

CHILD PARTICIPATION AS VICTIMS OR WITNESSES IN CRIMINAL CASES IN PALESTINE

National Report for AIMJF's Comparative and Collaborative Research.

La participación de niños como víctimas o testigos en causas penales en Palestina

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 Palestine

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 Palestine

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 Palestina

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 Palestine.

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)?

The Palestinian Public Prosecution is committed to treating child victims, victims and witnesses in a friendly and appropriate manner, taking into account their needs, age and maturity. Children must be protected from harm and perpetrators must be held accountable effectively. Cases involving children must be carefully managed to ensure a fair trial and accommodate children's special vulnerabilities. Children's unique vulnerabilities must be taken into account and they must be provided with support and protection throughout the legal process. Dealing with child witnesses or victims requires an understanding of their special needs and they must be treated with respect, courtesy and care. Child victims and witnesses of crime must be protected from re-exposure to harm and injury:

1. Child victims and witnesses of crime must have the right to access justice.
2. Child victims and witnesses of crime must receive appropriate care and support.
3. A relationship must be built with the child, by giving the child time to get to know and build trust with the person dealing with him.
4. Simple and easy-to-understand language must be used, as the child may not have a full understanding of the events that occurred.
5. The child must be explained what will happen, and before starting any interview or procedure, what to expect.
6. The child should be allowed to control the situation, let the child choose when, where and when he wants to talk.
7. All the needs of child victims and witnesses of crime should be provided and their rights and guarantees respected.
8. The child should be treated in a friendly and kind manner, in order to remedy the painful experience that happened to him.
9. The child should be provided with the support he needs, and specialists, doctors and social workers should be requested for appropriate assistance.
10. Calming and relaxation techniques, drawings and the surrounding environment should be used to make the child feel more comfortable during his treatment.

11. All legal procedures should be adapted to suit the child, his age and privacy and in a manner that does not violate the law.

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

The Juvenile Protection Prosecution is concerned with achieving the best interests of the child by guaranteeing his/her rights, including the right to be heard, and the juvenile prosecution is committed to implementing this right by following these procedures:

1. The testimony of the victimized child is considered legal evidence if he is over fifteen years old, and it is taken under the legal oath. If he is younger, his statements are considered as a guide without taking the oath. The child's ability and readiness to testify are assessed on a case-by-case basis, and consultation is requested from psychological experts or child protection counselors if there are concerns about his ability to testify.
2. The Public Prosecution must seek expert advice from psychologists or child protection counselors if there are concerns that participating in criminal cases may be disturbing to the child or cause him/her additional trauma. It should be noted that the child's experience in criminal cases is a stressful experience, and can be controlled by following procedures appropriate for children.

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

The child may refuse to testify after being informed of the procedures and the importance of his testimony, provided that it does not harm the criminal investigations and the interests of the judiciary. There are other cases in which the child's testimony may not be submitted, namely:

2. If he is under fifteen years of age.
3. If he refuses to testify against his family, unless the crime concerns him.
4. If he suffers from a mental disability according to approved medical reports.
5. If he seeks assistance from a child protection counselor, psychologist or other expert to interview him and submit a report as evidence.
6. If there is sufficient evidence to investigate and prosecute without the child's testimony.
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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)?

1. Criminal Procedures Law No. 3 of 2001.
2. Decree-Law No. (10) of 2018 regarding cybercrimes and its amendments.
3. Palestinian Child Law No. (7) of 2004.
4. Decree-Law No. (19) of 2012 amending Palestinian Child Law No. (7) of 2004.
5. Decree-Law No. (43) of 2022 amending Palestinian Child Law No. (7) of 2004.
6. Decree-Law No. (4) of 2016 regarding the protection of juveniles.
7. Decree-Law No. (30) of 2021 amending Decree-Law No. (4) of 2016 regarding the protection of juveniles.
8. Executive Regulations for Protection Procedures and Granting Rights to the Child No. (16) of 2022.

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?

The Juvenile Protection Prosecution is keen on continuous communication with the competent authorities to ensure that justice is achieved for children, and follows the following steps:

1. The main priority is to respond to cases of child witnesses and victims and take necessary measures to meet their needs.
2. Move quickly to the location of the reported child and collect the necessary evidence to protect him/her from harm.
3. Coordinate with the police and develop a plan to protect the child and determine intervention procedures.
4. Ensure the safety of the child and transfer him/her to a safe place when necessary.
5. Provide medical care for the child in the event of injury.
6. Seek the assistance of an educational counselor to obtain information about the child.
7. Coordinate the forensic medical examination of the child in complete confidentiality.
8. Reduce the number of times the child is interrogated.
9. Deal skillfully with cases in which children are victims of crimes.
10. Cooperate with the Family and Juvenile Protection Department to document information and protect the child.
11. Cooperate with the Anti-Cybercrime Prosecution to confiscate electronic devices.
12. Delete harmful materials and close electronic accounts.
13. Maintain the confidentiality of confiscated materials for investigation purposes.
14. Conduct interviews in child-friendly rooms.
15. The child shall not be re-interrogated except in certain cases and with legal approval.

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?

In accordance with international best practices, the competent public prosecutor must conduct all interviews with child victims and witnesses using a structured approach that follows specific steps to ensure that information is collected accurately and in a manner that is appropriate for children and minimizes its harmful impact on them, as follows:

1. When a crime occurs: Investigations must be direct in accordance with the law and procedures in the event of a public crime, unless the law stipulates otherwise, provided that an explicit complaint is submitted by the victim. Child victims and witnesses must be identified at the beginning to determine appropriate procedures and methods for their

participation in legal proceedings in a manner that is appropriate to their ages, needs, privacy, and the confidentiality of their cases without delay.

2. Providing protection to child victims and witnesses after the crime occurs: Public prosecutors must provide protection of children in need by referring them to the Juvenile Protection Prosecution by a written decision, and a written request must be made from the Child Protection Counselor or the Juvenile Protection Prosecution to provide them with the necessary social reports. A written report must be sent to the Head of the Juvenile Protection Prosecution to take the necessary measures, record all reports confidentially, follow up on them permanently, and provide the necessary rights and guarantees.
3. Summoning and attendance: They may not be forced to attend, but specialists are assigned to meet them, provide support and advise them to attend on their own free will. Interviews with children should be conducted as soon as possible after the incident, and at the same time after they have had sufficient time to recover from the initial shock resulting from the crime. The interview date should be set in a way that does not interfere with the child's school schedule.
4. Planning and preparation: The child's interview should be planned in cooperation with the child protection counselor, and the details of the interview should be discussed, such as its time, place, and the people present, and how to ask questions to the child and listen to him. Sufficient information about the incident, the child's maturity and skills, and any special needs should be obtained before the interview. The main issues to be explored should be identified to avoid repeating the interviews, and an appropriate time and place should be set, and the attendance of all required participants should be confirmed before the appointment.
5. Providing and preparing needs: The competent public prosecutor should avoid asking questions to the child victim and the accused together or placing them in the same room, as this may cause shock and intimidation. If a face-to-face interview is required, the child and the accused should be interviewed in separate rooms. Audio and video links can be used. Seating should be arranged in an informal, child-friendly manner and the interview should be conducted in a child-friendly room.
6. Introductions and rapport building: The interviewer should begin by introducing himself/herself and anyone else present and explaining why the interview is being conducted. This should be followed by general questions (such as questions about the child's family, school, favourite toys or hobbies, etc.) in order to build rapport with the child and put them at ease.
7. Ground rules for the interview: The interviewer should explain to the child the purpose of the interview and the importance of telling the truth, and that they should say "I don't know" or "I don't understand" rather than guessing. This should include using probing questions to teach the child these rules.
8. Free recall/free narration: Questioning about the crime should begin with neutral questions to get the child to tell what happened in their own words from beginning to end. At this stage, the interviewer should not interrupt the child and/or ask questions, but may use open-ended questions when necessary to encourage the child to continue talking, e.g. "What happened next?".
9. Clarifications and specific questions: The interview with the child should be conducted using open-ended questions to obtain more details and clarify discrepancies between the child's account and other evidence. Leading or leading questions should be avoided to avoid inaccurate answers.

