



**PROMISE**  
PROJECT SERIES

# **PROMISE**

## **Compendium of Law and Guidance**

European and International  
Instruments concerning Child Victims  
and Witnesses of Violence

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**The PROMISE Project series**[www.childrenatrisk.eu/promise](http://www.childrenatrisk.eu/promise)

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# Introduction

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The PROMISE Project promotes child-friendly, multi-disciplinary and interagency services for child victims and witnesses of violence. A key resource developed by PROMISE is the “European Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence”. PROMISE supports the adoption of the Barnahus model in Europe through pilot activities and through the development of a series of further resources, including the “Promoting Progress on Barnahus in Europe: Advocacy Guidance”, the report on “Enabling Child-Sensitive Justice: The Success Story of the Barnahus Model and its Expansion in Europe” and the PROMISE Tracking Tool.

As a foundation for the project activities, the PROMISE Compendium of Law & Guidance provides a comprehensive view of the legal framework and authoritative guidance concerning the rights of child victims and witnesses across the EU, Council of Europe and United Nations (UN). It shows that, in the last ten years, there have been significant developments concerning State obligations to child victims and witnesses of violence at European Union (EU), regional and international level.

Section I of the PROMISE Compendium contains an **introduction** to the different bodies of international and European laws and guidance concerning child victims and witnesses of violence. This provides a basic understanding of the range of laws involved, their scope and the need to take account of them collectively.

Section II contains a **compilation** of the key relevant EU and international laws and guidance.

Section III contains **profiles** of relevant provisions in key instruments based on a common framework which identifies obligations to provide assistance and support to child victims as well as to ensure specific safeguards for children in criminal investigations and proceedings.

Moving forward, policy makers, legal, social and law enforcement professionals and stakeholders can use the PROMISE Compendium, alone and with the other PROMISE resources, to support their work in this field.

# I. Introduction to Laws & Guidance

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## Background to the PROMISE Compendium

European Union (EU) and international laws, in particular, the Council of Europe and UN laws, establish important legal obligations for addressing the needs and rights of child victims or witnesses of violence, through instruments concerning criminal justice proceedings and/or children's rights, including the right of a child to protection from violence. Authoritative guidance from the EU, the Council of Europe and the UN also play an important role. They help legal professionals, including judges, with the interpretation of the law; they support policy makers in establishing processes to respect and fulfil these obligations; and they support practitioners in their daily work.

This introduction to these laws and guidance (which are compiled in Section II) contains a number of key parts as follows:

**Part A** identifies the *principal bodies of law* which are relevant to child victims and witnesses of violence. It illustrates how the situation of a child victim or witness of crime engages a wide range of State responsibilities.

**Part B** identifies the *key obligations* arising out of recent developments in international and European law. These concern specific *procedural safeguards during criminal investigations and court proceedings* in order to take account of the particular circumstances of the child. In addition, they concern explicit obligations to provide *assistance and support to child victims and witnesses of crime*.

More generally, both to prevent and respond to all children suffering from violence, European and international guidance has focused on *strengthening child protection systems*. Such guidance recognizes that a key feature to protecting children is a *multidisciplinary, interagency* approach. **Part C** illustrates how a *multidisciplinary and interagency approach* is increasingly apparent in legal instruments in the field and underlined in accompanying guidance.

Finally, **Part D** provides some general guidance to *the nature of international, EU and national laws and the interaction between them*. It illustrates the mechanisms by which their application is guided, monitored and enforced. It also refers to the way in which their application can complement and mutually reinforce each other.

## A. What bodies of law are relevant to child victims and witnesses of violence?

"Violence" can be understood to mean "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."<sup>1</sup>

A wide range of bodies of law may have an impact on child victims and witnesses of violence. The rights of child witnesses of crime are sometimes explicitly addressed alongside child victims. To date, the primary focus of the international and EU laws focussing on criminal proceedings to date has been on child witnesses who are also victims. Many principles deriving from child rights will apply both to child victims and witnesses.

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<sup>1</sup> Article 19 of the UN Convention on the Rights of the Child.

A collective view of the diverse sources of relevant law and guidance helps build a comprehensive approach to these children's rights and needs. It supports legal and social professionals in developing a better understanding of each other's roles and obligations, which is a vital step to ensure effective multidisciplinary, interagency work.

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Key instruments relevant to criminal justice and child protection relevant to child victims and witnesses of violence include:

- **criminal justice** measures which concern victims and witnesses during investigations and criminal proceedings;
  - **victims' rights** measures including provisions on information, support and assistance to victims, and access to compensation;
  - measures on rights of particular groups of victims, including **victims of child sexual abuse and exploitation** and **victims of trafficking**;
  - **general child rights** measures, including the application of general principles such as the best interests and the right of a child to be heard;
  - **child friendly justice** measures, including measures concerning access to justice and participation in proceedings;
  - **child protection** measures, which address identifying and responding to violence against children, in particular, how to ensure an integrated child protection response from different agencies;
  - measures which address the protection needs of particular children, including **children with disabilities**;
  - measures addressing the **role and obligations of professionals** when working with child victims and witnesses of violence;
  - measures to protect the **privacy** of those involved in proceedings as well as **data protection measures**, concerning confidentiality of their personal data;
  - measures addressing specific types of crime, such as **cybercrime** or specific aspects of criminal proceedings such as **confiscation of assets**;
  - measures addressing cooperation between law enforcement and judicial authorities across the EU and internationally.
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The PROMISE Project focuses primarily on the legal obligations arising in connection with the involvement of children in criminal investigations and proceedings as victims and witnesses.

Core European and international instruments concern child victims of sexual abuse, exploitation or trafficking, as well as laws concerning victim's and witness's rights or children's rights where these may be of particular relevance to the situation of child victims or witnesses (see Table below):

## Core European &amp; international laws concerning child victims &amp; witnesses of violence &amp; child rights

	General Rights	Victims	Sexual Abuse	Trafficking
<b>EU</b>	Charter of Fundamental Rights	Victims' Rights Directive, European Protection Order	EU Child Sexual Abuse & Exploitation Directive	EU Anti-Trafficking Directive
<b>COE</b>	European Convention of Human Rights		Council of Europe Convention on Child Sexual Abuse & Exploitation	Council of Europe Convention on Trafficking
<b>UN</b>	UN Convention on the Rights of the Child		Optional Protocol to the UN CRC on the Sale of Children	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

## B. Key legal obligations on assistance, protection and procedural safeguards for child victims &amp; witnesses

As noted above, recent developments in international and European law have established specific procedural safeguards during criminal investigations and court proceedings in order to take account of the rights of the child and their particular circumstances. In addition, they concern obligations to provide assistance and support to child victims and witnesses of crime. They also contain explicit references to key principles underlying these obligations. A general overview is as follows:

- Avoiding repeat or secondary victimisation of victims
- Ensuring the best interests is a primary consideration
- Non-discrimination
- Taking due account of the views of the child
- Identifying child victims
- Assistance and support to the victims
- Provision of information
- Right to interpretation & translation
- Individual assessment of each child's circumstances and non-offending family members' needs
- Safeguards relating to abuses within the "circle of trust"
- Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents
- Legal counselling and representation
- Reporting obligations

- Initiation of criminal proceedings
- Adapted procedures in investigations and judicial proceedings involving children
- No unjustified delay between the reporting of the facts and interviews take place
- Provision for medical examinations
- Interviews take place, where necessary, in premises designed or adapted for this purpose
- Interviews are carried out by or through professionals trained for this purpose
- The same persons, if possible and where appropriate, conduct all interviews with children
- Considerations as to the gender of professionals involved in interviews in cases of sexual violence et al
- The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings
- Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.
- All interviews with a child victim or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings
- Possibility to order that the hearing take place without the presence of the public
- Possibility to order that the child victim be heard through the use of appropriate communication technologies
- Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.
- Right to avoid contact between victim and offender
- Necessary measures to find durable solutions for trafficked children
- Training & tools
- Multi-disciplinary/coordination/cooperation
- Data & monitoring
- Awareness Raising/ Prevention
- Other (compensation, non prosecution & non punishment)

The tables in Section III provide a profile of the extent and manner in which key instruments contain the obligations above (namely, the Victims' Rights Directive, the Child Sexual Abuse Directive, the Trafficking Directive, the Council of Europe Trafficking Convention, the Lanzarote Convention, Optional Protocol to the UNCRC on the sale of children and the Palermo Convention, all referenced fully in Section II below.) The tables allow you to locate the provisions that are relevant to these obligations in each of the laws covered.

Reading the tables together permits comparisons of obligations across the different laws, as well as showing the collective effect of the provisions in different instruments. An overview table in the PROMISE European Barnahus Quality Standards shows the relationship between key legal obligations set out in the Victims' Rights Directive, the Child Sexual Abuse Directive and the Lanzarote Convention and the European Barnahus Standards.

### **C. Features of a multidisciplinary, interagency approach and relevant European and international law and guidance**

Central to the effective application of these provisions is *how* actors work together to fulfil the obligations towards child victims and witnesses of crime. The Barnahus involves different disciplines and specialised actors (multidisciplinary) who combine their work in appropriate and clearly



structured ways (interagency) in a child centred way. The EU and international legal obligations and guidance address **basic features** of this model, including provisions which concern:

- Involvement of actors with a knowledge of children
- Requirements as to professional competence
- Training of actors coming into contact with child victims
- Comprehensive assessments of the circumstances of a child
- Involvement of specialist support services
- Coordination of services
- Cooperation with nongovernmental organizations, other relevant organizations and other elements of civil society

Importantly there are increasingly explicit references in the legal instruments to the need for multi-disciplinary responses and appropriate institutional arrangements to establish interagency work on a clear footing. In particular the Council of Europe Lanzarote Convention calls on States to take “the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.” (Article 10.1)

International guidance and research findings reinforce this approach, with extensive and consistent guidance on multi-disciplinary, interagency practices. These include, in particular, the Commission Reflection Paper on integrated child protection systems, the Commission Guidance on the Victims’ Rights Directive, the Council of Europe Guidelines on Child Friendly Justice, Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence, the Council of Europe Recommendation on children’s rights and social services friendly to children and families, the Fundamental Rights Agency study on child friendly justice– Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings (FRA Study), General Comments of the UN Committee on the Rights of the Child (in particular GC 5, 12, 13 and 14) as well as the UNODC Guidelines on Child Victims and Witnesses of Crime. All of the above are fully referenced in Section II below.

As an example, they mention specifically:

- Social services should facilitate the availability of child-friendly, multi-sectoral and interdisciplinary services for child victims & witnesses of abuse for the purposes of avoiding repeated interviews & the re-victimisation of the child (Council of Europe Recommendation on children’s rights & social services friendly to children and families)
- The services responsible for the recovery, rehabilitation & social reintegration of child victims, witnesses or perpetrators of violence should follow a multidisciplinary & multi-agency approach, seeing the child in the wider context of family, community & her or his cultural background (Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence)
- Establishment of Children’s Houses (Council of Europe Child Friendly Justice guidelines, Commission Guidance on the Victims’ Rights Directive, FRA Study et al)
- “Use ... interdisciplinary services for child victims integrated in the same location,” (United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, ECOSOC Res 2005/20, 22 July 2005)

- As far as possible, a multidisciplinary team of professionals should be involved in assessing the child's best interests (GC 14)
- Standard operational procedures among professionals should also be promoted to foster cooperation (FRA study)
- Judicial involvement should be an element of a coordinated & integrated approach across sectors, supporting and facilitating other professionals to work with children, caregivers, families & communities, and facilitating access to the full range of child caregiving and protection services available (GC 13)
- Use of different forms of cooperation including consultations, joint case reviews, working groups & roundtables, annual or biannual conferences & formal cooperation models. Several regions of Germany have established formal models of interdisciplinary cooperation e.g. The Göttingen Model (Göttinger Modell), (FRA Study)
- Inter-sectoral coordination, mandated by protocols & memoranda of understanding as necessary (GC 13)
- The necessary protocols and processes are in place to facilitate
- the role of social and legal professionals and responses to violence against children are inter- or multidisciplinary. (Commission Reflection Paper)
- Coordinating agency (GC 5)
- Coordinating mechanisms (GC13)
- A common assessment framework should be established for professionals working with or for children (such as lawyers, psychologists, physicians, police, immigration officials, social workers & mediators) in proceedings or interventions that involve or affect children to provide any necessary support to those taking decisions, enabling them to best serve children's interests in a given case. (Council of Europe Child Friendly Justice guidelines)
- Interdisciplinary training (GC 13)
- Case management system (GC 13)

Emphasis on multidisciplinary interagency cooperation is also increasingly evident in national guidance. For example, the guidance in the UK on "Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims & witnesses & guidance on using special measures (ABE) UK". This provides guidelines for interviewing child victims and witnesses directed at all those involved in relevant investigations, including the police, adults' and children's social care workers and members of the legal profession. They require that meetings take place between the child, the prosecutor, the police officer and any intermediary if the case goes to court, thus stressing the benefit of multidisciplinary cooperation.

## **D. Introduction to the international, EU & national law & the interaction between them**

This section describes briefly the nature of relevant international laws, as well as EU and national law, and the interaction between them. It aims to support you in understanding the different ways in which they contribute, individually and collectively, to address the situation of child victims and witnesses of violence. As noted above, this section illustrates the mechanisms by which these laws' application is guided, monitored and enforced. It also refers to the way in which their application can complement and mutually reinforce each other.

## International law

Classical international law instruments, such as those established by the United Nations and the Council of Europe, frequently take the form of conventions which are open to countries to sign and ratify. Once a convention comes into effect, its impact on ratifying Member States depends on the type of national legal system in place. In some jurisdictions, individuals can rely on such international conventions directly in national courts; in other jurisdictions this will occur only if a national act ensures that a convention has domestic effect.

Some conventions provide for complaints mechanisms and bodies, through which a State or an individual may seek a decision on the application of the convention in certain circumstances. For example, the European Court of Human Rights has jurisdiction over decisions in cases concerning the application of the European Convention on Human Rights. A further example lies in the new complaints mechanism to the UN Committee on the Rights of the Child, concerning violations of the UN Convention on the Rights of the Child.

Some international conventions also have monitoring mechanisms, which require States to report on how the conventions are implemented nationally (this is the case with the Council of Europe Conventions concerning trafficking in human beings and child sexual abuse; the UN Convention on the Rights of the Child also provides for periodic monitoring of States by the UN Committee on the Rights of the Child). These monitoring mechanisms can prove very useful in allowing an exchange of practice and illustrating the dynamic evolution of the application of laws.

## EU law

Within the twenty-eight Member States of the EU, several EU legal instruments establish common obligations towards child victims of violence.

The primacy of EU law means that EU law takes precedence over any conflicting national law. In contrast to certain international law conventions, no reservations to EU law provisions are allowed, save through the so-called opt outs of Ireland and the United Kingdom.<sup>2</sup>

In the case of certain provisions of directives, individuals can rely on national courts on the so-called direct effect of certain EU provisions against Member States.

Much of the EU law that is concerned with child victims and witnesses of crime takes the form of EU directives establishing general obligations, which need to be implemented at national level. In essence, directives require Member States to achieve a certain result while leaving them the discretion as to how to achieve the result. This recognises the different legal and technical ways in which national systems are set up and the need to choose the appropriate means within those systems to fulfil the general EU legal obligation.

National laws implementing the EU Directives may be the starting point for legal and social professionals and decision makers in EU Member States. However, the underlying principles of EU law continue to inform the interpretation of these national laws and how they should be applied.

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<sup>2</sup> Ireland and the United Kingdom have a flexible “opt-out” from EU legislation adopted in the area of freedom, security and justice, which includes all matters previously part of the pre-Amsterdam Treaty Justice and Home Affairs (JHA) pillar. This allows them to opt-in or out of legislation and legislative initiatives on a case-by-case basis. In contrast, Denmark has a more rigid opt-out from the area of freedom, security and justice. Under a protocol of the 1997 Treaty of Amsterdam Denmark is exempt, as a matter of EU law, from participating in these policy areas, which are instead conducted on an intergovernmental basis with Denmark. Different rules apply as regards Schengen matters.

Consequently, national decision makers may be called to consider whether EU law is properly implemented in national provisions. They may need to draw on EU guidance to inform interpretation of national law. On the basis of references from national courts, the European Court provides preliminary rulings on the interpretation of EU law. Moreover, the Commission is the guardian of EU law and can act against Member States for failure to properly implement or apply EU law. Consequently, EU law contains enforcement mechanisms to ensure that EU law is applied properly, consistently and effectively across the EU.

More generally, having a common EU law and policy framework provides a means for exchange among professionals across the EU. It allows States to consider good practices from other countries in the process of implementing the EU obligations. EU institutions and agencies also provide policy and practical guidance and resources that can be useful to the implementation of these obligations.

### Relationship of EU and International Laws

Traditionally, the EU has rarely been a direct signatory to an international convention, although the Treaty on the European Union provides that the EU should become a party of the European Convention on the Human Rights. The EU is also a signatory to the UN Convention on the Rights of Persons with disabilities and its Optional Protocol. However, the European Court of Justice has laid down standards of protection of fundamental rights on the basis of a range of legal resources as follows: the provisions of the Treaties, including the EU Charter of Fundamental Rights; the international conventions to which the Treaties refer; fundamental rights as they result from the constitutional traditions common to the Member States; and the international legal instruments to which the Member States are parties and those to which the EU is a party.<sup>3</sup> As a result, the European Convention on Human Rights and the UN Convention on the Rights of the Child have both been regularly cited in the case-law of the Court.<sup>4</sup>

As a consequence, even where the EU has introduced specific legislation in a particular field, international laws in the same field may directly inform the interpretation and application of EU law and national law.

