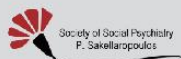


TRAINING NEEDS ASSESSMENT REPORT

Public Deliverable



Deliverable No.	D2.1
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Headline:	TRAINING NEEDS ASSESSMENT REPORT
Date:	30.09.2022



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1. INTRODUCTION AND RESEARCH METHODOLOGY

1.1 The CHILD-front project and Consortium

CHILD-Front (2021-2023) is a transnational project, funded under the Justice Programme of the European Union (JUST-2021-JTRA). The project aims to improve the outcomes of child-friendly justice in Greece and Cyprus through the multidisciplinary training of two hundred and thirty-five (235) judges and prosecutors and eight (8) judicial trainers in the two countries. CHILD-Front is implemented by a consortium of expert partners from four EU Member States (Bulgaria, Cyprus, Greece, and Italy), under the coordination of the Centre for European Constitutional Law – CECL (EL), and with the support of the Greek Ministry of Justice, the Greek National School of the Judiciary, and the Cyprus Judicial Training School.

The project objectives will be met through (a) the in-depth assessment of the target groups' training needs and the identification of good practices; (b) the development of innovative, multidisciplinary, practice-oriented training curricula and material; (c) the creation of a sustainable e-learning platform, which will continue to be hosted on the website of the Greek School of the Judiciary after the project's conclusion; (d) the organisation of one (1) three-day transnational train-the trainers workshop and two (2) study visits for Greek and Cypriot judges and prosecutors, to be conducted in Italy and Bulgaria; (e) the organisation of nine (9) two-day transnational training workshops for acting and trainee judges and prosecutors from Greece and Cyprus; (f) dissemination and communication activities, including a transnational conference on child-friendly justice, to be hosted at the Greek School of the Judiciary in Thessaloniki.

The project will train judges and prosecutors from the civil, criminal and administrative branches of justice, through a multidisciplinary approach emphasising the transmission of knowledge and skills on child psychology and child-friendly communication. The training curriculum will include a horizontal module on personal data protection, as applied, in particular, in cases involving children. The project methodology is based on the transfer of good practices from the consortium Member States and beyond.

The [Centre for European Constitutional Law – CECL](#) (coordinator) is a leading public benefit foundation and research institute, based in Greece. Its areas of focus include Justice and Fundamental Rights, Democracy and Public Institutions, and Social Policy and the Welfare State. CECL is a training provider with extensive experience in the training of judges, prosecutors, lawyers, and other legal professionals, closely collaborating with the Greek School of the Judiciary, Bar Associations, and other professional associations at the national and European level. CECL also hosts the national focal point for FRANET, the

multidisciplinary research network of the European Union Agency for Fundamental Rights (FRA), and is a member of the Greek NHRI.

The [Centre for the Study of Democracy – CSD](#) is a public policy institute fostering the reform process in Europe through impact on policy and civil society and bears significant experience in building the capacity of the judiciary and lawyers on several topics including child friendly justice. The institute has been instrumental in developing judicial reforms in Bulgaria and in Europe, among others by building the Judicial Reform Initiative, cooperating with various monitoring mechanisms and building the capacity of policy-makers and practitioners towards a better and more human rights compliant judicial system.

The [Cyprus Family Planning Association – CFPA](#) is one of the oldest and most firmly-established non-profit, Non-Governmental Organisations (NGOs) in Cyprus, with a rich and ongoing contribution to society, health, education, and human rights since its inception in 1971. The CFPA is a fully accredited member of the International Planned Parenthood Federation – European Network (IPPF-EN), with active involvement in several European networks and bodies. The CFPA works toward promoting and advocating for the Sexual and Reproductive Health and Rights of all people in Cyprus.

The [Society of Social Psychiatry P. Sakellaropoulos – SSP. P. Sakellaropoulos](#) is a non-profit non-governmental scientific organisation, which was founded in 1986 and provides high quality psychiatric and psychological support services in Greece. It focuses on human rights promotion in mental health, advocacy and networking and it operates a number of mental health units and day centres including day centres for children. It also provides training to professionals including judges, prosecutors and legal experts.

[Save the Children Italy – STC IT](#) was established in 1998 and is an NGO recognized by the Ministry of Foreign Affairs that operates both in developing countries and Italy. The mission of Save the Children Italy is to protect children's rights, delivering immediate and lasting improvements to their lives worldwide, applying a child-rights-based approach. STC IT works on education, poverty and deprivation, child trafficking, migrant children and the impact of new information technologies on children's rights. Since the beginning of its activity, Save the Children has been working to guarantee children's access to justice, in particular the right to be informed and the right to be heard. STC IT has also carried out other EU projects on the theme of access to justice, such as CLAIM, TALE and YOUTHOPIA that aim at giving concrete implementation to the principle of participation of children in judicial proceedings. Since 2005 STC IT has offered free legal assistance to minors at risk, alone or with their families.

1.2 Aim of the TNA and research methodology

The present document incorporates the Training Needs Assessment (TNA) performed in Greece and Cyprus between March and July 2022, in accordance with established good practice in judicial training methodology. The present, consolidated version of the report combines the two national reports drafted by CECL in Greece and CFPA in Cyprus, which, in turn, encompass the findings of desk and primary research performed in the two countries. The research was primarily conducted by CECL and SSP. P. Sakellaropoulos, in Greece, and by CFPA in Cyprus. The Greek and Cypriot Judicial Schools offered valuable support in identifying participants for the primary research activities (interviews, focus groups, online survey), and hosted the focus group discussions either at their premises or online.

The desk research focused on the applicable legal and policy framework relevant to child-friendly justice, as well as on judicial practice in relation to the application of safeguards and protective measures for children involved in judicial proceedings in Greece and Cyprus. Primary research aimed at gathering direct insights from the target groups in relation to their level of familiarity with child-friendly justice principles and procedures, and to their perceived training needs on the topic at hand. To this end, we conducted a total of twenty-one (21) in-depth interviews with individual judges and prosecutors, organised three (3) focus group discussions with a total of twenty-two (22) participants, and disseminated an online survey which gathered one hundred and sixty (160) responses from acting and trainee judges and prosecutors. Gender mainstreaming was a primary consideration in the identification of participants. Fourteen (14) women and seven (7) men participated in the interviews, and fifteen (15) women and seven (7) men participated in the focus groups. We did not include a question on the gender of participants in the online survey. Judicial trainers participated in all primary research activities, allowing us to gather input on their training needs as trainers, and providing us with qualitative data on the current initial and continuous training activities organised in the two target countries. The number of participants in the primary research activities significantly exceeded the targets set in the project proposal, allowing us to gather input from a representative sample of justice professionals on the needs related to training on child-friendly justice in Greece and Cyprus.

In designing our research, we opted to rely on a mix of research methods, each designed to gather different perspectives and information on the type, frequency and focus of judicial training on child-friendly justice, as well as other topics relevant to our planned training curriculum (diversity and inclusion, personal data protection). The research participants' in-depth knowledge of the issues and great interest on the topic at

hand, allowed us to go beyond the strict scope of a TNA and offer an analysis of the broader institutional, legislative and practical barriers to child-friendly justice in Greece and Cyprus, highlighting specific challenges and areas in need of further support.

2. NATIONAL FRAMEWORKS

The following section aims to provide an overview of the legal and institutional backdrop against which judges and prosecutors are called to adjudicate cases involving children, in different types of judicial proceedings. The desk research focuses on the themes addressed in the primary research, as established in the relevant research protocols developed in the beginning of Work Package 2, including procedural safeguards, child participation, and multidisciplinary individual assessments. Our analysis also addresses the applicable framework on the training of judges and prosecutors. In this section, we opted not to focus on the data protection framework, as it is largely common in the two countries and regulated by the provisions of the GDPR and Directive 2016/680. Finally, we present a brief overview of relevant judicial practices, in particular as they relate to overcoming practical barriers and the use of the court's discretion in decision-making.

The research findings are presented by target country and branch of justice.

2.1 Legal and policy framework

Greece

As a Council of Europe and European Union Member State, Greece has acceded to and ratified all key international and European legal instruments on the protection of the rights of the child. It is a party to the UN Convention on the Rights of the Child and its two optional protocols on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, the CoE Convention on Action against Trafficking in Human Beings, and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. As regards matters falling within the scope of application of EU law, Greece must comply with the provisions of the Charter of Fundamental Rights and the relevant secondary EU legislation. All relevant directives have been transposed into Greek law. Finally, the Greek Constitution contains provisions on the protection of family and childhood. The legal definition of a child is any person under the age of 18.

Criminal justice

Greek criminal law contains several special provisions, both procedural and substantive, aiming to safeguard the rights of children who are suspects or accused persons in criminal proceedings, victims or witnesses of crime.

Suspect and accused children

Children who commit acts characterised as criminal offences are of interest to the Greek criminal justice system after the age of 12. Acts committed by children younger than

12 years old are considered as lying outside the scope of criminal law, without excluding potential criminal liability of the parents or guardians of the child. Moreover, the Criminal Code distinguishes between children aged 12-15 and children aged 15-18. The former are entitled to additional protection. Their acts are not imputed to them and they may not be deprived of their liberty. Instead, the court may only order correctional or therapeutic measures. Children aged 15-18 may be held criminally responsible for their acts and, in exceptional cases, placed in juvenile detention, provided that they have committed an act which would have been a felony if perpetrated by an adult, and that the court delivers a reasoned opinion on why correctional measures are not sufficient in their case. Children accused of the same crimes may also be placed on pre-trial detention, which, however, may not exceed six months in duration (the legal limit for adults is 18 months).

Correctional measures may include formal reprimands, parental supervision, removal of custody, mediation with the victim and other forms of financial or other compensation, mandatory observation by a psychologist, mandatory road safety courses, and community service. Therapeutic measures may include assignment of custody to a specialised guardian, mandatory observation by a psychologist or participation in a rehabilitation programme, and involuntary confinement in a specialised facility. The prosecutor may decide to refrain from the prosecution of an act committed by a child, if they consider it to be unnecessary for the prevention of further criminal acts, based on the child's personality and the overall circumstances of the case.

The above provisions also apply in cases concerning crimes committed by children but tried after they have turned 18. Adults convicted of an act they have committed as children may be placed in adult detention facilities (prisons) but are held separately from the other offenders.

Crimes committed by minors are investigated and tried by specialised courts (juvenile courts). Law 4689/2020, transposing among others Directives (EU) 2016/800, 2016/1919, has amended the Code of Criminal Procedure to include specific procedural safeguards for suspect and accused children, in line with EU law. Specifically, suspect and accused children have the following rights:

- a) The right to be promptly informed of their rights, verbally or in writing, as well as of the main elements of the criminal proceedings against them;
- b) The right to have the holder of parental responsibility informed;
- c) The right to be assisted by a lawyer;
- d) The right to protection of privacy;

- e) The right to be accompanied by the holder of parental responsibility during all stages of the proceedings (including the pre-trial stage, and court hearings);
- f) The right to legal aid;
- g) The right to an effective remedy;
- h) The right to an individual assessment;
- i) The right to a medical examination, including the right to medical assistance;
- j) The right to limitation of deprivation of liberty and to the use of alternative measures, including the right to periodic review of detention;
- k) The right to appear in person at trial;
- l) Upon deprivation of liberty, the right to specific treatment during said deprivation.

Information on the above rights must be provided in simple and accessible language, in accordance with the child's individual characteristics, especially their age, maturity, mental and intellectual capacity, education, mastery of the Greek language, potential hearing or visual impairments, as well as their potential state of emotional distress, which may impact on their ability to understand or be understood. Written confirmation of the provision of information must be given. A guide on the above rights must be available in the most commonly spoken languages, as well as in Braille. In practice, legal professionals report limited availability of written resources in multiple languages.

Translation and interpretation services are available for the duration of the criminal proceedings. A professional interpreter must be appointed by the court in all cases a suspect or accused person does not adequately comprehend the Greek language. Accused persons also have the right to have all essential documents of their case file translated by the court's translation services. In practice, there are concerns about the availability and quality of interpretation, especially during the early stages of the criminal proceedings and in particular as regards languages which are considered "rare". However, in cases involving children, the authorities make every effort to secure these services, often with recourse to specialised NGOs that provide such services.

All children suspected or accused of committing a criminal offence are assessed by Juvenile Probation Services as part of the pre-trial procedure. This individual assessment consists of gathering information on the child's personality, financial, social, and family environment, as well as their psychological, physical and mental state. Probation officers are officers of the court and mostly have a background as social workers or psychologists. Additional safeguards are in place during the statements provided by children suspected or accused of crime. The law dictates that the investigating officer taking the child's statement must safeguard their dignity at all times and ensure that they are capable of

understanding the procedure they participate in, taking into consideration any special needs they may have, including potential communication difficulties. The officer must formulate their questions in a clear, neutral, non-leading, non-factitious, and non-emotionally charged manner. For specific crimes (related to violations of sexual autonomy, trafficking in human beings, and abduction), suspected or accused children are also entitled to have a child psychiatrist, or if one is not available, a regular psychiatrist or a psychologist prepare them and be present during their statement. For all other crimes, the court has a discretion to order the presence of these experts, especially in cases where the child has been medically evaluated and found to have a disability, such as limited mental or intellectual capacities, autism, mental health issues, such as ADHD, a personality disorder or an addiction disorder.

Cases involving minors must be adjudicated with absolute priority and diligence. The child must be called to provide a statement as soon as possible after the commencement of the proceedings. The number of times a child is called before the investigative authorities and the duration of their examination must be limited to the extent possible. The law mandates the audio-visual recording of statements provided by suspected or accused children only for the above-mentioned special categories of crime, as well for crimes that would have been characterised as felonies if perpetrated by an adult. Moreover, recording is mandatory where the child is not accompanied by a lawyer or in exceptional cases where they have been deprived of their liberty. In all other cases, as well as when the mandatory recording is precluded by insurmountable technical difficulties, and the investigating officer deems that the postponement of the procedure is not in the child's best interest, statements are only recorded in writing.

