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Children Support Centre



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**HUMAN RIGHTS
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COMMENTS FOR THE UNIVERSAL PERIODIC REVIEW ON LITHUANIA

PROTECTION OF CHILDREN – VICTIMS AND WITNESSES OF ABUSE IN LITHUANIA

Since 2005 National Programme for the Prevention of Abuse of Children and Assistance for Children is being implemented in Lithuania. It provides for the abuse prevention programmes, victim support and other protection measures. This commentary identifies key problems in providing help for abused children and proposes recommendations on other important steps to be made in order to provide adequate and effective protection of children.

Statistics on Child Abuse: The national statistics should provide reliable information on actual scope of child abuse in the country, enable evaluation of the need for services, and assist in planning prevention and intervention programs. However current situation is quite the opposite. The Department of Statistics (Statistics Lithuania) informs that 3222 children suffered from criminal acts in 2009. The Ministry of Social affairs and labour, which collects information from Child rights protection departments – informs that 1203 children were recognized as abused in 2009. There’s no connection between numbers; furthermore, they do not reflect the real scope of child abuse in the country. One of the reasons of inadequately small official numbers is the lack of institutional competence to recognize child abuse and evaluate risk for the child. Information on the so called social risk families is registered in the national data base on recipients of social support. 11,121 families with 24,222 children in them were registered as social risk families in 2009. However, detailed information about abuse, neglect and abandonment experienced by children still isn’t monitored properly, collected and registered. Only thus can we evaluate the reasons of abuse and its dynamics.

Awareness of the real situation would help to identify precise dimensions of abuse and formulate assistance strategies for children and families.

Coordination of Child Abuse Cases. In recent years, the cooperation of professionals has improved. Still the coordination of multi-disciplinary professionals' work in child abuse cases stays as a continuous problem. There is no official mechanism for multi-disciplinary procedures that would ensure mandatory reaction under suspicion of child abuse by all professionals encountering children. The mechanism should involve uniform instructions for reaction, provision of assistance for abuse victims and involvement in other procedures related to child abuse. The Penal Code states that child abuse should be reported to the Police or Child rights protection services. Other legal documents regulate actions of legal system professionals and other state institutions, but they do not involve cooperation with other institutions and do not provide an overall mechanism on all levels. Only non-governmental organizations incidentally develop guidelines for multi-disciplinary cooperation in child abuse cases, but such guidelines stay on recommendation level, and are unable to enter state child rights policy. As a result we have uncoordinated and unmatched actions, repeated evaluations and legal procedures, low effectiveness of procedures, child privacy violations, insufficient support for the child and insufficient family and related persons supervision.

Protection of a Child in Legal Procedures. In recent years important achievements were made to improve the conditions of children participation in legal procedures: trainings for legal system professionals and multi-disciplinary teams were organized continuously by the state and NGOs, cooperation between legal system professionals and psychologists improved, in 2008-2010 new interview rooms were created (41 in courts, 5 in police headquarters and 2 in NGOs). The important factor for these achievements was stronger cooperation of state and non-governmental organizations. Legal experts state that Lithuania has enough laws to protect children in the legal process; usually the problems arise with implementation. Hereinafter existing gaps in the system:

a. ***Lack of Specialized Professionals in the System.*** There are no specialized judges, prosecutors and police officers, dealing with child abuse cases. Pre-trial judges, who, according to the law, are responsible for forensic interviews of victims, are rotated every 2 years. Prosecutors may receive fragmentary specialization in some prosecutors' offices, and still only on related to cases with juvenile victims and abusers. Criminal investigations are implemented by criminal police officers dealing with all kinds of violent crimes with young

and adult victims. Clear specialization would allow for effective trainings and thus more effective cooperation.

b. ***Lack of Competence.*** Judges and prosecutors participate in various trainings organized by legal training centres. However, they are not provided specific knowledge in the field of child development, child and family psychology, crisis and traumas psychology. This problem is closely connected with the mentioned above – lack of specialization. The emphasis should be on continuous practical trainings and multi-disciplinary meetings, only thus can the long-term effect be achieved.