Some of the EU and international laws address the same fields and contain similar provisions, which mutually reinforce each other; whereas in other cases they contain complementary provisions in neighbouring fields.

For example, in the field of sexual abuse, a study for the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on [“Combating child sexual abuse online”](#) recognises that “In general it has to be noted that the EU’s policy of adopting EU legislation mirroring Council of Europe Conventions has a number of merits. Firstly, this practice generally accelerates the adoption and compliance with the given Convention itself. The use of reservations is limited, as EU Member States obviously cannot make reservations under EU law. The European Commission’s scrutiny over the transposition of EU law to national law and the jurisdiction of the Court of Justice of the European Union significantly enhances the proper alignment of the national laws.” The report also describes the two instruments as “working in tandem”. It notes that “The Directive enhances full compliance to the Convention among EU Member States, and where appropriate it goes further, setting even stricter standards and obligations. The Convention, however, remains invaluable as an instrument open to both non-EU and non-Council of Europe States, thereby projecting heightened

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<sup>3</sup> *Nold v Commission*, Case 4/73 [1974] ECR 491 is one of many European Court cases addressing this point.

<sup>4</sup> See for example jurisprudence referenced in Handbook in Section II. A. 5.

scrutiny, protection standards and vigilance towards countries outside the EU and the Council of Europe. The result is that notions of child sexual abuse, the common degree of criminalization and adequate protection measures become more widely shared among a greater number of states, which in turn leads to a more concerted and effective fight against child sexual abuse.”

### **National laws**

The tables in Section III illustrate how these EU and international provisions tend to provide general obligations, such as a requirement that there should be no unjustified delay between the reporting of facts and interviews. More specific procedural rules are sometimes established by national laws (for example, in Norway where specific deadlines are established for interviewing children).

While the PROMISE Compendium does not compile national law or procedural rules in European countries, some examples are reflected and discussed in the “European Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence” and the report on “Enabling Child-Sensitive Justice: The Success Story of the Barnahus Model and its Expansion in Europe”.

## II. Compilation of Law & Guidance

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This section sets out the main EU and international (a) law and (b) guidance and resources instruments relevant to the situation of child victims or witnesses of violence as follows: (1) European Union; (2) Council of Europe; and (3) UN as well as (4) the Hague Conventions which may prove relevant to the family situation of child victims or witnesses of crime.

### A. Law

#### A.1 European Union Law

EU primary law contains relevant fundamental provisions relevant to the adoption and application of EU legislation in the field (See A.1.1. below). Key EU secondary law relating to the situation of child victims of crime and criminal investigations/proceedings are set out in A.1.2.1 below (Directive on Victims' Rights, Directive on Child Sexual Abuse, Directive on Trafficking, Directive on the European Protection Order in criminal matters, Directive relating to compensation to crime victims, the Data Protection Directive and the Directive regarding the Criminal Investigation Order).

Other EU Justice measures of potential relevance to child protection measures for children in cross-border cases largely in family law settings but also public law proceedings are set out in A.1.2.2.

There are a number of other EU Justice directives which may have relevance to the rights of the defence in criminal proceedings and these are set out in A.1.2.3. They will be of interest in criminal procedures involving child suspects or accused, and for the manner in which they seek to ensure child friendly justice more generally (including the need for a multi-disciplinary and inter-agency approach) and to reflect child protection concerns.

##### A.1.1 EU Primary Law: Key Provisions

[\*The Treaty on the Functioning of the European Union \(Article 82\(2\)\)\*](#) provides for the establishment of minimum rules applicable in the Member States to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross border dimension, in particular with regard to the rights of victims of crime.

[\*The Charter of Fundamental Rights of the European Union\*](#) recognises a range of personal, civil, political, economic and social rights of EU citizens and residents. In December 2009, the Lisbon Treaty gave the Charter binding legal effect. The general provision of the Charter are applicable to children and of specific relevance to the rights of children is Article 24:

*"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. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. 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."*

##### A.1.2 EU Secondary Law

###### A.1.2.1 Victims Rights

*Victims' Rights Directive* ([\*Directive 2012/29/EU\*](#))

The Directive aims to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. It includes several provisions which

are of particular relevance to children, including Article 1.2 (best interests of the child and child-sensitive approach), Article 10 (right to be heard), Article 21 (right to protection of privacy), Article 22.4 (individual assessment of victims to identify specific protection needs), Article 23 (right to protection of victims with specific protection needs during criminal proceedings), Article 24 (right to protection of child victims during criminal proceedings).

### *Child Sexual Abuse Directive ([Directive 2011/93/EU](#))*

This Directive establishes provisions to protect children in general against sexual abuse, sexual exploitation and child pornography. It addresses, inter alia, the definition of offences, sets minimum levels for criminal penalties, and facilitates reporting, investigation and prosecution. It provides easier access to legal remedies for child victims, as well as measures to prevent additional trauma from participating in criminal proceedings. The Directive also provides for education, awareness raising and training of officials.

Resources: [A Survey on the transposition of the Directive against child sexual exploitation and abuse](#) ECPAT and Missing Children Europe

### *Trafficking in Human Beings Directive ([Directive 2011/36/EU](#))*

Alongside provisions concerning the definition of criminal offences, levels of penalties and provisions on investigation and prosecution, the Directive contains obligations concerning the provision of assistance for victims of trafficking. This includes specific safeguards for children in criminal proceedings. It also requires Member States to take necessary measures to provide durable solutions for unaccompanied children.

### *European Protection Order Directive ([Directive 2011/99/EU](#))*

This Directive concerns the manner in which protection for victims of crime stemming from certain protection measures adopted under the law of one Member State can be extended to another Member State in which the protected person decides to stay. Recital 15 and Article 7 address child subjects of a European protection order (needs of particularly vulnerable victims such as children).

### *Compensation to Crime Victims Directive ([Directive 2004/80/EC](#))*

This Directive sets up a system of cooperation to facilitate access to compensation to victims of crimes in cross-border situations, which should operate on the basis of Member States' schemes on compensation to victims of violent intentional crime, committed in their respective territories. It provides for a compensation mechanism to be in place in all Member States for victims of violent intentional crime.

### *Data Protection Directive ([Directive \(EU\) 2016/680](#))*

The Directive for the police and criminal justice sector aims to ensure the protection of personal data of individuals involved in criminal proceedings, be it as witnesses, victims, or suspects. It will also facilitate a smoother exchange of information between Member States' police and judicial authorities, improving cooperation in the fight against terrorism and other serious crime in Europe. The new rules will apply to both domestic processing and cross-border transfers of personal data. The Directive also provides clear rules for the transfer of personal data by criminal law enforcement authorities outside the EU, to ensure that these transfers take place with an adequate level of data protection. The directive provides robust rules on personal data exchanges at national, European and international level.



*European Investigation Directive ([Directive 2014/41/EU](#))*

This Directive establishes provisions for the obtaining evidence in criminal cases with a cross-border dimension, based on the principle of mutual recognition.

**A.1.2.2 Other EU Justice measures of potential relevance to child protection measures for children in cross-border cases**

*[Council Regulation \(EC\) No 2201/2003](#) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility*

This Regulation concerns issues of parental responsibility for children, which may be relevant in certain circumstances of child victims or witnesses of violence. Its provisions are relevant to identifying the national jurisdiction to hear a case on parental responsibility or take provisional protective measures where necessary. The Regulation also addresses how judgements are to be recognised and enforced throughout the EU.

**A.1.2.3 Other EU Justice Directives of Interest to Criminal Justice Proceedings**

*Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings ([Directive \(EU\) 2016/800](#))*

This Directive lays down rules to ensure that children have mandatory access to a lawyer at all stages (Article 6), are promptly informed about their rights (Article 4), are assisted by their parents (or another appropriate person) (Articles 5 and 15), are not questioned in public hearings (Article 14), have the right to a medical examination (Article 8) and an individual needs assessment (Article 7). It also includes provisions on deprivation of liberty, legal aid, training and data collection.

*Directive on the right to interpretation and translation in criminal proceedings ([Directive 2010/64/EU](#))*

This Directive focuses on requiring Member States to ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings. It does not contain any specific separate provisions for children but applies to child suspects.

*Directive on the right to information in criminal proceedings ([Directive 2012/13/EU](#))*

This Directive requires Member States to ensure that certain specified information shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons. When providing suspects or accused persons with information in accordance with this directive, competent authorities should pay particular attention to persons who cannot understand the content or meaning of the information, for example because of their youth or their mental or physical condition.

*Directive on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty ([Directive 2013/48/EU](#))*

This Directive requires Member States promotes the application of the Charter, in particular Articles 4, 6, 7, 47 and 48 thereof, by building upon Articles 3, 5, 6 and 8 ECHR, as interpreted by the European Court of Human Rights, which, in its case-law, on an ongoing basis, sets standards on the right of access to a lawyer. That case-law provides, inter alia, that the fairness of proceedings



requires that a suspect or accused person be able to obtain the whole range of services specifically associated with legal assistance. In that regard, the lawyers of suspects or accused persons should be able to secure without restriction, the fundamental aspects of the defence. It also addresses the right to have a third party informed upon deprivation of liberty and to communicate with third persons and consular authorities in that instance

*Directive on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings ([Directive \(EU\) 2016/1919](#))*

This Directive lays down common minimum rules concerning the right to legal aid for (a) suspects and accused persons in criminal proceedings; and (b) persons who are the subject of European arrest warrant proceedings.

### A.2 Council of Europe Legal Instruments

There are a number of Council of Europe Conventions that concern human rights and the rights of children who are victims of certain forms of violence (including sexual abuse, domestic violence, trafficking and torture) as set out in A.2.1. This section also sets out other Council of Europe legal instruments relevant to criminal proceedings, including those involving child victims of violence. Council of Europe Conventions potentially relevant to the situation of children in justice proceedings more generally are set out in A.2.2.

#### A.2.1 Conventions concerning human rights, including rights of children who have been victims of certain forms of violence, and criminal proceedings

[The European Convention on Human Rights](#) established the European Court of Human Rights and allows victims of human rights violations to lodge applications with the Court against the 47 states bound by the Convention. The Convention applies equally to all individuals, children included. Article 8 of the Convention, which guarantees the right to respect for private and family life, is a particularly important article for the protection of children's rights and is often applied in cases where children are concerned.

[The European Social Charter](#) guarantees social and economic human rights and allows certain organisations to lodge collective complaints of violations of the Charter with the European Committee of Social Rights. The Charter guarantees the rights of children in many circumstances. Children's rights are specifically addressed in several articles of the Social Charter, in particular: Article 7 (the right of children and young persons to protection) and Article 17 (the right of children and young persons to social, legal and economic protection).

[The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) also known as the Lanzarote Convention, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, protect child victims and prosecute perpetrators.

Resources: Council of Europe Convention and explanatory report & [First Lanzarote Implementation Report 2016](#)

[The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\)](#) requires states parties to prevent violence against women and children, protect victims and prosecute the perpetrators. The convention introduces a number of criminal offences for physical, sexual and psychological violence for which harsher sentences are required when the offence is committed against or in the presence of a child.

[The Council of Europe Convention on Action against Trafficking in Human Beings](#) aims to prevent trafficking in human beings, protect victims of trafficking, prosecute traffickers and promote co-ordination of national actions and international co-operation. The convention provides for special measures and procedures for children in the context of victim identification and requires that assistance provided to child victims be adapted to their special needs.

[The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) provides non-judicial preventive mechanisms to protect detainees from torture and inhuman or degrading treatment or punishment.

[European Convention on the Compensation of Victims of Violent Crime](#) puts under an obligation to compensate the victims of intentional and violent offences resulting in bodily injury or death.

[The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#): The Data Protection Convention ensures respect for fundamental human rights with regard to processing of personal data. Children are holders of data protection rights under this convention and special attention must be paid to empowering children to exercise these rights.

The [Cybercrime Convention \(Budapest Convention\)](#) establishes a common approach to the criminalisation of offences related to computer systems and aims to make criminal investigations concerning such offences more effective. According to this convention, all conduct relating to child pornography must be established as a criminal offence in the state parties.

Other Council Conventions relevant to criminal proceedings are of general interest to criminal proceedings, including the European Convention on Extradition (ETS No. 24), the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30), their additional protocols (ETS Nos. 86, 98, 99, 182) and the Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141).

### **A.2.2 Council of Europe Conventions of relevance to the situation of children in justice proceedings**

Other Council Conventions relating to children in justice proceedings are of general interest, including [European Convention on the Exercise of Children's Rights](#) provides for measures which aim to promote the rights of the children, in particular in family proceedings before judicial authorities, in particular those involving the exercise of parental responsibilities such as residence and access to children. The [Convention on Contact Concerning Children](#) provides measures addressing children's contacts with parents in family proceedings.

### **A.3 United Nations Law**

There are a number of UN Conventions which concern the rights of children generally and more specifically the rights of children who are victims of certain forms of violence (including sexual abuse and trafficking). The Convention on the Rights of Persons with Disabilities addresses a wide range of rights, including rights of access to justice for persons with disabilities.

[UN Convention on the Rights of the Child](#) comprehensively sets out universally-recognized norms and standards for the protection and promotion of children's rights. It covers a full range of civil, political, economic, social and cultural rights. It sets out general principles, including the principle of non-discrimination, the best interests of the child, the child's right of participation and the child's right to life, survival and development. It also contains a range of specific rights addressing issues

such as basic health and welfare, family environment and alternative care, education and leisure as well as special protection rights. All EU Member States have ratified the UN CRC.

[Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#) criminalizes specific acts relating to the sale of children, child prostitution and child pornography, including attempt and complicity. It lays down minimum standards for protecting child victims in criminal justice processes and recognizes the right of victims to seek compensation. It encourages strengthening of international cooperation and assistance and the adoption of extra-territorial legislation, but it does not provide for exemption from the dual criminality principle. There are concerns that the OPSC does not protect children from victimization in criminal processes once they have been recognized as having had their rights violated. *Description from UNICEF Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.*

[UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime](#), as described by the UNODC, is the first global legally binding instrument with an agreed definition on trafficking in persons, facilitating convergence in national approaches with regard to the establishment of domestic criminal offences and supporting efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

[The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol](#) Article 13 of the Convention, to which the EU is a signatory addresses access to justice as follows: “1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages. 2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.”

### A.4 Hague Convention

[Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children](#) covers civil measures of protection concerning children, ranging from orders concerning parental responsibility and contact to public measures of protection or care, and from matters of representation to the protection of children’s property.

### A.5 Regional Jurisprudence

Jurisprudence of the Court of Justice of the European Union provides rulings on the interpretation and application of EU law. The European Court of Human Rights provide rulings on the interpretation and application of Council of Europe Conventions. This jurisprudence includes important judgements concerning proceedings involving child victims or witnesses of violence. The [Handbook on European law relating to the rights of the child](#) sets out both the case law of the European Court of Human Rights and the Court of Justice of the European Union (CJEU) in this regard (Section 11.3 on the protection of child victims and witnesses). More generally, the Handbook also contains references to relevant EU Regulations and Directives, the European Social

Charter and the decisions of the European Committee of Social Rights, as well as other Council of Europe instruments, concerning the rights of the child.

## **B International & European Guidance**

### **B.1 EU**

There are important EU resources, including roadmaps, guidance and studies, which concern child victims and witnesses of violence. These concern victims of crime (B.1.1), victims of trafficking (B.1.2), child protection (B.1.3) and children in judicial proceedings (B.1.4). EU agencies, such as the Fundamental Rights Agency, Europol and Eurojust, also provide important practical resources relevant to addressing the needs and rights of child victims of violence.

This section focuses on materials which are of specific practical relevance to the PROMISE Project. It is worth noting that there are many other general materials of related interest from the EU institutions and agencies. They extend across a wide range of policy areas that may be of interest to proceedings concerning child victims of violence, such as cybersecurity, women's rights, children in migration, ROMA rights, poverty and social inclusion.

#### **B.1.1 Victims**

[Council Resolution on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings](#) sets out principles and measures to be taken at EU level in order to strengthen the rights and protection of victims.

[DG Justice Guidance Document on the transposition and implementation of the Victim's Directive](#) has as its purpose "to lead Member States through the Directive and suggest possible ways to tackle both - the transposition and implementation process of the Victim's Directive." It is an important resource for policy makers and practitioners alike.

#### **B.1.2 Trafficking**

[The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016](#) contains a variety of general provisions which are relevant to children as well as provisions which are specific to children, including "To better protect children, the Commission will in 2014 fund the development of guidelines on child protection systems."

#### **B.1.3 Protection of Children**

[Commission Reflection Paper on Coordination and cooperation in integrated child protection systems](#) has as its purpose to promote a shared understanding of the value and remit of integrated child protection systems; enhance understanding of where and how the EU can act to reinforce national child protection systems and forge the necessary links between them to address cross-border protection needs; focus discussions around ten overarching principles of integrated child protection systems and identify where Member States and other actors can draw on and contribute to EU activities.

#### **B.1.4 Children in Justice Proceedings**

[European Commission Study to collect data on children's involvement in criminal, civil and administrative judicial proceedings](#) collects existing data on children's involvement in criminal, civil and administrative judicial proceedings for the years 2008-2010 (and 2011 where available) for all 28 EU Member States in order to provide a statistical overview of children's involvement in judicial

proceedings in the EU. [\*Children's involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the EU\*](#) Policy Brief produced by the European Commission on the basis of the studies.

