



## **CHILD PARTICIPATION AS VICTIMS OR WITNESSES IN CRIMINAL CASES IN SOUTH AFRICA**

**National Report for AIMJF's Comparative and Collaborative Research.**

*La participación de niños como víctimas o testigos en causas penales en Sudáfrica*

*Informe nacional para la investigación comparativa y colaborativa de la AIMJF*

*La participation des enfants en tant que victimes ou témoins dans des affaires pénales en Afrique du Sud*

*Rapport national pour la recherche comparative et collaborative de l'AIMJF*

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**Abstract:** The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on child participation as victims or witnesses in criminal cases. The article explains the legal, institutional and procedural aspects of child participation in the Justice System in South Africa.

**Resumen:** El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre la participación de niños, niñas y adolescentes como víctimas o testigos en causas penales. El artículo explica los aspectos legales, institucionales y procesales de la participación infantil en el sistema de justicia en Sudáfrica

**Résumé :** Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur la participation des enfants en tant que victimes ou témoins dans des affaires pénales. L'article explique des aspects légaux, institutionnels et procéduraux de la participation des enfants dans le système de justice en Afrique du Sud

### **Introduction**

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

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To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of how child participation as victims and witnesses in criminal cases is organized worldwide.

This national report is based on a questionnaire prepared by AIMJF.

## Questionnaire

### 1. Right to be heard

1.1. Are children presumed to be capable witnesses (or presumed invalid/untrustworthy by reason of their age alone, or similar)?

**Yes. In the South African accusatorial system everyone, including children, is presumed to be a competent witness.**

1.2. Are there any restrictions to the right to be heard (minimum age, or other criteria)?

**No. However, in a criminal court a presiding officer must be satisfied that such a person is competent to be a witness.**

1.3. Are children allowed to refuse to make a statement? If so, in which cases?

**Yes. It must firstly be determined before a child make a statement, whether such child understands the oath or affirmation. In South Africa it is generally accepted that a child**



below the age of 12 does not understand the oath or affirmation and that a statement under oath or affirmation cannot be taken from him. It is only in exceptional cases if and where a child below the age of 12 may be found to be fully capable to explain the oath or affirmation to the police or official taking the statement, such a statement may be sworn or affirmed to.

## 2. Broad perspective of the legal framework and procedure

2.1. Is there a specific legal framework that defines how to treat child victims/witnesses of crime (e.g. special norms in the criminal procedural code, special child code, special victims code, etc)?

Yes, [the Criminal Procedure Act No. 51 of 1977](#) under Section 191A. The Minister has the power to determine the services to be provided to witnesses in a court of law. Furthermore, in terms of section 191 (2) the Minister may make regulation relating to -

- (a) the assistance of, and support to, witnesses at courts;
- (b) the establishment of reception centres for witnesses at courts;
- (c) the counselling of witnesses; and

2.2. Is there any coordination between different role players (such as the police, education, social services, health system) to initiate legal proceedings and coordinate response (evidence collection and intervention), including avoiding multiple interviews of the child? Is there any flowchart in your country to coordinate these interventions? If so, could you please share it?

Yes. There is coordination between different stakeholders in South Africa in cases where children are both victims and witness. One such coordination is found in the National Policy Framework: Management of Sexual Offences. The role players includes:

- [South Africa Police Services](#)
- [Department of Justice and Constitutional Development](#)
- [Legal Aid South Africa](#)
- [Office of the Chief Justice](#)
- [National Prosecution Authority](#)



- [Department of Correctional Services](#)
- [Department of Basic Education](#)
- [Department of Higher Education and Training](#)
- [Department of Health](#)
- [Department of Social Development](#)
- [Department of Women, Youth and Persons with Disabilities](#)
- [Department of Cooperative Governance and Traditional Affairs](#)
- **Civil Societies (Non-Governmental Organisations)**
- [National Association of Spiritual Care Givers and Chaplains \(NASCG&C\)](#)

2.3. Can you briefly explain what are the major steps of the legal procedure in criminal cases (felonies) with child victims or witnesses involved?

See the [Guide to Judicial Management of Child Witnesses](#)

2.4. In which moment(s) can a child be heard in this procedure?

As witnesses before the courts.

2.5. Does the child have the power to initiate, suspend or terminate the criminal procedure (such as giving consent for the complaint or the possibility to refuse consent or revoke consent)? If so in which cases?