10. Closing: The interviewer should ask the child if they have anything else they would like to say or additional questions, then thank the child and explain in simple language what will happen next. The interviewer can then briefly talk to the child about a neutral topic, then end the conversation in a positive and comforting manner.
11. Evaluation: After the interview, it is necessary to evaluate whether the desired objectives have been achieved and review the status of the investigation based on the available information, and a decision must be made on what additional steps may be necessary in the investigation, and to reflect on the success of the interview and look for ways to improve it in the future when interviewing children.
12. As a reminder; that all of the above is in accordance with what is stated in the Criminal Procedures Law No. (3) of 2001, and it must be emphasized here that what is done is recorded in investigative reports in accordance with the law and procedures.

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

1. The preliminary investigation stage is carried out by the Public Prosecution / Juvenile Protection Prosecution.
2. The final investigation stage (trial) is carried out by the courts specialized in trying adult defendants.

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?

In all cases, the child must be voluntarily involved in the proceedings and providing testimonies, and should not be forced to do so in accordance with Palestinian legislation. However, friendly measures can be taken to ensure his participation in the proceedings, such as:

1. If there is any conflict with the child's best interest regarding filing, dropping, waiving, or requesting not to pursue the complaint, or if there is a conflict between the interests of the child and the child's guardian, this is not considered a reason to stop investigations and hear the child's testimony. The Public Prosecution is specialized in representing the child in all legal proceedings, and it may seek the assistance of social and psychological specialists in this regard. This is in accordance with what is stipulated in Article 6 of the Criminal Procedures Law No. 3 of 2002 and the Palestinian Child Law No. 7 of 2004 and its amendments.
2. The public interest must be taken into account in the prosecution, along with the seriousness of the crime and the need to hold the perpetrators accountable.
3. Immediate action must be taken against the accused if he poses a threat to the victimized child or to society.
4. The views of the child and the guardian should be taken into account and their wishes and concerns should be known.
5. Whether the child will be at further risk of being prosecuted and how to deal with this risk should be considered.
6. The impact and risks to the child of participating in the legal process should be considered.
7. The Public Prosecution should be sensitive to family pressure on children to withdraw their complaint or change their testimony.

8. Immediate action should be taken against the accused if they threaten the child or try to influence their testimony.
9. The Public Prosecution should interview the child and guardian if they are reluctant to pursue the complaint to understand their concerns.
10. The Public Prosecutor should prioritise the best interests of the child when deciding whether to prosecute.
11. The Public Prosecutor should make their own decision about whether to pursue the case and ensure that the child is directly involved.

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?



There is a Facebook page, a WhatsApp number, and videos that are published continuously to raise awareness. This is the page address:
<https://www.facebook.com/Juvenile.Protection.Prosecution>.

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?

1. Children are provided with awareness materials before any legal action is taken against them, through cooperation between the police, the Juvenile Protection Prosecution, the specialized courts, counselors and specialists. Communication channels are also available to children through meetings in schools, community awareness, initiatives, trainings, websites, smart applications and social media sites. A dedicated WhatsApp number (00970593444478) is

provided for the Juvenile Protection Prosecution to receive children requests, to provide them with legal advice, advice and guidance.

2. The specialized public prosecutor must make the necessary arrangements to prepare the child victim or witness before the trial, in order to alleviate their anxiety and make the court experience less difficult. The public prosecutor must meet with the child before the trial to explain the trial process and clarify who will be present and what is required of the child. They must assure the child that there are measures to protect the privacy and dignity, and advise the child on answering questions in court and the importance of telling the truth; And not to accept influence from anyone, as much as possible, including:
 - a. Listening carefully to questions and saying “I don’t know” or “I don’t understand” instead of guessing.
 - b. That the child can ask for a break if he is tired or upset.
3. Public prosecutors, each according to his jurisdiction, are committed to working constructively with the courts to ensure that judicial proceedings involving child victims and witnesses are conducted in a child-friendly manner.
4. Where possible and appropriate, specialized public prosecutors must strongly advocate for the court to rely on the child’s statements from the investigation stage, instead of asking the child to give evidence in court (Criminal Procedures Law, Article 229), on the basis that the child’s appearance before the court may cause him to be undue distress and is not in the child’s best interests, and when necessary, the specialized public prosecutor must submit a report from a child protection guide or any other expert to support his argument before the specialized court.
5. It is advisable to request the specialized court to accept some accommodations for child victims and witnesses. If a child is required to testify in court, the specialized public prosecutor should take proactive measures in requesting the court to facilitate the testimony of the child. These accommodations may include the following:
 - a. Setting a suitable time for the child to testify: On the day of the trial, priority should be given to hearing the testimony of the child victim/witness first; in order to reduce the waiting time. It is generally better for the child to testify in the morning when he/she is alert; however, if he/she has to wait in court for several hours to testify, the child is likely to feel anxious and tired.
 - b. A special and child-friendly waiting area: A special room or waiting area should be arranged for the child and his/her guardian to prevent exposure to the public or contact with the accused and his/her family.
 - c. Requesting measures to protect the child’s privacy/anonymity, including; closing the courtroom to the public and the media and allowing only interested parties to attend. The court should also be asked, where appropriate, to refrain from asking the child to give his or her address when taking the oath, if the accused’s current place of residence is unknown to him or her, as this would put the child at risk .
 - d. Making changes to the layout of the courtroom: to reduce the formality and intimidation of the courtroom and to make it easier for the child to give evidence, including rearranging the furniture so that everyone sits on the same level, allowing the child’s guardian or support person to sit next to the child while he or she gives evidence,

reducing the distance between the child and the judge (so that the child's voice can be heard easily) and requiring the accused to sit away from the child.

- e. Allow the child to have a support person and/or a "comfort object" while giving evidence to ease the child's anxiety and help them focus. Generally, children will feel more confident speaking if an adult sits next to them. The support person could be a parent, relative, child protection counsellor, or a representative of another organisation that supports child victims. Some children may be more calm, as statements from children under 15 cannot be used as legal evidence.
- f. If available, and as much as possible, testimony via visual or audio communication (audio and video link): The child gives the testimony from outside the courtroom and his testimony is transmitted directly to the courtroom via a secure visual and audio connection such as an electronic audio and video link within safe and fair working mechanisms for all parties to the criminal case and agreed upon by all parties, as the court, the prosecution member, the accused and the defense attorney can see and hear the child, but the child cannot see the accused. If the equipment is available, this is the best option because it greatly reduces the pressure of giving testimony, and it also saves the child from the shock of giving testimony in an open courtroom that forces him to see the accused.
- g. Use a screen, curtain or invisible glass to prevent the child from seeing the accused. This is a low-cost and adaptable alternative to audio-visual communication, allowing the child to testify without seeing the accused. The screen can be placed either in front of the accused or in front of the child. If placed in front of the child, it must be placed in such a way that the court, the prosecutor and the defence lawyer can see the child and the accused cannot see the child.