### B.1.5 Work of the EU Agencies

Key EU agencies include the Fundamental Rights Agency ("FRA"), Eurojust and Europol. The work of other agencies, such as the European Asylum Support Office ("EASO") and Frontex, may also have an impact on child victims and witnesses of violence, in particular children in migration who may have been the victims of crime, including trafficking and sexual abuse and exploitation. These are described in some more detail below.

**(a) EU Fundamental Rights Agency.** Its central task is to provide EU institutions and Member States with independent, evidence-based advice on fundamental rights. Its essential aim is to contribute towards ensuring full respect for fundamental rights across the EU by collecting and analysing information and data; providing assistance and expertise and communicating and raising rights awareness.

Key FRA resources relevant to child victims or witnesses of crime from the work of the agencies include:

- [\*FRA Research on Children and Justice \(2014-2017\)\*](#) examines the treatment of children in justice systems, with a view to identifying forms of child participation in criminal and civil judicial proceedings, as well as collect promising practices, in 10 EU Member States.
- [\*Handbook of European Law on the Rights of the Child\*](#): as noted above in A.1.5.
- *FRA research on "Victim Support Services in the EU: An overview and assessment of victims' rights in practice"*.
- [\*FRA Study on "Child Trafficking in the EU - Challenges, perspectives and good practices" \(2009\)\*](#)
- *FRA and European Commission handbook on "Guardianship for children deprived of parental care. A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking"* aims to strengthen the protection of children by assisting national authorities and other stakeholders to further develop guardianship systems.
- [\*FRA Mapping Child Protection Systems\*](#) concerns research on child protection systems through information and data on key components of child protection systems across the EU.
- [\*FRA Report on Violence against Children with Disabilities\*](#): outlines the findings from FRA research on violence against children with disabilities and includes recommendations on access to child protection services and judicial proceedings.
- [\*Upcoming FRA Guidance on EU Children at Risk\*](#) FRA is looking into national practices across the EU concerning decisions to return or transfer unaccompanied children who are EU nationals to the country of their nationality. The aim is to safeguard the best interests of the child and help prevent re-victimisation and/or the further exploitation of children.
- *FRA research on "Victims of severe form of labour exploitation" (SELEX)*. The study, although not in particular targeting children, addresses issues related to child victims.

**(b) Eurojust** works to stimulate and improve the coordination of investigations and prosecutions between the competent authorities in the Member States and improve the cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests. Since its establishment, Eurojust has played an active role in fighting criminality related to children, even

when those crimes appear not to be perpetrated in an organised way. As a result, a Contact Point for Child Protection Issues was appointed at Eurojust.

**(c) Europol** is the European Union law enforcement agency that handles the exchange and analysis of criminal intelligence. Its mission is to improve the effectiveness and cooperation between EU law enforcement authorities in preventing and combating serious international crime and terrorism, with the aim of achieving a safer Europe for all EU citizens. Europol is active in operational projects concerning child sexual exploitation and trafficking in human beings. It also engages in information exchange, strategic assessments and intelligence notifications in the field and training.

Key Europol resources in relation to [child victims of sexual exploitation](#) and [trafficking](#) include the [Europol Strategic Assessment of the Commercial Sexual Exploitation of Children Online](#) which examines trends in online child sex abuse and presents recommendations for law enforcement and their partners and [Europol's Intelligence Notification on Child trafficking for exploitation in forced criminal activities and forced begging](#).

**(d) The European Asylum Support Office** organises and coordinates operational cooperation and to provide support in the area of asylum. EASO contributes to the development of a common European asylum system by facilitating, coordinating and strengthening practical cooperation among Member States as an independent centre of expertise.

Key relevant EASO resources include the [EASO Tool for Identification of Persons with Special Needs](#) (an online interactive tool which provides practical information necessary for timely identification of applicants with potential special needs within the asylum procedure and/or the reception context. It takes into account the potential additional special needs of the child, related for example to gender or being a victim of trafficking or having been subjected to violence); [guidance materials on the implementation of the best interests of the child](#) at all the stages of the asylum procedure; the [EASO Interviewing Training Curriculum module](#) (which covers interviewing children and provides asylum officials with knowledge and skills in children's development stages; specific techniques for interviewing children; and knowledge and skills on how to assess the information given by a child) and [EASO Training on trafficking in human beings](#) (for asylum officials).

**(e) FRONTEX**, or The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, was established in 2004 to reinforce and streamline cooperation between national border authorities. Frontex has several areas of activity including conducting joint operations at the external borders (sea, land and air); developing common training standards and specialist tools for border guards; engaging in research and risk analysis on the ongoing situation at the external borders, including in relation to trafficking.

### B.2 Council of Europe

There are important Council of Europe resources, including recommendations, guidance and reports which concern child victims and witnesses of violence. These concern victims of crime (B.2.1), victims of trafficking (B.2.2), child protection (B.2.3) and children in judicial proceedings (B.2.4). This section focuses on materials which are of specific practical relevance to the PROMISE Project. There are many other general materials of related interest from the Council of Europe bodies, extending across a wide range of policy areas that may be of interest to proceedings concerning child victims of violence.



### **B.2.1 Victims of Crime**

[Recommendation Rec \(2006\)8 of the Committee of Ministers of the Council of Europe on assistance to crime victims](#) includes provisions on support to victims and the role of social services, inter alia.

### **B.2.2 Trafficking**

The [6th General report on GRETA's activities](#) contains a thematic section on the issue of child trafficking. It also published a [Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings](#) which references national practices concerning trafficking of children, including in criminal proceedings.

### **B.2.3 Protection of children from violence**

There are several key Council of Europe guidance and other resources which are relevant to protection of children from violence. These include [Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence](#) (2009); [Eradicating violence against children - Council of Europe actions](#) (2008); [Council of Europe Recommendation on children's rights and social services friendly to children and families](#); [Protecting Children from Sexual Violence - A Comprehensive Approach](#); and [the Council of Europe One in Five Campaign](#): (a campaign to stop sexual violence against children which had as its main objectives to promote the signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and to equip children, their families/carers and societies with knowledge and tools to prevent sexual violence against children and in so doing raise awareness of the full extent of sexual violence against children).

The work of the "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is also an important source of guidance. The Committee is the body established to monitor whether Parties effectively implement the Lanzarote Convention. The Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme; starting with sexual abuse in the circle of trust.

### **B.2.4 Children in Justice Proceedings**

The most comprehensive regional guidelines in the field of child friendly justice comprise [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#) (2011). [International justice for children](#) (2009) is another useful resource which discusses the principles of child-friendly justice at international level and examines monitoring mechanisms and current systems of admissibility, determining how easy or difficult it is for children to gain access to them. The Council of Europe also published with the Fundamental Rights Agency the [Handbook on European law relating to the rights of the child](#) (see A.1.5 above).

## **B.3 UN**

There are important resources available from UN bodies, including guidance and reports which concern child victims and witnesses of violence. This section focuses on materials which are of specific practical relevance to the PROMISE Project, including in particular guidelines from UN bodies (B.3.1) and general comments from the UN Committee on the Rights of the Child (B.3.2).

### B.3.1 UN Guidelines

[\*UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime\*](#) (view the [child-friendly version](#)). Broadly, these Guidelines aim to assist States in designing and implementing legislation, policy, programmes and practices to ensure full respect for child victims and witnesses. They recognise that children are particularly vulnerable and require special protection in their interactions with the justice system, and reaffirm the general principles of the Convention on the Rights of the Child. Under the Guidelines, child victims and witnesses have the right to be treated with dignity and compassion, to be informed, to be heard, to receive effective assistance and benefit from special protective measures, to have their privacy and safety assured, and to seek reparation. A holistic approach is also strongly encouraged.

[\*UNODC and UNICEF Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime\*](#) is based on international best practices in the treatment of child victims and witnesses of crime by the criminal justice system. It is intended to serve as guidance for policymakers and professionals dealing with child victims and witnesses of crime, such as judges, medical and support staff, law enforcement officials, prosecutors, social workers, staff of non-governmental organizations and teachers.

[\*Guidelines for Action on Children in the Criminal Justice System\*](#). The Guidelines for Action are aimed not only at States, but also UN entities, NGOs, professional groups, the media and children. They address children who become involved in the criminal justice system in any capacity, whether as offenders, victims or witnesses, and encourage the full implementation of children's rights in the administration of justice. On a national level, governments are urged to develop separate, child-oriented juvenile justice systems that take account of the specific needs of individual children. Most importantly, these systems should both guarantee respect for and prevent the violation of children's rights.

[\*UNODC-UNICEF Model Law on Justice in Matters Involving Child Victims and Witnesses of Crime\*](#). The Model Law sets out provisions for the protection of child victims and witnesses in accordance with existing international human rights instruments, calling on national governments and justice professionals to create systems that improve the treatment of child victims and witnesses. The Law underscores children's right to be informed and to receive appropriate assistance, including the appointment of a support person to guide them through the criminal justice process. Courts are also expected to make every effort to facilitate children's right to be heard, to adopt extensive measures that protect children's privacy before, during and after proceedings, and to guarantee children's right to receive restitution or compensation from convicted offenders.

[\*Guidance Note of the Secretary-General: UN Approach to Justice for Children\*](#). The Secretary General's Guidance Note seeks to ensure the full application of international norms and standards for all children who come into contact with national justice systems. The Note argues that States should embrace a stronger rule of law for children by empowering justice institutions and adopting strategies that specifically guarantee respect for children's rights. Guiding principles to be followed include the best interests of the child, the right to fair and equal treatment, the right to be heard, and the right to be protected from violence. States are urged to integrate these and other child-friendly justice notions into relevant constitutional and legislative reform efforts, and to promote overall integrity and accountability in justice and law enforcement.

[\*UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems\*](#) (Principles 4, 11; Guideline 7)



[UNICEF Guidelines on the Protection of Child Victims of Trafficking](#) set out standards for good practice with respect to protection of and assistance to trafficked children.

### **B.3.2 General Comments of the UN Committee on the Rights of the Child**

[General Comment No. 5](#) (2003), General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42, and 44 para. 6):

*“The Committee on the Rights of the Child has drafted this general comment to outline States parties’ obligations to develop what it has termed “general measures of implementation. ... The general measures of implementation identified by the Committee and described in the present general comment are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of coordinating and monitoring bodies - governmental and independent - comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes”*

[General Comment No. 12](#) (2009) on the right of the child to be heard

*“The overall objective of the general comment is to support States parties in the effective implementation of article 12.” It addresses the fact that “Article 12 of the Convention establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child’s age and maturity. This right imposes a clear legal obligation on States parties to recognize this right and ensure its implementation by listening to the views of the child and according them due weight. This obligation requires that States parties, with respect to their particular judicial system, either directly guarantee this right, or adopt or revise laws so that this right can be fully enjoyed by the child.”*

[General Comment No. 13](#) (2011) on the right of the child to freedom from all forms of violence

*“The present general comment seeks [inter alia] (a) To guide States parties in understanding their obligations under article 19 of the Convention to prohibit, prevent and respond to all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of children, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, including State actors;*

[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)

*“The main objective of this general comment is to strengthen the understanding and application of the right of children to have their best interests assessed and taken as a primary consideration or, in some cases, the paramount consideration (see paragraph 38 below). Its overall objective is to promote a real change in attitudes leading to the full respect of children as rights holders.”*

### **B.4 Hague Convention**

[Practical Handbook on the operation of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children](#)

The Handbook aims to be an accessible and easily digestible practical guide to the Convention. Through the use of plain language, relevant and comprehensive case examples and simple flowcharts, it is hoped that the Handbook will promote a clear understanding of how the Convention is intended to operate in practice, thereby ensuring that good practice under the Convention is established and fostered from the outset in Contracting States.

### III. Tables of Relevant Provisions in Key EU, Council of Europe and UN Instruments

The tables below provide profiles of the Victims' Rights Directive, the Child Sexual Abuse Directive, the Trafficking Directive, the Council of Europe Trafficking Convention, the Lanzarote Convention, Optional Protocol to the UNCRC on the sale of children and the Palermo Convention, all referenced fully in Section II above. They show the way and extent to which each instrument contains particular obligations to child victims and witnesses of violence.

PROVISION	DIRECTIVE 2011/93/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA
GENERAL PRINCIPLES	
Avoiding repeat or secondary victimisation of victims	<p>Recital 24 Secondary victimisation should be avoided for victims of offences referred to in this Directive. In Member States where prostitution or the appearance in pornography is punishable under national criminal law, it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child pornography.</p> <p><b>Recital 30 Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures.</b></p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Recital 2 In accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, in which Article 24(2) provides that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration...</p> <p>Recital 6 Serious criminal offences such as the sexual exploitation of children and child pornography require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon. The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child. Framework Decision 2004/68/JHA should be replaced by a new instrument providing such comprehensive legal framework to achieve that purpose.</p> <p>Recital 30 Measures to protect child victims should be adopted in their best interest, taking into account an assessment of their needs....</p> <p>Article 18 1. Child victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection in accordance with Articles 19 and 20, taking into account the best interests of the child....</p>
Non-discrimination	n/a
Taking due account of the views of the child	19.3. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns.

### TARGET GROUP

Target Group: Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provisions, family members

Article 15. 4. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 7, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Article 18 2. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that a child might have been subject to any of the offences referred to in Articles 3 to 7.

3. Member States shall ensure that, where the age of a person subject to any of the offences referred to in Articles 3 to 7 is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 19 and 20.

Article 19.5. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child victim in enjoying the rights under this Directive when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Framework Decision 2001/220/JHA to the family of the child victim.

### ASSISTANCE & SUPPORT

Provision of information

None

Right to interpretation & translation

None

Provision of assistance & support

Recital 23 .. The use of seized and confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection should be encouraged.

Recital 31 Member States should consider giving short and long term assistance to child victims. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed. Because of the nature of the harm caused by sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings.

Article 19.2. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution or trial.

Article 18 1. Child victims of the offences referred to in Articles 3 to 7 shall be provided assistance, support and protection in accordance with Articles 19 and 20, taking into account the best interests of the child....

Article 19.1 Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive. Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family....

4. Child victims of any of the offences referred to in Articles 3 to 7 shall be considered as particularly vulnerable victims pursuant to Article 2(2), Article 8(4) and Article 14(1) of Framework Decision 2001/220/JHA. EN 17.12.2011 Official Journal of the European Union L 335/

Individual assessment of each child's circumstances and non-offending family members' needs	19.3. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns.
Circle of Trust provisions	<p>Recital 30 ...Child victims should have easy access to legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. ...</p> <p>Article 19 (1)... Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.</p>
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	<p>Recital 30 ... When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority...</p> <p>Article 20. 1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.</p>
Legal counselling and representation	<p>Recital 32 Framework Decision 2001/220/JHA establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. In addition child victims of sexual abuse, sexual exploitation and child pornography should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States.</p> <p>Article 20.2. Member States shall ensure that child victims have, without delay, access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.</p>
<b>REPORTING/INVESTIGATION/COURT PROCEEDINGS</b>	
Reporting obligations	<p>Recital 28 Member States should encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services. It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.</p> <p>Article 16. 1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals whose main duty is to work with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a</p>

	<p>child is the victim of offences referred to in Articles 3 to 7. 1.</p> <p>Article 16.2 Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith that any of the offences referred to in Articles 3 to 7 have been committed, to report this to the competent services.</p>
Investigation & Prosecution do not depend on report/accusation by victim	<p>Recital 26.. To ensure successful investigations and prosecutions of the offences referred to in this Directive, their initiation should not depend, in principle, on a report or accusation made by the victim or by his or her representative....</p> <p>Article 15 1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 7 are not dependent on a report or accusation being made by the victim or by his or her representative, and that criminal proceedings may continue even if that person has withdrawn his or her statements.</p>
Criminal Proceedings: Investigation & Court Proceedings: Adapted For Children	
CRIMINAL INVESTIGATIONS: No unjustified delay between the reporting of the facts and interviews take place	Article 20.3 .. necessary measures to ensure that in criminal investigations.. that it may be ordered that...(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;
CRIMINAL INVESTIGATION: Rules on medical examinations	None
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	Article 20.3 .. necessary measures to ensure that in criminal investigations.. that it may be ordered that...(b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	<p>Article 20 3. ...necessary measures to ensure that in criminal investigations .. that it may be ordered that</p> <p>(c) interviews with the child victim are carried out by or through professionals trained for this purpose;</p>
CRIMINAL INVESTIGATION: The same persons, if possible and were appropriate, conduct all interviews with children	<p>Article 20 3. ...necessary measures to ensure that in criminal investigations .. that it may be ordered that..</p> <p>(d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;</p>
CRIMINAL INVESTIGATION: Interviews of victims of sexual violence, gender-based violence or violence in close relationships being carried out by persons of the same sex	None
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	<p>Article 20 3. ...necessary measures to ensure that in criminal investigations .. that it may be ordered that..</p> <p>(e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purpose of criminal investigations and proceedings;</p>
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where	<p>Article 20 3. ...necessary measures to ensure that in criminal investigations .. that it may be ordered that..</p> <p>(f) the child victim may be accompanied by his or her legal representative or,</p>