N/A

### **3. Preparation for the child participation**

3.1. Is there in your country specific child-friendly information material for children as victims or witnesses (e.g. brochure, video etc)? If so can you please share them?

No – but the Thuthuzela Care Centre provides support and preparation for court for child victims.



Thuthuzela Care Centres, established in 1999 by the National Prosecuting Authority, are one-stop facilities located at hospitals and clinics nationwide. They utilize a victim-centric approach to address gender-based violence, following an international best practice model. The centres aim to reduce secondary victimisation, speed up case resolutions, and enhance conviction rates through prosecutor-guided investigations and stakeholder collaboration.

3.2. How do children have access to these materials? (e.g. brochure available at police station/court; brochure sent to the child together with summon; witness preparation conducted in court with support of a video, or with support of a special professional; investigator/judge orally explaining in child-friendly language before interview/hearing, or any other?) How long before the interview/hearing does this happen?

N/A

3.3. Is there any assessment of the child conducted before a child is interviewed/heard? If so, what is assessed / for what purpose (e.g. background and circumstances of child; whether the child would be able to speak freely; capacity of child to express him/herself; capacity to participate, if uncertain; capacity to handle interview and possible effects; potential vulnerabilities and special needs, etc)? If so, what is the legal background of their professional conducting this assessment? To which institution does this professional belong? Is there any kind of report produced?

Yes. Normally when a there has been a report of abuse and neglected, by *any* person on reasonable ground that the child is need of care and protection, will report the matter to a social worker or police official.

- A police official will refer the matter to the department of social development or designated child protection services within 24 hours
- Once the matter matter is refered to DSD and/or designated child protection services – the safety and wellbeing of the child must be prioritised



- The social worker / child protection officer will then make an initial assessment report
- An investigation will then be conducted on basis of the circumstances and without delay where the proceeding will be initiated in term of the Children's Act for the protection of the child
- The purpose of the assessment is to determine whether the child is in need of care and protection as well as the protection services to be offered to the child

The legal background that guides the designated social worker or child protection official is the Children's Act 38 of 2005 (as amended), section 110 which is the reporting provision, read with section 142, 150, 151, 152, 152 and Regulations 35.

The professional belongs to the following institution – Department of Social Development (social workers), South African Police Services (police official); Non-Profit Organisation (designated child protection official).

Yes, there is a report produced from the investigation undertaken as to the circumstances of the child, guided by the Children's Act and existing child protection policies in South Africa.

3.4. Is there any kind of contact or evaluation with the parents or legal guardians?

Yes. Through the investigation conducted by the provincial social worker section or designated child protection organisation section 110 (7) of the Children's Act provides that if there is a belief that the it is in the best interests of the child then the professional will determine whether to remove the child from the family environment and placed in alternative care, taking to account their well-being and safety.

3.5. Is the child allowed/invited to visit the facilities where he or she will be heard prior to the interview/hearing?

Not certain. Legislation and child protection policies are not clear on this.



However, Section 6(5) of the Children's Act provides that a child, having regard to his or her age, maturity and stage of development, as well as his or her parent, must be informed of any action or decision taken in a matter concerning the child which significantly affects the child

Therefore, [Thuthuzela Care Centres](#) will operate as facilities that conduct preparation for the child before appearance in court.

3.6. Does the child receive any kind of support prior to the interview/hearing (psychological, social, medical, legal)?

Yes. The service will be provided according to whether the child is a victim or witness. The support provided ranges from counselling, medical attention, legal representation, crisis intervention.

#### **4. Protection and Support**

4.1. Is there any risk assessment conducted for the child victim/witness after a crime has been reported? If so, who conducts it? Is there any specific tool? If so, can you share it please?

Yes. A registered social worker, Department of Social Development and/or child protection officer within the South African Police Services.

Section 142(c) of the Children's Act 38 of 2005 (as amended) requires regulations prescribing 'a broad risk assessment framework to guide decision-making in the provision of designated child protection services'.

It is not clear whether there is a specific tool used but the Act does make provisions process to be followed by a suitable person charged with the duty to investigate the matter.

