



## The situation analysis on the good practices in the field of the hearing of child victims of maltreatment in order to establish a European cooperation between the police and the legal system\*



By the incentive of the European commission, in conformity with the agreement of the European Union (notably in articles 30, 31 and 34), the European Union Council adopted the 22nd July 2002, a framework program concerning police, customs and judicial co-operation in criminal matters, called AGIS. The framework program AGIS has its goal to:

- Promote the police, customs authority and judicial cooperation in criminal matter and support practitioners' efforts in order to contribute to the development of the European policy in this area.
- Promote and strengthen networking, the exchange and dissemination of information, experiences and best practices, local and regional co-operation and the improvement and adaptation of training, technical and scientific research.
- Encourage co-operation between repressive services of Member States and to let them better familiarize themselves with the work method and constraints their counterparts in other Member States.

It is in this framework that the Child's Voice submitted to the European Commission in the 15th December 2004 a **draft of project n°JLS/2005/AGIQ/152**.

Accepted in July 2005, this two year project, will take place from December 2005 to December 2007.

With the objective of doing a feasibility study on the creation of Medical and Judicial Units (MJU) in 5 partner countries (England, Italy, Poland, Romania and Belgium), the Child's Voice proposed this program with the aim of improving the conditions of the hearing of child victims of sexual violence and ill-treatment.

### OBJECTIVES OF THE PROGRAM

- To improve the follow up, protection and taking care of children victims of maltreatment and sexual violence during the investigation and the judicial proceeding.
- To undertake the situation analysis of the policies (laws and practices) in the partner countries concerning the hearing of child victims of sexual offences and to sort out what there is in common, what could be valuable and what can develop a value.
- The creation and building up of a European model of procedure for the hearing of a child victim with the fundamentals of a police, judicial, medical and psychosocial cooperation in each partner country.
- Creation of « European » Permanencies and Reception Units for child victims.

### APPROACH PROPOSED

- Identification of the laws and practices in force in the partner countries (Does the child get a hearing? Where does the hearing take place? Who interviews the child? Under which conditions? Is the hearing recorded (tape or video...?).
- Creation in each of the partner countries of a Steering Committee of experts (in the field: police, judicial, medical, psychological, social and child protection) that will meet to carry out research.
- Setting of international Meetings between the partners to exchange experiences and existing good practices.
- Evaluation of the impact and quality of these methods in order to fit the national models of cooperation to other European countries and to improve the existing ones.
- Suggestion to establish co-operation protocols between the police and the legal system and the other professionals working with child victims.
- Organization of a Final conference to present the work done, diffuse the program's results and present the proposals and the future projects.



## SITUATION ANALYSIS OF THE EXISTING PRACTICES

- Existence of different legal systems and legal proceedings concerning child victims of maltreatment and sexual violence.
- There is no specific place for the child victims hearing provided by the law or the regulation.
- The video and/or audio recording of the hearing is not compulsory and it is often not recognized as a form of evidence in the criminal proceedings.
- Obligation for the child to repeat several times what he went through.
- Lack of explanation to the child before the hearing.
- Lack of training for professionals who carry out the child victim's hearing.
- Lack of an accompaniment and follow up of the child during the judicial proceeding.
- The aid of a lawyer is not compulsory.

## SOME AGREEMENT POINTS BETWEEN PARTNERS

- The child does not have to repeat several times because repeat means going through the trauma.
- The child's hearing must be systematically made in a safe place, especially adapted and equipped with audio visual recording system.
- The conditions and quality of the hearings has to limit the repetition of other interviews to a minimum.
- The hearing of the assumed child victim or witness must be systematically recorded unless the situation of the child does not allow it.
- The hearing must be carried out by trained professionals.
- The hearing has to be considered as a stage in the procedure.
- The skills of the professionals working with child victims have to be guaranteed. A multidisciplinary work and supervision are required.

## PARTNERS ASSOCIATIONS



**THE CHILDREN'S LEGAL CENTRE**  
England – Essex  
<http://www.childrenslegalcentre.com/>



**SOS ENFANT**  
Belgium – Brussels  
<http://www.one.be/>



**L'ISTITUTO DEGLI INNOCENTI**  
Italy – Florence  
<http://www.istitutodegliinnocenti.it/>



**LA FONDATION MEDERI**  
Poland – Warsaw  
<http://mederi.free.ngo.pl/>



**NOBODY'S CHILDREN**  
Poland – Warsaw  
<http://www.fdn.pl/>



**THE INTERNATIONAL FOUNDATION FOR CHILD AND FAMILY (IFCF)**  
Romania – Bucharest  
<http://ficc-romania.ro/>

## One of the answers proposed by the Child's Voice

### The Medical Judicial Units in a hospital environment for child victims



Camera in the interviewing room *Tulle*



Technical room *Saint Malo*



Interviewing room *Aix en Provence*

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