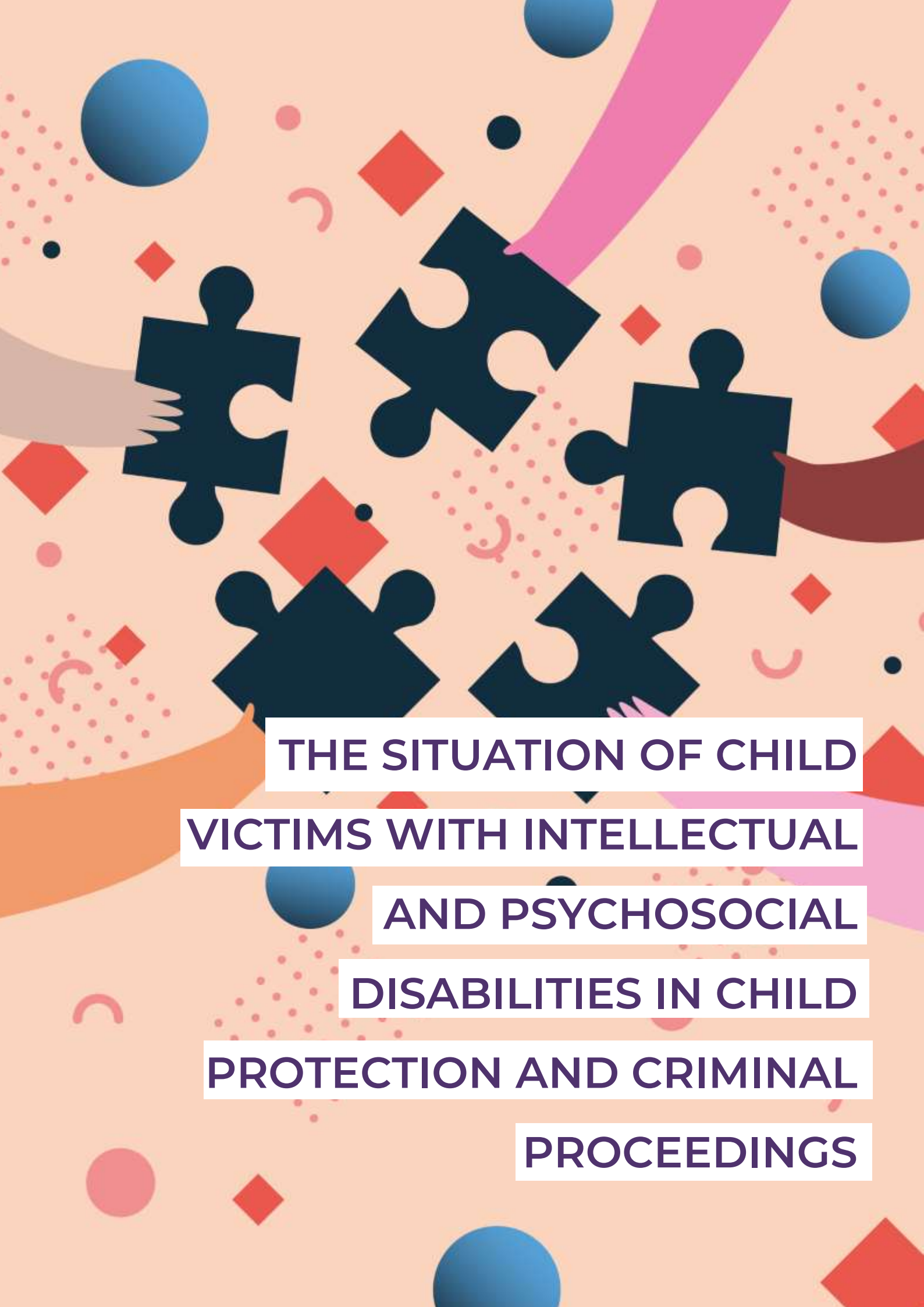


The background is a vibrant, abstract composition. It features several dark blue puzzle pieces scattered across the frame. Two hands are visible: one on the left holding a puzzle piece, and another at the bottom right reaching towards a piece. The background is filled with various geometric shapes including circles, squares, and diamonds in shades of blue, red, and pink. There are also clusters of small red dots and curved lines, creating a dynamic and colorful environment.

THE SITUATION OF CHILD VICTIMS WITH INTELLECTUAL AND PSYCHOSOCIAL DISABILITIES IN CHILD PROTECTION AND CRIMINAL PROCEEDINGS

This Multidisciplinary Cooperation System was developed by Validity Foundation within the project "Linking Information for Adaptive and Accessible Child-Friendly Courts" co-funded by the European Union (LINK- 101097047- CERV-2022-DAPHNE) and the Foundation of Applied Disability Research (LINKS - Apa2024_058). The project aims to improve the accessibility of and integration of child protection systems in criminal proceedings for children with intellectual and psychosocial disabilities.¹

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¹ More information about the project is available here: <https://validity.ngo/projects-2/linking-information-for-adaptive-and-accessible-child-friendly-courts/>

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Definitions, Acronyms and Abbreviations

Person with a disability – A person with a disability is any person who has a long-standing physical, mental intellectual or sensory impairment which, together with a number of other barriers, may limit that person's full, effective and equal participation in society.

Person with an intellectual disability – A condition, associated with significant impairment of cognitive function, implies a developmental disability of intellectual ability and is associated with significant limitations in intellectual functioning and adaptive skills.

Person with a psychosocial disability – persons with psychosocial disabilities are those who have mental health problems (e.g. schizophrenia, bipolar disorder, major depression, PTSD, etc.) and as a result experience barriers to social participation, independent decision making or access to justice.

Individual assessment – Individual assessment in criminal proceedings is a procedural tool that aims to identify the (child) victim's individual needs, risks and protection needs, and on this basis to determine the most appropriate procedural environment and support.