### III. Tables of Relevant Provisions in Key EU, Council of Europe and UN Instruments

appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.
CRIMINAL INVESTIGATION/COURT PROCEEDING All interviews with a child victim) or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	Article 20.4 4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 7 all interviews with the child victim or, where appropriate, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.
COURT PROCEEDING Possibility to order that the hearing take place without the presence of the public	20.5...necessary measures to ensure that in criminal court proceedings .. that it may be ordered that: (a) the hearing take place without the presence of the public;
COURT PROCEEDING Possibility to order that the child victim be heard through the use of appropriate communication technologies	20.5...necessary measures to ensure that in criminal court proceedings .. that it may be ordered that: (b) the child victim be heard in the courtroom without being present, in particular through the use of appropriate communication technologies.
CRIMINAL PROCEEDINGS/GENERAL Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	20. 6. Member States shall take the necessary measures, where in the interest of child victims and taking into account other overriding interests, to protect the privacy, identity and image of child victims, and to prevent the public dissemination of any information that could lead to their identification.
CRIMINAL PROCEEDINGS/GENERAL Right to avoid contact between victim and offender	Recital 30 ... Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders...
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	N/A
Training & tools	<p>Recital 30 A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures.</p> <p>Recital 36 Professionals likely to come into contact with child victims of sexual abuse and sexual exploitation should be adequately trained to identify and deal with such victims. That training should be promoted for members of the following categories when they are likely to come into contact with child victims: police officers, public prosecutors, lawyers, members of the judiciary and court officials, child and health care personnel, but could also involve other groups of persons who are likely to encounter child victims of sexual abuse and sexual exploitation in their work.</p> <p>Article 23.1 Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of sexual exploitation of children.</p> <p>Article 23. 3. Member States shall promote regular training for officials likely to come into contact with child victims of sexual abuse or exploitation, including front-line police officers, aimed at enabling them to identify and deal with child</p>

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	victims and potential child victims of sexual abuse or exploitation.
Multi-disciplinarity/ coordination/cooperation	Recital 35 Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, hotlines under the number 116 000 for missing children, 116 006 for victims of crime and 116 111 for children, as introduced by Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value ( 1 ), should be promoted and experience regarding their functioning should be taken into account.
Data & Monitoring	Recital 44 Member States are encouraged to create mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children. In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child pornography, the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.
Awareness Raising	<p>Recital 34 Member States should establish and/or strengthen policies to prevent sexual abuse and sexual exploitation of children, including measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns, and research and education programmes. In such initiatives, Member States should adopt a child-rights based approach. Particular care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand. The establishment of help-lines or hotlines should be considered.</p> <p>Recital 45 Member States should take appropriate action for setting up information services to provide information on how to recognise the signs of sexual abuse and sexual exploitation.</p> <p>Article 23. 2. Member States shall take appropriate action, including through the Internet, such as information and awareness- raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or exploitation.</p>
Prevention	<p>Recital 33 see preventative measures re child sex tourism</p> <p>Recital 34 see above awareness raising/ &amp; research &amp; education... child friendly materials... establishment of help lines and hotlines</p> <p>Recital 37 intervention programmes or measures.</p> <p>Article 21 measures against advertising child sex tourism</p> <p>Article 22 Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 7 may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed.</p> <p>Article 23 1. Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of sexual exploitation of children.</p> <p>2. Member States shall take appropriate action, including through the Internet, such as information and awareness- raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or exploitation.</p> <p>3. Member States shall promote regular training for officials likely to come into contact with child victims of sexual abuse or exploitation, including front-line police officers, aimed at enabling them to identify and deal with child victims and</p>



	potential child victims of sexual abuse or exploitation.
OTHER PROVISIONS CONCERNING CONTACT WITH CHILDREN OR IMAGES OF CHILDREN	<p>Recital 40 Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children. Employers when recruiting for a post involving direct and regular contact with children are entitled to be informed of existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term ‘employers’ should also cover persons running an organisation that is active in volunteer work related to the supervision and/or care of children involving direct and regular contact with children. The manner in which such information is delivered, such as for example access via the person concerned, and the precise content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law.</p> <p>Article 25. 1. Member States shall take the necessary measures to ensure the prompt removal of web pages containing or disseminating child pornography hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.</p> <p>2. Member States may take measures to block access to web pages containing or disseminating child pornography towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.</p> <p>Right to compensation: Article 20 (2). Member States shall ensure that child victims have, without delay, access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation.</p> <p>Right to non-prosecution/non-punishment: Recital 30 Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if they bring their case to the attention of competent authorities.</p> <p>Article 14 Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (5) and (6), and in Article 5(6).</p> <p>Removing/blocking images:</p> <p>(46) Child pornography, which constitutes child sexual abuse images, is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child sexual abuse material by making it more difficult for offenders to upload such content onto the publicly accessible web. Action is therefore necessary to remove the content and apprehend those guilty of making, distributing or downloading child sexual abuse images. With a view to supporting the Union’s efforts to combat child pornography, Member States should use their best endeavours to cooperate with third countries in seeking to secure the removal of such content from servers within their territory.</p> <p>(47) However, despite such efforts, the removal of child pornography content at its source is often not possible when the original materials are not located within the Union, either because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union’s territory to Internet pages identified as containing or disseminating child pornography. The measures undertaken by Member States in</p>



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accordance with this Directive in order to remove or, where appropriate, block websites containing child pornography could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content, cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child pornography material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The Safer Internet Programme has set up a network of hotlines the goal of which is to collect information and to ensure coverage and exchange of reports on the major types of illegal content online.

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PROVISION	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
<b>GENERAL PRINCIPLES</b>	
Avoiding repeat or secondary victimisation of victims	<p>Article 30. 2 Each Party shall adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate...</p> <p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:</p> <p>.. b.ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively; ... f. providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation; g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.</p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Considering that every child has the right to such measures of protection as are required by his or her status as a minor, on the part of his or her family, society and the State;</p> <p>.. Considering that the well-being and best interests of children are fundamental values shared by all member States and must be promoted without any discrimination;</p> <p>Article 30 1 Each Party shall take the necessary legislative or other measures to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child.</p> <p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:</p> <p>.. g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.</p>
Non-discrimination	<p>Article 2 The implementation of the provisions of this Convention by the Parties, in particular the enjoyment of measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.</p>
Taking due account of the views of the child	<p>Article 14. 1 Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns.</p> <p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:</p> <p>... c enabling them, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and to choose the means of having their views, needs and concerns presented, directly or through an intermediary, and considered;</p>

TARGET GROUP	
Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provisions	<p>Article 3 a. “child” shall mean any person under the age of 18 years; b. “sexual exploitation and sexual abuse of children” shall include the behaviour as referred to in Articles 18 to 23 of this Convention; c “victim” shall mean any child subject to sexual exploitation or sexual abuse.</p> <p>Article 11. 2 Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age.</p> <p>Article 14. 4 Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.</p> <p>Article 34.2 Each Party shall take the necessary legislative or other measures to ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations.</p> <p>Article 35. 3 When the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures established in paragraphs 1 and 2 shall be applied pending verification of his or her age.</p>
ASSISTANCE & SUPPORT	
Provision of information	<p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by: a informing them of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases;</p> <p>Article 31. 2 Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings.</p> <p>Article 31. 6 Each Party shall ensure that the information given to victims in conformity with the provisions of this article is provided in a manner adapted to their age and maturity and in a language that they can understand.</p>
Right to interpretation & translation	None
Provision of assistance & support	<p>Article 11. 1. Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care.</p> <p>Article 14. 1 Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child’s views, needs and concerns.</p> <p>2 Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.</p> <p>3 When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken in application of Article 11, paragraph 1, shall include:</p> <ul style="list-style-type: none"> <li>– the possibility of removing the alleged perpetrator;</li> <li>– the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.</li> </ul>

	<p>4 Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.</p> <p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:.... d providing them with appropriate support services so that their rights and interests are duly presented and taken into account;</p> <p>Article 31. 5 5 Each Party shall provide, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, the possibility for groups, foundations, associations or governmental or non-governmental organisations, to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention.</p>
Individual assessment of each child's circumstances and non-offending family members' needs	None
Circle of Trust provisions	<p>Article 14.3 When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken in application of Article 11, paragraph 1, shall include:</p> <ul style="list-style-type: none"> <li>– the possibility of removing the alleged perpetrator;</li> <li>– the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.</li> </ul>
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	Article 31.4 Each Party shall provide for the possibility for the judicial authorities to appoint a special representative for the victim when, by internal law, he or she may have the status of a party to the criminal proceedings and where the holders of parental responsibility are precluded from representing the child in such proceedings as a result of a conflict of interest between them and the victim.
Legal counselling and representation	Article 31. 3 Each Party shall ensure that victims have access, provided free of charge where warranted, to legal aid when it is possible for them to have the status of parties to criminal proceedings.
<b>REPORTING/INVESTIGATION/COURT PROCEEDING</b>	
Reporting	<p>Article 25.6 For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1.a, and 21 of this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards paragraphs 1.d and e is not subordinated to the condition that the prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed.</p> <p>Article 32. Each Party shall take the necessary legislative or other measures to ensure that investigations or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, and that the proceedings may continue even if the victim has withdrawn his or her statements.</p> <p>Article 12. 1 Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse.</p> <p>2 Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, in good faith, sexual exploitation or</p>

	<p>sexual abuse of children to report these facts to the competent services.</p> <p>Article 13; Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.</p>
Adapted procedures in investigations and judicial proceedings involving children	<p>Article 30 1 Each Party shall take the necessary legislative or other measures to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child.</p> <p>2 Each Party shall adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate.</p> <p>3 Each Party shall ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay.</p> <p>4 Each Party shall ensure that the measures applicable under the current chapter are not prejudicial to the rights of the defence and the requirements of a fair and impartial trial, in conformity with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms....</p> <p>Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by: [see a – g elsewhere in the table]</p>
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	<p>Article 30.33 Each Party shall ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay.</p> <p>Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:</p> <p>a interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;</p>
CRIMINAL INVESTIGATION: Medical examinations	None
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	<p>Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:</p> <p>b interviews with the child take place, where necessary, in premises designed or adapted for this purpose;</p>
CRIMINAL INVESTIGATION; Interviews are carried out by or through professionals trained for this purpose	<p>Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:</p> <p>c interviews with the child are carried out by professionals trained for this purpose;</p>
CRIMINAL INVESTIGATION: The same persons, if possible and were appropriate, conduct all interviews with children	<p>Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:</p> <p>d the same persons, if possible and where appropriate, conduct all interviews with the child;</p>
CRIMINAL INVESTIGATION: Interviews of victims of sexual violence, gender-based violence or violence in close relationships being carried out by persons of the same sex	None
CRIMINAL INVESTIGATION: The number of interviews is as limited	Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:

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as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	e the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings;
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:  If the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.
CRIMINAL INVESTIGATION/COURT PROCEEDING All interviews with a child victim )or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	Article 35. 2 Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings, according to the rules provided by its internal law.
COURT PROCEEDING: Possibility to order that the hearing take place without the presence of the public	Article 36. 2 Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that: a the judge may order the hearing to take place without the presence of the public;
COURT PROCEEDING: Possibility to order that the child victim be heard through the use of appropriate communication technologies	Article 36. 2 Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that.. b the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.
CRIMINAL PROCEEDINGS/GENERAL  Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	Article 31. 1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by: .. e protecting their privacy, their identity and their image and by taking measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification;
CRIMINAL PROCEEDINGS/GENERAL  Right to avoid contact between victim and offender	Article 31.1 Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	n/a
Training & tools	Article 5.1 Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.  2 Each Party shall take the necessary legislative or other measures to ensure that

	<p>the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.</p> <p>3 Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.</p> <p>Article 34. 1 Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose. Such units or services shall have adequate financial resources.</p> <p>Article 35. 1 Each Party shall take the necessary legislative or other measures to ensure that:</p> <p>.. c interviews with the child are carried out by professionals trained for this purpose;</p> <p>Article 36. 1 Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomy of legal professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.</p>
Multi-disciplinarity/coordination/cooperation	<p>Article 10: 1 Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.</p> <p>2 Each Party shall take the necessary legislative or other measures to set up or designate: a. independent competent national or local institutions for the promotion and protection of the rights of the child, ensuring that they are provided with specific resources and responsibilities;....</p> <p>3 Each Party shall encourage co-operation between the competent state authorities, civil society and the private sector, in order to better prevent and combat sexual exploitation and sexual abuse of children.</p> <p>Article 11.1 Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care.</p> <p>Article 13. Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.</p> <p>Article 14.2 Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.</p> <p>International cooperation</p> <p>15.2 Each Party shall ensure or promote, in accordance with its internal law, the development of partnerships or other forms of cooperation between the competent authorities, in particular health-care services and the social services, and the judicial authorities and other bodies responsible for following the persons referred to in Article 16, paragraphs 1 and 2.</p> <p>Article 38. 1 The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible,</p>

	<p>for the purpose of:</p> <p>a preventing and combating sexual exploitation and sexual abuse of children;</p> <p>b protecting and providing assistance to victims;</p> <p>c investigations or proceedings concerning the offences established in accordance with this Convention.</p> <p>2 Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.</p> <p>3 If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty receives a request for legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider this Convention the legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.</p> <p>4 Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.</p>
Data & Monitoring	<p>Article 10.2 Each Party shall take the necessary legislative or other measures to set up or designate: .. b mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection</p> <p>See also Chapter X – Monitoring mechanism: at CoE level</p>
Awareness Raising	<p>Article 5 Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.</p> <p>2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.</p> <p>Article 6 Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.</p> <p>Article 8 1 Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.</p> <p>2 Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention.</p> <p>Article 9 (here or other) Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.</p> <p>2. Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking</p>



	<p>and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.</p> <p>3. Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.</p> <p>4. Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.</p>
Prevention	<p>Article 4 Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.</p> <p>Article 7 Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with this Convention may have access, where appropriate, to elective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.</p> <p>Also see Multidisciplinarity, which includes several articles regarding collaboration to prevent sexual abuse and exploitation</p>
Other (compensation.. non prosecution & non punishment)	<p>Article 5. 3 Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.</p> <p>Article 15.16.17 Intervention programmes or measures</p>

PROVISION	DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
GENERAL PRINCIPLES	
<p><b>Avoiding repeat or secondary victimisation of victims</b></p>	<p>(9) ..Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice...</p> <p>(17) Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence.</p> <p>(46) Restorative justice services, including for example victim- offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent secondary and repeat victimisation, intimidation and retaliation...</p> <p>(52) Measures should be available to protect the safety and dignity of victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, such as interim injunctions or protection or restraining orders.</p> <p>(53) The risk of secondary and repeat victimisation, of intimidation and of retaliation by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a coordinated and respectful manner, enabling victims to establish trust in authorities. Interaction with competent authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them through, for example, video recording of interviews and allowing its use in court proceedings. As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his or her family, associates or members of the public. To that end, Member States should be encouraged to introduce, especially in relation to court buildings and police stations, feasible and practical measures enabling the facilities to include amenities such as separate entrances and waiting areas for victims. In addition, Member States should, to the extent possible, plan the criminal proceedings so that contacts between victims and their family members and offenders are avoided, such as by summoning victims and offenders to hearings at different times.</p> <p>(54) Protecting the privacy of the victim can be an important means of preventing secondary and repeat victimisation, intimidation and retaliation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, and includes non-disclosure of the name of the child...</p> <p>(55) Some victims are particularly at risk of secondary and repeat victimisation, of intimidation and of retaliation by the offender during criminal proceedings. It is possible that such a risk derives from the personal characteristics of the victim or the type, nature or circumstances of the crime. Only through individual assessments, carried out at the earliest opportunity, can such a risk be effectively identified. Such assessments should be carried out for all victims to determine whether they are at risk of secondary and repeat victimisation, of intimidation and of retaliation and what special protection measures they require.</p> <p>(57) Victims of human trafficking, terrorism, organised crime, violence in close relationships, sexual violence or exploitation, gender-based violence, hate crime, and victims with disabilities and child victims tend to experience a high rate of secondary and repeat victimisation, of intimidation and of retaliation. Particular care should be taken when assessing whether such victims are at risk of such victimisation, intimidation and of retaliation and there should be a strong</p>

	<p>presumption that those victims will benefit from special protection measures.</p> <p>(58) Victims who have been identified as vulnerable to secondary and repeat victimisation, to intimidation and to retaliation should be offered appropriate measures to protect them during criminal proceedings.</p> <p>(63) In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner.</p> <p>Article 9.1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide: ...(e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation...</p> <p>Article 9.3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:</p> <p>(a) shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;</p> <p>Article 12. 1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services.</p> <p>Article 18 ..Without prejudice to the rights of the defence, Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members...</p> <p>Article 22. 1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation....</p> <p>Article 22. 4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.</p> <p>Article 26 Member States shall take appropriate action, including through the internet, aimed at raising awareness of the rights set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders.</p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>(14) In applying this Directive, children's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child adopted on 20 November 1989. Child victims should be considered and treated as the full bearers of rights set out in this Directive and should be entitled to exercise those rights in a manner that takes into account their capacity to form their own</p>

