles and practices of Barnahus are supported and promoted by both the Council of Europe and the European Union, reinforcing its role as a key mechanism for upholding children's rights across Europe.

Core criteria of the Barnahus model are:

- **Child protection:** Barnahus plays a role in evaluating protection needs and facilitates follow-up actions concerning the child victim as well as siblings within the family.
- **Criminal justice investigation and proceedings:** The criminal investigation is conducted at Barnahus centres, including the forensic interview, upholds the rights of the child. A child-sensitive forensic interview is conducted following an evidence-based protocol by a trained forensic interviewer to obtain the most reliable evidence and safeguard the child from (re)traumatisation and secondary victimisation. The interview is recorded and serves as admissible evidence in court.
- **Medical examination and treatment:** A child-appropriate medical assessment is performed by skilled and specialised personnel, serving both forensic investigative needs and ensuring the child's physical health and recovery through suitable medical care.
- **Mental health examination and treatment:** Every child is provided with a mental health evaluation and suitable support by specialised, highly skilled professionals, including crisis intervention and both short- and long-term therapeutic services to address the child's trauma and that of non-offending family members and caregivers.

The Barnahus model is designed to ensure that child victims are protected and supported in a coordinated, multidisciplinary environment that upholds their rights and dignity throughout the justice process.

It aims to prevent secondary victimisation by adapting investigative and judicial procedures to the needs and vulnerabilities of children, including conducting child-



friendly forensic interviews and limiting the number of times a child must recount traumatic events. The model places the best interests of the child at the centre, ensuring non-discrimination, privacy protection, and respect for the child's views, while also addressing the needs of non-offending family members. It fulfils legal obligations by guaranteeing timely access to medical, psychological, legal, and interpretative assistance, and by ensuring due process through safeguards like legal representation, appropriate interview settings, and gender-sensitive staffing. Ultimately, Barnahus serves as a comprehensive response mechanism that integrates child protection and criminal justice systems in line with national and international legal standards.

Currently, the model in place in most countries covers cases of sexual abuse and other types of violence as well. Broadly speaking, the key features of the Barnahus model can be summarised as follows:

- It adopts a multidisciplinary approach, which includes all the agencies and professionals engaged in the legal process and involved in providing the support and treatment necessary for child victims of violence.
- It is governed by the 'one door' principle: in a single environment, professionals must come to the child and not the other way around.
- It is described as a house containing four rooms representing the areas it covers: criminal investigation, protection, and physical and mental health.
- Its main objective is the prevention of revictimisation by creating child-friendly, child-centred, and supportive settings in which the interaction of professionals and the environment will not cause additional harm to the victims.
- The centre must be a safe and neutral place for the child to relate his/her experience and be cared for by professionals without any risks to his/her well-being.
- The child does not testify in court; his/her testimony is taken in the Barnahus centre and used in the criminal proceedings, with all legal guarantees. In this way they don't have to personally appear in court.



The very concept of Barnahus contemplates a certain flexibility and variability, but with the intention of defining the common principles that govern the interventions and services of the model. The Barnahus quality standards (Halldorsson, 2017) guarantee the transfer and adaptability of the model to the different national contexts that make up the Barnahus network.”<sup>82</sup>

## Challenges

1. Lack of Standardisation Across Countries. The Barnahus model has been adapted differently in each country, leading to inconsistent implementation. Without a standardised framework, children's rights and the quality of services vary, undermining the model's effectiveness and comparability across borders – although the national specificities and needs must be taken into consideration.
2. Insufficient Legal Integration. In some jurisdictions, Barnahus model is not fully integrated into the legal framework. If evidence gathered in Barnahus centres (such as forensic interviews) is not admissible in court, it reduces the utility of the model and may necessitate repeated interviews, which the model aims to avoid.
3. Resource and Staffing Constraints. Many Barnahus centres are underfunded or lack properly trained multidisciplinary staff. Inadequate resources can compromise the quality of care and delay responses, particularly in rural or underdeveloped areas.
4. Challenges in Interagency Coordination. Cooperation among police, child protection services, healthcare, and the judiciary can be inconsistent. Weak coordination undermines the holistic approach and may result in gaps or overlaps in support, harming the child's well-being.

