

Guide for Lawyers Working with Child Victims in Criminal Justice Proceedings

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Becoming a Child-Sensitive Legal Professional: A Guide for Lawyers Working with Child Victims in Criminal Justice Proceedings

Introduction

The FOSTER project responds to a persistent structural gap in the implementation of victims' rights within the European Union: the recognition that legislative progress has not always translated into consistent child-sensitive practice in criminal proceedings. Although Directive 2012/29/EU establishes minimum standards on victims' rights, support and protection, and contains specific safeguards for child victims, research and professional experience demonstrate uneven implementation across Member States. Through a comprehensive Training Needs Assessment, interdisciplinary collaboration and large-scale capacity-building for lawyers, the project seeks to transform not only knowledge levels but professional culture. By equipping legal practitioners with trauma-informed understanding, procedural vigilance and interdisciplinary competence, the project contributes to strengthening justice systems in a manner aligned with EU fundamental rights commitments.

This Guide consolidates the knowledge, reflections and lessons emerging from the training activities and translates them into a structured professional development framework for trainees. While interactive sessions provide space for dialogue and experiential learning, sustainable impact requires conceptual consolidation. This document therefore supports legal professionals in deepening their understanding of child-friendly justice beyond isolated training moments. It identifies the knowledge domains, professional skills and reflective attitudes that must be cultivated to ensure that EU standards are not merely known but consistently applied in practice.

Supporting EU Law Implementation and Judicial Training Policy

Directive 2012/29/EU establishes minimum standards on victims' rights, support and protection, with specific provisions addressing the vulnerability of child victims.¹ However, legislative transposition alone does not guarantee effective implementation. The Directive explicitly recognises the importance of professional training to ensure respectful and appropriate treatment of victims.² Similarly, the EU Judicial Training

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Art. 22.

² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Art. 25.



Strategy emphasises that high-quality, practice-oriented training is essential for uniform application of EU law.³

This Guide contributes to these objectives by translating legal obligations into professional reasoning patterns and applied competence. It supports lawyers in internalising EU standards as operational benchmarks guiding everyday procedural decisions.

Transforming Legal Reasoning: From Formal Awareness to Structural Vigilance

A recurring theme emerging from the FOSTER's Training Needs Assessment⁴ is that legal professionals are often aware of victims' rights norms but do not systematically integrate them into procedural strategy. This phenomenon suggests a broader pattern within justice systems: the coexistence of advanced legal frameworks and routine procedural practices that may inadvertently undermine child-sensitive objectives.

Directive 2012/29/EU requires that victims be recognised and treated in a respectful, professional and non-discriminatory manner. For children, this obligation acquires heightened normative weight. The Directive further mandates individual assessment to determine specific protection needs.⁵

The analytical shift required of trainees is subtle yet profound. Rather than viewing rights as static guarantees that authorities are presumed to implement, lawyers must adopt a posture of structural vigilance. They must continuously assess whether procedures reflect the protective spirit of EU standards.

Consider a scenario in which a 14-year-old victim of domestic violence is interviewed by police without prior psychological support and is later summoned to testify in a standard courtroom environment. No formal individual assessment is documented. From a purely formal perspective, the procedural steps have been completed. From a child-centred perspective, however, multiple safeguards may have been overlooked.

Structural vigilance requires the lawyer to:

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Ensuring justice in the EU — a [European judicial training strategy for 2021-2024](#), COM/2020/713 final

⁴ Alexopoulou, Natasha. [Training Needs Assessment Consolidated Report](#), CECL, 2025.

⁵ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Art. 22.



- Identify absence or inadequacy of individual assessment;
- Anticipate potential harm from courtroom exposure;
- Invoke protective measures proactively;
- Frame arguments in terms of best interests and prevention of secondary victimisation.

This transformation in reasoning represents the cornerstone of child-friendly legal practice.

Participation Re-imagined: The Right to Be Heard as a Process

Article 12 of the UN Convention on the Rights of the Child establishes the child's right to express views freely and to have those views given due weight.⁶ General Comment No. 12 clarifies that participation must be genuine and effective.⁷ For lawyers representing children, these provisions should not be abstract principles but professional obligations that must be operationalised in daily practice.