Children victims and witnesses

Crimes against children generally incur heavier sentences than crimes against adults. Children victims may participate in the proceedings as parties, in support of the prosecution. In this case, they may be represented by a lawyer and have the right to receive legal aid, provided that they fulfil the overall conditions of the law and their case concerns related to violations of sexual autonomy, trafficking in human beings, and abduction. Children examined as witnesses for these crimes are also entitled to have a child psychiatrist, or if one is not available, a regular psychiatrist or a psychologist prepare them and be present during their statement. The expert must assess the child's ability to understand the proceedings, their mental and psychological state. The expert's assessment is recorded and forms part of the case file. The child's parent or legal guardian may be present during their testimony, unless the investigating officer issues a reasoned decision prohibiting their presence, especially due to a conflict of interest, such as their potential involvement in the investigated case. The defence may request that specific

questions are posed to the child during the provision of their statement. These questions must be submitted in writing and pre-approved by the expert assisting the child.

The child's statement must be recorded both in writing and audio-visually. The audio-visual recording substitutes the child's physical presence in the following stages of the proceedings. If either recording or projecting the statement during the main proceedings is impossible due to technical or other issues, the written transcription of the statement is read instead. In principle, children victims of crime must be examined in specially configured, child-friendly spaces, which provide the infrastructure and technical equipment necessary to record their statements. Ministerial Decision 7320/2019 regulates the conditions for the establishment and operation of autonomous services for the protection of children victims of crime (The House of the Child). The House of the Child is an autonomous space, specially equipped to address the needs of children victims of crime, and staffed by specialised personnel with the competence to perform individual assessments, prepare children and take their statements, and provide general support services. The Houses are also equipped with the necessary technical infrastructure to record the children's statements, in accordance with the requirements of the law. The Ministerial Decision also contains provisions on the principles to be followed during the child's individual assessment and the provision of their statement, including principles for the treatment of children from different cultural backgrounds. It also includes, as an annex, a structured protocol with model sequences of questions and answers for various scenarios which may come up during a child victim's interview.

Despite the existence of the relevant framework for their establishment, the operation of the four Houses of the Child foreseen in the relevant action plan (in Athens, Patras, Piraeus, and Thessaloniki) has been subject to severe delays, criticised by both the civil society and the Greek Ombudsman, in his relevant 2020 report. Some limited progress has been achieved in this regard, with the Athens House becoming operational in December 2021. Unfortunately, public procurement and the assignment of the requisite personnel for the remaining Houses is still underway. As a result, courts in other districts have developed their own initiatives to make up for the observed gap, often partnering with NGOs, as will be shown in the following sections of the TNA report.

Civil Justice

The area of civil justice mostly concerned with the rights of the child and containing specialised provisions related to children, is family law. Despite the best interests of the child being at the centre of the family law legislator's considerations, participatory processes in civil justice are underdeveloped and mostly at the discretion of the parties and the court. The Civil Code provides that all decisions related to the exercise of custody over the child must aim to serve its best interests. The child's opinion must be sought and

evaluated, alongside other factors, in all cases concerning them, provided, however, that their age and maturity permit it. It should be noted that new family legislation, introduced in 2021, established for the first time a presumption that the best interests of the child are served through joint custody by both parents. It follows that the court must now specifically justify decisions that depart from this principle. The relevant provision has been the subject of intense debate and criticism by the civil society and legal professionals, as potentially undermining respect for the best interests of the child by delimiting the court's power to individually assess each case and decide in accordance with its assessment.

The court does not have power to order an interdisciplinary individual assessment by child protection experts, nor does it have access to such services, as do criminal courts. However, the parties are not precluded from bringing in such experts, including psychiatrists or other carers, at their own expense, if they so wish. The court may assess their input freely. Social services may exceptionally be called to assess the child's family environment, especially in cases involving the removal of custody from the parents and the placement of the child with child protective services.

The gaps and needs created by this framework are filled by judicial practice, as described in the primary research findings section of the TNA report.

Administrative Justice

Administrative judicial procedure does not generally contain specific provisions for the adjudication of cases involving children. Substantive provisions of administrative law concerning children are mostly found in migration law, especially regarding the determination of the status of third country nationals (migrants or refugees). Children may either be direct subjects of the proceedings – most notably in the case of unaccompanied minors – or indirect subjects, in cases concerning family unity or reunification. Other categories of administrative law cases which may involve children are cases related to social security or compensation against public hospitals for malpractice. No special rules apply to them but the age of the child may be a consideration in determining the size of compensation. Administrative judicial proceedings are conducted almost exclusively in writing and largely rely on the administrative procedure conducted by state organs (e.g., decisions of the Asylum Service or the Independent Appeals Committees on the status of refugees).

It follows that administrative judges do not generally come into direct contact with children as part of the regular exercise of their duties. They may, however, come into personal contact with children as members of the Independent Appeals Committees, which operate under the Appeals Authority of the Ministry of Asylum and Migration. The Appeals Committees are responsible for examining appeals against rejected asylum

claims, and are composed exclusively of administrative judges. Participation in Appeals Committees is not part of the judges' ordinary duties and is not mandatory. Instead, selection is based on the judges' expression of interest.

In most cases, the child is not heard during the appeals procedure and Committees mostly rely on statements which have been provided to the asylum services in the first instance procedure. Nevertheless, the Appeals Committee may decide to interview a child appellant if they find that there are gaps in their original interview or if new information has come up which requires substantiation, as well as in cases concerning the withdrawal of already awarded refugee status.

During the first instance procedure, which is performed by administrative staff of the Ministry of Asylum and Migration, children are also examined by child protection experts (healthcare professionals, social workers, psychologists/psychiatrists) if it is determined that there are specific reasons which warrant such individual assessment. This assessment becomes part of their case file, to be reviewed by both the Appeals Committee and the administrative courts, if the case ends up before them. During these proceedings, children are represented by their lawyer, who is often a member of an NGO's legal team. Interpretation is usually provided by the NGO Metadrasí.

In the context of migration law, prosecutors have, exceptionally, undertaken a special role in relation to the care of unaccompanied minors. Law 4554/2018 introduced a guardianship system, whereby prosecutors are appointed as temporary guardians of unaccompanied minors who are third-country nationals or stateless persons, until the appointment of a permanent guardian in collaboration with the Centre for Social Solidarity (EKKA). However, this framework was never implemented in practice, as the provisions and administrative acts necessary were never adopted. A new law attempted to reintroduce the issue in July 2022 but, thus far, no progress has been made. The lack of a comprehensive guardianship scheme for unaccompanied minors in Greece has drawn criticism from, among others, the UN Committee on the Rights of the Child. In light of the above, we were not able to involve the TNA prosecutors who act as guardians of unaccompanied minors, as originally foreseen in the project proposal.

[Legal provisions on judicial training](#)

Training for judges and prosecutors in Greece is provided by the [National School of the Judiciary](#) (henceforth, NSJO or the School) and by private actors. NSJO is exclusively competent for the selection, initial training and evaluation of trainee judges and prosecutors. Moreover, the NSJO:

- ❖ Collaborates with national or foreign educational institutions, public or private educational or vocational training organisations, as well as with natural or legal persons of international scientific standing;
- ❖ Participates in European educational and lifelong training projects and networks for judiciary officers in the member states of the European Union and the Council of Europe;
- ❖ Organises or co-organises special training programmes for judicial officers from these countries, as well as conferences, seminars, lectures and workshops;
- ❖ Participates in scientific research and studies;
- ❖ Collaborates with local authorities, public sector legal entities, international organisations, international courts and courts abroad to offer traineeship.

Initial training is divided into a theoretical and a practical stage, and is provided by three separate departments: (a) the administrative justice department; (b) the civil and criminal justice department; (c) the prosecutors department; (d) the magistrates department. The present action will not train magistrates (members of judiciary who serve in the peace courts), as their duties are generally not relevant to children. Civil and criminal judges rotate in their duties and are trained jointly.

The following courses, provided in the context of the current NSJO curriculum for initial training, are of particular relevance to the present project. The curriculum of the administrative justice department contains one specialised course entitled “The Charter of Fundamental Rights of the European Union – the rights of the child and child-friendly justice” (6 training hours), as well as a course on migration law (54 training hours). The curriculum of the civil/criminal justice department contains the same 6-hour course on The Charter of Fundamental Rights of the European Union – the rights of the child and child-friendly justice, as well as a 6-hour course on the rights of victims of crime, and a 54-hour course on family law. The curriculum of the prosecutors’ department contains a 12-hour course on the duties of the juvenile court prosecutor. All departments contain general courses on the protection of fundamental rights, LGBTI+ rights, as well as personal data protection.

Continuous training was not mandatory for the members of the Greek judiciary until recently. Law 4871/2021 introduced the requirement for mandatory training on four separate training “cycles” encompassing broader topics, such as judicial ethics, financial law, EU law and fundamental rights. The rights of the child and child-friendly justice is one of the training topics which may be provided in the context of these cycles. Mandatory continuous training is provided by the NSJO. All members of the judiciary must participate in at least one such training per year, until they complete at least one training from each

cycle. They must do so within a maximum of eight (8) years in total. At the end of each training, participants must successfully complete an assessment questionnaire, aimed at evaluating the knowledge they have gained and the quality of the training received. A certificate of attendance and successful completion of the training is provided after the conclusion of each mandatory training activity. It should be noted the training is not tied to a mandatory credit scheme.

Cyprus

Criminal Justice

Suspect and accused children

The newly enacted Children in Conflict with the Law 55(I)/2021 (**Annex II**) is a novation to the Cyprus legal system on child friendly justice. It focuses on the child and its rights and regulates how children who are not criminally liable - that is, children under the age of 14 - as well as young offenders over the age of 14 are treated. According to the new Law, a child means “a person who has not reached the age of 18 and includes a person who has not reached the age of 21 when the measures provided under this Law are to be applied in relation to an offence committed by the said person before the completion of his 18th year of age”.

The law also contains provisions harmonising Cypriot law with Directive 800/2016 EU, regarding procedural guarantees for children who are suspected or accused, in the context of criminal proceedings. The purpose of the EU Directive 2016/800 is to provide procedural guarantees to ensure that children, i.e., persons under the age of 18, who are suspected or accused in criminal proceedings, are able to understand, attend and exercise their right to a fair trial, and prevent recidivism of children and promote their social inclusion.

The Law transposes all the provisions of the Directive and even goes beyond its scope, as it provides for special Juvenile Courts, alternative sentences and various councils aimed at assisting the child and the parents, and generally safeguarding protection. The aim of the law is not to strictly penalise the child but to identify the delinquent behaviour, proceed with an assessment, avoid a recurrence of the behaviour, improve the child's position and provide protection under the guidance of experts/professionals.

Part II of the Law regulates the treatment of children under 14, who do not bear any criminal responsibility under Cypriot law. It also regulates the obligations of government officials in relation to them, as well as for Family Councils, in which the child, parents and competent public services, participate and which evaluate the child and the delinquent behaviour and suggest ways for protection and avoidance of recidivism.

More specifically, the Law outlines the obligations of public authorities in the event of an offence committed by a child under the age of 14. Public authorities, when they have reasonable suspicions that a child has committed an act characterised as a criminal offence, should contact the Police, who in turn ensure that the person who placed the child in custody informs the child's parents or guardians and the Social Welfare Services. In the case where the latter is not able to immediately contact the child's parents or guardians, they are obligated to release the child from custody. Under no circumstances is the child to remain in custody at the police station. In such cases, the Social Welfare Services take over temporarily the care of the child, until the transfer of the child to its parents or guardians is arranged.

When the Social Welfare Services assess that a child is not receiving adequate care and protection, they must immediately proceed to convene a Family Welfare Council. The Council's main responsibility is to assess whether a child needs special care or protection, which he/she is unlikely to receive under the conditions in his/her family and social environment. The Council's ultimate goal is to protect the child and prevent future delinquent behaviour.

Part III of the Law concerns children over fourteen (14) years old. In the event of the arrest of a child suspected of committing an offence, the law prohibits any contact with arrested adults. In addition, the child is not kept in a cell, but in another area of the Police Station and the officer immediately informs the parents or guardians, as well as the local welfare office, about the arrest and/or detention. Child detention is prohibited. The Law contains specific provisions on the treatment of children during the investigation and the participation of welfare officers, who is present during the child's testimony, the possibility of criminal prosecution or referral to a reformation program that includes a formal or informal warning, or the child being placed under supervision by a guardian or of a Child Council.

Regardless of the measures mandated by other laws, in the event a child is brought before a Juvenile Court, and if found guilty, the court may impose the following measures or sentences:

- a. Reprimand the child
- b. Impose a fine
- c. Order costs and/or special compensation to the child victim
- d. Order those exercising parental care to pay compensation to the victim
- e. Issue a parental supervision order
- f. Issue a community supervision order

- g. Order detention in a child detention centre
- h. Suspend detention
- i. Order monitoring through an electronic bracelet
- j. Order mandatory cooperation with any public authority
- k. Order rehabilitation treatment.

Children victims and witnesses

Children under the age of 18 – Witnesses in criminal proceedings

The Protection of Witnesses Law (L. 95(I)/2001) gives power to the Court to take protective measures. The hearing of a case or part of it is conducted behind closed doors and the testimony of the child is given without the presence of the person accused of the crime, through the installation of a special divider or the use of closed-circuit television or any other similar system. Amendment L.96 (I) / 2019 of the above law provides that the testimony of the child may be given either in another room inside the Court, including a building in its courtyard, or in "another space" deemed appropriate for this purpose by the Court. The term "other space" encompasses the House of the Child.

According to article 11 (a) of L.95 (I) / 01, the main examination of the child witness is essentially its visualised testimony and the possibility of additional questions on any subject that is not covered by the visualised testimony if permitted by the Court.

Furthermore, Article 12 also provides for the possibility for the Court to order visualised cross-examination and re-examination of the witness, which is considered an acceptable testimony. However, the provisions of Article 12 do not apply in practice as in all cases the child witness is subject to oral cross-examination and re-examination.