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<sup>82</sup> Pereda, N. (Coord.). (2021). Training and education in the Barnahus model: State of the art. STEPS Project, European Commission, [https://www.ub.edu/steps\\_barnahusproject/documents/StateoftheArt-STEPS-ENG.pdf](https://www.ub.edu/steps_barnahusproject/documents/StateoftheArt-STEPS-ENG.pdf)





5. Data Privacy and Confidentiality Issues. The integration of multiple agencies raises complex data-sharing and confidentiality concerns. Without robust data protection protocols, children’s sensitive information may be mishandled, leading to ethical and legal risks.

6. Limited Accessibility. Barnahus centres are often concentrated in certain urban areas and focus on sexual abuse only. Children in smaller, remote or marginalised communities may not have access to Barnahus services, perpetuating inequality in child protection. The lack of focus on the most frequent verbal, emotional and physical abuse and violence is decreasing its relevance compared to sexual abuse and exclude the vast majority of cases, often not taken care of at all.

7. Over-Reliance on the Model. Authorities may assume that implementing Barnahus resolves broader systemic issues. The model cannot compensate for underperforming justice systems or inadequate child welfare and protection infrastructure and may mask deeper structural problems.

#### 5.4 Victim Support Services in the EU and in the participating countries

Crime can affect anyone regardless of age, nationality, profession, gender or other characteristics. 75 million people – around 15% of the EU’s population – fall victim to serious crime every year, not considering yet as cybercrime and other emerging crimes are on the increase and the latency is also very high. There is no reliable statistical information on the number of children victims for several reasons: various obstacles to accurately measuring the extent of the problem, including inconsistent definitions of violence across different data sources, different methods for data collection, fragmentation of data collection, low quality of administrative data and limited resources for research and analysis.<sup>83</sup>

The impact of crime can be devastating for the victims, their families, and wider society. The [Victims’ Rights Directive](#) created a solid foundation for victims’ rights,

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<sup>83</sup> Violence against Children in the European Union (2024), [https://www.europarl.europa.eu/RegData/etudes/IDAN/2024/762472/EPRS\\_IDA\(2024\)762472\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2024/762472/EPRS_IDA(2024)762472_EN.pdf), p7.



without exception and for the recognition and respectful treatment, for protection, support, access to justice and compensation. Yet, the vast majority of victims never report a crime to the police and never seek justice, but those who do, may suffer further harm as a result. Many face multiple barriers in exercising their rights, accessing support, and making their voices heard. In simple terms, many of the rights established by the VRD are not put into practice by Member States.

Victims' rights and services must be seen in a similar light to our health care systems – addressing the needs of all victims, without exception, whilst incorporating specialisation where needed. No victim should be forgotten or be left voiceless – no victim should feel less important than other victims.

The proposed amendments to the Victims' Rights Directive (2012/29/EU) in 2022<sup>84</sup> further strengthen the principles and guidance on victim support.

To address the wide-ranging challenges, the implementation of national victims' strategies and the adoption of comprehensive national support frameworks, effective communication frameworks, and safe justice systems would be needed.

The needs of victims of crime vary, and in order to meet these needs, each person should be treated individually. The needs can be grouped into five general categories, as follows:

- Respectful treatment and recognition as victims of crime
- Protection from intimidation, retaliation and further harm by the accused or suspected and from harm during criminal investigations and court proceedings
- Support, including immediate assistance following a crime, and long term physical, psychological assistance and practical assistance,
- Access to justice to ensure that victims are aware and fully understand their rights, and are able to participate in the proceedings,

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<sup>84</sup> Victim's Rights in the EU, [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en)



- Compensation and restoration, whether through financial damages paid by the state or by the offender or through mediation or other form of restorative justice.<sup>85</sup>

The EU provides support for child victims of crime through various initiatives, including national victim support organisations, the Victim Support Europe (VSE)<sup>86</sup> umbrella organization, and the EU Victims' Rights Directive. VSE coordinates with national services and advocates for victims' rights, while the Directive sets minimum standards for support and protection. The EU also supports initiatives like [INHOPE](#), a network of hotlines for reporting online child sexual abuse and through [Missing Children Europe](#) member organisations as well.