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?

1. The public prosecutor responsible for investigating crimes and/or violence against children should also immediately report to the Juvenile Protection Prosecution and the Child Protection Counsellor, and cooperate with them to conduct an initial risk assessment and, if necessary, take urgent measures to protect the child in accordance with the Child Law (Article 65). In cases where the child is at imminent risk, child protection counsellors are permitted to take immediate measures to protect the child, including proactively removing the child from his or her home, using force if necessary, and then placing the child in a safe place (e.g. the home of a relative, a foster family, or a protection centre).
2. In cases of violence in all its forms or crimes, accidents or suicides in which the victims are children, the need to take protective measures for other children residing in the home should also be taken into account.

3. If the child is at the scene of the incident; The specialized public prosecutor may ask him general questions about the incident, but the child should not be asked to recount the incident in detail. A detailed interview should be conducted in a safe place that takes into account the child's needs, and only after the child has sufficiently recovered (physically and psychologically) from the initial shock of the incident.
4. Decisions regarding whether to bring a criminal case against the perpetrator should take into account the best interests of the child, according to the following: the child's age, maturity, background and circumstances; the views, wishes and fears of both the child and the guardian; the child's ability and willingness to testify; the emotional impact on the child from participation in the criminal case; the risk of harm to the child through threats, retaliation or public exposure, and whether those risks can be controlled by available protective measures; and the likelihood of conviction, taking into account the legal value of the child's testimony (particularly if the child is under 15 years of age) and whether there is other supporting evidence; The public interest in prosecution, taking into account the nature and seriousness of the offence; the threat posed by the perpetrator to the child and the general public, including other children in the community; and the need to hold perpetrators accountable and deter others.
5. The specialized public prosecutor must adjust the pace and duration of the interview in a manner that takes into account the child's age and attention span, and must ensure that the child is given adequate breaks for rest, eating and drinking.
6. The specialized public prosecutor must also adapt his language and the questioning style to suit the child's age and developmental level, as all questions must be asked in the form of short and simple sentences, and an active listening style, reassuring body language, frequent eye contact, and a calm and friendly tone of voice must be adopted, and suggestive or leading questions must be avoided.
7. In some cases, the specialized public prosecutor may use appropriate means of communication with the child, such as drawings, pictures, and any other means appropriate to him; This is to comfort the child and help communicate with him, however, caution must be taken so that these means do not affect him or make him tired. All in order to clarify something that the child has already described that can be used to benefit the investigation.
8. When recording the child's testimony, the specialized public prosecutor must ensure that what the child says is recorded in his own words, without "interpretation" or rephrasing, as this can lead to errors and misunderstandings, and where possible; interviews with child victims and witnesses should be video recorded.
9. The specialized public prosecutor must seek expert advice from psychologists or child protection counsellors when there are concerns that participating in criminal proceedings is too worrying/disturbing for the child, or that it may contribute to further trauma for the child, bearing in mind that the experience of a victim or witness in criminal proceedings is always a stressful experience for children, and can often be controlled by adopting child-friendly procedures.

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

The specialized public prosecutor must ensure that the child and his/her guardian are able to express their views on the impact of the crime on the child and the appropriate punishment, based on the child and guardian's preferences. This can be done by:

1. Speaking to the court directly during the sentencing process; or

2. Addressing the court with a letter or submitting a “victim impact” statement about the violence suffered.

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

The specialized public prosecutor must appoint a child protection counsellor who will follow up on the case and any other institution that support the victims, by taking the child to see the courtroom to familiarize the child with the environment, preferably a week before the trial date.

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

1. In all cases, medical, psychological, social, physical and mental examinations must be conducted on the child before hearing his testimony by specialists specialized and commissioned by the Juvenile Protection Prosecution.
2. Before any legal procedures with the child, the Juvenile Protection Prosecution must provide support by explaining all the procedures that the child will be involved in from beginning to end.
3. Requesting the Child Protection counsellor to prepare research and social reports on the child and his family and provide recommendations, including all the risks surrounding the child and other children living with him/her within the family, or verifying the existence of any risks to other children in the same environment surrounding the child outside the family, presenting this to the specialized prosecution in order to take the necessary action in this regard.
4. Carrying out all legal procedures and investigations through which it can be determined if there is any person who instigated, intervened or caused the crime committed against the child, and requesting the Child Protection counsellor to do what is necessary and prepare research and social reports and present them to the specialized prosecution in order to take the necessary action in this regard.
5. In cases of physical or sexual violence against a child, a forensic examination, if conducted in a timely manner and as soon as possible after the crime, can provide important evidence during the investigative proceedings in the criminal case.
6. The specialized public prosecutor investigation should decide as soon as possible whether a forensic medical examination is required, and coordinate with forensic doctors, to ensure that the examination of the child is conducted in a timely manner and in an appropriate manner that ensures confidentiality and privacy.
7. For child victims of violence and sexual assault, forensic examinations can be extremely distressing/traumatic, therefore, the competent public prosecutor should request a forensic examination only in necessary cases; where a criminal investigation is likely to be conducted, and should only request it if the medical examination is likely to provide evidence to support the allegation.
8. When deciding whether to request a forensic medical examination, members of the Juvenile Protection Prosecution must be guided by the best interests of the child and the principle of “do no harm/more harm”. In particular, forensic examinations conducted without the child’s consent can be a very traumatic and painful experience and amount to re-victimization, and should therefore only be conducted in exceptional cases.

4.0 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?

1. All specialized members of the Public Prosecution, if they find during the investigation of any case that there is a child in need of protection, must immediately refer the child to the Juvenile Protection Prosecution Office in order to take all protection-related measures as stipulated in the Child Law regarding all cases concerning children at risk; at risk of delinquency; and at imminent risk.
2. In line with the Child Law and the National Referral System for the Protection of Children from Violence, Abuse, Neglect and Exploitation, the Child Protection Counsellor is responsible for:
 - a. Meeting with the child and the caregiver and listening to their statements;
 - b. Conducting an initial assessment of the risk and taking measures to meet the urgent needs of the child (within 24 hours in cases of imminent risk, and 72 hours in all other cases);
 - c. Conducting a comprehensive assessment of the strengths, risks and needs of the child and his/her family, and taking appropriate measures to protect the child by proposing appropriate agreed upon measures or deciding to refer the matter to the Juvenile Protection Prosecution Office.
3. The Child Protection counsellor shall have primary responsibility for assessing all risks surrounding the child and any other children and their family and their needs, developing a plan for the safe care and protection of the child, and implementing appropriate care and protection measures in accordance with the Child Law.
4. Based on Executive Regulation No. 16 of 2022, the Child Protection counsellor shall submit a report on the child to the Juvenile Protection Prosecution prosecutor indicating the proposed agreed upon measures, and the Juvenile Protection Prosecution prosecutor shall discuss the report and proposed plan with the Child Protection counsellor to ensure that adequate and appropriate measures are taken to protect the child.
5. The Juvenile Protection Prosecution prosecutor shall be responsible for ensuring that appropriate protection interventions are implemented, including submitting applications to the specialized Juvenile Court to request protection measures in accordance with the Child Law.