Victim with special needs – a victim who, because of his or her personal characteristics (e.g. age, gender, disability) or the nature of the offence, requires special support, protection or procedural adaptations to avoid being violated and re-victimised in the process.

Child-friendly justice – An approach to justice that takes into account the age, maturity, individual needs and rights of the child and ensures that the child's hearing, participation and protection is as less traumatic as possible.

Secondary victimisation/retraumatisation – Further harm suffered by the victim in the course of the proceedings following the offence, resulting from the inadequate conduct of the proceedings, insensitivity towards the victim or lack of necessary support and protection. Common forms are repeated questioning, unwarranted disclosure of confidential information or inadequate communication.

Trauma-informed approach – A trauma-informed approach (or trauma-sensitive/trauma-informed approach) is an approach and practice framework that recognises the impact of traumatic experiences on the behaviour, development and

functioning of people (especially children) and approaches this in a sensitive, safe and non-harmful way.

Signalling system – The signalling system is one of the basic institutions of Hungarian child protection law, which serves to prevent and identify children at risk. The system is made up of professionals and institutions who, in the course of their work, may come into contact with children and are obliged to report any danger they perceive.

Alternative and augmentative communication – Augmentative and Alternative Communication (AAC) is a set of methods and tools that help people with speech or language difficulties (for example, children with intellectual or psychosocial disabilities) to communicate effectively.

Child victims – A person under the age of 18 who has directly suffered a criminal offence, i.e. who has personally been subjected to a wrongful act, including violence, sexual, economic or other forms of harm. Child victims require special protection and support because of their age and vulnerability.

ACRONYMS / ABBREVIATIONS	DESCRIPTION
AAC	Alternative and augmentative communication
CPS	“Protecting our Children System” digital system
PRST	Persons requiring special treatment
Barnahus House	Barnahus Hearing and Therapy Centre
Child protection signalling system, signalling system	Child protection detection and signalling system
Child Protection Act	Act XXXI of 1997 on the Protection of Children and Guardianship Administration
Criminal Code	Act C of 2012 on the Criminal Code
Criminal Procedure Act	Act XC of 2017 on Criminal Procedure

CRPD Convention	Act XCII of 2007 on the proclamation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.
Victims Directive	Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime

Executive Summary

The focus of this study is to analyse how criminal justice and child protection systems address the specific needs of children with intellectual and psychosocial disabilities who are victims of crime. In our research, we have focused in particular on the support and procedural safeguards provided for children with psychosocial and intellectual disabilities and children using augmentative and alternative communication (AAC).

We found that although the legal framework is in line with international standards, there are still serious gaps in the practical implementation of child-friendly and disability-sensitive procedures. The present study explores these gaps in two parts, while making concrete recommendations.

Part I of the report presents the legal and policy framework for providing support and accessibility, and for promoting multidisciplinary cooperation between professionals working with child victims of intellectual and psychosocial disabilities. This section of the report is based on qualitative research consisting of a literature review and interviews with 11 experts, as well as a focus group discussion with professionals from various fields, including judges, police officers, social workers, lawyers and NGO representatives. This provides an insight into the views and experiences of 15 experts.

The research identified a number of systemic problems hindering the implementation of the rights of child victims. Our critical observations concern the following areas:

- **Structural weaknesses in the child protection detection and reporting system**

Several structural weaknesses in the functioning of the child protection detection and reporting system have been identified, hindering the adequate protection of child victims of crime, particularly children with disabilities. One of the most critical issues is the lack of uniform protocols and terminology for dealing with child abuse. Different sectors (education, child protection and health) interpret the concepts of abuse and

victimisation differently, leading to inconsistent measures. This is an especially serious issue for children with disabilities, as there are no methodological procedures in place for them.

In addition to this lack of knowledge, there is also a serious lack of training: members of the signalling system often lack the practical knowledge necessary to apply existing procedures. Consequently, the official measures required to protect children, particularly criminal reports, are often not taken. The system's practical operation often falls short of legal requirements: although the government obliges early warning system actors to initiate official procedures, this often does not happen in practice.

- **There is a lack of, and inconsistency in, the application of individual assessments**

Although the Victims Protection Directive and the Hungarian rules of criminal procedure provide for the assessment of victims' individual needs, its implementation in practice is incomplete and inconsistent. While the Be. automatically provides for special treatment for children and persons with disabilities, it does not make individual assessments mandatory in cases where the outcome could provide a basis for justified procedural guarantees.

According to professionals interviewed for this study, courts, prosecutors' offices and investigative authorities often fail to carry out ex officio individual assessments, even when the special needs of the child become apparent. The absence of an ex officio assessment means that procedural facilitation for the child is not applied, such as appropriate communication methods, the provision of a support person and special interviewing techniques. This seriously compromises the child's rights and can lead to secondary victimisation.

- **Communication barriers and a lack of supportive expertise**

In the case of children with disabilities, properly identifying and managing communication barriers is essential for fair proceedings. However, the authorities and child protection agencies often lack sensitivity and knowledge regarding children with disabilities, as well as the necessary tools (e.g. augmentative and alternative communication methods) and appropriate expertise (e.g. special needs teachers and sign language interpreters).

Investigating authorities rarely assess the communication needs of the child in preparation for the interview, nor do they routinely seek the assistance of other signalling system members. The specific needs of children are often only identified incidentally during the interview, and addressed only through the personal experience and skills of individual counsellors.

- **Limitations of the Barnahus model and institutional shortcomings in hearings**

One of the key elements of child-friendly justice is the Barnahus model, which provides an opportunity for children to be heard in an appropriate environment using a gentle procedure. However, according to our findings, the implementation of this model in Hungary is far from complete. Barnahus hearings are not mandatory, and whether a child is referred there typically depends on the personal decision of the police officer or prosecutor, so many hearings still take place in the non-child-friendly environment of police stations.