4.2. In case of identification of risks, what kind of protective measures are available in your country?



In deciding upon the appropriate protective measures or intervention in respect of a child suspected of being abused, the broad risk assessment framework requires to decision-makers to take the following into account:

- The total context of the child's situation, given his or her age, and the level of risk that the child is being exposed to;
- the feasibility of prevention and early intervention measures to protect the child, as well as other measures that would minimise the level of risk yet allowing the child to remain in his or her own home environment, including the removal of the offender;
- the emotional risk to the child involved in a sudden, unprepared removal; and
- placement of the child in alternative care should only be considered in cases where a serious and immediate danger to the child outweighs the trauma involved in such a removal

The above are provided for in the Children's Act when dealing with the cases of children who are abused or neglected and the matter has been reported to the suitable person as conaplated in the Act.

4.3. What kind of support measures are available for child victims / witnesses of crime (psychosocial, medical, legal) before, during, after the judicial process)

In the cases where a child is a victim / witnesses of crime, extensive assistance in the form of social, legal and psychological services is required. Services/support provided include the following: crisis intervention; counseling; support during the investigation of an offence; support during the criminal prosecution and trial; training for allied professionals on victim issues; advocacy; public education on victim issues; and, to a lesser extent, crime and violence prevention.

This services are often rendered by Thuthuzela Care Centre, the [National Institute for Crime Prevention and the Reintegration of Offenders \(Nicro\)](#); [RAPCAN](#); [Childline SA](#); [Rape Crisis](#) and [Lifeline](#).





4.4. In case of intrafamilial violence, which measures can be / are usually adopted to grant the child's security? Is there any/which kind of support offered to the remaining members of the family? Are there any specific measures in case of child abduction or child kidnapping?

Once there has been reporting of abuse and neglect of a child as contemplated under section 110 of the [Children's Act](#). Upon determination that the child is in need of care and protection an official (police) must –

- (a) Ensure the safety and well-being of the child concerned, if the child's safety or well-being is at risk;
- (b) Within 24 hours notify the provincial department of social development or designated child protection organisation of the report and any steps that have been taken with regard to the child

The perpetrator may be removed. Or the child may be removed and placed in alternative care.

Furthermore under the same section the Department of Social Development and designated child protection organisation, when the matter has been reported must, ensure the protection of the child, make an initial assessment of the report and undertake investigation depending on the matter reported.

The support provided to family member may be that they enter into voluntary victim protection as provided for under Part 16 of the Prosecution Directives issued by the National Director of Public Prosecution.

## 5. Environment

5.1. In which institution/what kind of environment is the child interviewed/heard in pre-trial/trial phase?

In South Africa, particularly in cases of sexual violence where children are victims, the Thuthuzela Care Centre is one of the centres used to interview child victims and prepare them for court appearance with the assistance of the victim assistance officer. The TCCs will do a consultation with a specialist prosecutor before the case goes to court.



The child may also be prepared through an appointed intermediary in terms of section 170A of the Criminal Procedure Act. If it is during the trial, taking to account the importance of the right to participate as provided for under section 28 of the Constitution. The intermediary will act to enable the child witness to give his or he evidence.

5.2 Is there any specificity in this environment to adapt it for children? (e.g. separate 'building' specifically for children; non child- specific building, but separate entrance for children; separate interview/hearing room for children)

Not always. However, in some court a child testifies in a separate room from a main court room which is refered to as a Private Testifying Room, which is located close to the maincourt.

5.3. Are there guidelines for the environment where the child is interviewed/heard? (architecture, setting)? If so can you please share it? Can you share a photo of this space?

The Department of Justice and Constitutional Development in their discussion of the services of the intermediaries provides that:

- The environment where the child is interviews or heard must be separate from the main court room as provided for under section 170A(3) of the Criminal Procedure Act
- It must have comfortable chairs where the child and the intermediary can sit during the proceedings
- Depending on the availability of the space, it may also provides for sleeping couches for the child to rest when and if they get tired during the testimony
- The court must be provided with a closed circuit television sets or one-way mirrors to enable the people in the court room to view and hear the child and the intermediary from the Private Testifying room.
- The child however, can neither see or hear the accused or anyone from the main court room.



The pictures of the Private Testifying room can be accessed here: <https://www.justice.gov.za/faq/faq-sorma-intermediaries.html#:~:text=How%20do%20children%20testify%20in,close%20to%20the%20main%20courtroom.>

5.4. Is there a specific waiting area for the child?

According to the Department of Justice & Constitutional Development, the child remains in the Private Children Waiting Room with parents/ guardians until he/she is called to testify. The waiting room is designed to be child friendly.