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

1. Children at risk, at risk of delinquency and imminent danger who are under 12 years of age may not be summoned to the Juvenile Protection Prosecution offices or questioned in a manner that criminalizes their actions. They must be immediately referred to the Child Protection Counsellor, and the Juvenile Protection Prosecution must take all protection measures in accordance with the Child Law and its amendments.

2. Children between the ages of twelve and eighteen who are at risk, at risk of delinquency and imminent danger may not be subjected to any investigative procedures or questioned in a manner that criminalizes their actions or be treated as if they were accused since they did not commit a crime. Before registering the child and interviewing him/her, members of the Juvenile Protection Prosecution must first refer the child to the Child Protection Counsellor to determine whether his/her behavior can be addressed through protection measures agreed upon under the Child Law and the Juvenile Protection Law.
3. In line with the principle of the best interests of the child, the response to children at risk, at risk of delinquency and imminent danger should focus primarily on support, assistance and protection, not on coercion or accountability.
4. Placing the child under social supervision in his natural environment and agreeing with trusted persons related to the child to monitor and follow up on the child's behavior and inform the Child Protection counsellor about the development of his/her behavior.
5. Obligating the child to perform certain duties or enrolling him in appropriate professional, cultural, sports or social training courses, provided that these measures do not lead to the child living away from his family and home.
6. Temporarily placing the child with a family, body or appropriate social, educational or health institution, public or private.
7. Preventing the child from frequenting certain places, either in coordination with his parents, his guardian, the person in charge of caring for the child or the police directly through the Child Protection counsellor.
8. Preventing the child from practicing a certain job in coordination with the competent authorities.
9. Placing the child with a temporary alternative family that undertakes the responsibility of caring for the child or an entity specialized and officially recognized in caring for children.
10. In cases where a child is in imminent danger, therefore urgent measures are required to protect his life, safety and physical or psychological well-being, immediate measures must be taken to protect the child, in accordance with the Child Law and its amendments (Article 65), whereby child protection counsellors are authorized to take immediate measures to protect the child, and prevent any contact between the child and the person causing the danger, including proactively removing the child from his home, by force if necessary and with the assistance of the juvenile police, and placing him in a safe place. The child protection counsellor must, as soon as possible after removing the child from his home, notify the member of the juvenile protection prosecution and obtain urgent judicial permission to continue this measure. To support this request, the child protection counsellor must submit a brief report explaining the reasons for the need to take such urgent protection measures, the proposed plan for the temporary safe care of the child, and the duration.

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

The support measures provided by the specialized authorities dealing with child victims and witnesses are as follows:

1. Juvenile Court jurisdictions for protection requests: The specialized judge shall, pursuant to the provisions of paragraph (1) of this article, take one or more care measures.

2. Juvenile Protection Prosecution jurisdictions for protection requests: Study the report received from the police, the Child Protection counsellor, or any other official body.
3. Juvenile police must prepare an investigative report on the condition of the child at the time of the arrest and submit it to the Juvenile Protection Prosecution, including the date, time, a full description of the place, all details, behaviors, actions, and seized items, any persons with him/her or were with him/her, and a description of the clothing, with thorough investigations regarding the child and his/her family, and assessing the danger and classifying it according to the levels stipulated in the legislation, and this must include clarification of any factors that pose a danger to the child and not be satisfied with the presence of a danger or not.
4. The Child Protection Counsellor is responsible for preparing social research and reports on the child to be protected, and proposing recommendations regarding him/her, and submitting everything he/she does along with the Juvenile Protection Prosecution's request to the Juvenile Court.
5. The members of the Juvenile Protection Prosecution have an ongoing responsibility to supervise the implementation of the measures imposed by the Juvenile Court on children at risk, at risk of delinquency and at imminent risk (Article 49 of the Juvenile Protection Law), including regularly reviewing the child's progress and recommending whether the measures imposed should be cancelled, amended or extended (Article 53 of the Juvenile Protection Law).
6. The members of the Juvenile Protection Prosecution must also carefully supervise the Child Protection Counsellor to organize and supervise the implementation of protection, care and reform measures, and also supervise the child's compliance with obligations and conditions, by holding regular meetings with the child and the guardian. The Child Protection Counsellors must also document the child's progress and submit reports to the Juvenile Court and the Juvenile Protection Prosecution member every 3 months. (Article 48.1 of the Juvenile Protection Law).
7. The Juvenile Protection Prosecutor must cooperate closely with the Child Protection counsellor throughout the period of implementation of protection measures to monitor the children's compliance and progress in their rehabilitation and protection. At any time during the implementation of protection, care and reform measures, the Child Protection counsellor report indicates that the child has made good progress and that the measures imposed by the Juvenile Court are no longer required, or that the circumstances have changed such that the conditions are no longer appropriate, the Juvenile Protection Prosecutor must submit a request to the Juvenile Court, accompanied by a report from the Child Protection counsellor, requesting that the measure be modified or terminated (Articles 48.2 and 53 of the Juvenile Protection Law).
8. Juvenile Protection Prosecutor members must also carefully supervise all children at risk, at risk of delinquency and at imminent risk who are in the protection centre or any other institutions to ensure that placement is for the shortest appropriate period.
9. Juvenile Protection Prosecution members must also carefully supervise when reports from the Child Protection Counselor indicate that the child has made progress in rehabilitation or circumstances have changed and that placing him in a protection center is no longer necessary; then the Juvenile Protection Prosecution member must submit a request to the Juvenile Court in accordance with Article 48.2 and Article 53 of the Juvenile Protection Law

and Article 66 of the Child Law and its amendments to remove the child from the protection center.

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?

1. The Family Protection Prosecution should always seek information about whether the family includes children, and about the extent to which they have been exposed to domestic violence (e.g., witnessing or hearing violent acts used by the perpetrator to threaten or control the complainant, etc.), when investigating cases of domestic violence.
2. The Family Protection Prosecution should also take into account the risks surrounding the complainant's children and the needs, when assessing the risks, noting that the mother's safety is often closely linked to the safety of her children, and the fear of losing custody or guardianship is often a factor preventing her from escaping abuse.
3. The Child Protection Counsellor should be consulted where possible, and involved in the risk assessment process in any cases of domestic violence affecting children.
4. The Family Protection Prosecution should interview each child in the family, individually, as part of its risk assessment, to identify their concerns and needs; in a child-sensitive manner, with the support of the Child Protection Counsellor.
5. The Family Protection Prosecution from Violence should take into account the protection needs and best interests of children When deciding on the measures necessary to protect the complainant of domestic violence, members of the Family Protection Prosecution from Violence should take into account the protection needs and best interests of children in the family.
6. Intervention plans aimed at protecting the complainant should also include measures to ensure the safety of her child(ren), when necessary to achieve the best interests of the child as well.
7. In cases where domestic violence has resulted in the death of the mother or father, the Child Protection Counselor should be contacted immediately to take the necessary interventions to provide support and protection to the children.
8. In general, protection measures are not taken for complainants of domestic violence without the consent of the complainant, in accordance with the principle of self-determination. However, in some cases, the Family Protection Prosecution from Violence should take measures to protect children exposed to domestic violence, even if the mother does not wish for any intervention.
9. The Family Protection Prosecution from Violence should, for the best interests of the child; Notify the Juvenile Protection Prosecution to initiate child protection proceedings under the Child Law.
10. The Child Protection Counselor meets with the family, assesses the risks facing the child(ren), and then proposes agreed upon measures to support and protect the child within the home, or requests an order from the Juvenile Protection Prosecution, which it obtains from the Juvenile Court, to remove the child.

