

## Concluding Report

### on Presentation and Launch of Child-Friendly Interviewing Rooms in Western NIS/ Eastern EU Neighboring Region (Belarus, Moldova, The Ukraine)

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Stakeholder of the Report: International Center La Strada (Moldova)  
Author of the Report: Andrey Makhanko, MA, ICEPRC, Chairman of the  
Board of International NGO "Ponimanie"/ "Understanding"/ "Razumenne"  
(Belarus)

#### Introduction

The creation of child friendly surroundings for children who have been victims and witnesses of crime becomes the main priority in Child Protection for the countries of the region.

Belarus. The problem of child abuse was recognized by the State in 2004, and the National Plan of Action for Child Protection for 2004-10 included a chapter on response to Child Abuse. Since 2010, the action has been implemented according to the Strategy of Prevention of Child Abuse and Support to Abused Children adjusted by 1<sup>st</sup> International Safe Belarus for Children Conference in April 23, 2010.

Moldova. The Government recognized the problem of Child Abuse in 2003. The Youth Strategy (2003) established youth issues as a priority in government policy and set out a range of actions addressing young people by establishing five priorities, each with expected outcomes including the provision to prevent Child Abuse and undertake adequate response to this challenge. The National Human Rights Action Plan 2004-2008 contains a range of actions aimed at improving the situation of children. The European Union-Republic of Moldova Action Plan 2005-2008 contains important measures for improving the situation of children.

The Ukraine. The law on Ukraine's National Plan of Action for Children addresses implementing the UN Convention on the Rights of the Child through 2016 and in October 2009 the State Program to Implement the Law in 2010 was adopted. Adoption of these documents allows the introduction of a systemic, integrated approach to the protection of children's rights. It proposes, among other issues, the improvement of the system of social protection of children and focused attention on the vulnerable groups including victims of sexual abuse.

## Child-Friendly Interviewing for Children

ISSUE: Who discovers and how do they discover cases of Child Sexual Abuse? What Strengths exist? What Weaknesses exist? What measures are undertaken to address the Weak?

Belarus. Usually law enforcement (Militia), pediatricians/nurses, educational entities (teachers, tutors), and prosecutors' offices are the contact points for children and their parents/guardians to report the case of CSA. The medical staff have instructions/protocols requiring them to report all cases to the Militia. Then the law enforcement transfers cases of CSA to the investigation department of the prosecutor's Office. The prosecutor conducts an investigation of the case with the aim to open a criminal file and appoint someone to interview the child (victim). One important emerging development is the Belarus National Helpline. The National Children's Helpline (8-801-100-1611) was opened as a pilot in April 2011, and will be officially launched on July 1, 2011.

Belarus does not have special legislation regulating the interviewing of children. The Criminal Process Code mandates that the investigator must conduct the interview of the abused child. The psychologist can participate at the interview as the specialist. In the House of Understanding/Ponimanie Model (CAC/Barnahus based) the interview is conducted by a specially trained psychologist under the guidance of an investigator who manages the interview from an observation room. The Protocol of the National Institute of Children's Health and Development (USA) is used for the interview according to the 10-step Interview Protocol by Dr. Thomas Lyon (USCLA). The interview is recorded on a CD, then it is registered in a special registration book, and sent together with a cover letter to the body who initiated the interview – usually the prosecutor's office. Traditionally, the interview could be conducted up to 9 times because there were no legal provisions to limit this. This figure has been reduced to 3 because of the House of Understanding/Ponimanie. If the Court does not call a child to testify it is 2 times. Usually Courts do not call a child to testify. The Case Manager who calls and manages the Interdisciplinary Team is responsible for Case Management.

Strengths: Traditional systems of citizens' complaints works; new methods of interviewing based on CAC/Barnahus Model are extremely well implemented ,but there is a critical shortage of them within the country; the referral system is based on Presidential Decree-Law #18 dated of 22.11.2005 and works;

Weaknesses: The traditional system needs reform and implementation of other elements of modern systems to protect children from sexual abuse and develop existing practice elements; Law enforcement often does not open the criminal case, instead asking citizens to take their complaints back; the Children's Helpline just began to receive calls.

Methods to overcome the Weaknesses include: to develop National 7/24 Children's Helpline and CAC/Barnahus Model of Interviewing/Legal procedures, as well as to ensure long-term rehabilitation of children-survivors of abuse; to provide all professional groups with specialized training on identification, reporting, and protocols for intersectoral referrals of cases of CSA.

Moldova. The identification of victims is usually a result of the operations of Law Enforcement or as discovered by follow-up criteria on suspected child abuse by social services, peer education volunteers, Hot Lines, or partnering NGOs.