5.5. Are there protection measures to avoid direct contact (including visual) between the child and the alleged offender? if so what kind? ( e.g. separate entrance, separate waiting area, separate interview/hearing rooms, use of video link, voice or image distortion etc)

Yes, however not in all courts as the resources and infrastructure may not be the same. Although, generally, the children are in a separate waiting room where they are not exposed to the alleged offender.

According to DOJ & CJ:

*A video camera or a one-way mirror is installed in the private testifying room to facilitate communication between the Private Testifying Room and the main courtroom while the child is giving evidence. The intermediary is provided with earphones to enable him or her to follow the proceedings in the courtroom. The intermediary will hear the questions and relay these to the child. The child's responses will be captured on the live video link.*

During the proceedings the child does not see or hear the accused or anyone from the main court room.

5.6. In case identification of the offender is needed, how is this conducted, and where?

It is conducted by the South African Police Service. The Criminal Procedure Act authorises the South African Police Service officials to conduct parades to identify



suspects. Section 37(1)(b) of the Criminal Procedure Act mandates suspects' participation when requested, with no option to refuse after identification.

Certain rules have been established to ensure fairness in identification parades, although they are not mandatory for admissibility.

- Rule 1 requires the proceedings to be recorded by the SAPS official on [Form SAP 329](#) for accuracy.
- Rule 2 prohibits the investigating officer from overseeing the parade to prevent collusion.
- Rule 3 mandates informing suspects of the parade's purpose and allowing them to have a legal representative present.
- Rule 5 specifies a minimum of eight participants for a parade to increase evidentiary value.
- Rule 8 dictates that participants should be similar in build, height, age, appearance, occupation, and dress.
- Rule 9 advises taking photographs of all participants in the parade for documentation. These rules aim to enhance and reinforce the evidential cogency of identification parades and ensure the protection of innocent individuals.
- Rule 10 requires the parade official to inform suspects they can choose their position before any witnesses come forward, preventing collusion.
- Rule 11 mandates officials to ask suspects for any reasonable requests, with Rule 12 requiring these requests be accommodated.
- Rule 13 ensures witnesses are kept separate and cannot discuss the case before identification, with Rule 14 preventing them from seeing suspects before the lineup.
- Rule 17 states witnesses must be told the suspect may not be present and not to make a hasty identification. Rule 18 directs witnesses to touch the suspect's shoulder for identification, with the action being captured by photography. These rules aim to maintain fairness and prevent bias during identification procedures, promoting accuracy in the criminal justice system by safeguarding against errors and misconduct.



5.7. If the child lives in a different city in relation to the city where the proceeding is tried, what are the specificities at stake?

In terms of the Criminal Procedure Act section 179 which is a Process for securing attendance of witness provides that -

(1) (a) The prosecutor or an accused may compel the attendance of any person to give evidence or to produce any book, paper or document in criminal proceedings by taking out of the office prescribed by the rules of court the process of court for that purpose.

(b) If any police official has reasonable grounds for believing that the attendance of any person is or will be necessary to give evidence or to produce any book, paper or document in criminal proceedings in a lower court, and hands to such person a written notice calling upon him to attend such criminal proceedings on the date and at the time and place specified in the notice, to give evidence or to produce any book, paper or document, likewise specified, such person shall, for the purposes of this Act, be deemed to have been duly subpoenaed so to attend such criminal proceedings.

(2) Where an accused desires to have any witness subpoenaed, a sum of money sufficient to cover the costs of serving the subpoena shall be deposited with the prescribed officer of the court.

(3) (a) Where an accused desires to have any witness subpoenaed and he satisfies the prescribed officer of the court (i) that he is unable to pay the necessary costs and fees; and (ii) that such witness is necessary and material for his defence, such officer shall subpoena such witness.

(b) In any case where the prescribed officer of the court is not so satisfied, he shall, upon the request of the accused, refer the relevant application to the judge or judicial officer presiding over the court, who may grant or refuse the application or defer his decision until he has heard other evidence in the case.



5.8. Is it possible in your country that the interview is conducted virtually (the child and the interviewer are in different places)? In which circumstances? Are any / which special security measures (are) adopted?

Yes. This depends on a case by case basis. Ideally, Every state witness, including children is entitled to travelling and food allowance when in court. Which is referred to as a witness fee. However in the case where the court do so allow a virtual interview may be conducted with the assistance of the intermediary or with the an adhoc legal representation appointed so that the child is not coerced.