The current procedure for handling and evaluating the child's testimony is evolving and is formed over time depending on the experience gained by Courts through the cases they hear. It follows that the procedure, through the case law of the Supreme Court, is gradually becoming more responsive to the needs of a child and to understanding its behaviour, and consequently handling and evaluating its reliability as a witness. The Court may ask for an expert's opinion whenever it deems necessary to evaluate the child's reactions in each specific case and to explain the child's psychological condition.

Civil justice

Parental care is a right and at the same time responsibility of the parents which is exercised jointly by them. When the parents dispute over the exercise of parental care and the best interest of the child requires a decision to be made, either parent can apply

to Court in order for the dispute to be resolved. The decisions made by the parents or by the Court should aim to uphold the best interests of the child. Furthermore, the Court may ask for the child to attend the proceedings and shall consider the child's wishes provided that he/she is mature enough to understand the situation (articles 6 and 7 Law No.216/1990).

The Reform of the Family Law is promoted through a set of draft laws that have been submitted to the Parliament for discussion. The protection of the family home is strengthened, issues related to domestic violence are regulated, protecting children above all, and the issues of parent-child relationships are overall reviewed. All these changes which are being promoted place special emphasis on issues affecting the best interests of the child, as included in the United Nations Convention on the Rights of the Child.

Administrative justice

The Administrative Court of International Protection (L. 73(I)/2018) has exclusive jurisdiction to decide at the first instance on all appeals by asylum seekers submitted under the Refugee Law (L. 6(I)/2000).

Law 6(I)/2000, as amended, and Law 73(I)/2018, determine the legal framework for the provision of international protection and guarantee the enjoyment of the applicant's fundamental rights and freedoms before the Court, as listed below:

- i. not be deported to a country or transferred to the border of a country where, "because of sex, race, religion, nationality, membership of a particular social group or political opinion, his life or liberty would be endangered or he would be subjected to torture or inhuman or humiliating treatment or persecution" (article 4 of Law 6(I)/2000),
- ii. to enter the Republic and participate in fair and effective procedures to determine his/her situation and needs (articles 7 and articles 11 of Law 6(I)/2000),
- iii. to receive an individualised, fair, objective, independent evaluation within a reasonable time (articles 12D, 13 and 18 of Law 6(I)/2000),
- iv. to be accommodated in a safe place and under suitable and dignified conditions (articles 9IE of Law 6(I)/2000),
- v. to receive special attention and care if he belongs to a vulnerable group (e.g., minor, unaccompanied minor, a victim of torture, article 9KG of Law 6(I)/2000), and
- vi. to appeal effectively before the competent national authorities, both administrative and judicial, and to be recognized as a refugee or to be granted the

status of supplementary protection as long as he meets the legal conditions (articles 18A and 19 of Law 6(I) /2000 and article 11 of Law 73(I)/2018).

2.2. Judicial Practice

This section provides some brief examples of practices used by the judiciary to compensate for gaps in the above described legal and policy framework, as identified primarily in the desk but also the primary research performed in the context of this TNA.

Greece

In Thessaloniki, the criminal judges and prosecutors took the initiative to approach all competent child protection actors (child psychologists, psychiatrists, social workers, public benefit bodies, representatives of the municipality and prefecture) to discuss the issues, gaps and problems in relation to the administration of child-friendly justice in the district, in particular as regards multidisciplinary assessment. The result of the relevant consultations was the development of a special protocol for cross-sectoral cooperation. The protocol provides that after the initial examination of the child, a multidisciplinary meeting takes place with the presence of the judge, prosecutor, a social worker and a child psychologist/psychiatrist which aims to determine what the best interests of the child are in each specific case. The protocol has been approved by the Central Union of Municipalities of Greece (Κεντρική Ένωση Δήμων Ελλάδος – ΚΕΔΕ), the Union of Social Workers (Σύνδεσμος Κοινωνικών Λειτουργών Ελλάδος – ΣΚΛΕ), and the Centre for Social Solidarity (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης – ΕΚΚΑ).

The Katerini district took account of the observations of the EU Agency for Fundamental Rights (FRA) on the lack of suitable spaces for children, as well as the relevant experience of Katerini judges and court officers, and took action. In a short period of time, they turned a "typical court office" into a place suitable for children. They introduced elements which do not remind of a "cold office", such as walls, a library, and toys, in bright colours, they created an environment where judges seem more personable to children, helping them to open up and trust them with decisions impacting their future.

The Mobile Mental Health Unit of N. Fokida (KMPSY N. Fokida) has introduced a protocol for the handling of child psychiatric cases at the request of the Prosecutor's Office or the Police addressed through the KMPSY N. Fokida. The procedure described in this protocol, highlights the steps that need to be followed as well as the parameters that should be taken into account by the mental health professional and the other executives of the Institution, in accordance with the principles of social psychiatry. The procedure envisioned in the protocol is separate from the official criminal procedure and is set in motion regardless of its outcome.

Cyprus

Criminal justice

The Attorney General of the Republic may suspend the criminal prosecution and the child can be referred to a Reformation Programme. The programme aims to help the child understand the consequences of the offence, but also to prevent the occurrence of future delinquent behaviours.

Taking a child to the Juvenile Court is a last resort, but even when brought before a court, the criminal justice system continues to be friendly to it. According to the Law of 2021, there are detailed provisions for the proceedings before the Juvenile Court and the powers of the Court, which are either three-member or one-member, depending on the offence. The Court is temporarily housed in the same area as the District Courts. The Juvenile Court maintains its own Probation Service to carry out the duties and responsibilities provided by law. The Court may request reports from a guardian, review the entire process for handling the child and then proceed with the imposition of a sentence, with the final option being detention which is made in a specially designed space. Today, there is not such a place and minors are detained in a special place in prisons. The Government has initiated the public tender procedure for the funding and establishment of a specialised detention centre for children, according to the Children in Conflict with the Law act of 2021. This centre will function not as a correctional institution, but as a reformatory, educational, therapeutic, and welfare institution.

The law provides for a child friendly approach to juvenile offenders; safeguarding rights and protection from social stigma while promoting social inclusion through restorative programs. However, as this is a newly enacted law, the target group through the interviews and focus group discussion expressed their concerns about its proper application as all professionals involved in legal procedures need training in both the legal aspects of the law and child psychology. In addition, the lack of infrastructure and clear-cut procedures are the main issues that need to be solved urgently.

On the other hand, the target group praised the Children's House and consider this a significant step in safeguarding children's protection during testifying and investigative interviews by well-trained professionals who videotape the whole procedure. The children are invited to a child friendly environment to give testimony to avoid presence in court and stressful situations.

Civil justice

In the context of examining a family case by the Court, the Commissioner for the Protection of the Rights of the Child, whenever appointed, acts as a representative of the interests of the child itself and not of any other parties. The representative of the child's

interests provides independent legal services for the purpose of protecting the child's interest, without receiving instructions from the parents/guardians or any other person connected to the child or the proceedings. The Commissioner does not receive instructions from the child she represents but ensures that he/she is heard and participates through the Commissioner, depending on his/her age, maturity and level of growth. To this end, the commissioner:

- ❖ cooperates with the child, listens to his/her views and conveys them to the Court,
- ❖ takes into account the views of the child and cooperates with experts, specialists and other persons she considers important for the Determination of the Best Interest of the Child,
- ❖ ensures that the judicial procedure progresses in a child-friendly manner for the protection of the child,
- ❖ files applications with the Court when she deems it necessary to ensure the best interests of the child,
- ❖ cooperates with the Court in order to ensure the issuance of Court decisions that are consistent with the best interests of the child.

Family law needs upgrading to better safeguard and protect children's rights. Several participants in the primary research mentioned the need for training on child friendly communication and the need for professional support when needed. As stated above the reform of the Family Law is promoted and is discussed in the Parliament, the main goal is the strengthening of the children's rights as included in the United Nations Convention on the Rights of a Child.

[Administrative justice](#)

In the case of an unaccompanied child, the Commissioner for the Protection of the Rights of the Child undertakes the legal representation of the child in Court. The aim of the legal representation of the child by the Commissioner is to ensure the child's right to a fair and child-friendly trial. To achieve this the Commissioner:

- ❖ provides the child with the information he needs at each stage of the case,
- ❖ informs the child about court proceedings,
- ❖ provides the child with legal advice,
- ❖ receives instructions from the child, whose positions she promotes in the judicial process in which she represents him/her and acts based on his/her

wishes, regardless of the views of the Commissioner regarding the possibility of success of his/her appeal,

- ❖ ensures that the judicial process develops in a child-friendly manner to protect the child and his/her interest,
- ❖ In the performance of her duties, she provides the child with devotion, confidentiality and appropriate legal representation, as expected of a lawyer with his adult client.

3. PRIMARY RESEARCH FINDINGS

In our analysis of the training needs of judges and prosecutors in the two partner countries, we sought to rely primarily on their feedback in order to determine the specific needs in relation to child friendly justice, which need to be addressed in the training activities. To this end, we conducted a total of twenty-one (21) in-depth interviews with individual judges and prosecutors, organised three (3) focus group discussions with a total of twenty-two (22) participants, and disseminated an online survey which gathered one hundred and sixty (160) responses from acting and trainee judges and prosecutors. Gender mainstreaming was a primary consideration in the identification of participants. Fourteen (14) women and seven (7) men participated in the interviews, and fifteen (15) women and seven (7) men participated in the focus groups. We did not include a question on the gender of participants in the online survey. Judicial trainers participated in all primary research activities, allowing us to gather input on their training needs as trainers, and providing us with qualitative data on the current initial and continuous training activities organised in the two target countries. The number of participants in the primary research activities significantly exceeded the targets set in the project proposal, allowing us to gather input from a representative sample of justice professionals on the needs related to training on child-friendly justice in Greece and Cyprus. All interviewees received an information notice and consent form for their participation in the CHILD-front research, including on the processing of their personal data for the purposes of the implementation and the technical and organisational measures in place for their protection.

In designing our research, we opted to rely on a mix of research methods, each designed to gather different perspectives and information on the type, frequency and focus of judicial training on child-friendly justice, as well as other topics relevant to our planned training curriculum (diversity and inclusion, personal data protection). The primary research activities were based on research protocols developed by CECL, as the Work Package leader, in the beginning of the work package, and reviewed by the partners and the members of the project's Training Committee. These protocols included an interview and focus group guide, and a model survey, and were common for both target

countries. The interview and focus group guides are annexed at the end of this report. The primary research activities focused on child-friendly processes and safeguards in place in Greece and Cyprus, most notably the training, legal safeguards and infrastructure available. The same guides were used for all branches of justice, adjusted on the spot, when necessary, to account for the differences in the applicable frameworks. The interview questions are grouped into three main sections: (a) training received/provided; (b) Mechanisms and safeguards applied nationally; and (c) Child psychology and child-friendly communication. Moreover, the guides also included questions aimed to help us identify training needs in relation to the treatment of children from diverse backgrounds, as well as personal data protection. In addition, all participants were asked to add anything they felt was left unsaid, in particular as regards their expectations and suggestions in relation to the CHILD-front training activities.

3.1 Greece

Interview findings

Twelve (12) interviews were conducted in Greece, in May and June 2022. The interviewees were judges of the civil/criminal (7) and administrative (2) branches of justice, as well as prosecutors (3). Fourteen (14) interviewees were women and seven (7) were men. Six of the interviewees are also judicial trainers at the NSJO, and were able to give us their input on both their own training needs, as regards judicial training methodologies and on the training needs of trainee judges and prosecutors currently following the NSJO initial training programme.

The interviewees had a minimum of fourteen years of professional experience in the judiciary. Eight (8) specialise in juvenile law, either as judges and prosecutors in criminal juvenile courts, or as family court judges (civil justice). We opted to interview a mix of specialised and not specialised judges and prosecutors, who may, nevertheless come into contact and adjudicate cases involving children, in order to gain a perspective of both their needs. Interviewing specialised judges and prosecutors allowed us to gain in-depth knowledge on the broader issues and bottlenecks to the achievement of child friendly outcomes in the Greek judicial system. Moreover, we selected interviewees who serve in different districts across the country (Athens, Larissa, Piraeus, Thessaloniki), in order to gain a perspective of their different needs, in particular as related to available services, facilities, and infrastructure.

All interviews were conducted virtually, and all but one were recorded (one of the interviewees did not consent to the recording).

Training received/provided

The key finding in relation to training on child friendly justice was that it is not mandatory even for judges and prosecutors who are appointed in juvenile or family courts, and work almost exclusively in cases involving children. Although compulsory training for the members of the judiciary has recently been introduced through Law 4871/2021, it has not yet been implemented and the law does not provide for interdisciplinary training on the topic in question nor does it expressly compel judges and prosecutors working with children to train on the topic of child-friendly justice. As a result, all interviewees reported that any training they had received was so on their own initiative. In addition, the topic of child friendly justice has only recently emerged as a priority in judicial training at the domestic level. Hence, most of the interviewees reported that they had not received any such training as trainees, while continuous training activities they had participated in voluntarily was organised abroad, in a foreign language and focused on EU/European/international standards. It should be noted that the NSJO has emphasised training on child-friendly justice within the past year, and has organised a series of relevant seminars, some of which included interdisciplinary elements. Below follows an analysis of our main findings.

As regards **initial training** on child-friendly justice, a key finding is that such specialised training has been absent from the NSJO initial training curricula until very recently. All interviewees reported that they have not received any relevant training during their time as trainees in the judicial school, either legal/theoretical or practical/interdisciplinary. Interviewees who specialise in juvenile or family law mentioned that they first came into contact with the relevant framework when they undertook their duties as juvenile judges/prosecutors or as judges in family courts. As mentioned, there is no mandatory training on juvenile law and the rights of the child requirement for judges and prosecutors appointed in juvenile or family courts, nor did training or specialisation in this field factor into the selection process to serve in these courts. One interviewee commented that if a judge or prosecutor did not select the relevant elective course during their time in law school, it is very likely that they would be in a position where they would determine the lives of children without any knowledge basis whatsoever to help them in their decision-making.