Currently, few children receive therapeutic care at Barnahus centers, and it is a common problem that the interview does not replace the subsequent forensic psychological assessment, which can lead to further traumatic procedures for the child. There is also a lack of adequately trained staff at all locations.

- **Problems related to support persons, guardians, and experts**

There is no established, searchable database of support persons with relevant expertise who play a key role in enforcing children's procedural rights, and their involvement in proceedings is often random and not mandatory.

The guardian ad litem system cannot fulfill its function until the lawyers on the guardian ad litem list receive adequate training on the basics of trauma-informed and child-friendly justice and on communicating with their child and disabled clients. Furthermore, the system for appointing guardians ad litem is not transparent. The guardian system requires fundamental changes in order to effectively enforce children's rights.

Furthermore, criminal proceedings lack a support institution that could primarily assist child victims with intellectual and psychosocial disabilities in communicating during the proceedings.

- **Optional nature of procedural guarantees**

Although the Criminal Procedure Act lists a number of guarantees for the protection of persons requiring special treatment, such as children and persons with disabilities, the vast majority of these are not mandatory but are to be applied "where possible". This creates legal uncertainty and increases the risk of secondary victimization.

- **Forward-looking initiatives**

At the same time, the experts interviewed during our research identified a number of opportunities, such as promising practices (Barnahus interviews, the Fecskehálózat network of police officers trained in interviewing children), trauma-focused and case-focused training needs, and opportunities for developing inter-institutional cooperation (local child protection roundtables).

Part II proposes the development of a Hungarian Multidisciplinary Collaboration System (HMCS). This model is based on cross-sectoral information sharing, case management, standardised protocols and a common digital platform. The aim is to reduce the number of interviews (interrogations) with children, to provide individual assessment at an early stage of the procedure and to ensure that the necessary support is provided at all stages of the procedure, involving the appropriate professionals. This approach will help to prevent re-traumatisation and guarantee children's rights in practice.

On the basis of our research, we believe that there is an urgent need in Hungary for a model of justice that is truly child-centred, that takes into account the individual needs of children and that responds adequately to the special needs of child victims with disabilities. However this requires public policy interventions, and the reforms we propose include making individual assessments mandatory, introducing uniform protocols, training professionals and strengthening inter-institutional cooperation. These will ensure the right to fair, person-centred and accessible justice for child victims with disabilities.

Our key recommendations for improving the protection of child victims:

- *Strengthen the functioning of the child protection detection and signalling system*

Strengthen the functioning of the child protection detection and signalling system. To this end, there is a need to ensure coherence between the relevant legal provisions and professional sector protocols and to ensure that the members of the signalling

system are trained in their actual application through practice-oriented (case-focused) training. We recommend the use of a full-time signalling adviser and responsible person, identified as good practice, in all child welfare services and child protection centres to strengthen cooperation between signalling system members.

- *Convening of local child protection round tables to facilitate multidisciplinary cooperation*

We recommend the convening of local child protection round tables to facilitate cooperation between the sectors involved in the detection and handling of child victimisation (health, education, social services, justice, etc.), with regular meetings and training opportunities, case discussions. We consider it important that the first individual assessment of children is carried out before a formal complaint or criminal charge is lodged. Thereafter, the individual assessment should be updated throughout the child protection and criminal proceedings to ensure that the child's best interests are adequately represented at all stages.

We consider it necessary to make the individual assessment in criminal proceedings compulsory in order to ensure that child victims with disabilities and child victims from a significant social disadvantage are not hidden and receive the support they need throughout the procedure, avoiding their secondary victimisation. Proposals are also made on the content of a uniform protocol for individual assessment.

- *Developing a risk assessment-based individual support plan for child victims with intellectual or psychosocial disabilities*

On the basis of the individual assessment, it is also proposed to develop an individual support plan for child victims with intellectual disabilities or psychosocial disabilities, based on the risk assessment carried out during the individual assessment, which will include the necessary facilitations and adaptations to ensure that the child victim's procedural rights are respected, thus helping to ensure the child's rights, meaningful participation in the procedure and the prevention of secondary victimisation.

- *Making application of procedural safeguards including Barnahus hearing compulsory*

It is proposed that the procedural safeguards to be provided for child victims with disabilities by the Act on Criminal Procedure, in particular the Barnahus House hearing, should not only apply on a case-by-case basis but in all cases.

In the context of child hearings, we propose that child victims (with intellectual and psychosocial disabilities) should be heard in Barnahus Houses as a standard practice in criminal proceedings.

- *Introduce uniform, trauma-informed and child-centred hearing protocol and related trainings and supervision*

We also propose that signalling system members should apply a uniform hearing protocol when interviewing children with intellectual and psychosocial disabilities, regardless of whether the child is interviewed by, for example, a child protection guardian, a social worker from child welfare services, the police or a caseworker from the guardianship authority. This protocol should include technical elements that take into account the specific communication and intellectual needs of children with disabilities. We also recommend the development of a trauma-informed and child-centred interviewing methodology for all child victims for members of the reporting system (including in child protection proceedings and criminal proceedings) and related practical training and sensitisation.

Individual assessment, the development of an individual support plan and the learning of interviewing and trauma-informed techniques tailored to children's specific communication needs, training in the knowledge of children with intellectual and psychosocial disabilities and sensitisation of professionals are all prerequisites for the changes we aim to bring about.

- *A single digital platform for child protection: improving data integration, early identification, and support coordination*

As a basis for effective cooperation between sectors, we consider it essential to introduce a single digital platform, which should be developed by improving the current CPS system. To this end, we propose extending access to the CPS system to at least some of the signalling members enumerated under article 17 of the Child Protection Act (CPA). This would allow for early identification of child victims, especially children with disabilities, faster matching to their individual needs, and facilitate more effective access to victim support services, while reducing duplication and the risk of secondary victimisation.