The FOSTER Training Needs Assessment and national feedback from Bulgaria, Slovenia, Hungary and Greece reveal that practitioners frequently associate child participation with communication techniques — particularly interviewing skills and courtroom interaction. Participants consistently requested more training on conducting interviews with children, establishing working relationships, understanding developmental psychology, and improving practical communication skills. This emphasis suggests that lawyers recognise participation as a practical challenge rather than a purely procedural entitlement. At the same time, the TNA indicates that structured preparation on how to create the conditions for meaningful participation remains limited.⁸

In practice, participation in criminal proceedings is frequently interpreted as the opportunity to answer questions. Yet research and jurisprudence consistently show that meaningful participation depends on contextual safeguards: accessible information, emotional safety, trust-building, and predictability of procedure. A child entering a courtroom for the first time may experience anxiety or sensory overload. Without prior preparation and support, the environment itself may inhibit expression. In such circumstances, the formal right to speak does not automatically translate into effective participation.

⁶ United Nations, [Convention on the Rights of the Child](#), adopted 20 November 1989.

⁷ Committee on the Rights of the Child. [General Comment No. 12 \(2009\) The right of the child to be heard](#), CRC/C/GC/12, 20 July 2009

⁸ Alexopoulou, Natasha. [Training Needs Assessment Consolidated Report](#), CECL, 2025.



A child-sensitive lawyer, therefore, understands participation as a process that must be carefully constructed. This requires the ability to explain procedural steps in age-appropriate language, clarify roles and expectations in advance, anticipate stressors, and advocate for protective measures when necessary. It may involve meeting the child before the hearing, requesting the use of child-friendly rooms or video-link testimony, or coordinating with psychological support services. The practical orientation strongly requested in the FOSTER feedback — including simulations and experiential learning formats — underscores that these skills must be actively developed rather than assumed.

Importantly, child participation also extends to procedural decision-making itself. Genuine participation includes the child's right to be informed about procedural options and to express views on how proceedings are conducted. A child may, for example, feel unable or unwilling to undergo repeated questioning, to testify in open court, or to face certain individuals during a hearing. The lawyer's role includes explaining the available safeguards, assessing the child's maturity and understanding, and, where appropriate, communicating objections or preferences to the court. While the child's views may not always be determinative, they must be considered and given due weight. Participation, therefore, encompasses not only the content of what the child says, but also the conditions under which the child is asked to speak.

Trauma, Memory and Evidentiary Interpretation

One of the most consequential areas in which training must transform professional reasoning concerns trauma and memory. Empirical research demonstrates that trauma exposure can fragment memory encoding and retrieval, affecting narrative coherence. Children may recall sensory details vividly while struggling with chronological sequencing. Emotional numbing may coexist with severe distress.⁹

Without trauma-informed literacy, such responses risk being misinterpreted within adversarial systems that value linear consistency.

At the same time, FOSTER's TNA and learners' feedback show a clear and repeated demand for skills that are central to trauma-informed legal practice — particularly in communication, empathy, psychological awareness, and safe procedural engagement. The gap appears to be conceptual and systematic rather than incidental: lawyers request practical tools, but structured trauma-informed frameworks are not consistently embedded in existing training.

⁹ London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law*, 11(1), 194–226. and Dimitriou K, Efthymiou V, Fragkou K, Peyron P-A, Martrille L, Baccino E, Bacopoulou F, Papadodima S. Forensic Perspectives on Child Sexual Abuse Disclosure in Greece: A Retrospective Study. *Pediatric Reports*. 2026; 18(1):12. <https://doi.org/10.3390/pediatric18010012>



The integration of trauma research into legal reasoning strengthens fairness. It does not dilute evidentiary standards; it refines them in light of scientific understanding.

Interviewing Science and Procedural Quality

The FOSTER Training Needs Assessment and the evaluation of the national trainings across Bulgaria, Greece, Hungary and Slovenia indicate that communicating with children is perceived by lawyers as one of the most challenging and skill-dependent aspects of child-related proceedings. While the documents do not contain detailed technical critiques of existing forensic practices, they consistently highlight significant gaps in practical preparedness.

In all countries, participants identified communication with child victims, conducting interviews, understanding forensic interview protocols, and establishing a working relationship with children as among the most useful and relevant topics. The development of practical skills — including simulations — was the most salient request for further exploration. Notably, strictly legal topics were mentioned less frequently than communication, psychology and relational competence. This pattern suggests that lawyers do not primarily perceive deficiencies in doctrinal knowledge, but rather in their ability to manage interaction with child victims in procedurally sound ways.

Although the terminology of “procedural quality” or “forensic integrity” is not always explicitly used, the consistent demand for simulations and applied methods reflects an awareness that communication competence cannot be developed through theoretical instruction alone. Lawyers appear to recognise that the quality of questioning, the manner of engagement, and the ability to adapt to a child’s developmental and emotional state directly influence both the reliability of testimony and the child’s experience of justice.