11. Since fear of losing custody of the children is often a significant factor preventing mothers from filing complaints related to domestic violence, the Family Protection Prosecution from Violence should only take this action in cases where there are serious concerns about the safety and well-being of the children, and only after trying to reach an agreement with the mother on a plan to maintain her safety and security and the safety of her children, before proposing to initiate proceedings under the Child Law.
12. The Family Protection Prosecution from Violence should first meet with the complainant to explain the impact of constant exposure to domestic violence on her children, and also warn her of the potential consequences if child protection proceedings are initiated under the Child Law.
13. The Public Prosecution Office is committed to ensuring that perpetrators of domestic violence are held accountable for their actions and that criminal charges are brought where possible and appropriate.
14. Children can sometimes be important witnesses to violence occurring in their homes and their testimony can form the basis for criminal charges, however, giving evidence against a parent or other family member can be very distressing for a child and, where possible, the Family Protection Prosecutor should explore all other available investigative options without relying on the child's testimony as much as possible.
15. Exposure of children to domestic violence at home is a major aggravating factor that the Family Protection Prosecutor should highlight in its submissions to court regarding the sentencing of perpetrators of domestic violence.
16. The Family Protection Prosecutor will, where appropriate, request a report from a child protection counsellor or other expert on the impact of exposure to domestic violence on children at home, which the prosecution will submit to the court to support an aggravated sentence.

5. Environment.

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

According to the law and the child friendly working mechanisms, it is possible for the child to be present for an interview and testimony in the juvenile police offices in exceptional cases, and for the best interest of the child, or in the specialized court, which is also rare, since the prosecution defends the child and represents him/her and accepts the child's testimony which is given before the Public Prosecution instead of his/her presence. In most cases, the child's testimony is given in the offices of the Juvenile Protection Prosecution or the Family Protection Prosecution from Violence. In dealing with a child victim or witness to a crime, assistance is requested from a child protection counselor or a psychologist or any other expert to conduct an interview with the child, if the child's condition allows, the testimony is heard in the offices of the Juvenile Protection Prosecution designated for hearing children in the presence of a child protection counselor or a psychologist according to the child's condition, and then a report is issued by an expert that can be submitted as evidence, and a testimony is given under oath about what they heard from the child. Or proceeding with the investigation and prosecution based on other available evidence, without the child's testimony or participation. And in all cases, it should be taken into account that the environment of the place where the child is heard is qualified and

child friendly, reducing the child’s fear and reassuring him/her and taking into account privacy and confidentiality.

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)

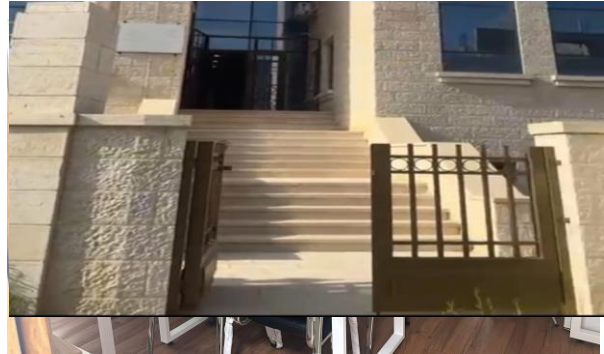
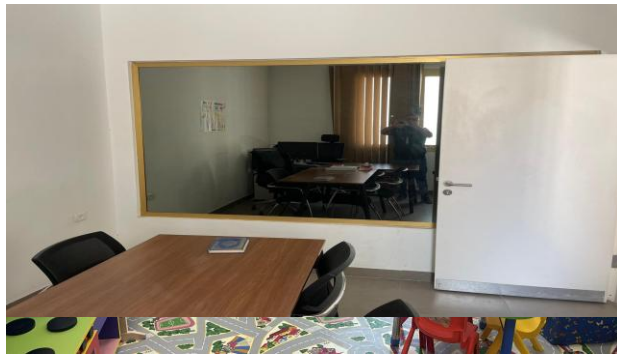
In order to deal with children , investigate their cases, and put in place protection measures for children at risk and at risk of delinquency, an interrogation room, a mediation room, and a room designated for the Juvenile Prosecution Office were created for (arranging files, archiving, registering, and receiving, where employees sit), a room for the juvenile police, a room for the child protection counsellor, a waiting room for the parties involved , and a waiting room for children. What distinguishes these buildings is that they are independent in terms of entry and exit, and the general public, citizens, and non-specialists cannot access them. These buildings are considered to guarantee privacy and confidentiality for juvenile cases. The system is linked to two rooms:

1. The investigation room: The child is in it with a member of the Juvenile Prosecution Office, a child protection counsellor, a lawyer, the child’s guardian, and the clerk. It is equipped with surveillance cameras and a special audio and video recording device, and it is controlled.
2. The observation room: It contains people who are allowed to watch what is happening in the investigation room. It is equipped with a screen and headphones. For example, if the child is to be confronted with another person and it is difficult to confront that person, one of them is placed in the investigation room and the other in the observation room, or the guardian is allowed to follow what is happening with the child if he is asked to leave the investigation room for the best interest of the child.

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 place is carefully designed according to well-thought-out engineering mechanisms, as it includes a circular table, comfortable colors, and a comfortable look for the child. It contains encouraging sayings and drawings, and ensures confidentiality and privacy. It contains remote interview devices, audio and video recording, documentation and monitoring devices, computers, and tablets.







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

Yes, there are. The Public Prosecution has been keen to provide separate waiting rooms with screens that display the child's rights, legal procedures, his rights and guarantees, and the necessary awareness. There are games in these rooms and what allows the child to be comfortable and feel safe.

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, there are independent facilities and buildings for the Public Prosecution designated to children, equipped with all the capabilities and an independent entrance and exits to prevent direct contact between the child, the perpetrator and the general public. If the investigation procedures require a specific procedure, this will be done through the investigation room, which is equipped with a screen and speakers. For example, if the child is confronted with another person and it is difficult for the child to confront this person, one of them is placed in the investigation room and the other in the viewing room, or the guardian is allowed to follow what is happening with the child if asked to leave the investigation room for the best interest of the child.

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

The best interest of the child is considered first and arrangements are made with the child protection counselor and a psychologist if necessary to prepare and reassure the child and ensure

that he/she is not afraid and is ready to identify the perpetrator. Then and after informing the child, the perpetrator is identified without being in the same room as the child. This is done by using invisible glass on the accused's side, for example, or through a photo or other methods that are in accordance with the law, and by adhering to the professional legal model through identifying by presenting more than one person to the child, in which six people are brought and numbered from (1-6) and their appearances are similar in terms of physical structure, skin color, height and size and presented individually to the child, the presentation is repeated with the numbers and arrangement switched and the child choosing the same person both times, a report is prepared on this and the identity of the perpetrator is determined, all according to a mechanism that prevents meeting face to face as we indicated by using the available technologies.