	<p>views.</p> <p>(19) A person should be considered to be a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between them. It is possible that family members of victims are also harmed as a result of the crime. In particular, family members of a person whose death has been directly caused by a criminal offence could be harmed as a result of the crime. Such family members, who are indirect victims of the crime, should therefore also benefit from protection under this Directive. However, Member States should be able to establish procedures to limit the number of family members who can benefit from the rights set out in this Directive. In the case of a child, the child or, unless this is not in the best interests of the child, the holder of parental responsibility on behalf of the child, should be entitled to exercise the rights set out in this Directive.</p> <p>Article 1. 2 Member States shall ensure that in the application of this Directive, where the victim is a child, the child's best interests shall be a primary consideration and shall be assessed on an individual basis. A child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns, shall prevail. The child and the holder of parental responsibility or other legal representative, if any, shall be informed of any measures or rights specifically focused on the child.</p>
Non-discrimination	<p>(9) Crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health...</p> <p>(10) This Directive does not address the conditions of the residence of victims of crime in the territory of the Member States. Member States should take the necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status in their territory or on the victim's citizenship or nationality. Reporting a crime and participating in criminal proceedings do not create any rights regarding the residence status of the victim.</p> <p>(15) In applying this Directive, Member States should ensure that victims with disabilities are able to benefit fully from the rights set out in this Directive, on an equal basis with others, including by facilitating the accessibility to premises where criminal proceedings are conducted and access to information.</p> <p>(17) Violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately, is understood as gender-based violence. It may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim. Gender-based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'. Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence.</p> <p>(25) Without prejudice to rules relating to limitation periods, the delayed reporting of a criminal offence due to fear of retaliation, humiliation or stigmatisation should not result in refusing acknowledgement of the victim's complaint.</p> <p>(56) Individual assessments should take into account the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias</p>

	<p>crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed.</p> <p>(66) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, it seeks to promote the right to dignity, life, physical and mental integrity, liberty and security, respect for private and family life, the right to property, the principle of non- discrimination, the principle of equality between women and men, the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.</p> <p>Article 1 ... Member States shall ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings. The rights set out in this Directive shall apply to victims in a non-discriminatory manner, including with respect to their residence status...</p> <p>Article 22 3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.</p> <p>Article 25.5 In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.</p>
Taking due account of the views of the child	<p>(14) In applying this Directive, children's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child adopted on 20 November 1989. Child victims should be considered and treated as the full bearers of rights set out in this Directive and should be entitled to exercise those rights in a manner that takes into account their capacity to form their own views.</p> <p>(41) The right of victims to be heard should be considered to have been fulfilled where victims are permitted to make statements or explanations in writing.</p> <p>(42) The right of child victims to be heard in criminal proceedings should not be precluded solely on the basis that the victim is a child or on the basis of that victim's age.</p> <p>(58) Victims who have been identified as vulnerable to secondary and repeat victimisation, to intimidation and to retaliation should be offered appropriate measures to protect them during criminal proceedings. The exact nature of such measures should be determined through the individual assessment, taking into account the wish of the victim. The extent of any such measure should be determined without prejudice to the rights of the defence and in accordance with rules of judicial discretion. The victims' concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.</p> <p>Article 1. 2. Member States shall ensure that in the application of this Directive, where the victim is a child, the child's best interests shall be a primary consideration and shall be assessed on an individual basis. A child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns, shall prevail. The child and the holder of parental responsibility or other legal representative, if any, shall be informed of any measures or rights specifically</p>

	<p>focused on the child.</p> <p>Article 10 1. Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity. 2. The procedural rules under which victims may be heard during criminal proceedings and may provide evidence shall be determined by national law.</p>
TARGET GROUP	
Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provision, family members	<p>(19) A person should be considered to be a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between them. It is possible that family members of victims are also harmed as a result of the crime. In particular, family members of a person whose death has been directly caused by a criminal offence could be harmed as a result of the crime. Such family members, who are indirect victims of the crime, should therefore also benefit from protection under this Directive. However, Member States should be able to establish procedures to limit the number of family members who can benefit from the rights set out in this Directive. In the case of a child, the child or, unless this is not in the best interests of the child, the holder of parental responsibility on behalf of the child, should be entitled to exercise the rights set out in this Directive. This Directive is without prejudice to any national administrative procedures required to establish that a person is a victim.</p> <p>Article 1.1 ... Member States shall ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings. The rights set out in this Directive shall apply to victims in a non-discriminatory manner, including with respect to their residence status.</p> <p>Article 2.1 (a) 'victim' means:</p> <p>(i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;</p> <p>(ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death;</p> <p>(b) 'family members' means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim;</p> <p>Article 2 (c) 'child' means any person below 18 years of age;</p> <p>Article 2.2. Member States may establish procedures:</p> <p>(a) to limit the number of family members who may benefit from the rights set out in this Directive taking into account the individual circumstances of each case; and</p> <p>(b) in relation to paragraph (1)(a)(ii), to determine which family members have priority in relation to the exercise of the rights set out in this Directive.</p> <p>Article 17 Rights of victims resident in another Member State</p> <p>1. Member States shall ensure that their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall, in particular, be in a position:</p> <p>(a) to take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;</p> <p>(b) to have recourse to the extent possible to the provisions on video conferencing and telephone conference calls laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May</p>

	<p>2000 ( 1 ) for the purpose of hearing victims who are resident abroad.</p> <p>2. Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.</p> <p>3. Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.</p> <p>Article 24. 2. Where the age of a victim is uncertain and there are reasons to believe that the victim is a child, the victim shall, for the purposes of this Directive, be presumed to be a child.</p>
<b>ASSISTANCE &amp; SUPPORT</b>	
Provision of information	<p>(15) In applying this Directive, Member States should ensure that victims with disabilities are able to benefit fully from the rights set out in this Directive, on an equal basis with others, including by facilitating the accessibility to premises where criminal proceedings are conducted and access to information.</p> <p>(21) Information and advice provided by competent authorities, victim support services and restorative justice services should, as far as possible, be given by means of a range of media and in a manner which can be understood by the victim. Such information and advice should be provided in simple and accessible language. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, age, maturity, intellectual and emotional capacity, literacy and any mental or physical impairment should be taken into account. Particular account should be taken of difficulties in understanding or communicating which may be due to a disability of some kind, such as hearing or speech impediments. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings.</p> <p>(23) Information about reimbursement of expenses should be provided, from the time of the first contact with a competent authority, for example in a leaflet stating the basic conditions for such reimbursement of expenses. Member States should not be required, at this early stage of the criminal proceedings, to decide on whether the victim concerned fulfils the conditions for reimbursement of expenses.</p> <p>(26) When providing information, sufficient detail should be given to ensure that victims are treated in a respectful manner and to enable them to make informed decisions about their participation in proceedings. In this respect, information allowing the victim to know about the current status of any proceedings is particularly important. This is equally relevant for information to enable a victim to decide whether to request a review of a decision not to prosecute. Unless otherwise required, it should be possible to provide the information communicated to the victim orally or in writing, including through electronic means.</p> <p>(27) Information to a victim should be provided to the last known correspondence address or electronic contact details given to the competent authority by the victim. In exceptional cases, for example due to the high number of victims involved in a case, it should be possible to provide information through the press, through an official website of the competent authority or through a similar communication channel.</p> <p>(28) Member States should not be obliged to provide information where disclosure of that information could affect the proper handling of a case or harm a given case or person, or if they consider it contrary to the essential interests of their security.</p>



(29) Competent authorities should ensure that victims receive updated contact details for communication about their case unless the victim has expressed a wish not to receive such information.

(30) A reference to a 'decision' in the context of the right to information, interpretation and translation, should be understood only as a reference to the finding of guilt or otherwise ending criminal proceedings. The reasons for that decision should be provided to the victim through a copy of the document which contains that decision or through a brief summary of them.

(31) The right to information about the time and place of a trial resulting from the complaint with regard to a criminal offence suffered by the victim should also apply to information about the time and place of a hearing related to an appeal of a judgment in the case.

(32) Specific information about the release or the escape of the offender should be given to victims, upon request, at least in cases where there might be a danger or an identified risk of harm to the victims, unless there is an identified risk of harm to the offender which would result from the notification...

(33) Victims should receive information about any right to appeal of a decision to release the offender, if such a right exists in national law.

Article 1.1. The purpose of this Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.

Article 3.1. Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.

2. Member States shall ensure that communications with victims are given in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood.

3. Unless contrary to the interests of the victim or unless the course of proceedings would be prejudiced, Member States shall allow victims to be accompanied by a person of their choice in the first contact with a competent authority where, due to the impact of the crime, the victim requires assistance to understand or to be understood.

Article 4. 1. Member States shall ensure that victims are offered the following information, without unnecessary delay, from their first contact with a competent authority in order to enable them to access the rights set out in this Directive:

(a) the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including psychological support, and alternative accommodation;

(b) the procedures for making complaints with regard to a criminal offence and their role in connection with such procedures;

(c) how and under what conditions they can obtain protection, including protection measures;

(d) how and under what conditions they can access legal advice, legal aid and any other sort of advice;

(e) how and under what conditions they can access compensation;

(f) how and under what conditions they are entitled to interpretation and translation;

(g) if they are resident in a Member State other than that where the criminal offence was committed, any special measures, procedures or arrangements, which are available to protect their interests in the Member State where the first contact with the competent authority is made;

(h) the available procedures for making complaints where their rights are not

	<p>respected by the competent authority operating within the context of criminal proceedings;</p> <p>(i) the contact details for communications about their case;</p> <p>(j) the available restorative justice services;</p> <p>(k) how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.</p> <p>2. The extent or detail of information referred to in paragraph 1 may vary depending on the specific needs and personal circumstances of the victim and the type or nature of the crime. Additional details may also be provided at later stages depending on the needs of the victim and the relevance, at each stage of proceedings, of such details.</p> <p>Article 5.1. Member States shall ensure that victims receive written acknowledgement of their formal complaint made by them to the competent authority of a Member State, stating the basic elements of the criminal offence concerned.</p> <p>Article 6 1. Member States shall ensure that victims are notified without unnecessary delay of their right to receive the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by the victim and that, upon request, they receive such information:</p> <p>(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;</p> <p>(b) the time and place of the trial, and the nature of the charges against the offender.</p> <p>2. Member States shall ensure that, in accordance with their role in the relevant criminal justice system, victims are notified without unnecessary delay of their right to receive the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by them and that, upon request, they receive such information:</p> <p>(a) any final judgment in a trial;</p> <p>(b) information enabling the victim to know about the state of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected by such notification.</p> <p>3. Information provided for under paragraph 1(a) and paragraph 2(a) shall include reasons or a brief summary of reasons for the decision concerned, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.</p> <p>4. The wish of victims as to whether or not to receive information shall bind the competent authority, unless that information must be provided due to the entitlement of the victim to active participation in the criminal proceedings. Member States shall allow victims to modify their wish at any moment, and shall take such modification into account.</p> <p>5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention. Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender.</p> <p>6. Victims shall, upon request, receive the information provided for in paragraph 5 at least in cases where there is a danger or an identified risk of harm to them, unless there is an identified risk of harm to the offender which would result from the notification.</p>
Right to interpretation & translation	(34) Justice cannot be effectively achieved unless victims can properly explain the circumstances of the crime and provide their evidence in a manner understandable

to the competent authorities. It is equally important to ensure that victims are treated in a respectful manner and that they are able to access their rights. Interpretation should therefore be made available, free of charge, during questioning of the victim and in order to enable them to participate actively in court hearings, in accordance with the role of the victim in the relevant criminal justice system. For other aspects of criminal proceedings, the need for interpretation and translation can vary depending on specific issues, the role of the victim in the relevant criminal justice system and his or her involvement in proceedings and any specific rights they have. As such, interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

(35) The victim should have the right to challenge a decision finding that there is no need for interpretation or translation, in accordance with procedures in national law. That right does not entail the obligation for Member States to provide for a separate mechanism or complaint procedure in which such decision may be challenged and should not unreasonably prolong the criminal proceedings. An internal review of the decision in accordance with existing national procedures would suffice.

(36) The fact that a victim speaks a language which is not widely spoken should not, in itself, be grounds to decide that interpretation or translation would unreasonably prolong the criminal proceedings.

Article 5 2. Member States shall ensure that victims who wish to make a complaint with regard to a criminal offence and who do not understand or speak the language of the competent authority be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance.

3. Member States shall ensure that victims who do not understand or speak the language of the competent authority, receive translation, free of charge, of the written acknowledgement of their complaint provided for in paragraph 1, if they so request, in a language that they understand.

Article 7.1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation in accordance with their role in the relevant criminal justice system in criminal proceedings, free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.

2. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, communication technology such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is required in order for the victims to properly exercise their rights or to understand the proceedings.

3. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, in accordance with their role in the relevant criminal justice system in criminal proceedings, upon request, with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to the victims. Translations of such information shall include at least any decision ending the criminal proceedings related to the criminal offence suffered by the victim, and upon the victim's request, reasons or a brief summary of reasons for such decision, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.

4. Member States shall ensure that victims who are entitled to information about the time and place of the trial in accordance with Article 6(1)(b) and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, upon request.

5. Victims may submit a reasoned request to consider a document as essential.

	<p>There shall be no requirement to translate passages of essential documents which are not relevant for the purpose of enabling victims to actively participate in the criminal proceedings.</p> <p>6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings.</p> <p>7. Member States shall ensure that the competent authority assesses whether victims need interpretation or translation as provided for under paragraphs 1 and 3. Victims may challenge a decision not to provide interpretation or translation. The procedural rules for such a challenge shall be determined by national law.</p> <p>8. Interpretation and translation and any consideration of a challenge of a decision not to provide interpretation or translation under this Article shall not unreasonably prolong the criminal proceedings.</p>
Provision of assistance & support	<p>(17) .. Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence.</p> <p>(37) Support should be available from the moment the competent authorities are aware of the victim and throughout criminal proceedings and for an appropriate time after such proceedings in accordance with the needs of the victim and the rights set out in this Directive. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution across the Member State to allow all victims the opportunity to access such services. Victims who have suffered considerable harm due to the severity of the crime could require specialist support services.</p> <p>(38) Persons who are particularly vulnerable or who find themselves in situations that expose them to a particularly high risk of harm, such as persons subjected to repeat violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crime in a Member State of which they are not nationals or residents, should be provided with specialist support and legal protection. Specialist support services should be based on an integrated and targeted approach which should, in particular, take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, as well as the relationship between victims, offenders, children and their wider social environment. A main task of these services and their staff, which play an important role in supporting the victim to recover from and overcome potential harm or trauma as a result of a criminal offence, should be to inform victims about the rights set out in this Directive so that they can take decisions in a supportive environment that treats them with dignity, respect and sensitivity. The types of support that such specialist support services should offer could include providing shelter and safe accommodation, immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for children as direct or indirect victims.</p> <p>(39) Victim support services are not required to provide extensive specialist and professional expertise themselves. If necessary, victim support services should assist victims in calling on existing professional support, such as psychologists.</p> <p>(40) Although the provision of support should not be dependent on victims making a complaint with regard to a criminal offence to a competent authority such as the police, such authorities are often best placed to inform victims of the possibility of support. Member States are therefore encouraged to establish appropriate conditions to enable the referral of victims to victim support services, including by ensuring that data protection requirements can be and are adhered to. Repeat referrals should be avoided.</p> <p>(51) If the victim has left the territory of the Member State where the criminal offence was committed, that Member State should no longer be obliged to provide assistance, support and protection except for what is directly related to any</p>

criminal proceedings it is conducting regarding the criminal offence concerned, such as special protection measures during court proceedings. The Member State of the victim's residence should provide assistance, support and protection required for the victim's need to recover.

(61) .. Member States should ensure such training for police services and court staff. Equally, training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. This requirement should include training on the specific support services to which victims should be referred or specialist training where their work focuses on victims with specific needs and specific psychological training, as appropriate. Where relevant, such training should be gender sensitive. Member States' actions on training should be complemented by guidelines, recommendations and exchange of best practices in accordance with the Budapest roadmap.

(62) .. Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime. For victims of crime to receive the proper degree of assistance, support and protection, public services should work in a coordinated manner and should be involved at all administrative levels — at Union level, and at national, regional and local level. Victims should be assisted in finding and addressing the competent authorities in order to avoid repeat referrals. Member States should consider developing 'sole points of access' or 'one-stop shops', that address victims' multiple needs when involved in criminal proceedings, including the need to receive information, assistance, support, protection and compensation.

(63) In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner. This could increase victims' confidence in the criminal justice systems of Member States and reduce the number of unreported crimes. Practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes, and measures should be put in place to enable third-party reporting, including by civil society organisations. It should be possible to make use of communication technology, such as e-mail, video recordings or online electronic forms for making complaints.

(64) .. Relevant statistical data can include data recorded by the judicial authorities and by law enforcement agencies and, as far as possible, administrative data compiled by healthcare and social welfare services and by public and non-governmental victim support or restorative justice services and other organisations working with victims of crime. Judicial data can include information about reported crime, the number of cases that are investigated and persons prosecuted and sentenced. Service-based administrative data can include, as far as possible, data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice.

Article 8. 1. Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

2. Member States shall facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.

	<p>3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.</p> <p>4. Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.</p> <p>5. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.</p> <p>Article 9. 1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:</p> <p>(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;</p> <p>(b) information about or direct referral to any relevant specialist support services in place;</p> <p>(c) emotional and, where available, psychological support;</p> <p>(d) advice relating to financial and practical issues arising from the crime;</p> <p>(e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.</p> <p>2. Member States shall encourage victim support services to pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.</p> <p>3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:</p> <p>(a) shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;</p> <p>(b) targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.</p> <p>Article 25. 4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.</p>
Individual assessment of each child's circumstances and non-offending family members'	<p>(9) .. In all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity...</p> <p>(55) Some victims are particularly at risk of secondary and repeat victimisation, of intimidation and of retaliation by the offender during criminal proceedings. It is possible that such a risk derives from the personal characteristics of the victim or the type, nature or circumstances of the crime. Only through individual assessments, carried out at the earliest opportunity, can such a risk be effectively identified. Such assessments should be carried out for all victims to determine</p>

whether they are at risk of secondary and repeat victimisation, of intimidation and of retaliation and what special protection measures they require.

