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Use and application of United Nations standards and norms in crime prevention and criminal justice

Implementation of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

Report of the Secretary-General

Summary

The purpose of the present report is to provide information on the implementation of Economic and Social Council resolution 2005/20, in which the Council adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, annexed to that resolution. The report is based on information received from Member States in response to a note verbale from the Secretary-General of September 2005, requesting them to report on legislation procedures, policies and practices relating to child victims and witnesses of crime, which they had put in place in accordance with that resolution.

The report provides a summary of measures taken by Member States in relation to the rights established in the Guidelines: the right to be treated with dignity and compassion; the right to be protected from discrimination; the right to be informed; the right to be heard and to express views and concerns; the right to effective assistance; the right to privacy; the right to be protected from hardship during the justice process; the right to safety; the right to reparation; and the right to special preventive measures. It also contains an overview of the activities undertaken by the United Nations Office on Drugs and Crime to assist countries in the use and application of the Guidelines, and recommendations that the Commission may wish to take into consideration in order to promote the wider use of the Guidelines.

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I. Introduction

1. In its resolution 2005/20, the Economic and Social Council adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, annexed to that resolution. In the resolution, the Council requested the Secretary-General to ensure the widest possible dissemination of the Guidelines among Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other international, regional and non-governmental organizations and institutions, and to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of the resolution.

2. The Guidelines are intended to provide a useful framework that could assist Member States in enhancing the protection of child victims and witnesses in the criminal justice system and in developing legislation, procedures, policies and practices relating to children who are victims of crime or witnesses in criminal proceedings. They are also intended to contribute to the implementation of the Convention on the Rights of the Child.¹ They set forth good practices based on consensus about contemporary knowledge and relevant international and regional norms, standards and principles.

3. In the same resolution, Member States that had already developed legislation, procedures, policies and practices regarding child victims and witnesses were called upon to make information available to other States, upon request and where appropriate, and to assist them in developing and implementing training or other activities in relation to the use of the Guidelines pursuant to the above-cited mandate. In September 2005, the Secretary-General sent a note verbale to Member States inviting them to provide information on measures they had put in place in accordance with resolution 2005/20; a reminder was sent in September 2006.

4. At the time of preparation of the present report, the following 27 countries had provided relevant information: Austria, Belarus, Burkina Faso, Chile, Croatia, Czech Republic, Estonia, Germany, Greece, Guatemala, Italy, Latvia, Lebanon, Lithuania, Morocco, Netherlands, Oman, Philippines, Poland, Portugal, Qatar, Slovakia, South Africa, Spain, Syrian Arab Republic, Tunisia and Turkey.

5. The report provides a general overview of the activities carried out by Member States in line with Economic and Social Council resolution 2005/20. It also provides a summary of measures taken by Member States in relation to the rights established in the Guidelines and an overview of the activities undertaken by the United Nations Office on Drugs and Crime to assist countries in the use and application of the Guidelines, as well as recommendations that the Commission may wish to take into consideration in order to further promote the wider use of the Guidelines.

II. Measures taken by Member States

6. Most respondent Member States reported that they had adopted strategies and policies related to child victims and witnesses of crime, in line with the Convention on the Rights of the Child and the Guidelines. Most countries reported that the

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

protection of the rights of children was enshrined in their Constitutions; some reported that they had ratified international conventions on this matter. Others had enacted legislation addressing child issues in line with the standards set out in relevant international conventions and in the Guidelines. Such legislation included special and comprehensive legal regimes for children (Latvia, Spain, Tunisia and Turkey) and specific laws regulating child issues, such as assistance during the judicial process, prevention of violence, assistance to victims and trafficking (Lebanon, Philippines and South Africa). Chile reported that it had enacted laws reforming the criminal procedure code for the protection of witnesses in general, which are also applicable to children, including some measures relating specifically to children.²

7. Some Member States reported that they had made amendments to their codes of criminal procedure in order to address child issues (Latvia, South Africa, Spain and Turkey). Burkina Faso stated that it was reviewing its code of criminal procedure to bring it in line with the requirements of the Guidelines. Some Member States reported that they had established special agencies to deal with child issues (Latvia, South Africa and Turkey), and some had established special courts with competence in child matters (Chile and South Africa). While some countries reported that they had adopted new legislation, others had focused their replies on specific implementation measures, including the development of administrative regulations, the publication of handbooks, the establishment of plans and programmes of action, the establishment of special agencies run by specialized personnel and the creation of special courts.