The documents also reveal a systemic dimension of procedural quality. Slovenian participants, for example, referred to cooperation between institutions, understanding the roles of other professionals, and cross-sectoral collaboration. This indicates recognition that procedural fairness does not depend solely on individual questioning techniques, but on coordinated practices that prevent repeated interviews, conflicting approaches, or unnecessary stress for the child.

At the same time, the absence of detailed discussion on issues such as suggestibility, leading questions, or evidence contamination should not be interpreted as absence of concern. Rather, the feedback suggests that lawyers frame procedural challenges in practical and relational terms. Their emphasis on communication, psychology, and simulation-based training implies an understanding that procedural quality is inseparable from professional competence in managing child interaction.

Overall, FOSTER findings demonstrate that lawyers perceive interviewing as a critical procedural moment requiring specialised skills, yet feel that existing training structures have not sufficiently equipped them for this task. Procedural quality, in this context, is



understood not merely as compliance with formal safeguards, but as the outcome of well-prepared, child-sensitive and professionally confident advocacy.

Interdisciplinary Competence as a Rights Safeguard

European standards increasingly frame child protection and child-friendly justice as integrated, multi-sectoral systems. The Council of Europe's Guidelines on Child-Friendly Justice¹⁰ emphasise coordinated and multidisciplinary responses, while Commission Recommendation (EU) 2024/1238¹¹ calls on Member States to strengthen integrated child protection systems through structured cross-sectoral cooperation. These developments signal a clear direction: safeguarding children's rights is not the responsibility of a single professional actor, but a shared systemic obligation.

Training needs assessment and participant reflections gathered within the project revealed that lawyers are aware that fragmentation between institutions can undermine procedural safeguards. Gaps in communication, lack of psychological preparation before testimony, parallel proceedings with inconsistent timelines, or uncertainty about professional roles may increase stress for the child and weaken the effectiveness of legal protections. Although such issues may appear to fall outside the strictly legal dimension of representation, they directly affect the child's ability to participate meaningfully and safely in proceedings.

For this reason, future trainees should not view interdisciplinary awareness as something to be acquired in isolation. Instead, they should actively seek opportunities to participate in joint, multi-sectoral training formats alongside other professionals who work around the child victim. Learning together with police officers, psychologists, social workers, judges, prosecutors and victim support providers enables lawyers to understand institutional mandates, identify potential coordination gaps, and build mutual trust across professions.

Training in mixed professional groups allows lawyers to experience how procedural decisions in one domain influence protective measures in another. It also creates space to clarify expectations, discuss practical obstacles and explore realistic case scenarios from multiple perspectives. Such shared learning environments help prevent misunderstandings that often arise when professionals operate within separate training cultures.

Commission Recommendation (EU) 2024/1238 reinforces this direction by encouraging integrated child protection systems grounded in structured cooperation. Participating in multi-sectoral training is therefore not an ancillary activity but a concrete way for lawyers

¹⁰ Committee of Ministers of the Council of Europe. [Guidelines on Child-Friendly Justice](#), 17 November 2010.

¹¹ Commission Recommendation (EU) 2024/1238 of 23 April 2024 [on developing and strengthening integrated child protection systems in the best interests of the child](#), C/2024/2680.



to contribute to building coordinated, child-centred justice responses. Through joint training and shared reflection, isolated procedural steps can be transformed into a coherent protective framework that genuinely serves the best interests of the child.

Structural Vulnerability and Equality Before the Law

Children do not enter justice systems as abstract legal subjects. They arrive with lived experiences shaped by social identity, family context, disability, migration status, language, socio-economic background and, in many cases, prior exposure to discrimination or marginalisation. The EU Agency for Fundamental Rights has documented disparities affecting minority children, children with disabilities and migrant children in their access to justice and in the way their rights are realised in practice.¹² These disparities do not arise from formal legal exclusions, but from systemic barriers embedded in procedures, communication practices and institutional cultures.

For lawyers, this reality demands a shift in professional perspective. Equal treatment does not necessarily produce equal participation. A formally identical procedure may have unequal effects depending on the child's capacities, vulnerabilities and social positioning. Lawyers representing children must therefore move beyond a neutral, standardised understanding of procedural fairness and instead cultivate an adaptive, context-sensitive approach.

Consider, for example, a migrant child who has recently arrived in the country. Linguistic interpretation may be provided, yet cultural nuances, concepts of authority, or trauma linked to displacement may significantly affect the child's willingness or ability to engage. Interpretation in such cases is not merely a technical translation function but part of a broader communicative bridge. Future trainees should strive to anticipate such complexities and proactively request culturally competent interpretation where necessary, clarify unfamiliar legal concepts in accessible terms, and verify understanding rather than assuming it.