(56) Individual assessments should take into account the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also take into account the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed.

(58) Victims who have been identified as vulnerable to secondary and repeat victimisation, to intimidation and to retaliation should be offered appropriate measures to protect them during criminal proceedings. The exact nature of such measures should be determined through the individual assessment, taking into account the wish of the victim. The extent of any such measure should be determined without prejudice to the rights of the defence and in accordance with rules of judicial discretion. The victims' concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.

(61) .. Persons who are likely to be involved in the individual assessment to identify victims' specific protection needs and to determine their need for special protection measures should receive specific training on how to carry out such an assessment...

Article 22 1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

2. The individual assessment shall, in particular, take into account:

- (a) the personal characteristics of the victim;
- (b) the type or nature of the crime; and
- (c) the circumstances of the crime.

3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.

4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.

5. The extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.

6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 23 and 24.

7. If the elements that form the basis of the individual assessment have changed



	significantly, Member States shall ensure that it is updated throughout the criminal proceedings
Circle of Trust provisions	<p>(18) Where violence is committed in a close relationship, it is committed by a person who is a current or former spouse, or partner or other family member of the victim, whether or not the offender shares or has shared the same household with the victim. Such violence could cover physical, sexual, psychological or economic violence and could result in physical, mental or emotional harm or economic loss. Violence in close relationships is a serious and often hidden social problem which could cause systematic psychological and physical trauma with severe consequences because the offender is a person whom the victim should be able to trust. Victims of violence in close relationships may therefore be in need of special protection measures. Women are affected disproportionately by this type of violence and the situation can be worse if the woman is dependent on the offender economically, socially or as regards her right to residence.</p> <p>(46) Restorative justice services, including for example victim- offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent secondary and repeat victimisation, intimidation and retaliation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim's physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting a restorative justice process. Restorative justice processes should, in principle, be confidential, unless agreed otherwise by the parties, or as required by national law due to an overriding public interest. Factors such as threats made or any forms of violence committed during the process may be considered as requiring disclosure in the public interest.</p>
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	<p>(60) Where, in accordance with this Directive, a guardian or a representative is to be appointed for a child, those roles could be performed by the same person or by a legal person, an institution or an authority.</p> <p>Article 24.1 (b) in criminal investigations and proceedings, in accordance with the role of victims in the relevant criminal justice system, competent authorities appoint a special representative for child victims where, according to national law, the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family;</p>
Legal counselling and representation	<p>Article 13 Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings. The conditions or procedural rules under which victims have access to legal aid shall be determined by national law.</p> <p>Article 24. 1 (c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.</p>
<b>REPORTING/INVESTIGATION/COURT PROCEEDINGS</b>	
Investigation & Prosecution do not depend on report/accusation by victim	n/a
Reporting	(63) In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to

	<p>victims' reports in a respectful, sensitive, professional and non-discriminatory manner. This could increase victims' confidence in the criminal justice systems of Member States and reduce the number of unreported crimes. Practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes, and measures should be put in place to enable third-party reporting, including by civil society organisations. It should be possible to make use of communication technology, such as e- mail, video recordings or online electronic forms for making complaints.</p>
Adapted procedures in investigations and judicial proceedings involving children	<p>(59) Immediate operational needs and constraints may make it impossible to ensure, for example, that the same police officer consistently interview the victim; illness, maternity or parental leave are examples of such constraints. Furthermore, premises specially designed for interviews with victims may not be available due, for example, to renovation. In the event of such operational or practical constraints, a special measure envisaged following an individual assessment may not be possible to provide on a case-by-case basis.</p> <p>Article 18 Without prejudice to the rights of the defence, Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.</p> <p>Article 22 1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. (See section on individual needs assessment.)</p> <p>Article 23. 1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.</p>
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	Article 20.. (a) interviews of victims are conducted without unjustified delay after the complaint with regard to a criminal offence has been made to the competent authority;
CRIMINAL INVESTIGATION: Medical examinations are kept to a minimum	Article 20 (c) (d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	Article 23.2 (a) interviews with the victim being carried out in premises designed or adapted for that purpose;
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	Article 23.2 (b) interviews with the victim being carried out by or through professionals trained for that purpose;
CRIMINAL INVESTIGATION: The same persons, if possible and	Article 23.2 (c) all interviews with the victim being conducted by the same persons

### III. Tables of Relevant Provisions in Key EU, Council of Europe and UN Instruments

were appropriate, conduct all interviews with children	unless this is contrary to the good administration of justice;
CRIMINAL INVESTIGATION: Interviews of victims of sexual violence, gender-based violence or violence in close relationships being carried out by persons of the same sex	Article 23.2 (d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced.
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	Article 20(b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation;
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	Article 20 (c) victims may be accompanied by their legal representative and a person of their choice, unless a reasoned decision has been made to the contrary;
CRIMINAL INVESTIGATION/COURT PROCEEDING: All interviews with a child victim )or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	Article 24. 1 (a) in criminal investigations, all interviews with the child victim may be audiovisually recorded and such recorded interviews may be used as evidence in criminal proceedings;  ...The procedural rules for the audiovisual recordings referred to in point (a) of the first subparagraph and the use thereof shall be determined by national law.
COURT PROCEEDING: Possibility to order that the hearing take place without the presence of the public	Article 23.3 (d) measures allowing a hearing to take place without the presence of the public.
COURT PROCEEDING: Possibility to order that the child victim be heard through the use of appropriate communication technologies	Article 23.3 (a) measures to avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology;  (b) measures to ensure that the victim may be heard in the courtroom without being present, in particular through the use of appropriate communication technology;
CRIMINAL PROCEEDING/GENERAL Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	(54) Protecting the privacy of the victim can be an important means of preventing secondary and repeat victimisation, intimidation and retaliation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, and includes non-disclosure of the name of the child. However, there might be cases where, exceptionally, the child can benefit from the disclosure or even widespread publication of information, for example where a child has been abducted. Measures to protect the privacy and images of victims and of their family members should always be consistent with the right to a fair trial and freedom of expression, as recognised in Articles 6 and 10, respectively, of the European Convention for the Protection of Human Rights and Fundamental Freedoms.  (68) Personal data processed when implementing this Directive should be protected in accordance with Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of

	<p>police and judicial cooperation in criminal matters ( 1 ) and in accordance with the principles laid down in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which all Member States have ratified.</p> <p>Article 21. 1. Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy, including personal characteristics of the victim taken into account in the individual assessment provided for under Article 22, and images of victims and of their family members. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.</p> <p>2. In order to protect the privacy, personal integrity and personal data of victims, Member States shall, with respect for freedom of expression and information and freedom and pluralism of the media, encourage the media to take self-regulatory measures.</p> <p>Article 23.3 (c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence;</p>
CRIMINAL PROCEEDING/GENERAL Right to avoid contact between victim and offender	<p>Article 19 1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.</p> <p>2. Member States shall ensure that new court premises have separate waiting areas for victims.</p>
Involvement of trained professionals in psychosocial assessment, forensic interview and physical examinations	See Article 25
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	N/A
Other measures	
Training & tools	<p>(61) .. Persons who are likely to be involved in the individual assessment to identify victims' specific protection needs and to determine their need for special protection measures should receive specific training on how to carry out such an assessment. Member States should ensure such training for police services and court staff. Equally, training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. This requirement should include training on the specific support services to which victims should be referred or specialist training where their work focuses on victims with specific needs and specific psychological training, as appropriate. Where relevant, such training should be gender sensitive. Member States' actions on training should be complemented by guidelines, recommendations and exchange of best practices in accordance with the Budapest roadmap.</p> <p>(63) In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner. This could increase victims' confidence in the criminal justice systems of Member States and reduce the number of unreported crimes. Practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes, and measures should be put in place to enable third-party reporting, including by civil society organisations. It should be possible to make use of communication technology,</p>

	<p>such as e- mail, video recordings or online electronic forms for making complaints.</p> <p>Article 25.1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.</p> <p>2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.</p> <p>3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.</p> <p>4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.</p> <p>5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.</p>
Multi-disciplinarity/coordination	<p>(38) .. Specialist support services should be based on an integrated and targeted approach which should, in particular, take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, as well as the relationship between victims, offenders, children and their wider social environment...</p> <p>(62) .. For victims of crime to receive the proper degree of assistance, support and protection, public services should work in a coordinated manner and should be involved at all administrative levels — at Union level, and at national, regional and local level. Victims should be assisted in finding and addressing the competent authorities in order to avoid repeat referrals. Member States should consider developing 'sole points of access' or 'one-stop shops', that address victims' multiple needs when involved in criminal proceedings, including the need to receive information, assistance, support, protection and compensation.</p> <p>International cooperation</p> <p>Article 26 1. Member States shall take appropriate action to facilitate cooperation between Member States to improve the access of victims to the rights set out in this Directive and under national law. Such cooperation shall be aimed at least at:</p> <p>(a) the exchange of best practices;</p> <p>(b) consultation in individual cases; and</p> <p>(c) assistance to European networks working on matters directly relevant to victims' rights.</p>
Data and monitoring	<p>(62) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.</p> <p>(64) Systematic and adequate statistical data collection is recognised as an essential component of effective policymaking in the field of rights set out in this Directive. In order to facilitate evaluation of the application of this Directive,</p>

	<p>Member States should communicate to the Commission relevant statistical data related to the application of national procedures on victims of crime, including at least the number and type of the reported crimes and, as far as such data are known and are available, the number and age and gender of the victims. Relevant statistical data can include data recorded by the judicial authorities and by law enforcement agencies and, as far as possible, administrative data compiled by healthcare and social welfare services and by public and non-governmental victim support or restorative justice services and other organisations working with victims of crime. Judicial data can include information about reported crime, the number of cases that are investigated and persons prosecuted and sentenced. Service-based administrative data can include, as far as possible, data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice.</p>
Awareness Raising	<p>(62) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.</p> <p>Article 26.2. Member States shall take appropriate action, including through the internet, aimed at raising awareness of the rights set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders.</p>
Other	<p>Right of victims when making a complaint: Article 5.1. Member States shall ensure that victims receive written acknowledgement of their formal complaint made by them to the competent authority of a Member State, stating the basic elements of the criminal offence concerned.</p> <p>Right to review of a decision not to prosecute: Recital 43 The right to a review of a decision not to prosecute should be understood as referring to decisions taken by prosecutors and investigative judges or law enforcement authorities such as police officers, but not to the decisions taken by courts. Any review of a decision not to prosecute should be carried out by a different person or authority to that which made the original decision, unless the initial decision not to prosecute was taken by the highest prosecuting authority, against whose decision no review can be made, in which case the review may be carried out by that same authority. The right to a review of a decision not to prosecute does not concern special procedures, such as proceedings against members of parliament or government, in relation to the exercise of their official position.</p> <p>Article 11 1. Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to a review of a decision not to prosecute. The procedural rules for such a review shall be determined by national law.</p> <p>2. Where, in accordance with national law, the role of the victim in the relevant criminal justice system will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. The procedural rules for such a review shall be determined by national law.</p> <p>3. Member States shall ensure that victims are notified without unnecessary delay of their right to receive, and that they receive sufficient information to decide whether to request a review of any decision not to prosecute upon request.</p>

4. Where the decision not to prosecute is taken by the highest prosecuting authority against whose decision no review may be carried out under national law, the review may be carried out by the same authority.

Restorative justice procedures: Recital 46 Restorative justice services, including for example victim- offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent secondary and repeat victimisation, intimidation and retaliation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim's physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting a restorative justice process. Restorative justice processes should, in principle, be confidential, unless agreed otherwise by the parties, or as required by national law due to an overriding public interest. Factors such as threats made or any forms of violence committed during the process may be considered as requiring disclosure in the public interest.

Article 12 1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services, subject to at least the following conditions:

- (a) the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;
- (b) before agreeing to participate in the restorative justice process, the victim is provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;
- (c) the offender has acknowledged the basic facts of the case;
- (d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;
- (e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

2. Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral.

Right to recover expenses: Recital 47 Victims should not be expected to incur expenses in relation to their participation in criminal proceedings. Member States should be required to reimburse only necessary expenses of victims in relation to their participation in criminal proceedings and should not be required to reimburse victims' legal fees. Member States should be able to impose conditions in regard to the reimbursement of expenses in national law, such as time limits for claiming reimbursement, standard rates for subsistence and travel costs and maximum daily amounts for loss of earnings. The right to reimbursement of expenses in criminal proceedings should not arise in a situation where a victim makes a statement on a criminal offence. Expenses should only be covered to the extent that the victim is obliged or requested by the competent authorities to be present and actively participate in the criminal proceedings.

Article 14: Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in



the relevant criminal justice system. The conditions or procedural rules under which victims may be reimbursed shall be determined by national law.

Return of recoverable property: Recital 48 Recoverable property which is seized in criminal proceedings should be returned as soon as possible to the victim of the crime, subject to exceptional circumstances, such as in a dispute concerning the ownership or where the possession of the property or the property itself is illegal. The right to have property returned should be without prejudice to its legitimate retention for the purposes of other legal proceedings.

Article 15: Member States shall ensure that, following a decision by a competent authority, recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings. The conditions or procedural rules under which such property is returned to the victims shall be determined by national law.

Right to Compensation: Recital 49 The right to a decision on compensation from the offender and the relevant applicable procedure should also apply to victims resident in a Member State other than the Member State where the criminal offence was committed.

Article 16. 1. Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

2. Member States shall promote measures to encourage offenders to provide adequate compensation to victims.

Rights of Victim Resident in Another Member State: see Article 17

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PROVISION	DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
GENERAL PRINCIPLES	
Avoiding repeat or secondary victimisation of victims	<p>Recital 14 .. Victims of trafficking in human beings should, in accordance with the basic principles of the legal systems of the relevant Member States, be protected from prosecution or punishment for criminal activities such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subject to trafficking. The aim of such protection is to safeguard the human rights of victims, to avoid further victimisation and to encourage them to act as witnesses in criminal proceedings against the perpetrators.</p> <p>Recital 19 ... . Furthermore, on the basis of an individual risk assessment carried out in accordance with national procedures, victims should be protected from retaliation, from intimidation, and from the risk of being re-trafficked.</p> <p>Recital 20 .. Victims of trafficking who have already suffered the abuse and degrading treatment which trafficking commonly entails, such as sexual exploitation, sexual abuse, rape, slavery-like practices or the removal of organs, should be protected from secondary victimisation and further trauma during the criminal proceedings. Unnecessary repetition of interviews during investigation, prosecution and trial should be avoided, for instance, where appropriate, through the production, as soon as possible in the proceedings, of video recordings of those interviews...</p> <p>Article 12 Without prejudice to the rights of the defence, and according to an individual assessment by the competent authorities of the personal circumstances of the victim, Member States shall ensure that victims of trafficking in human beings receive specific treatment aimed at preventing secondary victimisation by avoiding, as far as possible and in accordance with the grounds defined by national law as well as with rules of judicial discretion, practice or guidance, the following...</p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Recital 8 Children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings. In the application of this Directive, the child's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.</p> <p>Recital 22 In addition to measures available to all victims of trafficking in human beings, Member States should ensure that specific assistance, support and protective measures are available to child victims. Those measures should be provided in the best interests of the child and in accordance with the 1989 United Nations Convention on the Rights of the Child. Where the age of a person subject to trafficking is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child and receive immediate assistance, support and protection. Assistance and support measures for child victims should focus on their physical and psycho-social recovery and on a durable solution for the person in question. Access to education would help children to be reintegrated into society. Given that child victims of trafficking are particularly vulnerable, additional protective measures should be available to protect them during interviews forming part of criminal investigations and proceedings.</p> <p>(23) Particular attention should be paid to unaccompanied child victims of trafficking in human beings, as they need specific assistance and support due to their situation of particular vulnerability. From the moment an unaccompanied child victim of trafficking in human beings is identified and until a durable solution is found, Member States should apply reception measures appropriate to the needs of the child and should ensure that relevant procedural safeguards apply. ..</p> <p>Article 13 1. Child victims of trafficking in human beings shall be provided with</p>

	<p>assistance, support and protection. In the application of this Directive the child's best interests shall be a primary consideration.</p> <p>2. Member States shall ensure that, where the age of a person subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 14 and 15.</p>
Non-discrimination	<p>Recital 18 In cases where the victim does not reside lawfully in the Member State concerned, assistance and support should be provided unconditionally at least during the reflection period. If, after completion of the identification process or expiry of the reflection period, the victim is not considered eligible for a residence permit or does not otherwise have lawful residence in that Member State, or if the victim has left the territory of that Member State, the Member State concerned is not obliged to continue providing assistance and support to that person on the basis of this Directive. Where necessary, assistance and support should continue for an appropriate period after the criminal proceedings have ended, for example if medical treatment is ongoing due to the severe physical or psychological consequences of the crime, or if the victim's safety is at risk due to the victim's statements in those criminal proceedings.</p>
Taking due account of the views of the child	<p>Article 14 .. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child...</p>
<b>TARGET GROUP</b>	
Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provisions	<p>Recital 11 In order to tackle recent developments in the phenomenon of trafficking in human beings, this Directive adopts a broader concept of what should be considered trafficking in human beings than under Framework Decision 2002/629/JHA and therefore includes additional forms of exploitation. Within the context of this Directive, forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis. However, when a child is concerned, no possible consent should ever be considered valid. The expression 'exploitation of criminal activities' should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain. The definition also covers trafficking in human beings for the purpose of the removal of organs, which constitutes a serious violation of human dignity and physical integrity, as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.</p> <p>Recital 18 ... A person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness. In cases where the victim does not reside lawfully in the Member State concerned, assistance and support should be provided unconditionally at least during the reflection period. If, after completion of the identification process or expiry of the reflection period, the victim is not considered eligible for a residence permit or does not otherwise have lawful residence in that Member State, or if the victim has left the territory of that Member State, the Member State concerned is not obliged to continue providing assistance and support to that person on the basis of this Directive. Where necessary, assistance and support should continue for an</p>

	<p>appropriate period after the criminal proceedings have ended, for example if medical treatment is ongoing due to the severe physical or psychological consequences of the crime, or if the victim's safety is at risk due to the victim's statements in those criminal proceedings.</p> <p>Article 2: .. The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. 2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved. 3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs. 4. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used. 5. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used. 6. For the purpose of this Directive, 'child' shall mean any person below 18 years of age.</p> <p>Article 14. 3.. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of a child victim of trafficking in human beings when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Framework Decision 2001/220/JHA to the family.</p>
<b>ASSISTANCE &amp; SUPPORT</b>	
Provision of information	<p>Article 11 . 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.</p> <p>6. The information referred to in paragraph 5 shall cover, where relevant, information on a reflection and recovery period pursuant to Directive 2004/81/EC, and information on the possibility of granting international protection pursuant to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ( 1 ) and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status ( 2 ) or pursuant to other international instruments or other similar national rules.</p>
Right to interpretation & translation	<p>Article 11 . 5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.</p>
Provision of assistance & support	<p>Recital 2 ... In this context, action should be pursued in third countries of origin and transfer of victims, with a view to raising awareness, reducing vulnerability, supporting and assisting victims, fighting the root causes of trafficking and supporting those third countries in developing appropriate anti-trafficking legislation.</p>

Recital 17 While Directive 2004/81/EC provides for the issue of a residence permit to victims of trafficking in human beings who are third-country nationals, and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of the citizens of the Union and their family members to move and reside freely within the territory of the Member States ( 4 ) regulates the exercise of the right to move and reside freely in the territory of the Member States by citizens of the Union and their families, including protection from expulsion, this Directive establishes specific protective measures for any victim of trafficking in human beings. Consequently, this Directive does not deal with the conditions of the residence of the victims of trafficking in human beings in the territory of the Member States.