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?

According to legal justifications or the existence of a danger to the child and to achieve the best interest and in the event that the specialized court requires hearing the testimony of a child who lives in an area outside the court's jurisdiction, the court may convene in criminal cases outside its jurisdiction pursuant to a decision issued by the President of the Supreme Court based on a request from the Public Prosecutor (Article 16 of the Law on the Formation of Regular Courts No. 5 of 2001)

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, according to the facts and in accordance with the law, and as much as possible, the child's interview is conducted via visual or auditory communication (audio and video link), so that the child gives the testimony from outside the courtroom and the testimony is transmitted directly to the courtroom via a secure visual and auditory connection such as an electronic audio and video link within safe and fair working mechanisms for all parties to the criminal case and agreed upon by all parties, as the court, the prosecution member, the accused and the defense attorney can see and hear the child, but the child cannot see the accused. If the equipment is available, this is the best option as it greatly reduces the pressure of giving testimony, and it also saves the child from the shock of giving testimony in an open courtroom that forces him/her to see the accused.

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?

Where possible and appropriate, specialized public prosecutors should vigorously advocate for the court to rely on the child's statements from the investigation stage, rather than requiring the child to testify in court (Criminal Procedures Law, Article 229), on the basis that the child's appearance before the court may cause him/her undue distress and is not in the child's best interests. When necessary, the specialized public prosecutor should submit a report from a child protection counsellor or other expert to support this argument before the specialized court.

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)

1. The Juvenile Protection Prosecution provides children with channels to communicate with it and methods of reporting with complete confidentiality and mechanisms for dealing with the complaints according to the Children's Complaints Guide issued on 1/1/2019, and works continuously to spread legal awareness about it.
2. The Public Prosecution, through the specialized prosecution, which is the Juvenile Protection Prosecution, allows for providing all necessary legal support to child victims and witnesses, advocacy, advice, guidance, consultations and legal assistance.
3. The specialized public prosecution member must also ensure that child victims and their guardians understand their right to file a request for civil compensation following the criminal case, and inform them of the option of appointing a lawyer for this purpose, in line with international standards and Palestinian legislation.
4. The Public Prosecution may submit a request to the court to appoint a lawyer to claim civil rights, according to the Palestinian Criminal Procedure Law No. 3 of 2001.

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; ...)?

Palestinian legislation, primarily the Palestinian Child Law No. 7 of 2004 and its amendments, authorizes the Child Protection counsellor to provide advice during legal proceedings to child victims and witnesses and to inform them of the procedures, in addition to enabling children to seek the assistance of a lawyer during legal proceedings. It is possible to allow and request civil society institutions to provide advice during the proceedings. The specialized public prosecutor must, whenever possible, request a report from the Child Protection counsellor, a psychologist or any other expert on the impact of the crime on the child, and attach it to the file for consideration by the specialized court.

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?

Child victims and witnesses must be accompanied by a parent, health or social care provider, or guidance staff from the Ministry of Education during the testimony, and they must be supported and provided with all services and needs, and assigned to experts specialized in dealing with the deaf and mute and those with special needs or disabilities. When it is not in the child's best interest for a parent or caregiver to accompany him/her, the specialized public prosecutor must ask the child to nominate a trusted person to provide support (such as another family member), or instead request that the child be accompanied by a child protection counselor.

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

The role of the parents is limited to attending, providing personal assistance, and providing everything necessary regarding the child, such as documents, information, data, and support for the child so that he/she is not afraid, and to reduce anxiety and fear and make them calm. They are not allowed to interfere with the child's testimony or influence him, even though if the victim, the injured party, or the direct witness is the child. The specialized public prosecutor must not forget to provide assistance and build trust with the child's parents and other caregivers as well; the child's parents also need a generous and compassionate attitude. It is a good practice strategy to help parents face the current difficult situation, which will ultimately benefit the child who has also been a victim.

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

In crimes where there is public right, an exception is made when there is a conflict of interest between the child and the parents. However, in the case of crimes committed against children that are conditional on filing a complaint, the specialized public prosecutor must consider whether filing a criminal case is necessary for the best interests of the child, even if the child's guardian refuses to file a complaint. The public prosecutor has the authority to file a complaint on behalf of the child in the event of a conflict of interest between the child and his representative (Article 4 of the Penal Code). Violence against children is not just a "family" issue, as public prosecutors bear an additional responsibility to take measures to protect children from harm, even if their parents do not agree, in accordance with the International Convention on the Rights of the Child. The specialized public prosecutor must exercise extreme caution when considering accepting the waiver of personal rights in any crime committed against a child.

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

The Public Prosecution shall be the one that looks after the interests of the child and takes any decisions in the best interest of the child. It may seek the assistance of any social specialists and counsellors to assist in dealing with the child and providing all needs.

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 specialized public prosecutor should ensure strict compliance with measures to protect the identity of the child victim and maintain the privacy and confidentiality of all evidence, including maintaining the confidentiality of information related to the child's location by deleting details about the child's current address, phone number, name of the school or place of work he attends, from any public records or information shared with the accused or his lawyer, and ensuring that photos, videos, and other evidence are kept completely confidential by depositing them in a special box for the specialized public prosecutor kept in a private office or any other secret place. In addition, the Juvenile Protection Prosecution has approved the Child Protection Charter on Media and obligated all relevant authorities to work and be trained in accordance. The Juvenile Protection Prosecution monitors all media sites and social media and everything published, and if it finds anything indicating a violation of the privacy and confidentiality of

children's cases, it initiates an investigation and collects information and works to prosecute anyone who violates the privacy of children and brings them to trial in accordance with Palestinian legislation.

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

1. The specialized public prosecutor must ensure that the child, his/her guardian and caregiver are informed if the offender is released on bail, and that they know who to contact if the accused attempts to contact, threaten or harass them.
2. During the criminal investigation period, the specialized public prosecutor must cooperate closely with the Juvenile Protection Prosecution to ensure that the child's full needs are met (e.g. safe alternative care, psychological counselling, psychosocial support, etc.).
3. In all cases where a child is a victim, or witness, the specialized public prosecutor must prioritise the necessary measures to protect the child from threats, intimidation or further harm and to ensure his/her safety.
4. The specialized public prosecutor must cooperate closely with the Child Protection Counsellor and the Juvenile Protection Prosecution to ensure that measures taken are implemented in a timely manner in order to protect the child in accordance with the Child Law.
5. The specialized public prosecutor should give priority to taking precautionary measures against the perpetrator, rather than requesting the removal of the child from his/her home, where possible and appropriate, as removing the child from his/her family is likely to create additional stress, especially when they are transferred to a protection center.
6. The best interests of the child and his/her safety should be the primary consideration when deciding whether or not to detain the accused/offender, and the specialized public prosecutor should seek to extend the period of his/her detention and strongly object to the release of the accused on bail in all cases where there are reasons to indicate that the accused poses a continuing threat to the child victim, the child's family or any other children, and in support of the case, detailed information should be provided on each of: the nature of the offence and the nature of the danger, a summary of the risk assessment, the views and concerns of the child, his/her guardian, and details about the accused and his/her danger.

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

This is a right protected by law, and therefore any decision issued by the Public Prosecution may be appealed in the event that the criminal case against the perpetrator is dismissed after the investigations are completed. It is also permissible, through the Public Prosecution, in the event of dissatisfaction with the ruling issued by the specialized court against the perpetrator in specific cases, namely regarding punishment, acquittal, or violation of the provisions of the law that require an appeal.