Nevertheless, the judicial trainers interviewed indicated that significant progress has been made in this regard in recent years – as shown in the current initial training curriculum of the NSJO. The judicial trainers interviewed reported teaching a number of modules on the rights of the child and juvenile law, in particular as regards the rights of children who are victims of crime, as well as on procedural safeguards for children who are suspects or accused persons in criminal proceedings. EU law and standards are taught

alongside domestic ones. Moreover, there are courses on judicial ethics which touch on various aspects of child-friendly justice and cooperation among competent professionals, either within or beyond the judiciary. In addition, the interviewees affirmed that they provide practical guidance to trainee judges and prosecutors on how to apply procedural safeguards in practice. Civil judges are also familiarised with principles of child-friendly justice, albeit perhaps to a lesser extent than criminal judges and prosecutors, and receive practical guidance from their tutors on how to communicate with children and adjudicate family disputes. This renders training senior judges, especially those who are also judicial trainers, all the more crucial. On the other hand, little specialised training on the rights of the child is provided to administrative judges in a systematic way.

The interviews showcased the great interest and diligence of judges and prosecutors who come into contact with children, in particular those of the criminal/civil branches of justice, to deepen their knowledge and skills on the topic of child-friendly justice by participating in **continuous training** activities on their own accord. All civil/criminal judges and prosecutors interviewed reported having followed some type of continuous training on child-friendly justice, either at the domestic or at the European level (e.g., training organised by the EJTN, ERA, or in the context of the Council of Europe HELP programme). The interviewees reported that their training covered legal standards and jurisprudence, both national and EU/European. Some of these trainings included certain interdisciplinary elements but the interviewees that participated in them reported that they still felt underprepared and ill-equipped to deal with challenges related to child psychology and child-friendly communication, and would like more emphasis to be placed on these topics in future trainings. In addition, the Ministry of Justice conducted a mandatory, one-off training on newly introduced legislation related to family law for family court judges. According to one interviewee's estimate, approximately 700-800 judges were trained on the new law in 2021. The training modules included elements related to child-friendly justice, such as the hearing of the child in custody disputes.

The two administrative judges interviewed reported that they have not participated in any specialised continuous training activity related to child-friendly justice. They mentioned that this is due to the fact that administrative judicial proceedings are conducted in writing, and that they generally do not come into contact with children during the exercise of their duties. Administrative judges who are members of asylum Appeals Committees – quasi-judicial bodies responsible for adjudicating appeals on rejected asylum applications – may interview asylum seekers, including children and unaccompanied minors, if they deem it necessary to reach their decision. However, participation in these committees is not part of the judges' ordinary duties, and is not tied to any specific obligations in relation to training.

Another key finding of our research is the lack of **interdisciplinary training** available to members of the judiciary at all levels. Almost all interviewees reported that they have not received any interdisciplinary training by non-legal professionals, such as child psychologists/psychiatrists, and that they approach children they come into contact with based on empirical knowledge, gained through either their own professional or personal experience (e.g., with their own children), or through advice from senior judges and prosecutors who mentored them during the earlier stages of their careers. Most interviewees also mentioned having benefited from their interaction with other specialised professionals during the exercise of their duties, by observing how they interact with children involved in judicial proceedings and taking up some of their methods and techniques. Finally, they also indicated personal study of text books and self-education as a source of knowledge. Nevertheless, there was a consensus on the absence of a systematic transfer of knowledge and the lack of cognitive and practical tools that come with training provided by experts. All interviewees agreed that focusing more on interdisciplinary training is necessary, and unanimously listed it as their number one need.

Another training need addressed in the interview questionnaire is **training on diversity and inclusion**. In this regard, most interviewees reported that they have not received any specialized training on how to approach children or other persons from diverse backgrounds (based on national/ethnic origin, race, religion, sexual orientation and gender identity, or other grounds). One prosecutor mentioned that she had followed a transnational course related to children on the move, where diversity was a primary topic. Two judicial trainers mentioned that the NSJO now offers courses on equality and non-discrimination and that seminars are available to judges and prosecutors who wish to deepen their knowledge on these topics. However, these courses mainly cover the legal requirements in relation to equal treatment before the law and do not offer practical guidance on how to accommodate the different needs of persons involved in judicial proceedings, with due respect to their unique background or characteristics.

As regards **training on data protection**, despite the emphasis placed on training on the new EU privacy and data protection framework in the years following the adoption of the General Data Protection Regulation (GDPR) and Directive 2016/680 on the processing of personal data in the context of criminal proceedings, almost all interviewees seemed to be largely unaware of the significance of this framework for their work. Only two interviewees mentioned having followed a relevant course.

Finally, most judicial trainers reported that they have not received any specialised training on **judicial training methodologies**. However, two of the trainers who participated in the research reported that they have followed a train the trainers course offered by the EJTN, in which they participated on their own initiative. No train the trainers

courses are offered by the NSJO on judicial training methodology nor is following such a course a requirement in order to teach there.

Mechanisms and safeguards applied nationally

Interviewees were asked about the various standards and safeguards they apply in procedures involving children. These questions were included in the interview questionnaire in order to identify potential needs related to the interpretation and application of the relevant legal framework in practice. The interview questions were designed to examine the availability of safeguards and their application in judicial practice as regards representation, provision of information, hearings, involvement of other specialist professionals in the proceedings (psychologists, social workers etc.), the application of the ‘best interests of the child principle’, available infrastructure and services, including interpretation and translation, length of the proceedings, protection of children from diverse backgrounds, and data protection. The key findings from this chapter are listed below, separately per branch of justice, in light of the differences in the applicable frameworks.

A. Civil justice

Our key findings in relation to legal and procedural safeguards applied in civil justice concern family law proceedings, in particular custody proceedings. These constitute the overwhelming majority of cases involving children in civil courts, where the full array of measures related to child participation is applicable. Family law proceedings include ordinary proceedings, adjudicated by specialised family courts, as well as emergency proceedings, adjudicated by ordinary courts and – usually – non-specialized judges.

In these cases, **the child is represented** by one or both parents. In the context of ordinary proceedings, this would usually be the parent exercising temporary custody in accordance with the outcome of the preceding emergency procedure. In certain cases, where there is a conflict of interest (especially in paternity disputes), the law mandates that a guardian is appointed to better serve the interests of the child. In this case, a family member or someone close to the family is usually appointed as the child’s representative for the dispute at hand and until its final resolution. The family itself usually indicates who the guardian should be. Interviewees reported that they very rarely deviate from the parties’ suggestion, and only for specific reasons related to the child’s safety and the protection of its best interests. Moreover, in particular in cases concerning the removal of custody, the child may be represented by a public prosecutor, who acts as their guardian.

In practice, **legal representation** concerns the parent(s) or the guardian. The child is indirectly represented by the lawyer of the parent who holds temporary custody. Legal aid is available to the parents under the general provisions of the law. In cases where a

prosecutor is appointed as the child's temporary guardian, they are responsible to safeguard its legal interests.

According to the interviewees, there is **no legal obligation to inform the child** in civil proceedings. Depending on the nature of the case, they tend to provide some general information, aimed to ensure that the child understands why they are brought before the judge and what they came to discuss. This information is provided verbally. Most interviewees reported that they do not provide the child with details on the steps ahead and on potential outcomes of the procedure they are involved in. Instead, some interviewees reported that they believe that too much information may confuse or intimidate the child.

Hearing the child in custody proceedings recently became a legal obligation under law 4800/2021, which mandates that children must be heard and their opinion must be considered before any decision concerning them is reached, provided that their age and maturity allow it. Under the previous framework, it was at the discretion of the judge whether or not they would hear the child in each specific case, and how much weight they would place on their statement. The same applies today in other types of family law disputes, where hearing the child is not mandatory. In fact, the interviewees report that the child is rarely heard in other types of cases. In terms of custody hearings, the interviewees reported that they have always made every effort to hear the child in all cases where its age and maturity permit it, and that they place great weight in its opinions, preferences and views. Despite that, however, many interviewees emphasised that the child's opinion may also be at conflict with their best interests. They mentioned the danger of undue influence by one or both of the parents and the fact that they often see children who are clearly instructed on what to say and do not necessarily express their own views. Another danger, according to the interviewees, is that the child may show a preference for the parent that is more lenient, despite the other parent being in a better position to care for them. To mitigate the above factors, many interviewees report that they prefer to hear the child alone, without the presence of a parent or guardian. Hearings are not recorded.

Specialists, in particular child psychologists, are generally not present in hearings, and the law does not provide judges with the option to appoint or consult them in civil law cases. The parties are, however, at liberty to engage such specialists and request their expert input, if pertinent to the case. Judges may request an evaluation of the child and its family environment by the social services. According to one interviewee, however, judges are often reluctant to order such evaluations, unless the specific circumstances of the case mandate it, because it contributes to delays to the resolution of cases, a severe issue in the Greek justice system. The above signify that, in most family law cases, no

multidisciplinary assessment takes place. This can cause serious impediments to the achievement of child-friendly outcomes. One interviewee gave an example of a particularly serious case, which concerned an emergency procedure. As it was impossible for her to communicate with the child, she refused to issue a temporary order on the substance of the case and instead ordered mandatory sessions with a child psychologist. This is not an option explicitly provided by law but judges have a wide discretion on the content of the measures they can order, so she took advantage of this discretion to “improvise” a solution on the spot. It should be noted, however, that the parents still had to incur the costs of these sessions. Overall, there was consensus among interviewees that the administration of justice would greatly benefit from the permanent presence of specialists within the courts, who would be able to assist judges immediately, if needed, and would also provide additional legitimacy to their judgements.

As regards the determination of the **best interests of the child**, the interviewees mentioned that having a stable environment and receiving appropriate education are their primary considerations. One interviewee mentioned they follow the principles of EU law, as established, for example in the Brussels II Regulation on matrimonial matters (now repealed by Council Regulation (EU) 2019/1111).

The interviewees were not able to provide a definitive estimate on the **average length of civil proceedings** involving children, saying that it could be influenced by a variety of factors outside the court’s purview (such as the parties’ agreements or postponements requested by lawyers). The length also depends on the specific procedure in question. For example, emergency procedures must be concluded within a month. Ordinary proceedings may last from six months up to two years, until a final decision is reached on appeal.

The interviewees reported that they do not have at their disposal any practical tools, guidance or protocols on how to treat **children from diverse backgrounds**. In fact, they were confused as to what these protocols could be about and maintained that, in any case, they treat all persons before them equally. As regards interpretation and translation, the judges mainly rely on services engaged by the parties. The court’s translation services could be engaged in some rare cases, if needed. As regards **personal data protection, the interviewees mentioned** that they do not apply any particular standards when it comes to children. They keep the case files in their offices and make sure that the hearing of the child stays confidential to the extent possible.

B. Criminal justice

Criminal procedure offers perhaps the most comprehensive set of safeguards for children involved in it, either as suspects or accused persons or as victims of crime. This may, in large part, be attributed to the secondary EU legislation incorporated into

domestic law, in particular Directives 2012/29/EU on the rights of victims of crime, and 2016/800 on procedural safeguards for children suspects and accused in criminal proceedings. Cases concerning crimes perpetrated by children are adjudicated by specialised juvenile courts. The court's decisions do not assign guilt and do not impose penalties, but, rather, correctional measures.

The proceedings are always conducted in closed chambers. Accused children may be accompanied in court by their parent(s) or guardian, and always have their lawyer present. At the pre-trial stage, the child is **represented by a lawyer** and may be accompanied by them when examined by the authorities. The investigating authorities (either the police or a judge) must **inform** suspect or accused children about their rights. The interviewees reported that, to their knowledge, this is usually done verbally. It should be borne in mind, however, that none of the interviewees perform investigative duties themselves. When it comes to children who are victims of crime, they may also be accompanied by their parent(s) or guardian and have the right to be represented by a lawyer. Judges and prosecutors may also take the statement of child victims without the presence of other persons, in a specifically designated, child-friendly space, where available. **Hearing the child** is a key moment in criminal proceedings, according to the interviewees, who mentioned that the child's views, whether a victim or accused of a crime, play a crucial role in their decision-making. When it comes to accused children, their statement is also essential for the determination of the appropriate correctional measure. Children victims are usually examined by specialists, in part to determine their ability to testify and their overall credibility as witnesses (see below).

In practice, an **interdisciplinary assessment** takes place in most cases involving juvenile offenders. Accused children are assessed by a juvenile probation officer (usually a certified social worker or psychologist) before being brought to court. The probation officer speaks with the child and their family and drafts an individual assessment report, which is submitted to the court and is part of the case file. The report contains the child's family history and the officer's opinion on the most appropriate correctional measure in light of the circumstances of the case. In cases concerning sexual crimes, trafficking and abduction, the law mandates the examination of both the child victim and the child that is suspected or accused of these crimes by a child psychiatrist. This psychiatric evaluation has become mandatory for accused children only in 2020. As a result, some interviewees mentioned incorrectly that the law only provides a discretion to the judge or prosecutor to order a psychiatric evaluation in cases of serious offences (crimes which would have been felonies if perpetrated by an adult). As regards other crimes, the court retains a discretion to order a psychiatric evaluation of the child and/or their parents, based on the probation officer's or its own assessment of the circumstances of the case.

In cases related to the above-mentioned offences, children victims are accompanied by a child psychologist when giving their **statement**. The interviewees mentioned that a social worker is present and helps prepare the child in cases of abuse, where the removal of custody and placement with social services is a likely outcome. The victim's statement should be provided within the facilities of the House of the Child, or, if such facilities are not available, in specially configured spaces, and if these do not exist either, in another suitable space. However, as analysed below and in the following section, all interviewees stressed the general unavailability of suitable spaces, even in the areas where the Houses of the Child are established, due to the large volume of relevant cases and the limited capacities and working hours of operational facilities.