c. ***Faulty Practice of Forensic Child Interviewing.*** Forensic child interview is one of the core procedures in legal process, related to crime against children cases. The important change in the Penal Procedures Code came into force on January 1, 2009: article 186 states that juveniles usually are interviewed once; the judge can forbid participation of the suspect in child's interview, if his/her participation can affect the child; child can be interviewed in separate environment from other process participants, except psychologist or child rights protection professional, the record of the interview should be made then, etc. However provisions of this article are not sufficient for establishment of good practice in forensic child interviewing. In 2002, 2008 and 2009 General prosecutor issued orders regulating legal procedures related with children – victims and witnesses. Unfortunately, these regulations are not implemented properly. Children still do participate in multiple legal procedures; standard practice is repeated and unprofessional interviews with the child; incompetent evaluation of child evidence remains the case. In summer of 2010 a discussion started at the Ministries level on the procedure and standards of child interviews. No results yet, and the standards for Child friendly interview room prepared by the Children Support Centre aren't taken into account.

d. ***Undefined Role of Psychologists in the Legal Process.*** The role of psychologist in legal process is not clearly defined by law. This creates grounds for interpretation on actions and responsibilities of a psychologist that often lead to destructive consequences. Another related problem: huge deficit of professional psychologists with specialized knowledge and skills necessary to assist children during the legal procedures. Job description of psychologists in pedagogical psychological services and mental health centers do not provide an obligation to assist and/or represent children in legal procedures and provide assistance for the legal system professionals. Therefore they often refuse to take part. As a result, legal system professionals willing to execute their functions adequately and cooperate with psychologists face a problem of finding a willing professional. Currently this assistance is provided on incidental basis by several NGOs in three cities only. A functional mechanism should be established immediately building a pool of specialized mental health professionals and

enabling identification of a psychologist bearing clearly established obligations for cooperation within the legal system.

Providing Help for Abused Child. All abused children and their families should be granted a chance to receive free of charge integrated help: psychological, psychiatric, medical, social and legal. Generally, psychological help is available in Pedagogical psychological services, schools and mental health centres (the latter provide psychiatric help as well). However, the number of staff is insufficient and availability of the long-term psychological help and psychotherapy is very limited. Only NGOs located in the biggest cities offer the complex help. However, these NGOs are dependable upon the yearly award of partial support by the Ministry of Social Affairs and Labour provided through the project tender. This results in instability of services provided and mental health professionals hired. The continuous long-term financing is necessary in order to provide stable permanent and effective victim support. Furthermore, the legal system professionals are not obliged to direct abused children and families for help, thus many of them have no idea what help they are entitled for and how can they get it. Therefore, a binding requirement to inform abuse victims of support services and direct cooperation in ensuring those would facilitate multi-disciplinary cooperation and grant timely help for abuse victims and families.

Key Problems Encountered by a Child – Victim of Human Trafficking. Despite many efforts in this field the situation remains lamentable. Police officers and prosecutors tend to avoid the cases with child-prostitutes because of numerous reasons among which is procedural difficulties often hiding basic lack of competence and specialized knowledge in treating victims of sexual abuse. Reasoning that evidence is hard or close to impossible to get is not acceptable for an EU State legal professionals. Moreover, majority of the victims are over 14 and the habit to treat those girls as criminals and not as victims is still prevailing. Field research shows that a large share of victims come from social risk families or residential care. Residential institutions often show lack of interest in the fate of the disappeared girls – fail to report missing children, fail to provide rehabilitation services after their recovery (the latter is at least partially due to the lack of financing of psychological services within the residential homes). Social risk families also fail to report the missing children, and often refuse to admit them back after the traumatising prostitution experience. Often these unwanted children become rejected by their families (or residential homes) and communities, becoming perfect victims for repeated trafficking.