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 Juvenile Protection Prosecution is keen on treating child victims and witnesses in a friendly manner that suits their age and special needs, so that the number of interviews for children is reduced, as the Juvenile Protection Prosecution hears children, victims and witnesses in accordance with Chapter Four of the Palestinian Criminal Procedure Law, as the categories heard are divided into two categories: the first category is child victims and witnesses who have completed the age of fifteen, where this category is dealt with by merging the investigation and investigation stage into one interview that takes place at the Juvenile Protection Prosecution, and this interview is in accordance with the standards included in the Guide to Friendly Treatment of the Child during Legal Procedures. As for the second category, which is the category of child victims and witnesses who have not completed the age of fifteen, they are heard as a precaution, and the police are contacted to hear them in a quick interview that serves its purpose and is sufficient for the Public Prosecution. It must be noted that there are no special courts for child victims and witnesses, but procedures are followed that achieve their best interests, so that the court is satisfied with the testimony presented before the Juvenile Protection Prosecution, with the approval of the accused and the defense attorney, and at all stages the child is accompanied by Child protection counsellor to ensure that none of the child's rights are violated or that the child is not exposed to a situation that brings back the events he/she went through that affected him/her psychologically, socially and health-wise.

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

Palestinian legislation and executive authorities have been keen to establish specialized units to deal with child victims and witnesses who have the skills of interviewing at all stages of legal procedures, starting with the juvenile police, which is a police force specialized in investigations and judicial control in cases of child victims and witnesses. There is also a child protection counsellor, who is a public employee in the Ministry of Social Development and specializes in assessing children's conditions and following up on their cases, up to the juvenile protection prosecution, which is a specialized prosecution that includes specialized public prosecution members trained in dealing with child victims and witnesses.

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?

1. The interview must be conducted in a child-friendly manner to reduce the risk of untruthful testimony.
2. The interview must be conducted in a calm, child-friendly environment free from distraction and intimidation.
3. Children must not be interviewed at night or in a way that deprives them of sleep.
4. Before starting the interview, each of the following must be explained in simple language that is understandable to the child: what are the facts and circumstances surrounding the incident, and what rights and guarantees he/she has under the Child Law and its amendments and the Criminal Procedure Law, and the roles and functions of each of the Juvenile Protection Prosecution member, the Child Protection Counselor, and the child's lawyer.
5. Each of these persons must be present during the interview through the Juvenile Police or any other available channels to ensure their presence: the child's guardian; the child's lawyer; and the Child Protection Counselor.

6. The child must be given the opportunity to consult with his/her lawyer privately before starting the interview with the presence of the Child Protection Counselor; in a manner that does not harm his/her best interests.
7. If the child's guardian is not present; The Juvenile Protection Prosecution member must ask the child to identify another suitable adult to be the person who supports him.
8. The Juvenile Protection Prosecution member may decide to remove the guardian from the interview; if his/her presence conflicts with the child's best interest.
9. Juvenile Protection Prosecution members must adjust the pace and duration of the interview to suit the child's age and attention span.
10. As a general rule, the interview with the child should last for more than one hour without any long break/significant interruption, and the session should not last more than (4) hours, in accordance with his best interest.
11. The child must be given appropriate breaks for rest, food and drink.
12. They must not be pressured, given suggestions or enticed by any employee, entity or any other person.

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 member of the Juvenile Protection Prosecution Office responsible for conducting the interview, the child's guardian, the child's lawyer, and the child protection counselor.

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 Juvenile Protection Prosecution is keen on ensuring the protection of child victims or witnesses, and the Juvenile Prosecution member takes the necessary measures in order for the child's statements to be relied upon from the investigation stage instead of asking the child to testify in court. However, if the court insists on hearing child victims and witnesses, the Juvenile Protection Prosecution makes the necessary arrangements for appropriate preparation before the trial, this is important to reduce the child's anxiety and feelings of distress and make the court experience less difficult, as the specialized Public Prosecution member works with the child before the trial date to explain the trial process, including clarifying who will be present and what is required of the child, and assures the child of ensuring the protection of privacy and dignity. The law allows the defense attorney, the accused, the judge and the prosecutor to question 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 member of the Juvenile Prosecution and the specialized judge must be careful to record what the child says in his/her own words without interpretation or rephrasing. It is possible to prevent the accused and his lawyer from asking any questions that would affect the child, and the judge

and the member of the Juvenile Protection Prosecution must work to rephrase the question in a way that suits the child and his ability to understand the question.

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)?

The Juvenile Protection Prosecution has provided a television connection system: Providing buildings with a television connection system. This system consists of a computer equipped with display screens. This system stores everything that is done using a USB storage device. It is connected by two surveillance cameras, one behind the child and the other opposite the child, so that all parts of the room in which the child is located are documented with sound and image. This data is copied to a hard disk or additional memory for fear of deletion or difficulty in restoring storage. It is possible to refer to all recordings by the specialized court in accordance with the law and for the purposes of fair trial procedures.

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)?

There are no measures according to the law, and this has not been regulated by legal texts that are to be implemented. All of this depends on procedures that were explained in the answer contained in Question No. (2.3 and 3.2) of this form.

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

The transcription is approved in official paper records by experts specialized in this under the supervision of the judge and a member of the Juvenile Protection Prosecution. This is done by assigning an (IT) employee by an official letter and with confidentiality. The content is delivered on a hard disk to the Public Prosecutor, accompanied by a report on the extraction method and the recording content. The Public Prosecutor assigns the head of the Juvenile Protection Prosecution to do what is necessary and study all the required issues. After, it is decided to send what is required to the specialized authority in a way that ensures the confidentiality of all procedures that have been carried out or are to be carried out. A copy of the disk, the report, and all the related papers are saved.

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, it is true. In all cases, the child must be given the right to do so. The lawyer is given the right to review the statement without photographing it, due to the confidentiality of children's cases.

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?

Decisions affecting children's lives are made based on protecting the best interests of the child; to ensure that the child is reformed and rehabilitated and that the child grows up in a safe, healthy and appropriate environment for their needs, and the best interests of children must be taken into account by the member of the Juvenile Protection Prosecution according to the following:

1. Inclusiveness and non-discrimination.
2. Protecting children's privacy.
3. The right to effective participation.
4. Respecting children's honor and dignity.
5. Keeping children in their family environment.
6. Not delaying the consideration of children's cases.
7. Giving due consideration to the child's views and opinions.
8. Requesting a comprehensive assessment taking into account the child's background, circumstances and needs, by a child protection counselor or other specialists

.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?

During the initial investigation by the Public Prosecution, the accused may be prevented from attending the hearing of the child's testimony, and this is considered within its powers stipulated by law. However, the accused and his lawyer must be notified of what the child stated during the testimony. During the trial, the accused must be present before the court, but as much as possible, the accused must not be allowed to meet the child face to face and the child must be prevented from seeing the accused. It depends on psychological and social reports to allow such a meeting between the accused and the child, but the defense lawyer may not be prevented from participating. In order not to violate the provisions of the law, alternatives have been provided for this, the most important of which is that the child testifies from outside the courtroom and his testimony is transmitted directly to the courtroom via a secure visual and audio connection such as an electronic connection with sound and image within safe and fair working mechanisms for all parties to the criminal case and agreed upon by all parties, or using a screen, curtain or invisible glass to prevent the child from seeing the accused. This is an alternative to audio-visual communication that is characterized by being low-cost and adaptable, allowing the child to testify without seeing the accused. The screen can be placed either in front of The accused or in front of the child. If it is placed in front of the child, it must be placed in a way that enables the court, the prosecution member, the defense attorney, and the accused to see the child. If it is placed in front of the accused, it must be placed in a way that enables the court, the prosecution member, and the defense attorney to see the accused, except for the child, so the accused is not seen.