Capacity to increase identification could be accomplished by the following: Informing children and raising their awareness about the problem; including CSA chapter into the school program; outreach methods, such as public awareness through visits to Internet-cafe, on the streets, at entertainment locations for adults (bowling, sauna, billiards). As an ideal solution, a special agreement could be concluded between businesses and NGOs to increase the responsibility of the business (corporate social responsibility) regarding safe childhoods via the creation of Codes of Conduct.

The Ukraine. Citizens apply to the Criminal Militia (police) on Affairs of Minors with cases of CSA. Also, some incoming points in the system are the Child Protection Service, schools and other educational entities, like the Youth Social Service. The Militia and the prosecutor's office appoints the interview. The Law does not specify clearly the specialties of legal procedure with participation of underage persons. Sometimes Law Enforcement does not understand the importance of special legal procedure towards children. The staff's responsibility is an important challenge. The absence of Court specialization is the obstacle. The Criminal Procedure Code does not clearly regulate the role of the specialist. The referral system is weak. The best interests of the child is not ever the main aim of Child Protection system.

Ways to overcome Weaknesses: NGO «Foundation for Child Welfare» established the interviewing room in Child Protection Service in Kyiv. In La Strada, Ukraine, they established three interviewing rooms in shelters for children victims of Human Trafficking. To increase methodological and training components. Lobbying of changes into legislation. The project of Law 3791 supposes change of sentence not only for direct illegal action towards children but also via telecommunication media and Internet, involving children in sex-industry, especially via «non-abusive practices» - corruption, defilement, etc. The project also supposes change in procedure of investigation with participation of children victims and witnesses.

ISSUE: Who should conduct the interview of sexually abused children? What qualification such professionals must obtain?

Belarus. Criminal Process Code prescribes to the investigator to conduct the interview and other legal procedure towards person under 14 only with the presence of a pedagogue (educator psychologist) and parents or legal guardians, and with youth between the ages 14-18 the presence of mentioned persons is up to the investigator. Usually all children under 18 participate in such a procedure. Specially trained psychologists translate the questions of the investigator to the child with whom they are conducting the interview. The investigator rules over the interview, and asks additional questions via microphone/telephone or more often – during the break through the psychologist. The ideal solution is to provide psychologists with special training on a postgraduate base, including medical and legal aspects of the interview. As the transitional solution national leader in responding to child sexual abuse, INGO "Ponimanie" contracts forensic experts-psychologists as the interviewers for the Resource Room and trainers for the staff of other rooms – educational psychologists and investigators.

Moldova. The representatives of the prosecutors' offices and of the court conduct the interview on the stages of investigation and court trial accordingly. National Center for Prevention of Child Abuse registered cases of the participation of psychologists in interviewing of children on the base of Art. 90, part 6 of Criminal Process Code. This article prescribes to involve specialists in juvenile psychology: psychologists, pedagogues, and social workers in the interviewing to avoid the secondary trauma in children. As to the opinion of La Starada (Moldova), such specialists must be specially trained professionals in areas of: interaction with a child survivor of CSA; the interviewing of children; risk assessment; case documentation as applicable to the role of psychologist; knowledge of legislation; capacity to manage a case; knowledge of law enforcement system.

The Ukraine. The Criminal Militia Officer conducts the interview of sexually abused children in so-called "green rooms" with the presence of the pedagogue. Specially equipped CAC/Barnahus type and trained staff is just unique in the Ukraine as established by the Ukrainian Fund "Children's Welfare" in 2009. Art. 167 of the Penal Code prescribes to conduct the interview of a child under 14 only with presence of a pedagogue, and if it is necessary – a physician, parents, or other professionals. The same decision towards children between the ages of 14-16 can be done by investigator.

ISSUE: What skills should professionals have to establish the contact between the interviewer and a child survivor of sexual abuse?

Belarus. The interviewer must be trained in medical and legal aspects of the prosecution of child abuse in additional to basic background in clinical or educational psychology.

Moldova. The following principles support the establishment of good contact between the interviewer and a child: the principle of urgent intervention supports the prevention of the risk of reoccurring sexual abuse; Principle of Protective Environment; Principle of Taking in to Account the Developmental Level of a Child; Principle of Respect to the Personality of a Child; use the techniques of active listening; provide a child with specific feedback excluding evaluation, moralizing, or prejudgemental attitude of the interviewer; sure and reserved behavior of the interviewer, no reflection of any emotions during the interview – just the empathic listening. Knowledge in children's trauma is obligatory.

The Ukraine. The Case Conference method is good practice for dissemination in Case Management countrywide.

ISSUE: What legal provisions of specially equipped Child-Friendly Interviewing Rooms? What Standards of Interdisciplinary Cooperation and Technical Standards for such rooms exist?