The law mandates that statements given by both victims and suspect or accused children must be **recorded**. Unfortunately, the interviewees confirmed noted deficiencies of the available infrastructure, which often lead to the inability to record statements in accordance with the technical parameters set in the relevant legal and policy framework, in the larger part of the country. This also leads to differences in the treatment of children involved in the criminal justice system, either as victims or as suspects or accused persons, depending on the part of Greece they find themselves in. Interviewees from Thessaloniki mentioned that, to their knowledge, statements are not recorded in their district. By contrast, interviewees from the Larissa district mention that there are facilities in place which allow them to record statements. An interviewee from the court of Piraeus mentioned that, to their knowledge, police in the Attica General Police Directorate record the statements of suspect or accused children. The House of the Child for the districts of Athens and Piraeus, which recently became operational also offer suitable facilities for this purpose, as regards children victims. It should be noted that these are the largest districts in the country, alongside Thessaloniki, and a particularly large volume of cases needs to be accommodated by these facilities.

A major issue reported in relation to the interdisciplinary assessment of the child's needs is the **coordination and cooperation between competent services** (hospitals, social services, etc.). There is a noted lack of interoperable systems which could help identify suitable services to effectively address the needs of children and avoid unnecessary inconvenience and potential revictimisation of children victims. One interviewee cited the case of a child victim of 14.5 years of age, who was refused access to the children's hospital because they were over the age of 14, as well as in the regular hospital because they were under the age of 18.

Moreover, one interviewee noted the inefficiency of the current framework and protocols of cooperation between the judiciary and the child protection experts during the different stages of the proceedings. She mentioned that the different professionals

involved work in parallel instead of together, and, thus, they all lack a view of the full picture of the cases at hand. This, along with the limited time each professional has to spend with the child before them, has often led to mistakes in the assessment of children's needs. The interviewee mentioned a case where the child's individual assessment by a psychiatrist did not conclude on any pathological issues. However, after a revision of the assessment, requested by the interviewee due to her own observation of certain symptoms during the child's statement, the psychiatrist in charge delivered a diagnosis of schizoid psychosis. The interviewee underlined that had the expert been present during the child's statement, the risk of missing this serious condition could have been avoided, and the child would not have been subjected to a second assessment. To address these deficiencies, a revised cooperation protocol has been introduced in Thessaloniki on the initiative of the judiciary serving there. The protocol is described in detail in section 2.2 on judicial practice, and could potentially serve as a good practice.

As regards the application of the principle of the **best interests of the child**, the interviewees noted the importance of keeping in mind that it is the child's interests that must always be at the centre of any decision-making concerning them. One interviewee cited as an example a case where a social worker mentioned it would be sad to remove a child from their mother at Christmas time. The interviewee decided for the removal of custody, in order to preserve the child's best interests and safety. Another issue of concern for many interviewees is the decision on whether to place a child with social services, especially given the, often poor, state of the available facilities, or leave them in a potentially problematic or even abusive home environment. They mentioned that this is a very difficult decision, requiring an in-depth assessment of the circumstances of each case. Furthermore, one interviewee stressed the role of procedural justice, in the form of provision of information during the hearing of the child, in the preservation of its best interests. She cited cases where taking the time to explain her decision and why she believed it would be to the child's benefit has helped the child to accept the outcome, reduced their stress, and improved the effectiveness and enforcement of the measure in question.

When it comes to the **length of the proceedings**, interviewees found it hard to give a precise estimate, in part due to the lack of judicial statistics. Although admitting general problems related to the delay in the administration of justice in Greece, they mentioned that this is often to be attributed to factors outside the court's purview (e.g., postponements requested by lawyers, COVID-19). The interviewees agreed that the main proceedings last approximately three years on average but that also depends on the complexity of the case. They stressed that cases involving children victims are prioritised in relation to cases where the victims are adults, which tend to last longer.

The interviewees reported that they do not have at their disposal any specific tools, guidance or protocols on how to treat **children from diverse backgrounds**, and most were confused as to what these protocols could include. They mentioned that, in any case, they treat all persons before them equally. The availability of **interpretation and translation** services presents as a more serious issue in criminal proceedings than in civil and administrative, as they are more frequently and more urgently needed. Interviewees mentioned that they often resort to the services provided by the NGO Metadrasi, which specialises in interpretation and translation for third country nationals and refugees. One interviewee stressed the convenience of the “interpretation by phone” service, which offers quick access to interpretation in some of the most commonly spoken languages by TCNs. To the interviewees’ knowledge, this collaboration is unofficial and is not based on an agreement between the NGO and the courts/Ministry of Justice. As regards translation, the courts have their own translation services, which are mostly used in criminal proceedings. The defence can request the translation by the court services of all essential documents in the case files, free of charge.

As regards **personal data protection**, the interviewees do not apply any special standards as regards children. They mentioned that no one but themselves and those who have a specific legal interest (the defence or victims who participate in the proceedings as parties) have access to the case file. However, the digitalisation of the case files which is now underway in many courts, renders crucial the introduction of technical and organisational measures to protect the rights of children involved in the proceedings as data subjects.

C. Administrative Justice

The key finding as regards administrative justice is that judges do not ordinarily come into contact with children, as proceedings are conducted in writing. In general, there are no specific provisions in administrative procedure regarding cases involving children. The bulk of relevant cases concern the determination of the status of third country nationals (migrants or refugees), where they are either direct subjects of the proceedings – most notably in the case of unaccompanied minors – or indirect subjects in cases concerning family unity or reunification.

The main insights we were able to gather from the interviews were drawn from the experience of one of the judges as a member of Independent Appeals Committees, independent administrative bodies, operating under the Appeals Authority of the Ministry of Asylum and Migration. The Appeals Committees are responsible for examining appeals against rejected asylum claims, and are composed exclusively by administrative judges. In most cases, the child is not heard during the appeals procedure and Committees mostly rely on their statements which have been provided to the asylum services in the first

instance procedure, provided they are over the age of 14. Nevertheless, the Appeals Committee may decide to interview a child appellant if they find that there are gaps in their original interview or if new information has come up which requires substantiation.

During the first instance procedure, which is performed by administrative personnel, children are also examined by child protection experts (healthcare professionals, social workers, psychologists/psychiatrists) if it is determined that there are specific reasons which warrant such individual assessment. This assessment becomes part of their case file, to be reviewed both by the Appeals Committee and by the administrative court, if the case ends up requiring a judicial resolution. Before the court, as well as in the Committee, children are represented by their lawyer, who is often a member of an NGO's legal team. Interpretation is usually provided by the NGO Metadrasi. As regards the application of the principle of the best interests of the child, both interviewees mentioned that they base their assessment almost exclusively on the need to preserve family unity.

Participation in Appeals Committees is not part of the judges' ordinary duties and is not mandatory. Instead, selection is based on the judges' expression of interest.

Child psychology and child-friendly communication

The final section of the questionnaire concerned the familiarity of the interviewees with principles and techniques related to child-psychology and child-friendly communication. The questions focused on the existence of tools and protocols at the interviewees' disposal to assist their interaction with the children before them, the suitability of the available spaces in terms of their child-friendliness, and the techniques the interviewees use to facilitate communication.

Criminal judges and prosecutors seem, once more, to be better equipped to deal with cases involving children. Ministerial Decision 7320/2019 contains a structured protocol on how to communicate with children victims, examined as witnesses in criminal proceedings. The interviewees mentioned that they extrapolate certain principles from this protocol to help them deal with other questions. However, similar tools are not available to civil judges in family courts.

As regards the spaces available for children to provide their statements, there are, as already mentioned, serious deficiencies. There is a noted lack of suitable spaces, and most interviewees stated that they end up taking the accused children's statements either in their offices, or, according to one interviewee, even at the courts' corridors. One interviewee mentioned that she had received feedback from a child victim who told her that if she had interviewed him in her office, he probably would have told her that he just wanted to go home. In some cases, such as in Piraeus and Thessaloniki, child-friendly spaces have been established for this purpose and have become operational within the

past two years. However, one interviewee from Thessaloniki noted that the spaces available are insufficient to accommodate the large number of children who need them. Moreover, these spaces do not operate on a 24/7 basis, but are only available at specific hours (Monday to Friday 7:00-15:00). This contributes to the differential treatment of children who are able to benefit from them and those who are not. The interviewee also underscored the fact that most crimes against children do not occur during working hours on weekdays but on a Friday afternoon or during the weekend.

As regards children victims of crime, the House of the Child is now operational for Athens and Piraeus (2021). In Thessaloniki and Larissa, criminal justice courts have collaborated with the NGO “Fylakas Angelos” (Guardian Angel) and have created spaces where children victims can testify, and can also be accommodated, if necessary. Interviewees from Larissa mentioned that these spaces now offer appropriate infrastructure for the recording of children’s statements.

Despite the, overall, unfriendly environment, judges and prosecutors make every effort to accommodate the needs of children in any way they can, offering breaks, food and water, etc. Unfortunately, there is no immediate access to professionals who could help them deal with exceptional circumstances or particularly stressful situations which impact on the child’s wellbeing and its ability to effectively participate in the procedure. One interviewee reported that to do so, they often resort to contacting social workers or psychologists they know by phone to ask their advice.

All interviewees reported using special techniques and simplified language to communicate with the children but emphasise that they do so empirically, drawing from their own experience (either personal or professional). The most common techniques reported are listed below, at the end of this section. The need to empathise with the child and approach them with genuine concern and care was emphasised.

Interviewees stressed the need for guidance and tools which will help them communicate with children who are potentially victims of abuse. Several interviewees referred to cases, in particular in family law, where they were able to detect abuse from the child’s attitude toward an adult, and would like specific guidance on how to better recognise such cases and what steps to take to verify them. This is particularly urgent in civil cases, as there they do not have the same breadth of competence to order a psychiatric evaluation as in criminal cases.

A common thread among civil and criminal law judges and prosecutors is that they have learned a lot and benefited greatly from their interaction with other professionals such as social workers, child psychologists and psychiatrists. Many interviewees expressed the view that it would be beneficial to have psychologists and social workers permanently placed within juvenile or family courts. They mentioned that, a lot of times, they feel

inadequate to deal with certain situations due to their lack of expertise in these fields and that they would have appreciated being able to have immediate recourse to these services. One interviewee mentioned that, sometimes, she is forced to inform the parents that she is unable to communicate with the child, and, thus, could not take their statement into account. One interviewee maintained that including other professionals in their decision-making would enhance the credibility of the justice system overall, as it would provide additional guarantees that decisions are fully reasoned and take into account the expert opinion of professionals who are in a better position to understand the needs of the child.

Techniques used by the interviewees to communicate with children:

- ❖ Sitting close to the child but not touching it;
- ❖ Explaining very thoroughly the situation, next steps, and potential outcomes;
- ❖ Giving the child hope – underlining potential positive outcomes, stressing that their situation is not permanent;
- ❖ Being honest with the child (a case was reported where a prosecutor told a child removed from their family’s custody that they were going to summer camp, when, instead, they were going to an orphanage);
- ❖ Giving the child the time to process what is happening, not rushing the interview;
- ❖ Speaking from the heart, showing empathy;
- ❖ Asking simple, direct questions;
- ❖ Communicating with children using appropriate language in accordance with their age and maturity;
- ❖ Simplifying legal terms;
- ❖ Striking a conversation about general topics (about school, friends, etc.) to break the ice, or to help the child “return to reality” after the interview;
- ❖ Using toys, drawing material, etc., for younger children for stress relief and to help them open up;
- ❖ Offering treats;
- ❖ Not commenting negatively on the parents’ behaviour;
- ❖ Relating to the child (“I have a child your age”), sharing something about themselves;
- ❖ Praising the child for sharing/being brave.

Focus group findings

Two focus groups were organised in Greece, in June 2022, for a total of sixteen (16) participants (twelve women and four men). The first focus group was held in person, at the premises of the NSJO, and the second one was held virtually. Participants were senior judges and prosecutors from all branches of justice, including judicial trainers, and the director of the civil and criminal justice department of the School.

The focus groups began with the admission, by a senior judge in the Court of Appeals, that justice in Greece is not friendly to children. Although there is an adequate legal and policy framework in place, enacting safeguards in all branches of justice in accordance with the relevant EU law, there are significant practical barriers to overcome in order to achieve child-friendly outcomes in Greek justice. Specifically, the application of safeguards in practice is problematic, while the length of the proceedings, and the lack of interoperability among competent services and departments, among others, revictimised children and lead to problematic outcomes.

Participants generally underlined issues in relation to their cooperation with other competent authorities and professionals, including public hospitals and other social services. In this regard, there are serious deficiencies observed and it is important to equip judges and prosecutors on how to work around them but also to acknowledge that there are limits to what they can do on their side, and pursue policy change accordingly. A telling example of such deficiencies was an anecdote shared by one of the participants on a case they worked on, where due to the lack of available and suitable social services, they decided to order a custodial measure (deprivation of liberty) for a child offender in order to effectively remove them from an abusive family environment.

Participants also discussed civil law cases where both parents were deemed unfit to have custody of the child, and focused on the application of the principle of the best interests of the child and what it would entail in terms of a decision to remove custody. Some participants expressed the opinion that in cases where the father is abusive, the mother that does not intervene to stop the abuse is complacent, and is most likely also unfit for custody. Most participants agreed that in such cases they strongly consider removing custody from both parents. A related issue, with important implications on decision-making, was the fact that in some cases, custody was removed from one abusive parent but the parents continue to cohabitate, together and with the child.

The participants discussed at length the conditions and requirements related to the hearing of the child. The discussion focused mostly on civil procedure which is less regulated. Participants stressed the fact that the civil code contains only general provisions on the consideration of the child's opinion and expressed a need for clearer guidance and training in terms of what the principle of the best interests of the child would

dictate in these cases. One participant raised the issue of the timing of the hearing, and noted that leaving too much time to elapse between the emergency procedure and the hearing of the child means that the child is susceptible to all kinds of manipulation from the parents in the interim. This can alter the content of their statements and lead to decisions contrary to their interests. In terms of siblings, it was mentioned that they should be first examined separately and then together, to help draw safer conclusions on the situation at home.