1. The right to be treated with dignity and compassion

8. “Child victims and witnesses should be treated in a caring and sensitive manner” (Guidelines, para. 10). A number of countries reported that the right to be treated with dignity and compassion is a general principle of their legal systems (Austria, Chile, Guatemala, Latvia, Lebanon, Lithuania, Morocco, Oman, Philippines, South Africa and Turkey). South Africa reported that it had adopted a uniform protocol for the management of victims, survivors and witnesses of domestic violence and sexual offences. That document is an outcome of the collective work of the Government and non-governmental organizations, aimed at establishing new standards, ethics and good practices in order to ensure a high level of service delivery as well as the restoration of dignity, self-respect, integrity and safety to those affected. Other countries reported that they had established measures requiring interviews and examinations of child victims and witnesses to be conducted by trained personnel in a suitable environment (Belarus, Chile, Czech Republic, Estonia, Italy, Latvia, Lebanon, Philippines, Poland, Tunisia and Turkey).

2. The right to be protected from discrimination

9. “Child victims and witnesses should have access to a justice process that protects them from discrimination” (Guidelines, para. 15). Most States reported that the general prohibition of discrimination was established in their legal systems as a basic right for all persons. The Philippines stated that it had adopted special laws

² For the full texts of the relevant laws see http://www.bcn.cl/carpeta_temas/temas_portada.2005-10-27.3154682349.

prohibiting discrimination against children; other countries had included the prohibition of discrimination against children in existing laws (Latvia, Spain, Tunisia and Turkey). Guatemala reported that examinations of child witnesses were conducted by officers of the same gender as the witness. Poland reported that child victims and witnesses enjoyed the same access to the legal system as other victims and witnesses.

3. The right to be informed

10. “Child victims and witnesses ... should be promptly and adequately informed” (Guidelines, para. 19). Most countries reported that they guaranteed the right to be informed, but that they had adopted different implementation strategies. Some countries reported that they had established specific rules to ensure the right of child witnesses to be informed. A number of countries reported that the right to be informed was included in the general laws for the protection of children (Guatemala, Poland, Spain and Turkey), while others had included the right to be informed in their general procedure codes (Austria, Belarus, Czech Republic and Germany).

11. Chile reported that it had reformed the criminal procedure code, which is applicable to children by enacting laws that included the right to be informed. Lithuania reported that judges, prosecutors and police officers were required to explain to the participants in the justice process their procedural rights and duties and how they could exercise them. The information given to child victims and witnesses and their parents covered matters such as the right to free legal assistance and the possibility of receiving compensation.

12. Poland and Tunisia reported that children and their legal guardians were duly informed about all matters related to the judicial process and of the rights and duties of the parties involved, including witnesses and victims. The information covered such subjects as how examinations would be conducted, the availability of medical, social and legal assistance and the possibility of obtaining restitution from the perpetrator or compensation from the State.

4. The right to be heard and to express views and concerns

13. “Professionals should make every effort to enable child victims and witnesses to express their views” (Guidelines, para. 21). Several countries reported that the right to be heard and to express views and concerns was included in their laws for the protection of children (Chile, Croatia, Czech Republic, Guatemala, Lithuania, Poland, Spain and Tunisia). Chile reported that it had included the right to be heard and to express views and concerns in its reformed criminal procedure code and in other special laws. In particular, Chile stated that the prosecutor was required to ensure that the minor was capable and mature enough to depose, and that otherwise the minor could be excused. The interview had to take into consideration the age of the witness, and child witnesses had the right to be examined in closed hearings. Chile also reported that children had to act through their representatives, without prejudice to their right to be heard directly; adolescents, on the other hand, could act by themselves, except in cases where the accused was a parent of the adolescent.