Belarus. General practice of justice towards young participants of penal procedure (both victims/witnesses and offenders) is based on provisions of Criminal Code and Criminal Process Code allowing the use of the professional skills of a psychologist as the specialist (Art. 62 of Criminal Process Code). There is no special law against child abuse. The first Child-Friendly Interviewing Room according to CAC/Barnahus Model was established in July 9, 2009. There were 8 such rooms opened across the country by June 1, 2011. The Manual for the Child-Friendly Interview, Standards of the Interviewing Rooms and Training Toolkit for Interviewer were developed in 2011. The precise juridical base for Child-Friendly legal procedure is planned to be adjusted by the spring session of the National Assembly (Parliament) in 2012.

Moldova. A legal base to conduct the interviewing in specially equipped rooms is absent. It is under establishment using the best international practices. There is legal prescription to not conduct the confrontation of underage victim/witness and offender. The Court can decide to not call a child. In present time Criminal Code and Criminal Process Code do not contain special chapters regulating legal aspects of the investigation/trial with participation of minors. As to general rules (Art. 106 of Criminal Process Code) «the interview must be conducted in buildings of criminal and court investigation» but the Law allows «conduction the interview in the place of witnesses' place of residence, work, etc.». This assumption can be used to implement the method of Child-Friendly interviewing rooms. There are few rooms in Chisinau, and one of them is established in National Center of Prevention of Child Abuse. The training for Law Enforcement in conducting the interview is the part of general strategy. Interviewing rooms use modern methods – use of anatomic dolls, presenting little stones from the sea for positive memory of kids from Child-Friendly Interviewing, etc.

The trial practice of European Human Rights Court is the important argument pro using Child-Friendly Legal Procedures. The Court after trial of the Case S.N. against Sweden (Complain n° 34209/96) concluded: «Its necessary to follow to specialties of the investigation of sexual crimes and especially – such crimes against underage persons». The Law of Republic of Moldova about Prevention and Prosecution of Trafficking in Human Being strives to increase effectiveness of action towards prevention and prosecution of trafficking in human beings, especially women and children. Following to this aim, the local authorities and NGO have to act independently or in common. International Center La Strada has an agreement with the Ministry of Interior, General Prosecutor's Office, and the Ministry of Labor, Social Protection and Family.

The same agreement was concluded between the Minsitry of Interior and National Center for Prevention of Child Abuse. Practical Recommendations done by La Strada, Moldova: The procedure of interviewing of a child to be conducted in specially prepared and equipped premises outside of police, prosecutor's offices, or courts. The room is to be equipped with recording tools. The room is to be divided into 2 parts by a wall containing the one-way mirror. All participants of the investigation will stay in observation part of the room and they can participate in the interview via telecommunication tools connected them to specialist who translate the question to a child. The cassette or CD where the testimony of a child was recorded is packed into closed and sealed envelop to be sent to the court together with the written protocol of the interview. The cassette or CD containing the testimony of a child is to be stored in Courthouse in the file with all materials of the criminal case.

The Ukraine. Art. 167 of Criminal Code regulated Standards for «Green Rooms»

- Walls, carpets, furniture must be painted into green colour;
- The premise has to have an appropriate temperature and fresh air;
- The premise has to have good sound isolation;
- The premise has to have necessary lightning, equipped with colourful lights;
- There are blums, toys, books for kids;
- There are appropriate sounds and musics;
- There are soft chairs.

The extension of the specialization of “green rooms” (primarily specialized to talk to a child staying in the conflict with the Law) to conduct the interview of sexually abused children is progressive trend with an estimated 600 rooms in the Ukraine. The issue is to standardize the rooms and train specialists to conduct the interview.

Conclusion

Direct Services for abused children such as Child-Friendly Interviewing Rooms and Helplines have started in their development in all countries of Region. Other Services such as specialized branches in children's hospitals are just being planned or already starting to be established. The process goes surely, conducting by NGO with support of Governments and the major financial assistance from the main international donors. NGO-leaders in implementation of Child-Friendly standards for children who become victims of child sexual abuse and other hard cases of abuse, use internationally acknowledged approaches (EU, CoE, UN) and evidence based practices such as Model of Child Advocacy Center, Barnahus Model, Vaiko Namas Model, Nobody's Children Foundation's Model, House of Understanding Model, "Green Rooms" Model. Perspectives of countrywide dissemination of best practices includes the establishment of new elements of Direct Services and development of existing Models, making it mutually good fit for national legislation. Enforcement of the cooperation between NGO - national leaders in Belarus, Moldova and the Ukraine seems crucially important for further success and sustainability of action towards establishment of modern Child Protection system in the region.