Another issue raised were multiple hearings, which could take place in accordance with civil procedure (temporary order, potential withdrawal of the order, main emergency proceedings, main proceedings). Although the judges maintain a discretion on whether to hear the child or not at all these stages, potential gaps left, in light also of the fact that emergency proceedings are not conducted by specialised judges, could mean that the child may be called to provide a statement up to 14 times! In this regard, participants noted that emergency proceedings often shape the outcome of the main proceedings, the main proceedings judge may often hesitate to alter an already established situation and create further uncertainty for the child.

It was also stressed that judges should make sure to award adequate time for the hearing of the child so that it is not rushed. To this end, they must take into account both their own and the child's schedule. The ministerial decision, establishing a protocol for the examination of child victims was cited as a good practice, offering a step-by-step guide on how to approach them. The participants mentioned that they would like to see something similar adapted to civil proceedings. The issue of the confidentiality of the hearing was also raised. It was agreed that there is no conflict between maintaining confidentiality and having a fully reasoned decision, and that it is not necessary to detail within a decision what was said during the child's statement.

Furthermore, participants discussed the availability and importance of child-friendly spaces, and shared tips on how to render the procedures more child-friendly. The need to minimise interruptions was stressed. Participants agreed that the child-friendliness of the space is important but that the human factor is more so. Finally, participants requested guidance on how to respond to children's questions. They mentioned that young children especially tend to ask questions such as "can't you make my parents be together again" or "why do I have to choose" or "now what?" to which they often do not know how to respond. However, they did mention that the UNICEF protocol on child-friendly communication has proved very helpful in this regard.

An important outcome of the Greek focus groups was the commitment expressed by the Director of the Civil and Criminal department of the NSJO to introduce an

interdisciplinary module on child psychology and child-friendly communication in the initial training curriculum of the School.

3.2 Cyprus

CFPA in collaboration with the Cyprus Judicial Training School conducted the research planned within the framework of the *CHILD front* project between March to June 2022 with a sample providing full geographical coverage of the island. More specifically, CFPA's researcher with the assistance and support of the Cyprus Judicial Training School's officer conducted/implemented/collected:

- 1 focus group with the participation of 6 participants (6 judges), out of which 3 male and 3 female.
- 9 interviews (5 judges and 4 persons representing the Law Office of the Republic of Cyprus), out of which 3 male, 6 female (2 male judges and 1 from the Law Office of the Republic of Cyprus, 3 female judges and 4 from the Law Office of the Republic of Cyprus).

Before summarising the training needs of the target groups, it is worth mentioning that the *Cyprus Judicial Training School* is a newly established institution that was officially launched on the 14th of August 2020, following the adoption of Law 101 (I) / 2020. Thus, judicial training is now receiving a more official and institutionalised form and is expected to be enhanced in the next years.

Criminal Justice

As previously mentioned, the newly enacted Children in Conflict with the Law 55(I)/2021 is a novation to the Cyprus legal system on child friendly justice. It focuses on the child and its rights and regulates how a child who is not criminally liable - that is, a child under 14 - is handled, as well as, how young offenders over 14 who are in conflict with the law are dealt with.

The law has provisions for a child friendly approach to juvenile offenders; safeguarding rights and protection from social stigma while promoting social inclusion through restorative programs. However, as this is a newly enacted law the target group through the interviews and focus group discussion expressed their concerns about its proper application as all professionals (not only from the judicial body but from all relevant stakeholders and services) involved in legal procedures need training in the legal aspects of the law, and the factors/parameters affecting juvenile delinquency. In addition, the lack of basic infrastructure and clear-cut procedures are the main issues that need to be solved urgently.

On the other hand, the target group praised the Children's House and consider this a significant step in safeguarding children's protection during testifying and investigative

interviews by well-trained professionals, while the whole procedure is videotaped. The children are hosted in a child friendly, safe, environment, where they give testimony, in an attempt to avoid presence in court, and stressful situations and to minimise re-traumatization.

The main training needs identified during primary research are the following:

- ❖ Basic knowledge of child psychology, cognitive stage of the child
- ❖ Tips on child friendly communication to better elicit information (formation and formulation of questions)
- ❖ Basic characteristics (in terms of profiling) of the three different groups/roles a minor may have in the criminal process (victims, witnesses, offenders)
- ❖ Main theories, factors, and parameters affecting juvenile delinquency
- ❖ Best practices, programs, and tools in restorative justice and management of delinquent behaviours to avoid recurrence
- ❖ Intercultural training by cultural mediators

In addition, the participants mentioned that there is a need for training of all relevant stakeholders and professionals (law enforcement officers, lawyers, social workers, interpreters, etc) in an attempt to create a strong supportive network where each contribution will complement the other and collectively deliver the maximum positive outcome.

Finally, the need for a formulation of a Code of Conduct during cross-examination of minors by the lawyers/advocates was highlighted by all participants in both interviews and focus groups. Lawyers during cross-examination can be harsh and tenacious; this behaviour may create fear and confusion and affect the validity and quality of information that will be provided by the minor or lead to the re-traumatization of the person. Judges' jurisdiction in the courtroom is quite limited and their interference is very cautious; in this respect, they highlighted the need for the training of lawyers on child friendly justice and child friendly communication, in parallel with a formulation of a Cross-Examination Code of Conduct.

Civil Justice

In civil justice, the main focus is on Family Law as the cases involving minors are cases dealing with parental care.

As mentioned above, the reform of the Family Law is promoted through a set of draft laws that are deposited to the Parliament for discussion. The protection of the family

home is strengthened, issues related to violence in the family are regulated, protecting children above all, and the issues of parent-child relationships are generally reviewed.

Even though the reform of the Family Law is promoted and discussed in Parliament, several participants mentioned the need for training on child friendly communication and the need for professional support when needed. The main cases resolved in court are disputes over parental care. In these cases, the judge has a meeting with the minors without the presence of the parents or any other third person, except for a secretary to keep the minutes of the meeting. In these meetings the judges are expected to effectively communicate with the child, build rapport and have a discussion on an extremely sensitive and traumatic event in a child's life; assessing the information provided as honest and credible without any manipulation on behalf of a parent, while, having to manage the stressful and emotional state of the child without the support of professionals. The participants highlighted that this is a stressful procedure for both the minors and them, acknowledging that they lack skills and knowledge on child friendly communication and psychology. They use common sense and their experience as a guide when approaching minors, and it is up to each person individually how they will react and manage difficult cases.

They pointed out that they need interdisciplinary training from other experts and professionals (psychologists, cultural mediators, etc), as legal and judicial knowledge can be acquired through peer discussions, experience and remote studying. They highlighted the need for experiential training workshops based on interactivity, exchange of good practices, and practical tips. They consider continuous training very useful but as they stated "... Let's first have and provide initial training and then we can move to continuous".

They all identified they need training on the following topics:

- ❖ Basic knowledge of child psychology, cognitive stage of the child
- ❖ Tips on child friendly communication
- ❖ Intercultural training by cultural mediators

They consider the above very important in developing skills, capacities, and knowledge essential for practising professional tasks and applying good and correct ruling.

Administrative Justice

The International Protection Administrative Court (L. 73(I)/2018) has exclusive jurisdiction to decide at the first instance on all appeals by asylum seekers submitted under the Refugee Law (L. 6(I)/2000).

As the Court officially started its operations in June 2019 the judges that undertook the relevant positions acknowledged the lack of experience, cultural knowledge and skills in handling cases, especially those involving families and unaccompanied minors. There is a great concern and uneasiness when dealing with minors; as quoted by a participant

“I should mention that as we are looking at the essence of the issues raised in Court, we need skills that will enable us to ask the right questions in a proper way, in order to give the child the opportunity to express itself, and be in a position to better assess its answers to decide on support and the status to be granted”.

The specific training needs identified during primary research are more or less the same as with the other two justice branches and are summarised as follows:

- ❖ Basic knowledge of child psychology, cognitive stage of the child
- ❖ Tips on child friendly communication to better elicit information (formation and formulation of questions)
- ❖ Children’s rights
- ❖ Intercultural training by cultural mediators

A manual providing practical tips and best practices accompanied by references to sites, short videos and other useful resources are considered a very useful tool by the participants. Experiential learning was recommended as the most effective method for them.

Training needs of trainers

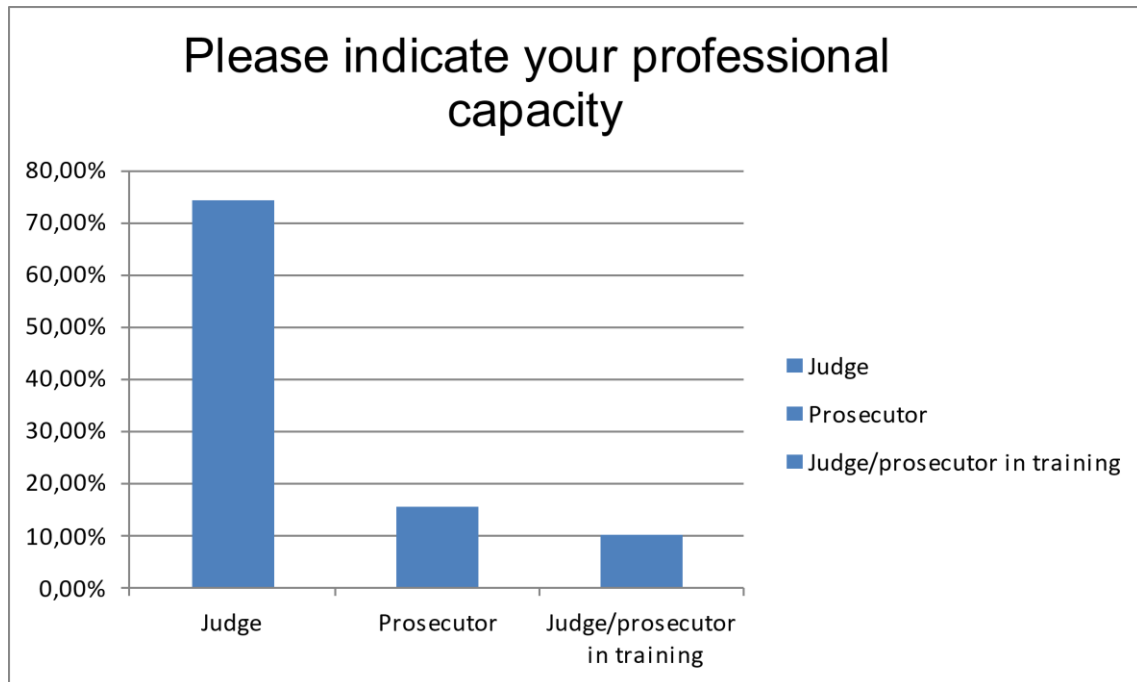
In Cyprus there are no judicial trainers, thus, there is no data available for this category.

The CHILD Front program will train trainers so that they can further promote and exploit the project’s outcomes in collaboration with the Cyprus Judicial Training School.

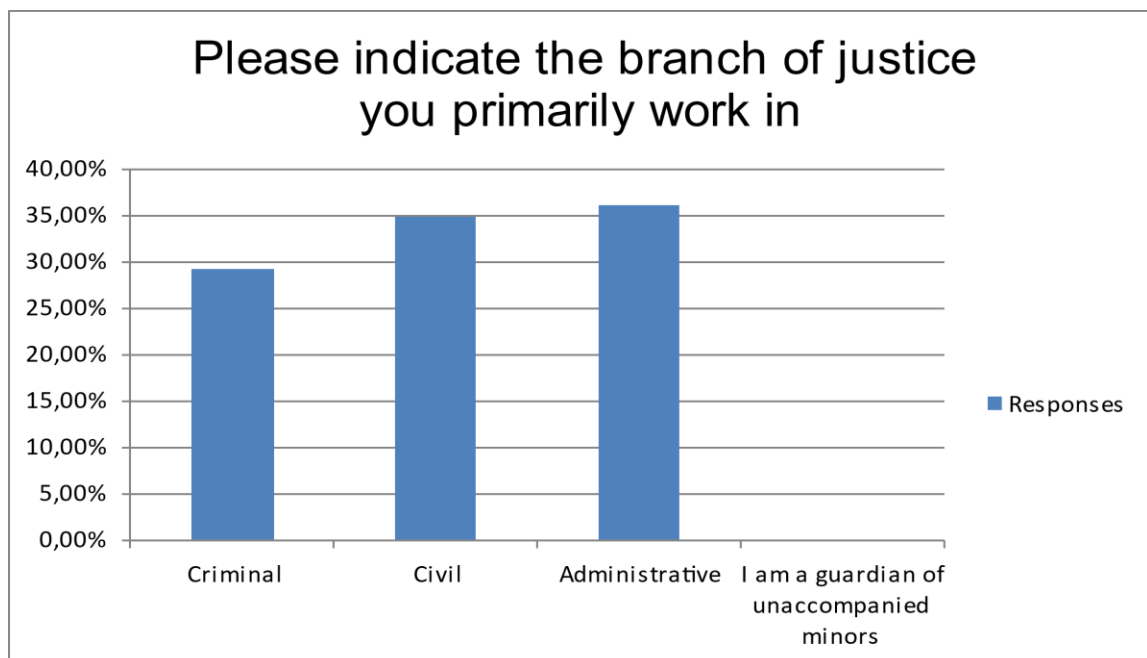
3.3 Online survey

The primary research concluded with the dissemination of an online survey to acting and trainee judges and prosecutors in Greece and Cyprus. The survey was common for both countries, and was distributed with the assistance of the two Judicial Schools supporting the action. We gathered a total of one hundred and sixty (160) responses from the two countries and from members of the judiciary across the three branches of justice.