5.9. Must a child appear in court to be interviewed or are recorded investigative interviews admitted as evidence in court? If the child has to appear in court, which circumstances are determinant?

See answer 5.3 - 5.5 above.

## 6. Specific legal guarantees for the child

6.1. Does the child have the right to legal assistance? for free? Is this assistance specialized? At what moment does this assistance come in (e.g. already advising whether or not to report a case / during the first interview / only in court / other)

Yes. The State represent the child victim. NGOs working with children's rights can also be appointed to have watching briefs.

It depends on the circumstance and facts of the case.

6.1.1 What is the role of the legal assistant (representing views of child or best interests of child; advising the child; talking on behalf of the child; ...)?

To ensure that the best interests of the child are considered and safeguarded.



6.2 Does the child have the right to be accompanied by a support person? If so, what is the role of this person? What is this person entitled to do in support of the child?

Yes. The Criminal Procedure Act, under 170A provides for the appointment of intermediaries to assist child victims or witnesses.

The adversarial trial procedure might at times be insensitive to the needs of the child victim, and this is often the case in child abuse cases. Therefore the role of the intermediary would be to ensure that the child victim has a separated room from the main court room, where the attention of the child will be engaged in order to relate the questions put before the parties in court. Furthermore, to direct the question in a manner that is appropriate to the child's development capacity, unless the court provides otherwise.

6.3. What is the role of parents/legal representative?

The role of parents or guardians is outlined under section 18 of the Children's Act as "parental responsibilities and rights" and importantly subsection (3) provides that a parent or other person who acts as a guardian of a child must -

(c) Assist or represent the child in administrative, contractual or other legal matters...

6.3.1 When are parents/legal representative excluded (e.g. perpetrator, exploitative, intimidating/influencing, non-supportive, conflict of interests...)?

If the parent is the perpetrator, such parent will be excluded and the intermediary would be appointed to assist the child without the parents involvement. The State as the *Dominus Litis* will also decide what is appropriate.

6.3.2. If excluded, is there another legal representative appointed/ if so by whom?

Yes. The State (prosecutor) represent the child.



6.4. What kind of measures are adopted to grant the right to privacy / confidentiality (public excluded / in all cases / in which cases? press statements so that child can not be identified?)

The Victims' Charter grants witness protection rights, allowing courts to prohibit publishing information, including identity, and hold trials in camera when necessary.

Section 153(4) of the Criminal Procedure Act requires that the court sit in camera during proceedings involving accused persons under 18, with exceptions for necessary persons. Section 153(3) permits the exclusion of the public in sexual offence cases to protect minor complainants or child witnesses, but only if requested by a parent or guardian.

In determining whether to grant a request, the court considers the interests of justice, even if the complainant is a minor. Section 153(5) gives the court discretion to conduct criminal proceedings in camera if a child witness testifies, with exceptions for necessary individuals.

Section 154 of the Criminal Procedure Act restricts the publication of certain details, specifically prohibiting the identification of witnesses under 18 unless authorized by a judicial officer to serve the interests of justice. The court may allow the presence of individuals necessary for proceedings or allow their attendance at the court's discretion. Ultimately, the court will prioritize justice and may make exceptions based on specific circumstances.

To sum up the above sections 153 and 154 of the Criminal Procedure Act protect child victims and witnesses in criminal proceedings by allowing them to testify in private and prohibiting the publication of information that could reveal their identities.

6.5. Is the child allowed to plea for **cautionary measures**?

**Comentado [K01]:** I am also not sure what they mean here. Let me try and check

There is a case (*Kande Kabeja Ergie v State*) that speaks about cautionary measures/rules not sure if I understand it well and how it applies to this question. Please see it here <https://www.saflii.org/za/cases/ZAWCHC/2020/115.pdf> at para 3,6,7,8,9,30,31 & 54

6.6. Does the child have the right to appeal any decision?





The State (prosecution) appeals on behalf of the child victim

## 7. Interviewing structure and procedure

7.1 Who hears the child victim/witness in the pre-trial phase / who in the trial phase? How often is a child usually heard in total (pre-trial and trial)? Does the law limit the total number of interviews/hearings conducted?

The appointed intermediary in terms of section 170A of the Criminal Procedure Act. It depends on the presiding officer presiding over the matter and what the State (prosecutor) suggests.