14. Italy reported that its Code of Criminal Procedure established procedural exceptions for witnesses younger than 14 years, e.g., exemption from taking an

oath. Lithuania reported that juvenile witnesses were allowed to give testimony in their native language and to review the record of the testimony. At the request of the witness, audio or video recordings of the testimony could be made. Oman reported that its Code of Criminal Procedure contained provisions on children and their right to express their opinions in the judicial process, and that court officials could adapt their language in order to be able to communicate with children. Oman also reported that a draft law, soon to be enacted, would establish a department of juvenile judicial affairs to deal with the participation of children in the justice process.

15. South Africa reported that it was working to ensure that the blueprint for a model court included a separate waiting room for children, a separate child-witness room and a separate court-preparation room. It further reported that all rights set out in the Guidelines were addressed by the Court Preparation Programme,³ through which children, witnesses and victims of crime were prepared for court appearances by trained court preparation officers; more than 80,000 child witnesses had been prepared through the programme.

5. The right to effective assistance

16. “Child victims and witnesses ... should have access to assistance ... and support services” (Guidelines, para. 22). Some countries reported that the right to effective assistance for victims was embodied in their general criminal codes or in other general laws that were applicable to children (Austria, Germany and Tunisia), while others stated that that right was included in laws for the protection of children (Chile, Estonia, Guatemala, Italy, Lebanon, Lithuania, Morocco, Oman, Philippines, Poland, Spain and Turkey). Several countries provided detailed information on some of the special measures taken to ensure that child victims and witnesses of crime received effective assistance. Chile reported that its law establishing family courts introduced the principle of the “best interests of the child” and that for cases involving children, an *ad litem* guardian was appointed to look out for the best interests of the child.

17. In Guatemala it was expected that the Courts for Children and Adolescents, the Office for Attention to Victims, other governmental agencies and non-governmental organizations provided assistance and shelter to minors at risk. Lebanon reported that social workers played an important role in judicial cases involving children by assessing psychological and social risks, explaining judicial measures to children and their families, taking children to hearings, making submissions to juvenile judges concerning children’s interests, submitting regular social reports to juvenile judges, including follow-up reports, assessing children’s situations, assisting children at every stage of judicial proceedings and mobilizing families to find appropriate solutions to children’s problems.

18. Morocco reported that the Framework Penal Code permitted judges to order special care for victims under the age of 18. Prosecutors could refer cases to a juvenile judge or juvenile counsel to safeguard the best interests of the child. South Africa reported that the country had established a Sexual Offences and Community Affairs Unit, the core function of which was the development and implementation of plans and strategies related to the prevention and prosecution of sexual offences,

³ For an account of how the programme works in practice, see http://africastories.usaid.gov/search_details.cfm?storyID=259&countryID=24§orID=0&yearID=4.

domestic violence, child justice and maintenance matters. The Unit provided victims with support services, and it had developed a uniform protocol on victim management. In addition, the country had special courts for sexual offences and special centres for the assistance of victims of rape.

19. The Philippines reported that the Rules and Regulations on Reporting and Investigation of Child Abuse embodied the principles of confidentiality, speedy trial in cases of child abuse, protection of privacy, and social and psychological assistance for the child. The country further reported that Republic Act No. 7610, on special protection for children against abuse, exploitation and discrimination, provided that a child victim could be placed under the protective custody of the Department of Social Welfare and Development, if necessary.⁴ Tunisia had introduced the right to legal aid for the parties to a justice process, through Law No. 2002-52 of 3 June 2002.

6. The right to privacy

20. “Child victims and witnesses should have their privacy protected as a matter of primary importance” (Guidelines, para. 26). A number of countries reported that they had special regulations in place to ensure the right to privacy (Austria, Chile, Germany, Oman, Philippines, Poland, South Africa, Spain, Tunisia and Turkey). Where necessary, some countries used in camera proceedings to protect the privacy and identity of children (Germany, Guatemala, Italy, Morocco, Oman, Poland, South Africa and Spain). Austria reported that in cases of suspicions of threats to the security of a victim or witness, the investigating judge could order that the identity of the victim or witness not be disclosed.