Similarly, a child with a cognitive or developmental disability may require adjustments in questioning pace, simplified explanations, repetition, visual aids, or structured breaks. Without such accommodations, the child's right to be heard risks becoming symbolic. Participation requires comprehension and comprehension requires adaptation. Lawyers should therefore aim to develop the capacity to identify when procedural adjustments

¹² European Union Agency for Fundamental Rights (FRA), [Child-Friendly Justice: Perspectives and Experiences of Professionals on Children's Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States](#), 10 June 2015.



are necessary and to advocate confidently for such accommodations within the courtroom or investigative setting.

Structural vulnerabilities also intersect. A child may simultaneously belong to an ethnic minority, live in institutional care, and experience psychological distress. Future trainees should strive to recognise that vulnerability is rarely singular. Intersectionality is not an abstract academic concept but a practical variable shaping how children experience legal processes. Failure to anticipate compounded barriers may unintentionally reproduce inequality.

Legal competence in this domain thus requires anticipatory adaptation. It requires lawyers to ask critical procedural questions: Does the child fully understand the process? Are the explanations genuinely accessible? Is the physical environment intimidating or overstimulating? Are cultural assumptions influencing credibility assessments? Has sufficient time been allocated to allow meaningful engagement? These questions transform representation from reactive advocacy into proactive safeguarding.

Future trainees should also seek training opportunities that address work with diverse and vulnerable groups in a concrete and practice-oriented manner. This includes modules on communication with children with disabilities, cultural mediation, trauma awareness, and working with children in alternative care settings. Exposure to interdisciplinary perspectives — including disability specialists, cultural mediators, and child psychologists — further strengthens the lawyer's ability to anticipate barriers and design protective strategies.

Ultimately, striving for competence in this area means recognising that fairness is not achieved through uniformity but through responsiveness. A child-sensitive lawyer does not assume that the procedural framework is inherently adequate. Instead, the lawyer actively evaluates whether the structure genuinely accommodates the individual child before them. In doing so, legal representation becomes a mechanism not only for enforcing rights on paper, but for ensuring their meaningful exercise in practice.

Ethical Tensions in Child Representation: Loyalty, Independence and Professional Skills

Lawyers representing children must be prepared to navigate a particularly sensitive ethical terrain: situations in which representation is initiated or financed by parents, yet the lawyer's duty of loyalty is owed to the child. Feedback gathered across the FOSTER trainings in Bulgaria, Greece, Hungary and Slovenia demonstrates a strong demand for practical skills — especially in communication, relational awareness, and child-centred advocacy. This need is directly relevant to managing the ethical complexities of child representation.



A lawyer in such circumstances must exercise heightened professional clarity from the outset. The first essential skill is mandate clarification: the ability to explain, in accessible terms, who the client is, what representation entails, and how confidentiality operates. This includes communicating clearly to parents that, although they may have initiated contact or bear financial responsibility, the lawyer represents the child's legal interests and is bound by duties of loyalty and confidentiality toward the child.

Equally important is the capacity to establish independent and age-appropriate communication with the child. Lawyers must be able to create a safe space in which the child can express views without undue influence. This requires sensitivity to developmental stage, emotional context, and power dynamics within the family. The feedback from all three countries highlights that practitioners value simulations and experiential learning precisely because these skills cannot be developed through doctrinal study alone. Another critical competence concerns the role differentiation. Lawyers must be able to distinguish clearly between instruction-based representation and best interests' advocacy. Where the mandate is to follow the child's instructions, the lawyer's role is to advise, explain consequences, and support informed decision-making – not to substitute personal judgment for the child's expressed wishes. Where the lawyer is appointed in a best interests' capacity, that role must likewise be transparent and clearly articulated to all parties.

Professional independence also requires boundary-setting skills. Lawyers must manage parental involvement constructively without allowing it to override the child's participation rights. This involves respectful but firm communication, written clarification of the representation agreement where necessary, and consistent adherence to professional ethical standards.

The FOSTER feedback across participating countries shows that lawyers are seeking precisely these forms of applied competence: tools that enhance confidence, improve communication, and strengthen performance in real-life proceedings. Addressing the ethical dimension of loyalty and independence therefore forms part of developing a child-focused professional identity – one in which legal expertise, ethical clarity and relational competence operate together to ensure meaningful representation.

Conclusion

Child-friendly justice is realised through everyday professional reasoning. By embedding EU standards within analytical reflexes and applied competence, lawyers contribute directly to the effective implementation of Directive 2012/29/EU and the broader objectives of the EU Judicial Training Strategy.