7.2. Is it mandatory that this professional has specific training for child interviews?

Yes

7.3. Is any kind of interview protocol adopted in your country (pre-trial and/or trial stage)? If so, which one? If so, could you please share it?

Not sure but section 170A of the CPA provides for procedures that has to be followed by the appointed intermediaries.

Section 2(d) of the Children's Act aims to provide structures, services, and means to support children's overall development. Section 4(2) mandates government organs to implement the Act cohesively at all levels. Additionally, the Act necessitates the establishment of national norms and standards, especially in child protection, to guide service providers in meeting their obligations and maintaining minimum standards.

Furthermore, the [National Director of Public Prosecutions is mandated guidelines for child witnesses and complainants in that:](#)

- Evidence in court can be provided through closed circuit television if not ordered by the court or requested;



- A competent intermediary should be appointed under section 170A of the CPA
- Witnesses can testify behind closed doors as per section 153 of the Criminal Procedure Act, and their identities can be protected from publication under section 154 of the Criminal Procedure Act.

7.4. Who is allowed to participate in the interview/hearing? Who is sitting in the same room as the child / who is sitting in another room, if any?

The appointed intermediary.

The other parties such as the alleged offender, presiding officer and State prosecutor will be in the other room.

7.5. Who is addressing the child victim/witness: only the interviewer? cross examination allowed? if only the interviewer, how can other participants ask questions? How is the communication between those who follow the interview and the interviewer? What kind of communication tool is used?

The intermediary. Yes cross-examination is allowed as per section 170A of the CPA. The intermediary is provided with earphones to enable him or her to follow the proceedings in court. He/she will in turn listen and relay the questions to the child.

7.6. Is the interviewer allowed not to ask the questions raised by others? Is the interviewer allowed to rephrase the questions raised by others?

The intermediary unless the court state otherwise, ask the questions in a manner that would be understandable to the child, taking his or her development capacity.

7.7. Is the interviews audio and video recorded, if so for what purpose (accuracy of statement, use as evidence in court, use in other courts, other)?

NO



7.7.1. In case the recording is admitted as evidence in court: what protection measures can be applied (e.g. image and voice distortion, child heard in a separate room etc)?

N/A

7.8. How is the quality of the recording? In case of failure in the recording, what are the measures adopted?

N/A

7.9. If no audio/video recording: is the child allowed to review his or her statements and to correct them? Is the child/legal representative allowed to get a copy of written statement / recording?

Yes. The State is the *Dominus Litis* so in many instance they will decide what is appropriate. If the court is of the belief that such review will assit the court and in the interest of justice, it may allow such review and the intermediary to assist the child with the process thereof.

7.10. If there is a special procedure for hearing child victims and witnesses, is it mandatory for the child to participate in such a way or has he/she the right to choose to be heard as any other victim or witness? Are there still adaptations in this case?

Already explain S 170A of the Criminal Procedure Act.

## 8. Offender's right during or after the interview

8.1. Is the alleged offender allowed to participate in the interview of the child witness? Is his/her defence attorney allowed to participate? Is participation of either of the two mandatory?

No. In a matter where the child is a victim or witness it would not be in the best interests of the child to be in contact or same room as the alledged offender. The child will not



hear or see the proceedings happening the main court where the alledged offender and others are in.

8.2. If the offender is not present during the interview, how can he or she make additional questions to the child? How can he or she contradict the child's statements?

The questions are asked through the intermediary, who will make sure that they are asked in a manner that will not contradict the child's statement.

## 9. Parallel proceedings – coordination

9.1. In case of parallel proceedings (such as in family or child protection procedures) based on the same facts, is it clear who has the priority to conduct the interview?

No.

9.2. Is there any coordination procedure between different courts/authorities? How is the coordination procedure?

Pilots in some provinces of the country but not yet a legislated process.

9.3. If another court/authority has not participated in the interview and needs additional information , is this court/authority allowed to interview the child again? And/or can interviews be shared (who can share with whom)?

Yes. the interview is conducted again to comply with the rules of evidence.

## 10. Training

10.1. Are judges and magistrates trained to deal with child victims?

Yes.



10.2. Is the content of the training interdisciplinary? Do other professionals also participate in the same training?

Not as far as we know.

## **11. Reforms in progress**

11.1. Are there reforms in progress in your country regarding child's victim rights, the procedure among others? What is the aim and the main subject of it?

Not at the moment