21. Chile stated that the law against sexual offences established special norms related to the protection of witnesses, such as the protection of privacy and identity. In Italy, it was reported that criminal law protected the privacy of the child; the publication of pictures or the identity of minors involved in a legal process was prohibited. In addition, the Italian code of conduct for professional journalists for the protection of personal data prohibited the publication of the identity of a child. Tunisia reported that the code for the protection of the child protected the identity of children involved in the justice process (as victims, witnesses or perpetrators).

22. Lebanon reported that its legislation required the court to hear the juvenile alone and to exempt him or her from attending court sessions in person if it considered that his or her interests so required. The law imposed a duty of confidentiality with respect to investigation proceedings, court sessions and the entire content of the case file in order to protect the identity of the child and the family. Lithuania stated that in the pretrial stage, the publication of personal data about child victims was prohibited; the prosecutor was required to inform the parties to the process about the prohibition against the publication of personal data. Although that provision did not cover child witnesses, the Ministry of the Interior had issued a recommendation that personal data about child witnesses not be made public.

23. In Portugal, it was reported that a witness’s image and voice could be distorted to avoid identification, if necessary. South Africa reported that it had special courts

⁴ For the full texts of the relevant laws see <http://www.chanrobles.com/republicactno7610.html>.

for sexual offences specially equipped to prevent witnesses and victims from coming into contact with the accused. The courts were designed to provide a victim-friendly environment and included separate waiting rooms for children and adults, private consultation areas, closed-circuit television and/or one-way mirrors. In the Philippines, a guideline for media practitioners on reporting and coverage of cases involving children had been issued, ensuring the right to privacy and confidentiality.

7. The right to be protected from hardship during the justice process

24. “Professionals should take measures to prevent hardship ... in order to ensure that the best interests and dignity of child victims and witnesses are respected” (Guidelines, para. 29). Most countries reported having enacted special rules to ensure the right to be protected from hardship during the justice process. Many provided special assistance for children during psychological, social, medical and/or legal assistance interviews (Austria, Belarus, Chile, Croatia, Estonia, Germany, Italy, Lebanon, Lithuania, Morocco, Philippines and Poland). In some countries, judges and prosecutors were required to give priority to cases involving children (Germany, Lithuania, Philippines and South Africa); others required that there be only a single interview, if possible (Chile, Germany, Guatemala, Lithuania, Poland and Turkey).

25. Some States reported permitting video or audio recording of interviews (Austria, Chile, Germany, Lithuania, Tunisia⁵ and Turkey). Portugal reported that telephone conferences could be used if needed. A number of countries had established special courtrooms for interviewing children (Chile, Czech Republic, Estonia, Germany, Guatemala, Italy, Lithuania and Poland). Some countries granted the judge the possibility of interviewing children without the presence of the accused (Austria, Belarus, Croatia, Estonia, Germany, Lebanon and Tunisia);⁵ some established measures to prevent contact between a child victim or witness and the accused (Chile, Estonia, South Africa and Spain).

26. Croatia and Estonia reported that cross-examination of children was prohibited. In addition, in Croatia and Poland, children were exempted from the duty to testify. Other countries reported that they had adopted sensitive interview methods for children (Croatia, Poland, Philippines and Qatar). In Austria, the criminal procedure code required courtroom testimony to be recorded on video. The investigating judge could also hear the testimony of a witness without the presence of the prosecutor and the defence lawyer. Under those circumstances, the prosecutor and the defence lawyer would be permitted to view and hear the testimony through audio-visual aids and ask questions by the same means. Victims of sexual crimes under the age of 14 were always interviewed in that manner. Belarus reported that the law permitted hearings to be conducted in the absence of the accused at the request of a child victim or witness or a legal guardian, or on the initiative of the court.