It is also proposed to integrate child protection relevant data from the registration systems of the different sectors into the CPS. Finally, in order to ensure transparency and harmonisation of child protection data management, we propose the inclusion of the individual assessment form and the individual support plan in the CPS.

01

**PART 1
LEGAL AND POLICY
FRAMEWORK FOR SUPPORT,
ACCESSIBILITY AND
MULTIDISCIPLINARY
COOPERATION**

1. Introduction

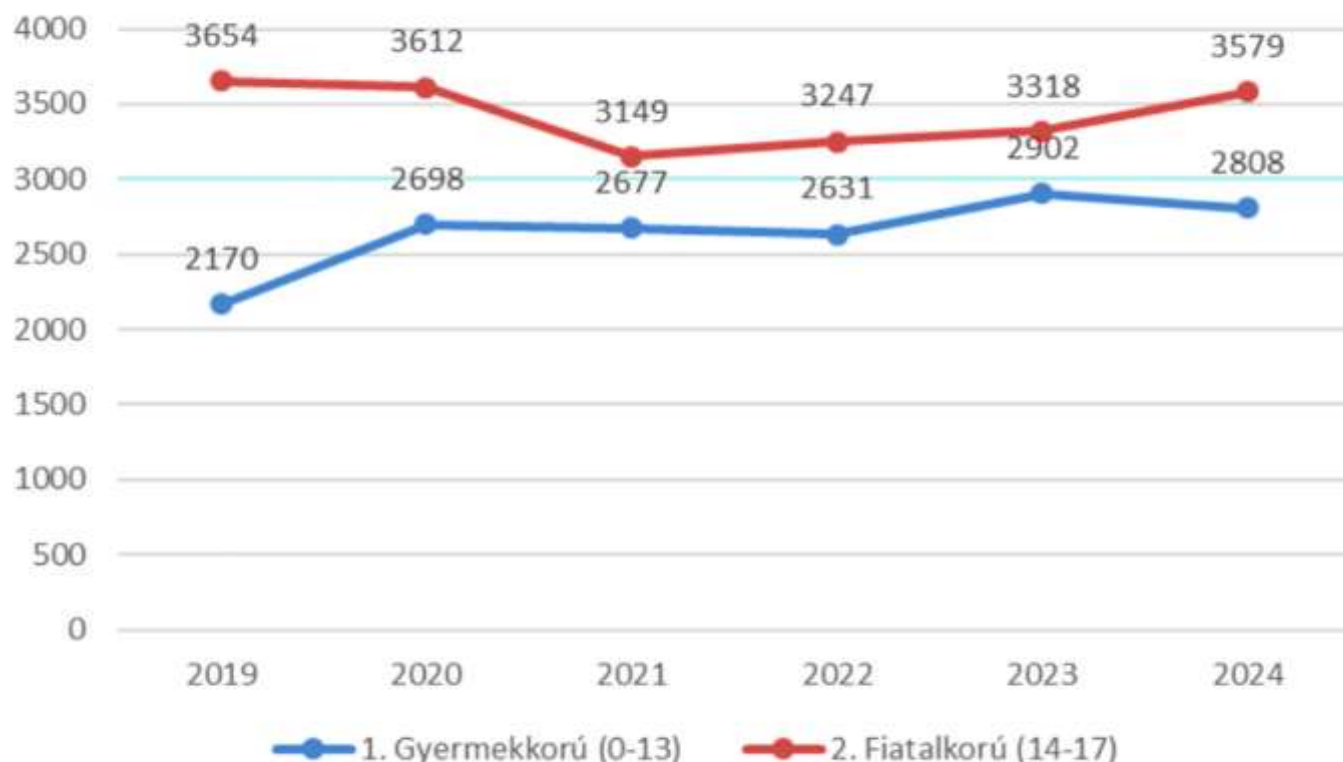
"When the child goes in and 'hey buddy', the detective slaps the autistic boy on the back, they lost that child there, he's not going to talk", was the gist of how the need for individual assessment and procedural adaptations based on the needs of the child was summarised by the police officer interviewee in our research.

The detective in this example obviously does not know that he is going to interrogate a child with autism because he has not been informed about it beforehand, and if there is any reference to it in the file in front of him, he does not know what the specific manifestation of autism is in the case of the boy. The detective does not have the prior knowledge of the child victim that would be necessary to take into account the specific needs of the child during his questioning and during the subsequent proceedings.

When stakeholders within the Hungarian criminal justice system fail to cooperate and do not have the necessary knowledge to identify child victims and provide them with adequate procedural accommodation, child victims (with disabilities) face serious negative consequences. These include delayed or missed identification of victims, inadequate or missing procedural accommodations (safeguards), failure to access child-friendly legal aid and therapeutic services and as a consequence increased risk of secondary victimisation.

Trends in the number of child and juvenile victims 2019-2024.

In Hungary, approximately 5-6 thousand children are victims of crime every year. The following graph shows how the number of child victims has evolved in recent years, broken down by child and juvenile victims (blue figures for children aged 0-13, red figures for juveniles aged 14-18).



However, no data are available on how many of these children have an intellectual or psychosocial disability, as this data is not collected by the police or the courts according to the police officer and the judge interviewed. Data on children's disabilities are best analysed on the basis of data collected in public education.

According to data from the Central Statistical Office, "in the school year 2023/2024, the number of pupils with special educational needs (SEN) continued to rise, reaching almost 63,000, or 8.8% of the total number of primary school pupils. The majority of them, around 46,000 (73% of SEN pupils), receive integrated education. The most common cause of special educational needs of SEN pupils in integrated education is severe learning, attention or behavioural difficulties (66%), 12% have autism spectrum disorder and 9.1% have a speech disability." The proportion of pupils with a mild intellectual disability is around 1.5% of the total pupil population.