Recital 18 It is necessary for victims of trafficking in human beings to be able to exercise their rights effectively. Therefore assistance and support should be available to them before, during and for an appropriate time after criminal proceedings. Member States should provide for resources to support victim assistance, support and protection. The assistance and support provided should include at least a minimum set of measures that are necessary to enable the victim to recover and escape from their traffickers...

Recital 21 Assistance and support measures should be provided to victims on a consensual and informed basis. Victims should therefore be informed of the important aspects of those measures and they should not be imposed on the victims. A victim's refusal of assistance or support measures should not entail obligations for the competent authorities of the Member State concerned to provide the victim with alternative measures.

Article 11 Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive.

2. Member States shall take the necessary measures to ensure that a person is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3.

3. Member States shall take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial, without prejudice to Directive 2004/81/EC or similar national rules.

4. Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

6. The information referred to in paragraph 5 shall cover, where relevant, information on a reflection and recovery period pursuant to Directive 2004/81/EC, and information on the possibility of granting international protection pursuant to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ( 1 ) and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status ( 2 ) or pursuant to other international instruments or other similar national rules.

7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a

	<p>mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered.</p> <p>Article 14: Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child. Within a reasonable time, Member States shall provide access to education for child victims and the children of victims who are given assistance and support in accordance with Article 11, in accordance with their national law.</p> <p>Article 16 1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, as referred to in Article 14(1), take due account of the personal and special circumstances of the unaccompanied child victim.</p>
Individual assessment of each child's circumstances and non-offending family members' needs	<p>Recital 18 .. The practical implementation of such measures [assistance &amp; support] should, on the basis of an individual assessment carried out in accordance with national procedures, take into account the circumstances, cultural context and needs of the person concerned.</p> <p>Recital 19 .. Furthermore, on the basis of an individual risk assessment carried out in accordance with national procedures, victims should be protected from retaliation, from intimidation, and from the risk of being re-trafficked.</p> <p>Recital 20 .. To this end victims of trafficking should during criminal investigations and proceedings receive treatment that is appropriate to their individual needs. The assessment of their individual needs [for procedural safeguards] should take into consideration circumstances such as their age, whether they are pregnant, their health, a disability they may have and other personal circumstances, as well as the physical and psychological consequences of the criminal activity to which the victim was subjected. Whether and how the treatment is applied is to be decided in accordance with grounds defined by national law, rules of judicial discretion, practice and guidance, on a case-by-case basis</p> <p>Article 12. 3. Member States shall ensure that victims of trafficking in human beings receive appropriate protection on the basis of an individual risk assessment, inter alia, by having access to witness protection programmes or other similar measures, if appropriate and in accordance with the grounds defined by national law or procedures.</p> <p>Article 14 .. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child...</p>
Circle of Trust provisions	<p>Article 14 2. Members States shall appoint a guardian or a representative for a child victim of trafficking in human beings from the moment the child is identified by the authorities where, by national law, the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child's best interest and/or from representing the child.</p>
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	<p>Recital 23 ... The necessary measures should be taken to ensure that, where appropriate, a guardian and/or a representative are appointed in order to safeguard the minor's best interests.</p> <p>Recital 24 When, in accordance with this Directive, a guardian and/or a representative are to be appointed for a child, those roles may be performed by the same person or by a legal person, an institution or an authority.</p> <p>Article 14 2. Members States shall appoint a guardian or a representative for a</p>

	<p>child victim of trafficking in human beings from the moment the child is identified by the authorities where, by national law, the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child's best interest and/or from representing the child.</p> <p>Article 15 1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a representative for a child victim of trafficking in human beings where, by national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim...</p> <p>Article 16. 3. Member States shall take the necessary measures to ensure that, where appropriate, a guardian is appointed to unaccompanied child victims of trafficking in human beings.</p> <p>Article 16. 4 Member States shall take the necessary measures to ensure that, in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a representative where the child is unaccompanied or separated from its family.</p>
Legal counselling and representation	<p>Recital 19 Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings ( 1 ) establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation. In addition, victims of trafficking in human beings should be given access without delay to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation. Such legal counselling and representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States. As child victims in particular are unlikely to have such resources, legal counselling and legal representation would in practice be free of charge for them.</p> <p>Article 12. 2. Member States shall ensure that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.</p> <p>Article 15 2. ..Member States shall, in accordance with the role of victims in the relevant justice system, ensure that child victims have access without delay to free legal counselling and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources.</p>
<b>REPORTING/INVESTIGATION/COURT PROCEDURES</b>	
Investigation & Prosecution do not depend on report/accusation by victim	<p>Recital 15 To ensure the success of investigations and prosecutions of human trafficking offences, their initiation should not depend, in principle, on reporting or accusation by the victim. Where the nature of the act calls for it, prosecution should be allowed for a sufficient period of time after the victim has reached the age of majority....</p>
Assistance does not depend on willingness to cooperate	<p>Article 11.3 3. Member States shall take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial, without prejudice to Directive 2004/81/EC or similar national rules</p>



CRIMINAL PROCEEDINGS: INVESTIGATIONS & COURT PROCEEDINGS adapted for children	<p>Article 12 Without prejudice to the rights of the defence, and according to an individual assessment by the competent authorities of the personal circumstances of the victim, Member States shall ensure that victims of trafficking in human beings receive specific treatment aimed at preventing secondary victimisation by avoiding, as far as possible and in accordance with the grounds defined by national law as well as with rules of judicial discretion, practice or guidance, the following: [see below]</p> <p>Article 15 Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations and proceedings in respect of any of the offences referred to in Articles 2 and 3: [see below]</p>
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	<p>Article 15 Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>.. (a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;</p>
CRIMINAL INVESTIGATION: Medical examinations are kept to a minimum	
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	<p>Article 15 Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>.. (b) interviews with the child victim take place, where necessary, in premises designed or adapted for that purpose;</p>
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	<p>Article 15 Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>.. (c) interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose;</p>
CRIMINAL INVESTIGATION: The same persons, if possible and were appropriate, conduct all interviews with children	<p>Article 15 .. (d) the same persons, if possible and where appropriate, conduct all the interviews with the child victim;</p>
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	<p>Recital 20 .. Unnecessary repetition of interviews during investigation, prosecution and trial should be avoided, for instance, where appropriate, through the production, as soon as possible in the proceedings, of video recordings of those interviews...</p> <p>Article 12 (3) .. avoiding .. (a) unnecessary repetition of interviews during investigation, prosecution or trial;</p> <p>Article 15 Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>(e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purposes of criminal investigations and proceedings;</p>
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	<p>Article 15 Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>(f) the child victim may be accompanied by a representative or, where appropriate, an adult of the child's choice, unless a reasoned decision has been made to the contrary in respect of that person.</p>

CRIMINAL INVESTIGATION/COURT PROCEEDINGS: All interviews with a child victim )or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	<p>Recital 20 .. Unnecessary repetition of interviews during investigation, prosecution and trial should be avoided, for instance, where appropriate, through the production, as soon as possible in the proceedings, of video recordings of those interviews..</p> <p>Article 15.4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 2 and 3 all interviews with a child victim or, where appropriate, with a child witness, may be video recorded and that such video recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.</p>
COURT PROCEEDINGS: Possibility to order that the hearing take place without the presence of the public	<p>Article 12 .. avoiding, as far as possible and in accordance with the grounds defined by national law as well as with rules of judicial discretion, practice or guidance,... (c) the giving of evidence in open court;</p> <p>Article 15 5. Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>(a) the hearing take place without the presence of the public; and</p>
COURT PROCEEDINGS: Possibility to order that the child victim be heard through the use of appropriate communication technologies	<p>Article 15. 5 .. Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 2 and 3, it may be ordered that:</p> <p>(b) the child victim be heard in the courtroom without being present, in particular, through the use of appropriate communication technologies.</p>
CRIMINAL PROCEEDINGS/GENERAL: Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	<p>Article 12 .. avoiding, as far as possible and in accordance with the grounds defined by national law as well as with rules of judicial discretion, practice or guidance, ..(d) unnecessary questioning concerning the victim's private life.</p>
CRIMINAL PROCEEDINGS/GENERAL: Right to avoid contact between victim and offender	<p>Article 12 ...avoiding, as far as possible and in accordance with the grounds defined by national law as well as with rules of judicial discretion, practice or guidance, ... (b) visual contact between victims and defendants including during the giving of evidence such as interviews and cross-examination, by appropriate means including the use of appropriate communication technologies;</p>
Other	<p><i>Compensation:</i> Recital 13 .. The use of seized and confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection, including compensation of victims and Union trans-border law enforcement counter-trafficking activities, should be encouraged.</p> <p>Article 17 Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent.</p> <p><i>Non prosecution &amp; non punishment:</i> Recital 14 .. Victims of trafficking in human beings should, in accordance with the basic principles of the legal systems of the relevant Member States, be protected from prosecution or punishment for criminal activities such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subject to trafficking. The aim of such protection is to safeguard the human rights of victims, to avoid further victimisation and to encourage them to act as witnesses in criminal proceedings against the perpetrators. This safeguard should not exclude prosecution or punishment for offences that a person has voluntarily committed or participated in.</p> <p>Article 8 Member States shall, in accordance with the basic principles of their legal</p>

	<p>systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.</p>
Involvement of trained professionals in psychosocial assessment, forensic interview and physical examinations	<p>See Article 15: c) interviews with the child victim are carried out, where necessary, by or through professionals trained for that purpose;</p> <p>See training</p>
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	<p>Recital 23 ... A decision on the future of each unaccompanied child victim should be taken within the shortest possible period of time with a view to finding durable solutions based on an individual assessment of the best interests of the child, which should be a primary consideration. A durable solution could be return and reintegration into the country of origin or the country of return, integration into the host society, granting of international protection status or granting of other status in accordance with national law of the Member States...</p> <p>Article 16.2 2. Member States shall take the necessary measures with a view to finding a durable solution based on an individual assessment of the best interests of the child.</p>
Training & tools	<p>Recital 25 ...Officials likely to come into contact with victims or potential victims of trafficking in human beings should be adequately trained to identify and deal with such victims. That training obligation should be promoted for members of the following categories when they are likely to come into contact with victims: police officers, border guards, immigration officials, public prosecutors, lawyers, members of the judiciary and court officials, labour inspectors, social, child and health care personnel and consular staff, but could, depending on local circumstances, also involve other groups of public officials who are likely to encounter trafficking victims in their work.</p> <p>Article 9 3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly.</p> <p>Article 18. 3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.</p>
Multi-disciplinarity/coordination/cooperation	<p>2. Member States shall take appropriate action, including through the internet, aimed at raising awareness of the rights set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders.</p> <p>International cooperation</p> <p>Recital 29 In the light of the Stockholm Programme and with a view to developing a consolidated Union strategy against trafficking in human beings aimed at further strengthening the commitment of, and efforts made, by the Union and the Member States to prevent and combat such trafficking, Member States should facilitate the tasks of an anti-trafficking coordinator, which may include for example improving coordination and coherence, avoiding duplication of effort, between Union institutions and agencies as well as between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against trafficking in human beings or reporting to the Union institutions.</p> <p>Article 20 In order to contribute to a coordinated and consolidated Union strategy</p>

	<p>against trafficking in human beings, Member States shall facilitate the tasks of an anti-trafficking coordinator (ATC). In particular, Member States shall transmit to the ATC the information referred to in Article 19, on the basis of which the ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings.</p>
Data & Monitoring	<p>Recital 27 National monitoring systems such as national rapporteurs or equivalent mechanisms should be established by Member States, in the way in which they consider appropriate according to their internal organisation, and taking into account the need for a minimum structure with identified tasks, in order to carry out assessments of trends in trafficking in human beings, gather statistics, measure the results of anti-trafficking actions, and regularly report. Such national rapporteurs or equivalent mechanisms are already constituted in an informal Union Network established by the Council Conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings of 4 June 2009. An anti- trafficking coordinator would take part in the work of that Network, which provides the Union and the Member States with objective, reliable, comparable and up-to-date strategic information in the field of trafficking in human beings and exchanges experience and best practices in the field of preventing and combating trafficking in human beings at Union level. The European Parliament should be entitled to participate in the joint activities of the national rapporteurs or equivalent mechanisms.</p> <p>Recital 28 In order to evaluate the results of anti-trafficking action, the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.</p> <p>Article 19 Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.</p>
Awareness Raising	<p>Recital 6 In this context, action should be pursued in third countries of origin and transfer of victims, with a view to raising awareness, reducing vulnerability, supporting and assisting victims, fighting the root causes of trafficking and supporting those third countries in developing appropriate anti-trafficking legislation.</p> <p>Recital 25 Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education. In such initiatives, Member States should adopt a gender perspective and a child-rights approach...</p> <p>Article 18.2 2. Member States shall take appropriate action, including through the Internet, such as information and awareness- raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.</p>
Prevention	<p>Article 18</p> <p>Prevention</p> <p>1. Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.</p> <p>2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society</p>

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organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.

3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.

4. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.

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PROVISION	Council of Europe Convention on Action against Trafficking in Human Beings
<b>GENERAL PRINCIPLES</b>	
Avoiding repeat or secondary victimisation of victims	<p>Article 28. 1 Each Party shall adopt such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for:</p> <p>a Victims;</p> <p>b As appropriate, those who report the criminal offences established in accordance with Article 18 of this Convention or otherwise co-operate with the investigating or prosecuting authorities;</p> <p>c witnesses who give testimony concerning criminal offences established in accordance with Article 18 of this Convention;</p> <p>d when necessary, members of the family of persons referred to in subparagraphs a and c.</p> <p>2 Each Party shall adopt such legislative or other measures as may be necessary to ensure and to offer various kinds of protection. This may include physical protection, relocation, identity change and assistance in obtaining jobs.</p> <p>3 A child victim shall be afforded special protection measures taking into account the best interests of the child.</p> <p>4 Each Party shall adopt such legislative or other measures as may be necessary to provide, when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations which carry out the activities set out in Article 27, paragraph 3.</p> <p>5 Each Party shall consider entering into agreements or arrangements with other States for the implementation of this article.</p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Considering that all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach;</p> <p>Article 14.2 The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.</p> <p>Article 15.3 [on protection from potential retaliation or intimidation] A child victim shall be afforded special protection measures taking into account the best interests of the child.</p>
Non-discrimination	<p>Article 3 The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p> <p>Article 17 Each Party shall, in applying measures referred to in this chapter, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.</p>
Taking due account of the views of the child	
<b>TARGET GROUP</b>	
Provisions concerning identifying victims, including specific	Article 4 ... a "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat

provisions identifying children as a victim of crime, such as age assessment provisions	<p>or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;</p> <p>b The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;</p> <p>c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;</p> <p>d "Child" shall mean any person under eighteen years of age;</p> <p>e "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article</p> <p>Article 10. 1 Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.</p> <p>2 Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2.</p> <p>3 When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.</p>
<b>ASSISTANCE &amp; SUPPORT</b>	
Provision of information	<p>Article 12. 1 Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:...</p> <p>d. counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;</p> <p>Article 15. 1 Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.</p>
Right to interpretation & translation	<p>Article 12. 1 Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:...</p> <p>c. translation and interpretation services, when appropriate;</p>
Provision of assistance & support	<p>Considering that respect for victims' rights, protection of victims and action to combat trafficking in human beings must be the paramount objectives;</p> <p>Article 1.1 The purposes of this Convention are: .. b to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as</p>



well as to ensure effective investigation and prosecution;

Article 12. 1 Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

a standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;

b access to emergency medical treatment;

c translation and interpretation services, when appropriate;

d counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;

e assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;

f access to education for children.