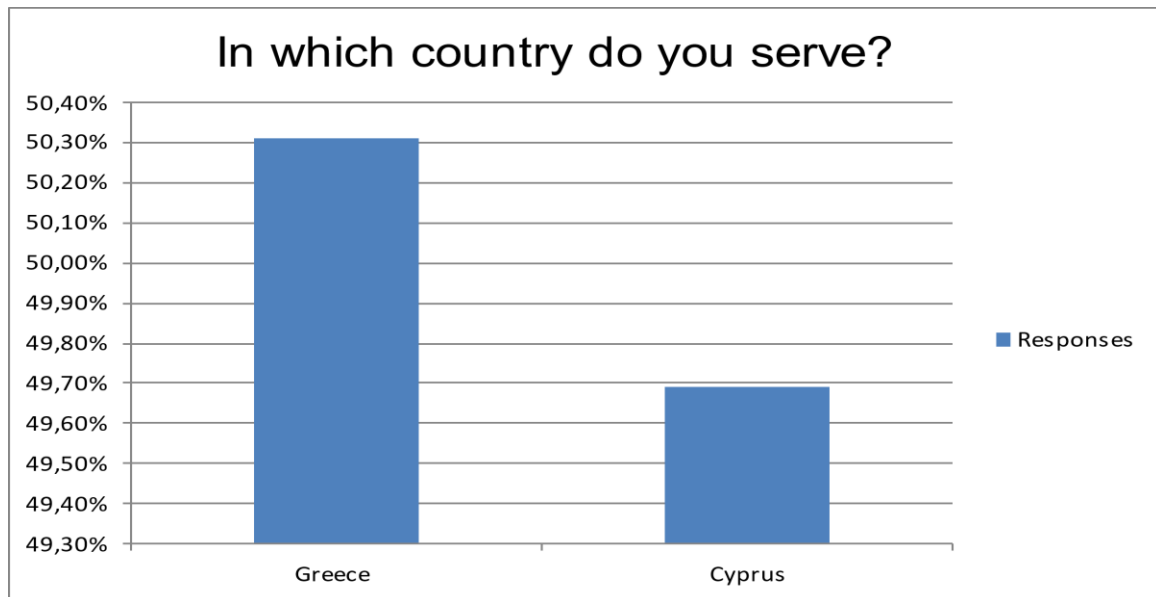
Below follows a quantitative analysis of the individual response to each question. The survey findings corroborate the findings of the above qualitative analysis.

Question 1


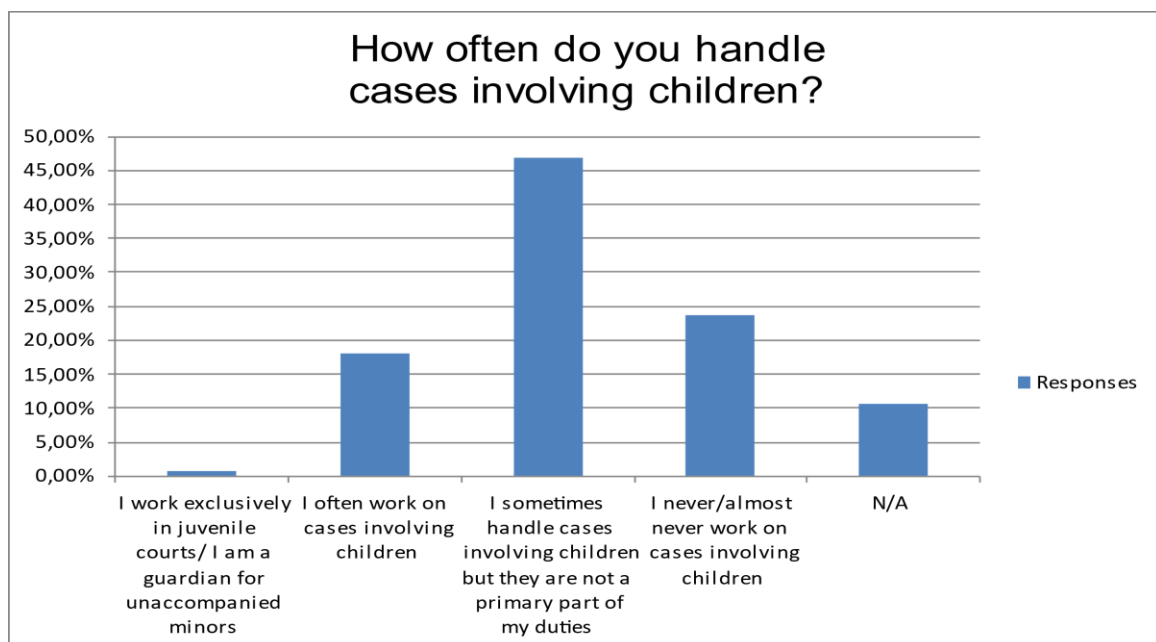
119 judges (74,38%), 25 prosecutors (15,63%), and 16 (10%) trainee judges and prosecutors participated in the survey.

Question 2


46 respondents (29,11%) serve in criminal justice, 55 respondents (34,81%) serve in civil justice, 57 respondents (36,08%) serve in administrative justice. As explained in the national context section, no guardians of unaccompanied minors participated in the survey.

Question 3


80 respondents (50,31%) serve in Greece, and 79 respondents (49,69%) serve in Cyprus. One respondent skipped this question.

Question 4


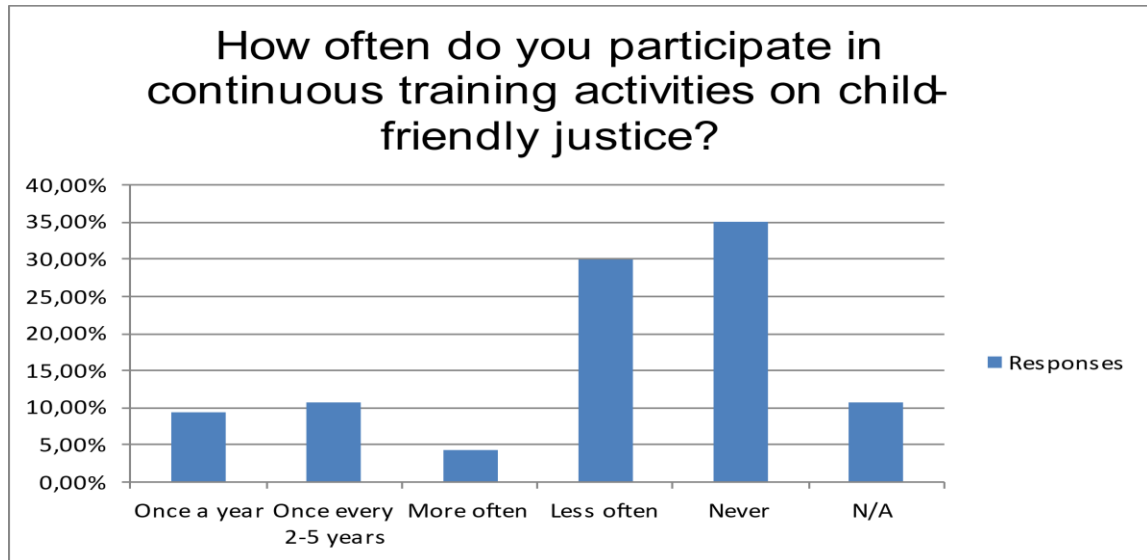
1 respondent (0,63%) reported working exclusively with children, 29 respondents (18,13%) reported that they often work in cases involving children, 75 respondents (46,88%) reported that they sometimes handle cases involving children but these are not a primary part of their duties, 38 respondents (23,75%) reported that they never or almost never work in cases involving children, and 17 respondents (0,63%) marked this question as not relevant to them, due to the fact that they are still in training.

Question 5

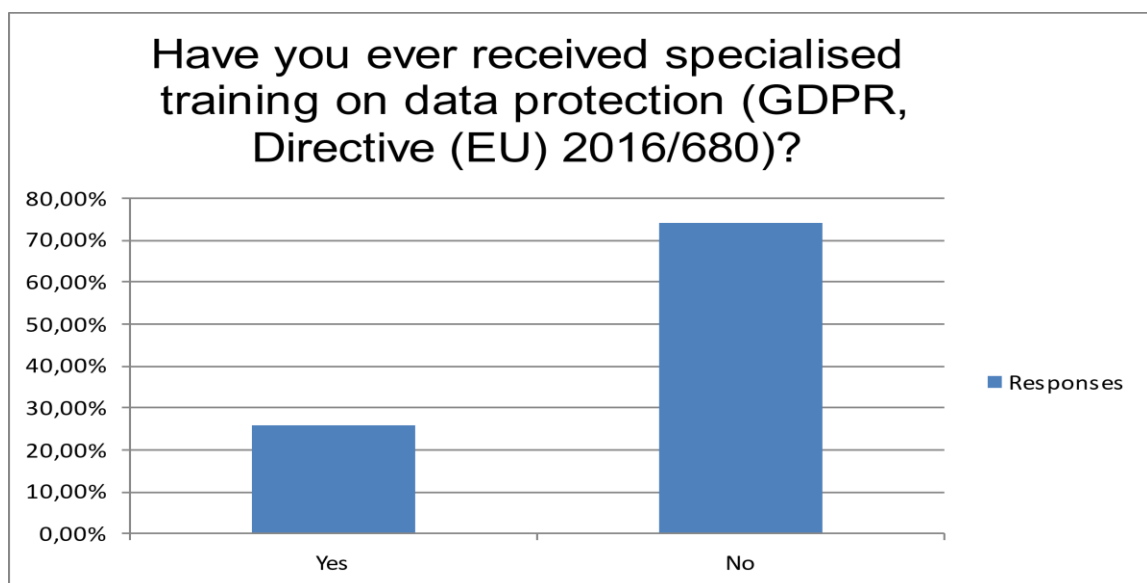

22 respondents (13,84%) reported that they have received some type of legal training on child-friendly justice, while 137 (86,16%) reported having received no training on this topic. One respondent skipped this question.

Question 6


11 respondents (6,92%) reported having received some interdisciplinary training on child psychology or child-friendly communication, while 148 respondents (93,08%) reported having received no such training at all. One respondent skipped this question.

Question 7


15 respondents (9,38%) reported that they participate in continuous training activities related to child-friendly justice at once a year, 17 respondents (10,63%) reported that they participate in such training activities once every 2-5 years, 7 respondents (4,38%) reported that they participate in such training activities more frequently than once a year, 48 respondents (30,00%) reported that they participate in such training activities less frequently than every 2-5 years, 56 respondents (35,00%) reported that they never participate in such training activities, and 17 respondents (10,63%) marked this question as not relevant to them, due to the fact that they are still receiving initial training.

Question 8


41 respondents (25,79%) reported having received training on personal data protection, while 118 respondents (74,21%) reported having received no such training.

4. CONCLUSIONS AND SUMMARY OF FINDINGS

Our research reveals that Greece and Cyprus face many common issues in relation to the administration of child-friendly justice.

The main conclusion resulting from the TNA is the undeniable need for interdisciplinary training. This finding is confirmed by both the desk and, most importantly the primary research, and is the training need identified most emphatically by the target groups themselves. Indeed, there was a consensus among both the interviewees and the participants in the focus group discussions as regards the absence of such training, confirmed also by the responses to the online survey. Specifically, our research indicates that despite the effort and willingness of judges and prosecutors, especially those of the civil and criminal branches of justice who come into contact with children more frequently, to seek out resources which would help them approach the children before them and communicate with them in an appropriate manner, the lack of systematic training leaves them feeling underprepared to cope with complex situations which may arise during the exercise of their duties. Some of the quotes derived from our discussions with the research participants are indicative of the stress caused by this uncertainty, not only to the children involved in the proceedings but to the judges and prosecutors as well:

“... I feel lucky that I didn’t have to deal with ‘difficult behaviours’ (distress, intense emotional conditions) as I feel incompetent to handle this kind of situation, I have no training, no experience and no knowledge to deal with these issues.... What stresses me more, though, is that I know that sooner or later I will face such reactions...” (Criminal Justice, I05)

“... I am conducting personal interviews with children whose parents are getting a divorce.... I had a child crying about their parents’ divorce, no support from a professional, no training, and no experience in dealing with this kind of reaction... Is up to me and my common sense how am I going to handle this situation and manage the emotional condition of the child...” (Civil/Family Law, I03)

“... there is a great concern by most of my colleagues how do we approach a minor... We need training to properly ask questions that will give the opportunity to the minor to express itself in order to enable us to assess the information and conditions, and decide on the status to be provided to him/her...” (Administrative/International Protection Law, I02).

Relevant to the above is the emphasis placed by participants in the research on the difficulties they face concerning cross-sectoral and cross-professional cooperation, as well as the infrastructure and child-friendly spaces available to them. A significant need, raised multiple times during our discussions, was the desire of the target groups to have

specialised professionals appointed within the juvenile and family courts, in order for them to be able to have recourse to their services and expert advice in urgent or particularly complex situations. It is important to underline that many of the issues concerning child-friendly justice in the two target countries lie beyond the control of the judiciary and demand policy interventions. Nevertheless, as demonstrated by the practices and initiatives undertaken in some cases, judges and prosecutors can, and indeed do, find solutions within the existing framework. Sharing and disseminating these solutions as part of the training curriculum is likely to prove highly relevant and beneficial.

In our research, we also noted a distinct need to provide training on diversity and inclusion, as well as on personal data protection. Training on diversity is largely missing and the target groups seem to misunderstand to some extent its purpose and added value. Practical guidance on the treatment of children from diverse backgrounds could be a useful addition to the training curriculum. As regards personal data protection, despite the emphasis placed on this topic following the adoption of the GDPR, our research indicates that most senior judges and prosecutors have not received any dedicated training on it and lack awareness on the specific obligations it entails for them, in particular in light of the ongoing efforts to digitise court files.