Children with disabilities who also have special educational needs are particularly vulnerable because of their specific intellectual, emotional and communication needs, and also because they are often not brought up in a family but in some kind of institutional placement.

In the absence of data collection, there is no information on the proportion of child victims who are children with disabilities, nor on the types of crime in which they are typically involved, that is why the expert interviewees included in the research were asked about this.

However, after having reviewed the international and national regulatory background and the prevailing national practice, we have gained clear and unambiguous answers as to what regulatory and even more so what practical gaps exist that make it difficult for child victims (with disabilities) to participate in criminal proceedings.

The starting point was the need to create a procedural, personal and infrastructural environment for child victims that is “least hurtful” for them, i.e. that enables detection of crimes committed against them and avoids secondary victimisation of children.

- **Essential Needs of Children with Disabilities in the Criminal Justice System**

It is clear that individual assessment of children’s specific needs, on the basis of which the authorities decide on the special treatment to be given to them, i.e. the specific procedural rules to be applied in criminal proceedings, plays a crucial role in preventing secondary victimisation. However, as childhood or disability alone already entitles a person to special treatment under the law without any further needs assessment, it is unfortunately precisely the most vulnerable groups of victims, such as children, and in particular children with disabilities, who may not be subject to an individual assessment.

In the case of child victims entitled to special treatment, the procedural guarantees for their hearing and our findings on their practical implementation - when, by whom, where and how they are heard - deserve special mention - we have explored these issues and proposed a number of specific methods tailored to children with disabilities.

- **Enhancing Professional Collaboration and Support for Children in Hungary**

We have reviewed the professionals involved in child protection, their roles and their opportunities for cooperation, and the issues of sharing the data they handle, and have made a number of specific suggestions in this area, but basically, it is training, sensitisation and formalising the framework for cooperation, and creating a space for joint work, that would best serve child victims.

In the absence of domestic research and analysis on child victims with disabilities, we felt it imperative to conduct the present research, which thus provides a first-hand account of the systemic failures that (also) affects children with disabilities, resulting

from the lack of child-friendly justice, procedural and trauma-informed accommodation for children with disabilities, and cooperation among actors involved in child protection.

2. Research aim and methodology

The aim of the research was to explore how children's rights are enforced in the Hungarian criminal justice system, with a particular focus on the rights of children with intellectual and psychosocial disabilities. We also examined the institutional and procedural barriers faced by these children and the possibilities available to enforce their rights.

The research used a qualitative methodology, which allowed for a deeper understanding of the experiences of professionals and the characteristics of systemic functioning. Data collection relied on three main instruments: document analysis, semi-structured professional interviews, a focus group discussion. In total, 11 interviews were conducted with professionals working in different fields and with a parent of a child with autism. The main themes of the interviews were the assessment of individual needs, the practice of procedural facilitation, the possibilities for multidisciplinary collaboration and gaps in these areas.

The interviews were accompanied by a focus group discussion involving lawyers, police officers, judges and NGO staff, which provided an opportunity for multidisciplinary reflection on the functioning of the system, sharing good practices and highlighting problems of coordination and information flow.

Participants were selected through a purposive sampling exercise, aiming to involve professionals who in practice have direct contact with child victims, especially those living with a disability. The selection took into account a proportionate representation of the different disciplines.

The research did not involve direct interaction with children.

The interviews and focus group notes were analysed using thematic content analysis. Four main themes were identified in the analysis: the implementation of individual assessment in practice, the state of play in ensuring procedural accessibility, mechanisms for intersectoral cooperation, and related systemic gaps and opportunities for improvement.

The experts consulted during the research:

	Gender	Age range	Focus group participant	Professional background
Expert 1	F	60-70 years old	yes	Former judge in juvenile proceedings
Expert 2	F	40-50 years old	yes	Lawyer from an NGO representing victims of domestic violence (focus group interview)
Expert 3	F	40-50 years old	yes	A staff member of an NGO running a helpline for children (focus group interview)
Expert 4	F	40-50 years old	yes	Specialised police officer for children (focus group interview)
Expert 5	M	40-50 years old	no	Child protection guardian
Expert 6	F	40-50 years old	no	Lawyer from an NGO representing autistic people, head of legal aid service
Expert 7	F	40-50 years old	no	Head of an NGO working for the rights of children living in slums
Expert 8	F	40-50 years old	no	Expert on children's rights
Expert 9	F	40-50 years old	no	Head of a child welfare centre
Expert 10	F	50-60 years old	no	Slovenian police officer specialised in interviewing children
Expert 11	F	20-30 years old	no	Lawyer specialised in family law
Expert 12	F	40-50 years old	no	Mother of a child with autism
Expert 13	F	40-50 years old	no	Specialist counsellor in Barnahus hearing and therapy centre
Expert 14	F	40-50 years old	no	Social worker and child protection guardian working in a Barnahus hearing and therapy centre

Expert 15	F	40-50 years old	no	Governmental expert in European cooperation in justice and home affairs
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In addition to the qualitative methods, a comprehensive analysis of the relevant literature, international and national research and legislative background was an integral part of the study. The aim of the document analysis was to explore the theoretical, policy and legal frameworks that define the situation of child victims with intellectual and psychosocial disabilities in the Hungarian criminal justice system.

The research reviewed the relevant provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC), the Council of Europe and European Union guidelines and recommendations on child-friendly justice and victim protection. This international framework was compared with the relevant provisions of Hungarian law, in particular with Act No. XC of 2017 on Criminal Procedure (Act on Criminal Procedure), Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship (CP Act), Act XXVI of 1998 on the Rights of Persons with Disabilities (RPD Act.), and Act CXXXV of 2005 on Assistance to Victims of Crime and State Compensation (AVC Act). In addition, we have taken into account the reports of the Commissioner for Fundamental Rights, as well as background materials and reports prepared by NGOs.