27. Chile reported that in cases involving children, an ad litem guardian was nominated to take special care of the interests of the child. In addition, in order to prevent secondary victimization during the judicial process, the Public Ministry advocated the application of special measures it had established for cases involving

⁵ In trials dealing with cases of terrorism, Law No. 75-2003 of 10 December 2003 is applicable to all victims and witnesses, not only to those who are children.

children, including special waiting rooms, prevention of contact with the accused, reduction of the number of court appearances by the child, the possibility of recording the examination, the provision of psychological assistance and the preparation of children for the trial.

28. Croatia stated that its legislation exempted children under the age of 14 from testifying if, because of their age or degree of mental maturity, they were not capable of understanding the significance of giving testimony. The public was excluded from the courtroom during the testimony of a child under the age of 14. Further, children were not subject to cross-examination, and pretrial interviews of children were conducted in a special manner in the presence of specialists, in order to prevent secondary victimization. Estonia reported that victims and witnesses under the age of 14 were not subject to cross-examination; the examination of a victim or witness under the age of 14 was permissible only in the presence of a protection official, social worker or psychologist. Child-friendly interviewing rooms were also available. In cases involving victims or witnesses under the age of 14, the court could also decide to hold hearings behind closed doors.

29. In Germany, during the investigation phase, audio and video recordings were made of the testimony of victims and witnesses under the age of 16. If certain conditions were met, recorded testimony could be used during the trial phase, especially in cases involving sexual crimes, maltreatment or crimes against personal freedom. In cases where there was a risk of exposure of a witness, the presiding judge was required to safeguard the security and privacy of the witnesses. Multiple examinations involving children were to be avoided. While some districts had special interview rooms for children, others developed manuals for handling cases involving victims and witnesses. Many districts had formed working groups composed of representatives of the judicial system, police, youth and social authorities.

30. In Italy and Turkey, the law had established procedural exceptions (e.g., to the requirement of taking an oath or making an affirmation) for witnesses younger than 14 years of age. During the examination of child witnesses, the law provided for the setting up of special rooms for interviews (equipped with one-way mirrors and microphones), the presence of relatives and the provision of psychological assistance. Lithuania reported that it protected child victims and witnesses from hardship through recorded pretrial interviews by a judge, which were usually limited to one session. A representative of a child victim or witness or a psychologist was allowed to attend the interview.

31. Poland stated that its system required child victims and witnesses to be treated with sensitivity during interviews. Unnecessary and repeated interviews were not allowed. Children under the age of 15 could not be compelled to testify. To minimize the psychological impact of the investigation, specially trained prosecutors were assigned to cases involving child victims and witnesses in some district offices. Children were interviewed by prosecutors in the presence of a psychologist and/or their parents, unless parents were suspects, and young children were interviewed in special facilities. Qatar reported that its criminal procedural act required the prosecutor to avoid putting any fact or statement to a witness that could confuse or frighten him or her.

32. South Africa reported having established victim assistance programmes involving the preparation of victims for court in accordance with standardized practices. It also reported that it was working to ensure that the blueprint for a model court included a separate waiting room for children, a separate child witness room and a separate court preparation room. In addition, South Africa had issued a manual setting out standards for prosecutors in cases involving children. According to the manual, prosecutors were required to take into account the safety of witnesses, to consider the use of in camera proceedings and to take measures for the protection of the identity of the child, and for the protection of the interests of the victim in cases of sexual offences. The manual also provided that cases of assault involving victims under the age of 16 years must be tried in regional courts, which had greater sentencing jurisdiction than district courts. When possible, rape cases involving children were tried in the High Court as the court of first instance.

33. The Philippines reported that its legal system allowed special methods for interviewing children, including special hearings and live television links to witnesses or victims, thereby safeguarding the protection of privacy and confidentiality. The laws and regulations in Turkey established measures concerning hearings involving child witnesses, such as excusing witnesses under 15 years of age from taking an oath. The law also permitted the video recording of depositions of child victims in order to minimize the trauma associated with physical presence in the courtroom.