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?

During the initial investigation, it is possible to submit a legal memorandum by the defense attorney to the Public Prosecution Office, which includes a response to everything the child said in his/her testimony. However, before the court, the response or any questions may be asked by the accused or the attorney, within the technical procedures that are taken to ensure that the accused does not meet with the child, as explained in the previous question.

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?

In all cases, dealing with children, whether during investigation, protection, testimony, services, or providing needs, all falls within the jurisdiction of the Juvenile Protection Prosecution. However, it is possible to coordinate and cooperate in some legal overlaps between several specialized prosecutions, including the Electronic Crimes Prosecution, the Family Protection from Violence Prosecution, or the prosecutions operating in the cities (partial prosecutions). The Public Prosecution in Palestine has an effective legal system for parallel investigation in all its work to control all procedures related to children.

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

As for the Public Prosecution, based on Article (57) of the Criminal Procedures Law, if it is necessary to take any action outside his/her jurisdiction, the Public Prosecutor may delegate to the Public Prosecutor of that jurisdiction, who shall have all the powers in this regard. As for the specialized court, the coordination procedures are limited to achieving the best interest of the child, through notification of attendance at the hearing dates, within confidentiality and privacy, and judicial delegations to take any action regarding the child and place, in the event that the specialized court approves the transfer to a court in which the child's place of residence falls within its jurisdiction.

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)?

Same answer as above in question No. (9.2)

10. Training

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

Yes, it is true, and on a regular basis, on all procedures and best practices, and obtaining the best international experiences, and reviewing case studies and practical cases regarding the friendly treatment of child victims and witnesses during legal procedures. All of this constitutes parts of the trainings of all members of the Public Prosecution. In the same context, (130) members of the Public Prosecution and (90) administrative employees were trained and their capabilities were

improved regarding the friendly treatment of children, in (7) programs in the northern, central and southern regions, and each program lasted four days, for (28) days.

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

Yes, it is true. Joint training programs are implemented among all workers in the field of childhood, including social and psychological specialists, managers of care homes and protection centers, advisors to the government ministers and civil society institutions, judges, members of the Juvenile Protection Prosecution, labor inspectors, school counselors, journalists working in media sites, and pioneers on social media sites.

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?

1. In 2023, the Juvenile Protection Prosecution completed the "Guidelines for Public Prosecution Members on Child-Friendly Treatment during Legal Proceedings" guide, which is to establish a justice system that ensures respect for children's rights and the effective implementation, and takes into account the child's level of maturity, awareness and the circumstances of the case. Justice can be accessed in a manner that is appropriate to the child's age, so that it is prompt, firm and appropriate to the child's needs and rights, respects his or her rights, enables the child to participate in and understand the procedures, and respects personal and family privacy, the child's safety and dignity. The guide defines the roles and responsibilities of the Public Prosecution in cases related to children, and highlights the principles of the best interests of the child, respect for his or her dignity, non-discrimination, meaningful participation, and timely consideration of children's cases. It also includes definitions and concepts related to child protection and the different categories of children's cases. The purpose of these guidelines is to help public prosecutors more effectively consider cases involving children in accordance with Decree-Law No. (4) of 2016 regarding the protection of juveniles. And its amendments and the Palestinian Child Law No. (7) of 2004 and its amendments, international standards and best practices, and special considerations in all issues related to children and the integration of child-friendly justice into work practices.
2. Establishing the electronic platform for the protection of children in Palestine, and its importance in providing an opportunity for children, the Palestinian public, relevant institutions and those interested in obtaining services, training, submitting complaints, legal knowledge, events, communication and contact. Content was allocated according to the following; "Juvenile Protection Prosecution News and Events", "Juvenile Protection Prosecution Publications", "Juvenile Protection Prosecution Success Stories and Experiences", "Palestinian Legislation and International Juvenile Justice Agreements", "Juvenile Protection Prosecution Partners (Locally and Internationally)", "Providing Legal Assistance to Children", "Complaint Form Regarding a Child Subjected to Torture, Violation

- of Rights, or the Worst Forms of Abuse, Cruel, Inhuman or Degrading Treatment, or Violence in All Its Forms, the Complaint Form is: a Form Filled Out and Sent by the Person Filing the Complaint and Linked to the Juvenile Prosecution's Email", "Electronic Training in Child Protection and Juvenile Justice".
3. The Juvenile Protection Prosecution is keen on continuing the training programs for law students in Palestinian universities in order to work on achieving goals centered around raising the skills and capabilities of students as volunteers and trainees; and the various programs and activities between training, visits, and initiatives for children, community awareness activities, and participation in local and regional competitions, and in order to raise the skills and capabilities of students by joining the partial prosecution offices in all governorates and obtaining training in all the work and specializations of the Juvenile Protection Prosecution.
 4. Targeting the media sector, journalists, media pages and social networking sites regarding media protection in covering and addressing children and juvenile issues, through training courses, workshops and consultative meetings, for the purpose of raising their capabilities to understand the importance of children's and juveniles' rights and legal protection in the media, and to identify common media violations and how to avoid them, in addition to developing the ethical and professional skills of journalists while covering issues related to children, and protecting them from violating their privacy and protecting the confidentiality of juvenile cases adopted by Palestinian legislation.
 5. Legal culture program for the protection, guidance and inspection sector in state institutions, which was implemented with trainings targeting workers in the Ministry of Social Development, Education and the Ministry of Labor and members of the Juvenile Protection Prosecution, focusing on legal concepts, legislation and international agreements and all legal procedures related to their work.
 6. Strengthening systems, strategies and work mechanisms to combat child trafficking crimes, the purpose of which is to protect children within legal procedures in cooperation with all partners from any risks that may expose them to the risks of trafficking.
 7. Promoting a child rights-based approach to the digital environment, the purpose of which is to protect children from all types of harm online and on all electronic platforms, and taking measures in this regard by all legal means available and implementing the necessary awareness campaigns.
 8. Promoting an approach based on protecting child survivors (victims) from abuse, crimes, sexual exploitation, prostitution and pornography, the purpose of which is to raise the capacities of all members of the prosecution regarding the protection of children from sexual exploitation and abuse, taking into account great attention to children with disabilities.
 9. Contributing to enhancing children's access to their rights related to the Sustainable Development Goals, the purpose of which is to work on renewing public policies and the strategic plan for juvenile justice for the years 2024 - 2029

based on the updated planning methodology issued by the Palestinian Council of Ministers.

10. Strengthening the approach based on protecting children from environmental factors and the possibility of access to justice, the purpose of which is to provide mechanisms that allow children, individually or collectively, or by institutions specialized in children's rights, to access justice in the event of environmental crimes committed against children, including child-friendly, gender-sensitive and disability-sensitive complaint mechanisms.