In the document analysis, particular attention was paid to the extent to which specific legislation and professional recommendations provide for the accessibility of participation for children with disabilities, procedural facilitation adapted to individual needs, and a child-friendly and trauma-sensitive approach to justice. A review of existing research helped to contextualise the issues identified in the qualitative component of the research.

The research report was structured with a view to clearly distinguishing between the national and international legal framework and the national practice that builds on it, to identify possible inconsistencies between the two, and to identify areas where further intervention may be needed.

In the second part of the report, concrete recommendations are made to address some of the shortcomings identified in the first part, in particular with regard to individual assessment and individual support plans, the method of child interviews, cross-sectoral cooperation and the consistent collection of data and sharing of information among signalling system members.

3. Legal and policy framework for support, accessibility and multidisciplinary cooperation

In this section, we describe the key role of the child protection detection and signalling system in ensuring that child victimisation does not remain hidden, and in preventing further victimisation and ensuring access to appropriate support services. We also describe the situation of child victims in criminal proceedings and the legal framework that provides them with support services and measures. We also discuss the experiences of experts gathered through focus group discussions and semi-structured interviews, which highlight the difficulties and limitations of implementing in practice the legal guarantees provided to child victims (with disabilities) in theory in Hungary.

3.1 The international legal environment for child victims of crime with disabilities

In the context of the rights of child victims of disability and the state's obligations to enforce them, Hungary is governed by a number of international legal sources. Although these sources of law are not specifically tailored to children with disabilities but apply to all children, it is necessary to complement these provisions with the requirements contained in specific provisions applicable to persons with disabilities (not exclusively children).

The most important international legal instrument concerning children is the UN Convention on the Rights of the Child (hereinafter referred to as the UNCRC), which Hungary ratified by Act LXIV of 1991, thus making it part of Hungarian domestic law. From the perspective of child victims, the most important rights under the UNCRC are the right of the child to access appropriate information (Article 17), right of the child to be protected from violence and abuse (Article 19), the protection of children without parental care (Article 20), the rights of children with disabilities (Article 23), the right to protection from sexual exploitation and trafficking (Articles 34-35), the right of child victims to rehabilitation and social reintegration (Articles 38-29), the right to child-friendly justice (Article 40).

In its concluding observations on Hungary of 3 March 2020, the UN Committee on the Rights of the Child (hereinafter referred to as the Committee on the Rights of the Child), which examines the extent to which the Convention rights are implemented in the States Parties to the Convention on the Rights of the Child, called for a fundamentally complex, cross-sectoral and child-centred approach to child victims, in which children's rights are not only implemented at the level of declaration, but also in practice in the

administration of justice, child protection and rehabilitation. In the area of child-friendly justice, the Committee on the Rights of the Child welcomed the entry into force of the new Criminal Procedure Act, which provides for enhanced protection of children's rights, but also made a number of recommendations relevant to this research:

- Cases involving children should be heard only by qualified judges and professionals specialised in children's cases;
- The use of a child-friendly, cross-sectoral approach;
- Ensure full access to compensation procedures;
- Provision of ongoing psychosocial support, regardless of involvement in investigations or proceedings;
- Detailed data collection on the situation of children: by age, gender, ethnicity/nationality, disability, geographical location, etc;
- Introduce regulation to identify violence against children to all environments frequented by children (e.g. schools, sports clubs);
- Establish the legal basis for the application of the Barnahus model, including automatic access to assessment and therapy services for all child victims;
- Training of professionals to identify victims of child trafficking, sexual exploitation and trafficking in human beings;
- Develop and implement a national protocol on these issues.

Some of the 2020 recommendations of the Committee on the Rights of the Child will be seen to have been partially implemented, for example the Barnahus model, described in more detail below, has been established in 2021 and is now operational with therapeutic listening centres currently set up in 5 locations in the country.

In the context of the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child recommended that the Hungarian State should

- Amend Act C of 2012 on the Criminal Code to extend the enhanced protection against sexual violence against children to all children under the age of 18,
- Amend, as necessary, the existing legislation to ensure that all children who are subjected to any form of sexual exploitation (and not only prostitution), sale or trafficking are treated as victims and not subject to criminal sanctions;
- Strengthen the fight against online child trafficking and implement the necessary training programmes to identify and assist victims. The Commission proposes further measures to fully implement the Optional Protocol.

The United Nations Convention on the Rights of Persons with Disabilities (hereafter CRPD Convention), which was promulgated by Hungary through Act XCII of 2007, states that States Parties must ensure that victims with disabilities have effective access to justice (Article 13).

The concept of access was analysed by the UN Committee responsible for monitoring the CRPD Convention in its General Comment No. 2 to the CRPD Convention:

"There can be no effective access to justice if the buildings in which law enforcement agencies and courts operate are not physically accessible, or if the services, information and communication they provide are not accessible to persons with disabilities (Article 13). Sheltered housing, support services and procedures must all be accessible in order to provide effective and meaningful protection from violence, abuse and exploitation for persons with disabilities, particularly women and children."

Also under the auspices of the United Nations, the International Principles and Guidelines on Access to Justice for Persons with Disabilities was adopted in 2020 to promote the transformation of the justice system to enable persons with disabilities to have equal access to justice, in line with the CRPD Convention and in particular Article 13 thereof. The ten key principles:

1. Persons with disabilities have the right to access justice on an equal basis with others.
2. Justice systems must ensure that appropriate procedural and age-appropriate adaptations are made - for example, easy-to-understand language, sign language interpretation, alternative means of communication.
3. Disability-related training is mandatory for justice system staff - including police, prosecutors, judges, prison officers.
4. Ensure access to information in accessible formats in legal proceedings - e.g. Braille, plain language, alternative means of communication.
5. People with disabilities have the right to legal representation and legal aid - including appropriate support and advice.
6. Justice institutions should be physically and communicatively accessible - e.g. accessible buildings, information materials.
7. Persons with disabilities have the right to participate in legal proceedings on the basis of their own choices - including assisted decision-making.
8. Justice systems should take into account the specific needs and circumstances of persons with disabilities - e.g. age, gender, type of disability.