8. The right to safety

34. “Where the safety of a child victim or witness may be at risk, appropriate measures should be taken” (Guidelines, para. 32). A number of States had taken measures to implement the right to safety (Austria, Estonia, Germany, Guatemala, Italy, Lithuania, Morocco, Oman, Poland, Spain and Tunisia). Austria reported that, without prejudice to the principle of a fair trial, when a threat to the safety of a victim or witness was suspected, an investigating judge could order a ban on the disclosure of the identity of a victim or witness. Germany reported that, depending on the degree of the risk, victims and witnesses were allowed to give limited information on their place of residence and identity.

35. Lithuania stated that to protect child victims or witnesses from intimidation by defendants, the interview took place outside court proceedings. Defendants could also be placed under house arrest to prevent any contact with victims. In cases related to serious crimes, the victim or witness could apply for anonymity. In order to ensure a safe environment for the child, his or her representatives were invited to participate in the process, as well as representatives from child protection institutions and psychologists. Lithuania planned to introduce special interviewing facilities, based on the availability of funds. At the time it submitted its response, it had only one such facility.

36. Guatemala reported that it had launched a programme for the protection of witnesses. South Africa reported that it had established an Office for Witness Protection, through legislation⁶ to provide support services, including protection to any vulnerable or intimidated witness in any judicial proceedings. The legislation had specific provisions for the protection of children. Tunisia reported that when the

⁶ Witness Protection Act, 1998, available at <http://www.info.gov.za/gazette/acts/1998/a112-98.pdf>.

safety and security of a child victim or witness was under threat, article 4 of the Code for the Protection of the Child empowered competent authorities to take appropriate measures to ensure such protection during all phases of the justice process, with due regard to the best interests of the child. Such measures included the prevention of contact between a child victim or witness and presumed perpetrators of the crime, as well as the placement of a child in a safe location.

37. Most countries reported that they allowed the examination of child witnesses without the presence of the accused, avoided unnecessary contacts between child witnesses or victims with the alleged perpetrator and/or allowed in camera proceedings.

9. The right to reparation

38. “Child victims should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery” (Guidelines, para. 35). A number of countries reported that their legal systems provided for the right to reparation (Austria, Chile, Estonia, Germany, Lithuania, Oman, Poland and Tunisia). In some countries, reparation for damages could be obtained from the offender (Austria, Chile, Germany, Lithuania, Poland and Tunisia). Poland reported that reparation could also be obtained from the State’s compensation programmes. Only a few countries reported having reintegration and/or rehabilitation programmes for child victims and witnesses (Estonia, Guatemala, Oman and Philippines). The Philippines reported that its Inter-Agency Council against Trafficking in Persons dealt with the rescue, recovery and repatriation of victims and that the Council advocated the rehabilitation and reintegration of victims.

10. The right to special preventive measures and measures taken for the implementation of the Guidelines

39. “In addition to preventive measures ..., special strategies are required for child victims and witnesses” (Guidelines, para. 38). A number of countries reported that they had established preventive measures in line with the Guidelines (Chile, Germany, Guatemala, Morocco, Philippines, Qatar, South Africa and Tunisia). Chile reported that the Ministry of Justice had launched initiatives towards the implementation of the principles set out in the Guidelines, including coordination with other State agencies, sensitization campaigns, training and assistance to victims. Germany reported that its national law academy offered courses to train prosecutors and judges on subjects such as victim protection, management of judicial cases related to sexual violence involving adolescents, management of cases related to domestic violence, offender-victim relationships in criminal proceedings and protection of victims during proceedings.

40. Guatemala reported that the Government had participated in and organized various national and international forums and congresses on the right to special preventive measures. The Office for Attention to Victims had organized conferences to discuss the improvement of the Integral Law for Children and Adolescents and to promote a project for juvenile justice. The country also reported that personnel from the Office had participated in training courses. Morocco reported that the Government was training judges and officials in order to raise their awareness of the importance and challenges of working with children, and that the Government was monitoring the situation of violence against children in order to improve national

policies in that regard. In Qatar the national strategy to combat trafficking in human beings included some measures for the protection of child victims of trafficking.