#### **Key aspects of child victim support:**

- **Information and Guidance:** Victim support services provide information about the criminal justice system, victims' rights, and available support resources.
- **Emotional and Practical Support:** Services offer emotional support, counselling, and practical assistance to help victims cope with the trauma and navigate the legal system.
- **Protection from Secondary Victimisation:** Measures are in place to protect child victims from further harm, including protection from repeat victimisation and intimidation.
- **Child-Friendly Justice:** The EU emphasises ensuring that the criminal justice system is child-friendly and that child victims are treated with sensitivity and understanding.
- **Specialised Services:** Some organisations and services are specifically designed to address the unique needs of child victims, such as those who have experienced sexual abuse or exploitation.
- **Accessing support.**

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<sup>85</sup> ibid

<sup>86</sup> Victim Support Europe, <https://victim-support.eu/news/victim-support-europes-continued-advocacy-with-the-child-rights-action-group/>





## 5.5 Policy Recommendations regarding Integrated Child Protection Policies and Child-Friendly Justice Policies

### Advantages

- **Clear Protocols and Shared Objectives**  
Standardised procedures and a unified mission are established across all involved agencies, including police, social services, medical professionals, and legal authorities. This approach ensures consistency and clarity in responses, helping to minimise confusion and improve coordination.
- **Child-Centred and Trauma-Informed Approach**  
All interventions are designed with the child's needs, rights, and well-being at the core, applying trauma-informed practices that prioritise safety, trust, and emotional care throughout the process.
- **Joint Case Planning and Decision-Making**  
Professionals from all relevant sectors participate in joint case conferences to assess the child's situation and coordinate a cohesive and informed response.
- **Specialised and Ongoing Training**  
Regular cross-disciplinary training is provided on topics such as child protection legislation, trauma, forensic interviewing, and cultural sensitivity, fostering both expertise and collaboration across sectors.
- **Single Forensic Interview (One-Stop-Shop)**  
A trained specialist conducts a single forensic interview in a safe, child-friendly environment, with other professionals observing remotely to ensure efficiency, reduce duplication, and preserve the integrity of the evidence.

### Child-Centered Approach in Legal Practice

A child-centred approach in legal practice means prioritising the child's best interests and ensuring they are meaningfully involved in legal proceedings. This



approach focuses on the child's needs, wishes, and perspectives, respecting their developing maturity and capacity.

### **The need for a common understanding on crucial definitions:**

#### **Different Definitions of 'Child' and the age limits for different activities**

While the UNCRC defines a child as any person under 18, national laws across Europe vary in defining age thresholds for criminal responsibility, consent, and protection. This inconsistency can lead to differences in service eligibility and legal treatment.

- **Varying Definitions of 'Victim'**

The EU Victims' Rights Directive includes direct and indirect victims. However, sectors such as healthcare or justice may apply narrower definitions, excluding witnesses.

- **Different Terminology Around Abuse and Exploitation**

Terms like 'child sexual abuse,' 'exploitation,' and 'neglect' are interpreted differently across jurisdictions and sectors. This leads to varying thresholds for intervention and inconsistent application of protections.<sup>87</sup>

- **Forensic vs. Therapeutic Language**

Legal professionals may use terms like 'interrogation' and 'suspect,' while welfare workers prefer 'support' and 'trauma.' Such differences can cause confusion and hinder collaboration.

- **Lack of Shared Terminology in Multidisciplinary Teams**

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<sup>87</sup> An example from Eurochild DataCare project glossary and the table showing the terminology used for alternative care of children in the 27 EU countries, its English translation vs the International terminology, <https://eurochild.org/uploads/2021/11/DataCare-Glossary-of-Terms-for-Mapping-Data-System-on-Children-in-Alternative-Care.pdf>



Terms like 'mandatory reporting' or 'protection order' may have different meanings in each country or institution. In cross-border cases, these inconsistencies hinder cooperation and mutual understanding.

#### - **Translation and Interpretation Challenges**

Multilingual teams often lack interpreters trained in child protection vocabulary. Misinterpretation can affect child interviews, credibility of disclosure, and legal outcomes.

#### - **Various Cultural Concepts of Harm and Protection**

Cultural perceptions of what constitutes abuse or neglect may vary.

### **Recommendations and Best Practices**

- Develop a shared glossary of terminology for all participating agencies.
- Use child-user friendly, age-appropriate language in all communications.
- Train interpreters in trauma-informed, child protection-specific vocabulary.
- Align national practice with EU and Council of Europe definitions and standards (e.g., Barnahus model, UNCRC).
- Conduct joint training across professions to enhance shared understanding. Discussions about professional and personal experiences, challenges with a strong focus on the need for collaboration.





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