9. Persons with disabilities have the right to redress and compensation - including appropriate procedures and mechanisms.
10. States must ensure that the rights of persons with disabilities are protected and promoted in the justice system - including through legislative and institutional reforms.

In the context of the CRPD Convention in relation to Hungary, the UN CRPD Committee concluded the following in its latest review in 2022 in relation to Article 13 of the CRPD Convention:

- Persons with disabilities, in particular persons with intellectual disabilities, persons with psychosocial disabilities, persons living in residential and psychiatric institutions, and persons with physical disabilities, face barriers in the Hungarian legal system due to lack of procedural and age-appropriate adaptations, lack of accessible information and communication about legal procedures, and lack of accessible buildings.

The Commission recommended that Hungary should:

- Ensure that all necessary and effective procedural safeguards and adaptations are in place to ensure that all persons with limited legal capacity and persons placed in residential and psychiatric institutions have access to effective judicial review of decisions affecting them and to free and effective legal representation in all proceedings;
- Revise the Code of Civil Procedure and the Code of Criminal Procedure to guarantee procedural and age-appropriate accommodation for all persons with disabilities in all legal situations, by developing alternative and complementary information and communication tools such as Braille, sign language, easy-to-read texts, symbol systems, audio and video transcription.

In line with the recommendations of the CRPD, the Commissioner of Fundamental Rights was appointed to the CRPD Independent Monitoring Mechanism in 2023. One of the Independent Mechanism's key responsibilities is to monitor the national enforcement of the rights set out in the CRPD. This enables it to help protect and control the implementation of states parties' obligations. A comprehensive report on the activities of the Independent Monitoring Mechanism in 2023 has been published by the Commissioner for Fundamental Rights. However, this report only partly reflects the above recommendations. The Commissioner has requested that the Minister of the Interior, in collaboration with relevant ministry departments and organisations

representing persons with disabilities, establish and support a working group to assess the needs and prepare measures to ensure the effective implementation of the recommendation set out in Points 28 and 29 of the Closing Remarks. These proposals address issues such as the absence of legal safeguards for personal freedom and security in mental health institutions, including forensic facilities.

However, no legislative proposals or recommendations have been made that fully reflect the above recommendations of the CRPS Committee.

3.2 EU legislation on the protection of victims of crime

3.2.1 Transposition of the EU Victims Directive and the Hungarian victim support system

Article 22 of the EU Victims Directive obliges Member States to carry out an individual assessment of each victim to identify and determine the specific protection needs of the victim. It is based on the premise that everyone reacts differently to crime based on personal characteristics and the nature, type and circumstances of the crime. This requires a two-step, case-by-case assessment: first, to determine whether the victim has special protection needs on the basis of the criteria listed in Article 22(2) of the Directive, and if so, to identify appropriate protection measures to prevent re-victimisation.

The current structure of the Victim Support Service is regulated at two levels by Government Decree 362/2016 (29.11.2016) on certain tasks and competences related to judicial services. The Minister of Justice, acting as a victim support service, provides advocacy services and operates the Victim Support Line and the Victim Support Centres, while the Government has designated the Metropolitan and County Government Offices as the regional victim support services in matters of judicial administration and administrative authorities. Victim Support Centres provide comprehensive, personalised and tailor-made information; emotional support, if necessary with the assistance of a psychologist, in a dedicated safe reception room; assistance in referral to problem-solving organisations and in advocacy, shelter and financial support.

It is important to mention the National Victim Support Coordination Mechanism, established in 2023, which aims to make the victim support system more efficient and to carry out tasks aimed at preventing victimisation. To support the prevention of victimisation and victims' access to services tailored to their needs, the National Crisis

Helpline and Information Service (OKIT), which focuses on victims of relationship violence and human trafficking, handles 10-11,000 calls per year. The app, called "Get it right away", available since 2020, provides useful information on the subject, specifically for adults and for children.

The Child Protection Call Number operated by the Margit Slachta National Institute for Social Policy registered 1,401 meaningful calls in 2023, and 1,370 calls in 2024, of which 1,209 were meaningful calls. In terms of the nature of the calls, 931 calls requested information, 18 calls requested professional, methodological assistance and 261 calls indicated a risk. The Victim Support Line handled 4 calls concerning minor children in 2023 and 3 in 2024, although the number of calls showed an upward trend until 2022. Also worth mentioning is the role of the Victim Support Officer in the police force, who pays special attention to child victims (among others) and victims with disabilities.

3.2.2 Anti-Trafficking Directive: National framework for child victims of trafficking in human beings

The European Union sets out in a Directive the obligations of Member States to combat trafficking in human beings. Directive 2011/36 on preventing and combating trafficking in human beings, protecting victims and replacing Council Framework Decision 2002/629/JHA provides the basis for the domestic regulatory framework. In relation to the successful transposition of this, the European expert on judicial and home affairs cooperation interviewed during the research informed us that although an administrative enquiry was sent to Hungary by the European Commission in 2019, this was answered and no further correspondence followed, meaning that the domestic legislation is in line with the Directive.

Article 192 of Act C of 2012 on the Criminal Code contains the definition of trafficking in human beings and forced labour, which exceeds the minimum standards set out in Directive 2011/36/EU. Also worth mentioning is the Government Decree No. 354/2012 (XII.13.) on the identification of victims of trafficking in human beings, which lays down the basis for the reporting system of institutions involved in the fight against trafficking in human beings and the basis for victim identification. However, it only defines an identification procedure for adult victims of trafficking (quasi-individual assessment).