2 Each Party shall take due account of the victim's safety and protection needs.

3 In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.

4 Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.

5 Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

6 Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.

7 For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.

Article 13.1 Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.

2 During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2.

3 The Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly.

Article 14.1 Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:

a the competent authority considers that their stay is necessary owing to their personal situation;

b the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

2 The residence permit for child victims, when legally necessary, shall be issued in

	<p>accordance with the best interests of the child and, where appropriate, renewed under the same conditions.</p> <p>3 The non-renewal or withdrawal of a residence permit is subject to the conditions provided for by the internal law of the Party.</p> <p>4 If a victim submits an application for another kind of residence permit, the Party concerned shall take into account that he or she holds, or has held, a residence permit in conformity with paragraph 1.</p> <p>5 Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.</p>
Individual assessment of each child's circumstances and non-offending family members' needs	Article 12. 7 For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.
Circle of Trust provisions	
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	Article 10. 4 As soon as an unaccompanied child is identified as a victim, each Party shall: a provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child; b take the necessary steps to establish his/her identity and nationality; c make every effort to locate his/her family when this is in the best interests of the child.
Legal counselling and representation	<p>Article 15. 2 Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.</p> <p>Article 26.3 Each Party shall ensure, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, to any group, foundation, association or non-governmental organisations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence established in accordance with Article 18 of this Convention.</p>
<b>REPORTING/INVESTIGATION/COURT PROCEDURES</b>	
Investigation & Prosecution do not depend on report/accusation by victim	Article 12. 6 Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.
Assistance does not depend on willingness to cooperate	Article 27. 1 Each Party shall ensure that investigations into or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, at least when the offence was committed in whole or in part on its territory.
CRIMINAL PROCEEDINGS: INVESTIGATIONS & COURT PROCEEDINGS adapted for children	<p>Article 28. 1 Each Party shall adopt such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, [see further Article 28]</p> <p>Article 30. In accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 6, each Party shall adopt such legislative or other measures as may be necessary to ensure in the course of judicial proceedings:</p> <p>a the protection of victims' private life and, where appropriate, identity;</p> <p>b victims' safety and protection from intimidation,</p> <p>in accordance with the conditions under its internal law and, in the case of child</p>

	victims, by taking special care of children's needs and ensuring their right to special protection measures.
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	
CRIMINAL INVESTIGATION: Medical examinations are kept to a minimum	
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	
CRIMINAL INVESTIGATION: The same persons, if possible and where appropriate, conduct all interviews with children	
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	
CRIMINAL INVESTIGATION/COURT PROCEEDING: All interviews with a child victim )or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	
COURT PROCEEDING: Possibility to order that the hearing take place without the presence of the public	
COURT PROCEEDING: Possibility to order that the child victim be heard through the use of appropriate communication technologies	

<p>CRIMINAL PROCEEDINGS/GENERAL: Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.</p>	<p>Article 11 – Protection of private life</p> <p>1 Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).</p> <p>2 Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.</p> <p>3 Each Party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.</p>
<p>CRIMINAL PROCEEDINGS/GENERAL: Right to avoid contact between victim and offender</p>	<p>Article 15. 3 Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.</p> <p>Article 15.4 Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.</p> <p>Article 33 1 When a Party, on the basis of the information at its disposal has reasonable grounds to believe that the life, the freedom or the physical integrity of a person referred to in Article 28, paragraph 1, is in immediate danger on the territory of another Party, the Party that has the information shall, in such a case of emergency, transmit it without delay to the latter so as to take the appropriate protection measures.</p> <p>2 The Parties to this Convention may consider reinforcing their co-operation in the search for missing people, in particular for missing children, if the information available leads them to believe that she/he is a victim of trafficking in human beings. To this end, the Parties may conclude bilateral or multilateral treaties with each other.</p> <p>Article 26 Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.</p>
<p>Necessary measures to find durable solutions for unaccompanied children who have been trafficked</p>	<p>Article 14.2 The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.</p> <p>Article 16 1 The Party of which a victim is a national or in which that person had the right of permanent residence at the time of entry into the territory of the receiving Party shall, with due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay.</p> <p>2 When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.</p> <p>3 At the request of a receiving Party, a requested Party shall verify whether a</p>

	<p>person is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving Party.</p> <p>4 In order to facilitate the return of a victim who is without proper documentation, the Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving Party shall agree to issue, at the request of the receiving Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.</p> <p>5 Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes, involving relevant national or international institutions and non governmental organisations. These programmes aim at avoiding re-victimisation. Each Party should make its best effort to favour the reintegration of victims into the society of the State of return, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of their professional skills. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.</p> <p>6 Each Party shall adopt such legislative or other measures as may be necessary to make available to victims, where appropriate in co-operation with any other Party concerned, contact information of structures that can assist them in the country where they are returned or repatriated, such as law enforcement offices, non-governmental organisations, legal professions able to provide counselling and social welfare agencies.</p> <p>7 Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child.</p>
Training & tools	<p>Article 10. 1 Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children.....</p> <p>Article 29. 3 Each Party shall provide or strengthen training for relevant officials in the prevention of and fight against trafficking in human beings, including Human Rights training. The training may be agency-specific and shall, as appropriate, focus on: methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.</p>
Multi-disciplinarity/coordination/cooperation	<p>Article 5.1 Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings....</p> <p>Article 10. 1 Each Party shall ... ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified...</p> <p>Article 29. 1 Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against trafficking and the protection of victims. Such persons or entities shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. Such persons or the staffs of such entities shall have adequate training and financial resources for their tasks.</p> <p>2 Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments' departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies.</p> <p>International cooperation [<i>check whether to include</i>] Article 32 The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through application of relevant applicable international and regional instruments,</p>

	<p>arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:</p> <ul style="list-style-type: none"> <li>– preventing and combating trafficking in human beings;</li> <li>– protecting and providing assistance to victims;</li> <li>– investigations or proceedings concerning criminal offences established in accordance with this Convention.</li> </ul> <p>Article 35 Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.</p>
Data & Monitoring	<p>Article 29. 4 Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.</p> <p>Chapter VII – Monitoring mechanism [check to what extent to include]</p>
Awareness Raising	<p>Article 5. 2 Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.</p> <p>Article 6. d To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:</p> <ul style="list-style-type: none"> <li>a research on best practices, methods and strategies;</li> <li>b raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;</li> <li>c target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;</li> <li>d preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.</li> </ul>
Prevention	<p>Article 5 –Prevention of trafficking in human beings</p> <p>1 Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.</p> <p>2 Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.</p> <p>3 Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.</p> <p>4 Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory.</p> <p>5 Each Party shall take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment for them.</p>

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6 Measures established in accordance with this article shall involve, where appropriate, nongovernmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

Article 6 –Measures to discourage the demand

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

a research on best practices, methods and strategies;

b raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;

c target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;

d preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

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PROVISION	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
<b>GENERAL PRINCIPLES</b>	
Avoiding repeat or secondary victimisation of victims	Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ... Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child<sup>1</sup> and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,</p> <p>Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,</p> <p>Article 8 States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.</p>
Non-discrimination	
Taking due account of the views of the child	Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ...Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
<b>TARGET GROUP</b>	
Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provisions	<p>Article 2 For the purpose of the present Protocol:</p> <p>Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;</p> <p>Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;</p> <p>Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.</p> <p>Article 8 .. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim</p>
Investigation & Prosecution do not depend on report/accusation by victim  Assistance does not depend on willingness to cooperate	
<b>ASSISTANCE &amp; SUPPORT</b>	
Provision of information	Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at

	all stages of the criminal justice process, in particular by: ...Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
Right to interpretation & translation	
Provision of assistance & support	<p>Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ...</p> <p>Article 9 .. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery...</p>
Individual assessment of each child's circumstances and non-offending family members' needs	
Circle of Trust provisions	
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	
Legal counselling and representation	
<b>REPORTING/INVESTIGATION/COURT PROCEDURE</b>	
CRIMINAL PROCEEDINGS: INVESTIGATIONS & COURT PROCEEDINGS adapted for children	<p>Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:</p> <p>Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;</p> <p>Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;</p> <p>Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;</p> <p>Providing appropriate support services to child victims throughout the legal process;</p> <p>Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;</p> <p>Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;</p> <p>Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.</p> <p>States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.</p> <p>States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.</p>

	<p>States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.</p> <p>States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.</p> <p>Nothing in the present article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.</p>
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	
CRIMINAL INVESTIGATION: Medical examinations are kept to a minimum	
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	
CRIMINAL INVESTIGATION: The same persons, if possible and were appropriate, conduct all interviews with children	
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	
CRIMINAL INVESTIGATION/COURT PROCEEDING: All interviews with a child victim )or where appropriate a child witness, may be audio-visually recorded and that such recordings may be used as evidence in criminal court proceedings	
COURT PROCEEDING: Possibility to order that the hearing take place without the presence of the public	

COURT PROCEEDING Possibility to order that the child victim be heard through the use of appropriate communication technologies	
CRIMINAL PROCEEDINGS Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ... Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
CRIMINAL PROCEEDINGS/GENERAL: Right to avoid contact between victim and offender	
Other (compensation.. non prosecution & non punishment)	Article 8 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ... Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.  Article 9.. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.
Involvement of trained professionals in psychosocial assessment, forensic interview and physical examinations	
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	
Training & tools	Article 8 States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
Multi-disciplinarity/coordination/cooperation	Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and also believing in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,
Data & Monitoring	
Awareness Raising	Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and also believing in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,  Article 9 .. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes,

### III. Tables of Relevant Provisions in Key EU, Council of Europe and UN Instruments

	including at the international level. ..
Prevention	<p>Article 9 States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices. ...</p> <p>.. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol</p>

PROVISION	The United Nations Convention against Transnational Organized Crime, As well as its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
GENERAL PRINCIPLES	
Avoiding repeat or secondary victimisation of victims	<p>Article 25 of the Convention. Assistance to and protection of victims</p> <p>1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.</p> <p>Article 9 of the Protocol: 1. States Parties shall establish comprehensive policies, programmes and other measures:</p> <p>(a) To prevent and combat trafficking in persons; and</p> <p>(b) To protect victims of trafficking in persons, especially women and children, from re-victimization.</p>
Ensuring the best interests is a primary consideration in the application of the obligations in the Directives	<p>Preamble to the Protocol: effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,</p>
Non-discrimination	<p>Article 14. 2. Of the Protocol The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.</p>
Taking due account of the views of the child	<p>Article 25.3 of the Convention: Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.</p> <p>Article 6.2 of the Protocol Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:.. (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.</p>
TARGET GROUP	
Provisions concerning identifying victims, including specific provisions identifying children as a victim of crime, such as age assessment provisions	<p>Article 3 of the Convention Scope of application; (b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.</p> <p>2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:</p> <p>(a) It is committed in more than one State;</p> <p>(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;</p> <p>(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or</p> <p>(d) It is committed in one State but has substantial effects in another State.</p> <p>Article 3 of the Protocol: For the purposes of this Protocol:</p> <p>(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of</p>

	<p>a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;</p> <p>(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;</p> <p>(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;</p> <p>(d) “Child” shall mean any person under eighteen years of age.</p> <p>Article 4 of the Protocol: This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.</p>
<b>ASSISTANCE &amp; SUPPORT</b>	
Provision of information	<p>Article 6 of the Protocol 2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:</p> <p>(a) Information on relevant court and administrative proceedings;</p>
Right to interpretation & translation	
Provision of assistance & support	<p>Article 25 of the Convention. Assistance to and protection of victims</p> <p>1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.</p> <p>Article 2. b of the Protocol, The purposes of this Protocol are .. (b) To protect and assist the victims of such trafficking, with full respect</p> <p>for their human rights..</p> <p>Article 6.3 of the Protocol. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:</p> <p>(a) Appropriate housing;</p> <p>(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;</p> <p>(c) Medical, psychological and material assistance; and</p> <p>(d) Employment, educational and training opportunities.</p> <p>4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.</p> <p>5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.</p> <p>Article 7 of the Protocol: 1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.</p>



	<p>2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.</p> <p>Article 8. Repatriation of victims of trafficking in persons</p> <p>1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.</p> <p>2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.</p> <p>3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.</p> <p>4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.</p> <p>5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.</p> <p>6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.</p>
Individual assessment of each child's circumstances and non-offending family members' needs	Article 6. 4 of the Protocol Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
Circle of Trust provisions	
Representation where appropriate for children deprived of parental care or where their interests conflict with those of their parents	
Legal counselling and representation	Article 6.2 of the Protocol Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:.. (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
<b>REPORTING /INVESTIGATION.COURT PROCEDURES</b>	
Investigation & Prosecution do not depend on report/accusation by victim	
Assistance does not depend on	

willingness to cooperate	
CRIMINAL PROCEEDINGS: INVESTIGATIONS & COURT PROCEEDINGS adapted for children	
CRIMINAL INVESTIGATION: No unjustified delay between the reporting of the facts and interviews take place	
CRIMINAL INVESTIGATION: Medical examinations are kept to a minimum	
CRIMINAL INVESTIGATION: Interviews take place, where necessary in premises designed or adapted for this purpose	
CRIMINAL INVESTIGATION: Interviews are carried out by or through professionals trained for this purpose	
CRIMINAL INVESTIGATION: The same persons, if possible and were appropriate, conduct all interviews with children	
CRIMINAL INVESTIGATION: The number of interviews is as limited as possible and interviews are carried out only where strictly necessary and for the purpose of the investigations and proceedings	
CRIMINAL INVESTIGATION: Accompaniment by legal representative or where appropriate by an adult of his or her choice unless a reasoned decision has been made to the contrary in respect of that person.	
CRIMINAL INVESTIGATION/COURT PROCEEDING: All interviews with a child victim )or where appropriate a child witness, may be audio- visually recorded and that such recordings may be used as evidence in criminal court proceedings	
COURT PROCEEDING: Possibility to order that the hearing take place without the presence of the public	Article 6 of the Protocol 1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
COURT PROCEEDING: Possibility to order that the child victim be	

heard through the use of appropriate communication technologies	
CRIMINAL PROCEEDINGS/GENERAL: Necessary measures to protect the privacy, identity and image of child victims and to prevent the public dissemination of any information that could lead to their identification.	Article 6 of the Protocol 1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
CRIMINAL PROCEEDINGS/GENERAL: Right to avoid contact between victim and offender	
Other (compensation.. non prosecution & non punishment)	<p>Article 25. 2 of the Convention. Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention.</p> <p>Article 6.6 of the Protocol Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered</p>
Necessary measures to find durable solutions for unaccompanied children who have been trafficked	
Training & tools	<p>Article 29 of the Convention</p> <p>1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:</p> <p>.. (i) Methods used in the protection of victims and witnesses.</p> <p>2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.</p> <p>3. States Parties shall promote training and technical assistance that will facilitate extradition and mutual legal assistance. Such training and technical assistance may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.</p> <p>4. In the case of existing bilateral and multilateral agreements or arrangements, States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities within international and regional organization and within other relevant bilateral and multilateral agreements or arrangements.</p> <p>Article 10.2 of the Protocol 2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take</p>

	into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with nongovernmental organizations, other relevant organizations and other elements of civil society.
Multi-disciplinarity/coordination/cooperation	<p>Article 6.3 of the Protocol. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:</p> <ul style="list-style-type: none"> <li>(a) Appropriate housing;</li> <li>(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;</li> <li>(c) Medical, psychological and material assistance; and</li> <li>(d) Employment, educational and training opportunities.</li> </ul> <p>Article 10.2 of the Protocol ... The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with nongovernmental organizations, other relevant organizations and other elements of civil society.</p>
Data & Monitoring	<p>Article 28 of the Convention 1. Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.</p> <p>2. States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.</p> <p>3. Each State Party shall consider monitoring its policies and actual measures to combat organized crime and making assessments of their effectiveness and efficiency.</p>
Awareness Raising	<p>Article 9 of the Protocol provides: 1. States Parties shall establish comprehensive policies, programmes and other measures:</p> <ul style="list-style-type: none"> <li>(a) To prevent and combat trafficking in persons; and</li> <li>(b) To protect victims of trafficking in persons, especially women and children, from revictimization.</li> </ul> <p>2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.</p> <p>3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.</p> <p>4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.</p> <p>5. States Parties shall adopt or strengthen legislative or other measures such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.</p>
Prevention	<p>CONFIRM Article 31 of the Convention: Article 31. Prevention</p> <p>1. States Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.</p>

2. States Parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants;

(c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;

(d) The prevention of the misuse of legal persons by organized criminal groups; such measures could include:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons;

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction;

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons; and

(iv) The exchange of information contained in the records referred to in subparagraphs (d) (i) and (iii) of this paragraph with the competent authorities of other States Parties.

3. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.

4. States Parties shall endeavour to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.

5. States Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.

6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

7. States Parties shall, as appropriate, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article. This includes participation in international projects aimed at the prevention of transnational organized crime, for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime.

#### Article 9

##### Article 9. Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

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2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
  3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
  4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
  5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.
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