41. South Africa reported that it had established a Sexual Offences and Community Affairs Unit.⁷ The responsibilities of the Unit included formulating policy regarding capacity-building, sensitization and scientific training on the prosecution of sexual offences and gender-based violence; coordinating the establishment of special courts for adjudicating sexual offences and gender-based violence; developing training, plans and mechanisms concerning maintenance and child justice issues; and the prosecution of sexual and gender-based offences.

42. The Philippines reported that there was a special committee to monitor the implementation of laws for the protection of children. Tunisia reported that in cases where the physical or moral integrity of a child was under threat, a family judge had the authority to take one or more of the protective measures provided for in article 59 of the Code for the Protection of the Child.

III. Activities of the United Nations Office on Drugs and Crime

43. The United Nations Office on Drugs and Crime is currently implementing a project to assist Member States in the use and application of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. The project includes the following activities: (a) the development of a model law on the Guidelines, and commentary thereon; (b) the development of an implementation guide for professionals dealing with child victims and witnesses of crime; (c) the development of a series of interactive training modules related to the Guidelines for relevant professionals; (d) the conduct of regional and subregional training seminars for trainers and policymakers; and (e) technical assistance needs assessments for selected countries with regard to legislative reform and the establishment of appropriate institutions to deal with child victims and witnesses. At the time of preparing the present report, both the model law and the implementation guide for professionals are being finalized, while the interactive training modules are currently being developed in cooperation with the United Nations Children's Fund (UNICEF).

44. The project is funded by the Governments of Canada and Sweden. It is envisaged that the funds pledged by the Government of Burkina Faso to support activities of the United Nations Office on Drugs and Crime in assisting Member States in implementing the Guidelines will be received soon, so that they can be utilized to fund further implementation of the project.

45. In addition, the United Nations Office on Drugs and Crime, in cooperation with UNICEF and the International Bureau for Children's Rights, has published a child-friendly version of the Guidelines on CD-ROM in all six official languages of the United Nations. The Office is currently working on a print version as well.

⁷ See <http://www.info.gov.za/aboutgovt/justice/npa.htm>.

IV. Conclusions and recommendations

46. The replies received indicate that most of the respondent countries have taken measures to implement, at least to a certain extent, the rights contained in the Guidelines. Some countries have established special laws for children in line with the Guidelines, while others have introduced specific measures for children in their general procedural acts and codes. In addition, some countries have set up special rules for witnesses that are applicable to children.

47. Most of the respondent States have provided information on existing legislative measures in line with the provisions contained in the Guidelines; however, only very few have submitted information on court decisions and judgements, which could provide a more comprehensive overview of effective implementation of the rights contained in the Guidelines. Of the 10 rights listed in the Guidelines, the right to receive reintegration and rehabilitation assistance seems to be one of the least established in national legal frameworks. A few countries reported having established such programmes.

48. The information received highlights the different degree of implementation of the Guidelines from country to country. While some countries had developed comprehensive measures dealing with child victims and witnesses, others had adopted only basic or general provisions regarding the rights of the child.

49. In view of the above considerations, the Commission on Crime Prevention and Criminal Justice may wish to renew its invitation to Member States to draw on the Guidelines, where appropriate, in the development of legislation, procedures, policies and practices for child victims or witnesses of crime. In particular, the Commission may wish to draw the attention of countries to the need to develop rehabilitation and reintegration programmes for child victims and witnesses of crime.

50. The Commission may also wish to invite Member States to draw, where appropriate, on some of the legislation, policies and practices to deal with child victims and witnesses of crime cited by some Member States in their replies, including the preparation of child witnesses and the use of audio-visual means for children to provide their testimony in order to avoid the stress and possible trauma associated with their appearance in the courtroom.

51. The Commission may further wish to invite Member States to consider making voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund to further support the United Nations Office on Drugs and Crime in providing technical assistance and advisory services to requesting countries, in order to strengthen and improve their national capacities to protect and assist child victims and witnesses of crime.