In designing the present research and drafting this TNA Report, our primary consideration was to allow the target groups to express their views and assess their own needs on the type of training they would like to receive in the context of the CHILD-front project. To summarise our conclusions, we list below a series of requests and suggestions made by judges and prosecutors in Greece and Cyprus, in relation to the training structure and content they would favour:

1. All participants mentioned interdisciplinary training on elements of child psychology and child-friendly communication as their number one need and expressed a strong desire to participate in such training. They mentioned multiple times that they lack the specialised knowledge to approach children effectively and that the existing framework leaves them feeling unsupported in this regard.

2. By contrast, most felt that they are adequately equipped in terms of the applicable legal standards and that, in any case, they have the capacity to read up on those on their own accord, in the context of specific cases they are called to adjudicate. Although they are not opposed to receiving legal training, they feel that this should not be the main focus of the training organised in the context of the CHILD-front project. However, they also mentioned that initial training could include some theoretical background and principles on how to approach cases involving children (especially through case law).

3. All participants were favourable toward being trained together with their peers from different Member States. They mentioned that they welcome the exchange of knowledge, experience, and good practice that comes with transnational training – if relevant to their national context. In addition, they mentioned that a lot of cases nowadays present transnational elements, especially in civil law, so training with colleagues from other Member States has the additional value of promoting judicial cooperation in these matters.

4. All participants felt strongly about focusing on practical, interactive, experiential training, and opposed overly theoretical approaches. One interviewee specifically mentioned that the persons delivering the training should be experienced practitioners who can speak from their own experience and give practical guidance on how to deal with various situations involving children, instead of academics/theoreticians.

5. In terms of the training material, participants strongly expressed their desire for clear, practical, step-by-step guidance on how to approach children of different ages and levels of maturity involved in different types of proceedings. Some mentioned that they would like to see training material in the form of clear guidelines and protocols they could use to approach children, including concrete questions and answers they can use directly in the exercise of their duties (yes and no questions, follow up questions, etc.).

ANNEX - Interview and focus group guides

Child friendly justice in the Greek and Cypriot courts – CHILD front 101046589 — CHILD front — JUST-2021-JTRA **Interview guide and questionnaire**

Description of activity

Objective: Interviews conducted in Greece (12 interviews) and Cyprus (8 interviews) aim to provide insights on the training needs of judges, prosecutors, and trainers and provide qualitative data which will complement the desk research. They are a crucial step in the development of the project's training methodology.

We aim on gathering information on:

- ❖ The type (initial/continuous, national/cross-border etc.), frequency and quality of trainings provided on child-friendly justice;
- ❖ The participants' perceptions on potential gaps in their training on the topics at hand;
- ❖ The participants' assessment of their training needs;
- ❖ Gaps and needs in existing processes, mechanisms and safeguards;
- ❖ Current level of knowledge on child-friendly justice standards;
- ❖ Current level of knowledge on data protection standards as applied to children in judicial proceedings;
- ❖ Current level of knowledge on child psychology and child-friendly communication.

Target group: Judges, prosecutors/potentially also trainers (20 in total).

Time frame: Interviews should be concluded by end of May 2022.

Keep in mind the definition of child-friendly justice!

"Children come into contact with the justice system in many different ways. This can be for family matters such as divorce or adoption, in administrative justice for nationality or immigration issues or in criminal justice as victims, witnesses or perpetrators of crimes. When faced with the justice system, children are thrown into an intimidating adult world which they cannot understand. Adapting justice to their needs is therefore necessary. Child-friendly justice is justice that is: accessible; age appropriate; speedy; diligent; adapted to and focused on the needs of the child; respecting the right to due process; respecting the right to participate in and to understand the proceedings; respecting the right to private and family life; respecting the right to integrity and dignity".

Interview Questionnaire

Interviewee code: I01, I02, I03, etc.

Interviewer: [name, surname, capacity, organisation]

Interview date:

Location:

The interviewee has been informed about the purposes of the research and the processing of their personal data, and has provided consent to participate

The interviewee withdrew their consent during the interview

Introductory questions

Professional capacity	
Branch of justice	
Years of experience	
How frequently do you deal with children (i.e., persons under the age of 18) in the exercise of your duties?	<i>Indicative number of cases involving children/year</i>

Training received/provided

Have you received training on child-friendly justice standards during your time as a student in the judicial school? How about ever since?	
Was your training based on Greek/Cypriot law or did it also include European (EU/ECHR) standards, included specialised legal instruments on the rights of the child (Convention on the rights of the child, etc.)?	
Have you been trained on non-legal skills related to child psychology and child-friendly communication?	
As instructors/trainers, what type of training do you provide to judges and prosecutors (initial or continuous)? I.e., training on national standards/EU/ECHR standards? Does your school invite non-legal experts to provide training on child psychology and child-friendly communication?	<i>If applicable</i>
Have you received specialised diversity and inclusion training (i.e., training on how to approach children	

from different cultural backgrounds/race/religion/legal status, etc.)?	
As instructors/trainers have you received any training on current judicial training methodologies? How often do you participate in such trainings?	<i>If applicable</i>
What kind of training would you like to receive/provide in the future (legal/interdisciplinary, etc.)? Would you like to be trained together with your peers from other EU countries (e.g., from GR/CY)?	
Have you received any specialised training on data protection (especially the GDPR and Directive (EU) 2016/680 on the processing of personal data for the prevention, investigation, detection or prosecution of criminal offences)? Did your training address the needs of children specifically?	

Mechanisms and safeguards applied nationally

In your particular branch of justice (please specify), who represents the child before you – the parent/guardian, a lawyer, other?	
At which stage in the proceedings is a lawyer involved? Is legal aid available, including for children who are victims of crime/unaccompanied minors? Who may request it (you as the judge/prosecutor handling the case/the police/the guardian/the child themselves)?	
Is the child directly informed about the process/steps/potential outcomes of the proceedings? In what manner (written, verbal)?	
Is the child heard? What impact does their opinion have in the cases involving them?	

<p>Is the child allowed to be accompanied by their parent/guardian?</p>	
<p>Are there any other specialists present during the different stages in the proceedings (e.g., psychologists, social workers, mediators)? At which stage in the proceedings are they usually involved?</p>	
<p>Is the principle of the “child’s best interest” given primary consideration? How do you assess what the child’s best is in any given case?</p>	
<p>Does an interdisciplinary assessment of the child’s needs take place during the proceedings? At which stage?</p>	
<p>Is the child’s interview with you recorded via technical means?</p>	
<p>How quickly would you say cases involving children are adjudicated in your country? How many months/years does it take for you to close a case, on average?</p>	
<p>Are there any special safeguards/tools in place to ensure all children are protected equally, regardless of sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status?</p>	
<p>Do you have adequate interpretation/translation services available to you, if necessary to communicate with children? Are they readily available in all stages of the proceedings/in different languages, including less commonly spoken? How would you assess their quality?</p>	

What standards and technical measures do you apply in relation to the protection of children’s data?	
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Child psychology and child-friendly communication

What mechanisms and tools (protocols, checklists, etc.) do you have at your disposal to facilitate communication with children? Do you receive assistance from specialised professionals?	
How would you evaluate the environment within which the proceedings involving children take place in terms of its child-friendliness? Are the children’s physical needs taken care of (e.g., food, water, breaks when needed)?	
How do you establish rapport/relationship with the child? How do you handle times of distress, lack of concentration and stressful situations? Do you receive assistance from specialised professionals?	
How do you make sure children have adequately understood the information you provided to them in relation to the proceedings involving them (e.g., simple language, follow up questions, etc.)?	

Concluding questions

Is there anything else you would like to add that was not covered in our discussion? Would you like to note anything in particular about the type of training on child-friendly justice which you would like to receive?	
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Probes

The probe is simply a question or statement which encourages the interviewee to add to or elaborate on something which was said. Here are some examples of probes.

- Could you elaborate?
- Could you give an example?



- Could you explain this a little bit further?
- Would you like to add anything else?

Child friendly justice in the Greek and Cypriot courts – CHILD front
101046589 — CHILD front — JUST-2021-JTRA

Focus Groups – Guide

Description of activity

Objective: Focus groups conducted in Greece (2 focus groups) and Cyprus (1 focus group) aim to provide insights on the training needs of judges, prosecutors, and trainers and provide qualitative data which will complement the desk research. They are a crucial step in the development of the project’s training methodology.

We aim on gathering information on:

- ❖ The types, quality and frequency of training (initial and continuous) on child-friendly justice provided in the two target Member States;
- ❖ An assessment of the applicable national framework (law, policy and practice);
- ❖ An assessment of cross-sectoral cooperation and the introduction of interdisciplinary elements in the area of child-friendly justice;
- ❖ The target groups’ training needs, as assessed by experienced members/judicial trainers.

Target group: Senior judges and prosecutors, preferably with experience as judicial trainers (6/FG).

Time frame: The focus groups should be concluded by end of May 2022.

Practical guidance

Securing participation

- ❖ Mobilise your network/members of your organisation.
- ❖ Engage collaborating institutions.
- ❖ Directly address training providers in your country.

Key message: participants will have the opportunity to contribute to the creation of training methodologies, curricula and material up-to-date and tailored to their needs.

Selecting a facilitator

The facilitator should be a member of the target group, i.e., a senior judge or prosecutor, or a trainer.

You should also ensure that the facilitator has the appropriate administrative support by a notetaker and a technician recording the discussion (see: focus groups – general information).

Minutes

Partners must keep detailed minutes of the focus group discussions and forward them to the coordinator by **the end of May 2022**. If possible (if participants do not object), the focus groups should be recorded – for internal use only.

Guide

This guide is intended to provide guidance on the structure and topics which should be covered during the focus group discussion. Questions are open ended to allow for the free exchange of opinions and experiences.

Model introduction

Good morning/afternoon and welcome. Thank you for taking the time to join this discussion on the training needs of judges, prosecutors and trainers in [Greece/Cyprus]. My name is [...], I am a [capacity, institution], and assisting me is [name(s) of assistant(s)]. The purpose of today's discussion is for you to share your experiences and knowledge on child-friendly justice mechanisms, policies and standards applied in your daily duties, when working with minors. You were invited here because of your experience as judges/prosecutors/trainers who work with children or provide training on issues related to child-friendly justice.

Children come into contact with the justice system in many different ways. This can be for family matters such as divorce or adoption, in administrative justice for nationality or immigration issues or in criminal justice as victims, witnesses or perpetrators of crimes. When faced with the justice system, children are thrown into an intimidating adult world which they cannot understand. Adapting justice to their needs is therefore necessary. Child-friendly justice is justice that is: accessible; age appropriate; speedy; diligent; adapted to and focused on the needs of the child; respecting the right to due process; respecting the right to participate in and to understand the proceedings; respecting the right to private and family life; respecting the right to integrity and dignity.

We are interested to hear your perspective on existing mechanisms, policies and standards related to children and their treatment in different judicial proceedings. There are no wrong answers but rather differing points of view. Please, feel free to share your own perspective even if it differs from what others have said. Keep in mind that we're just as interested in negative comments as in positive comments, and at times the negative comments are the most helpful. If you want to follow up on something that someone has said, agree, disagree, or give an example, feel free to do so. Do not feel like you have to respond to me all the time, instead, you may have a conversation with one another. I am here to guide the discussion and make sure everyone has a chance to share. We want to hear from all of you, so, if you are talking a lot, I may ask you to give others a chance and if you are not saying much, I may call on you.

[...] and I will be taking notes to help us keep track of what is said. We are also tape recording the session because we do not want to miss any of your comments. However, rest assured that what you say here will remain completely confidential and no names will be included in any reports. If you object on being recorded, please let me know now. Before we start, I would also like to confirm that you have all received, read, and understood the participation and data protection information notices. If you have any questions on those, please let me know now.

To begin, let's find out some more about each other by going around the table. Tell us your name and a bit about your professional experience.

(Based on Krueger and Casey, 2000, Krueger 2002).

Model questions

1. Overall, in your experience, would you say that the topic of child-friendly justice is adequately covered in judicial training activities (either initial or continuous) in your country?
2. Do you find interdisciplinary training (i.e., training with the involvement of non-legal professionals, e.g., psychologists/psychiatrists) to be beneficial? Would you say that justice professionals in your country are adequately trained in non-legal skills related to child-friendly justice (e.g., basic knowledge of communication according to developmental stage, trauma informed approach, gender sensitive approach, cultural diversities, refugee status - unaccompanied minors)?
3. Overall, would you say that your national legal framework provides adequate safeguards for the protection of children involved in all types of judicial proceedings? Which areas do you find to be in need of improvement?
4. In the exercise of your duties, do you have adequate mechanisms/tools/infrastructure at your disposal to effectively safeguard the rights of children? Can you give concrete examples? What is missing?
5. How would you assess your overall cooperation with other competent actors (e.g., the police, health and social services, etc.) in matters involving children? Are there any steps you believe you can take to improve cross-sectoral cooperation?
6. Do you apply data protection protocols/technical measures to protect the privacy of children involved in judicial proceedings? Please give examples. Do you believe these are generally applied by your colleagues? What is your assessment of the training provided in your country on the EU data protection framework (availability, quality, frequency)?
7. Which of the following would you rank as most beneficial in order to improve outcomes of justice for children in your country:

- a) More/better quality training for judges/prosecutors, including on child psychology and child-friendly communication
 - b) More/better quality training for other justice professionals or other actors (e.g., lawyers, the police, etc.)
 - c) Improved policy/tools/infrastructure
 - d) Faster administration of justice
 - e) Improved cooperation mechanisms with other actors, including health and social services.
8. Where would you like to see a focus in future training activities in this area? Do you believe judges and prosecutors are in need of more initial or more continuous training on child-friendly justice?
 9. Is there anything else you'd like to add that was not covered in our discussion, especially as regards what you expect/need from a training on child-friendly justice?

Probes

The probe is simply a question or statement which encourages group members to add to or elaborate on something which was said. Here are some examples of probes.

- Could you elaborate?
- Could you give an example?
- Could you explain this a little bit further?
- Would you like to add anything else?