Act No. V of 2020 amending certain acts necessary to combat the exploitation of victims of trafficking in human beings introduced the so-called general protection measure for the protection and rehabilitation of child victims of sex trafficking (Article 76/B. of CPA: According to this provision, the police is obliged to place a child victim of trafficking in human beings in one of the five special children's homes - even in the absence of an expert committee opinion - if they detect that the child may have been a victim of trafficking (certainty is not a prerequisite). Another guarantee for the protection of child victims is that no offence can be prosecuted against those under 18 who engage in prostitution. In 2022, the Ministry of the Interior published a theoretical and practical guide and a professional recommendation for members of the child protection detection and signalling system and staff of family and child welfare services and centres entitled "Make trafficking visible" to help them identify trafficking and ensure coordinated procedures. The recommendation covers the criteria for recognising child victims and provides recommendations on how to talk to a child if you suspect that he or she is a victim of trafficking. However, due to the lack of training on the methodological recommendations and the lack of experience in applying them in practice, it is unclear whether the recommendations on listening to children are actually put into practice.

Directive 2011/36/EU also requires that interviews of children suspected of being victims of trafficking should be conducted by specially trained persons in premises fully equipped for this purpose. However, no data is publicly available on how this is applied in practice.

3.3 The role and challenges of the domestic child protection detection and signalling system in identifying victimisation, with a particular focus on barriers to reporting offences

According to Article 17(1) of the CP Act, the Child Protection Signalling System members (including investigating authorities, courts, victim support services, etc.) are obliged to report child endangerment to the child welfare service or to initiate official proceedings in cases of child abuse or serious neglect or other serious endangering reasons, as well as in cases of self-inflicted serious endangering behaviour of the child.

Although there is a sectoral professional guide on the recognition and treatment of child abuse in the health sector, there is no uniform internal protocol for the treatment of child abuse cases in educational institutions, which, in the absence of a uniform set of concepts and procedures, affects the quality of cooperation between the members

of the reporting system. In particular, there is a complete lack of methodological procedures for dealing with child victims with disabilities.

Furthermore, there is a lack of training to help signalling system members to effectively apply the (existing) protocols in practice to specific child victims. In the present research, the head of the interviewed NGO also reported in the focus group discussion that, in the absence of targeted training, it is not always clear to the signalling system members what their signalling system tasks are. In many cases, e.g. when a crime is detected, the signalling system members fail to report the crime after the child protection signal. According to the focus group interviewees interviewed in the research, this is partly due to a problem of legal interpretation: the CP Act. does indeed provide for the initiation of an official procedure in case of suspicion of a crime, but in practice this is often "settled" by the initiation of a protection procedure and no criminal complaint is made. In this context, it is worth mentioning that in order to increase the effectiveness of the child protection signalling system, the legislator, following the 2024 pardon scandal, introduced a new offence in Article 209/A of the Criminal Code entitled "Failure to comply with the child protection signalling obligation", which makes it a misdemeanour punishable by up to two years' imprisonment for failure to report in circumstances indicating serious danger to the child. In its position paper, the Hungarian Child Rights' Coalition criticised, however, that the legislator, emphasising **a punitive approach** instead of prevention, threatens child protection professionals with imprisonment if they fail to fulfil their duty to report under the Child Protection Act, without creating the necessary personnel and infrastructure for the effective functioning of the reporting system.

The Barnahus House counsellor and social worker interviewed in the present research found that since the 2024 law change, the number of child protection reports has increased significantly and that there are cases where minor, not necessarily serious cases are followed by signalling, even criminal charges, where a personal consultation with the families or persons concerned, such as a simple conversation, would often have been sufficient. The child protection detection and signalling system can thus overreact and often lead to the initiation of criminal proceedings, which are not always in the best interest of the child, as in many cases can lead to unnecessary traumatising. Thus, paradoxically, tightening up the legislation to penalise non-reporting of serious cases could lead to over-reporting and increase the overload on the child protection system.

In comparison, our child protection guardian interviewee reported that it depends on the professional whether the guardian makes the criminal report, that there is no uniform approach, but also highlighted that negative experiences with the police also lead child protection guardians to believe that often there is no point in reporting because nothing happens anyway.

A further obstacle to the effective implementation of the rights of child victims (with disabilities) is the lack of a common understanding of the concepts of child abuse and victimisation in particular. The lack of a common understanding of the concepts of child abuse and victimisation is also reflected in the manuscript of a study carried out by the National Child Protection Service (hereinafter: NCPS), which also examined the role of child protection guardians in the effective recognition of **child** abuse. From the research, based on a representative sample, it can be concluded that child protection guardians have sufficient knowledge about the abuse of the children in their care, but that there is a lack of consistency in the definition of abuse, the extent of abuse and consequently the way in which it is dealt with. This raises the key role of ongoing sensitisation training for professionals in identifying child victims, with a Member State obligation in line with the Victims Protection Directive.

According to our child protection guardian interviewee interviewed in the present research, in cases of abuse of children, it is very variable who reports the abuse, and it is precisely the experience that investigations are closed, with no results. Our interviewee told us that she has reported 10 cases in recent years, only one of which was prosecuted and subsequently convicted.

Anyone can report a crime against a child with a disability in writing or orally, either to the police or to the prosecutor's office, but the report cannot be rejected by the court or other authorities, which must forward it to the investigating authority with jurisdiction.

According to the wording of the Act on Criminal Procedure, a report may be made by anyone, and is not subject to the condition that the person making the report must have legal capacity. Therefore, in principle, a child with a disability can also make a report. All other rights that may be attached to the complainant in criminal proceedings may only be exercised in person by a person who has the capacity to stand trial in criminal proceedings.

However, based on the interviews carried out in the course of the present research, it seems that victims, and more importantly their parents, face insurmountable obstacles even when making a report. One of the lawyers interviewed, who specialised in

domestic violence cases, stressed that "Women often do not dare to report anyway because it can backfire. If a woman reports it ... her child will be transferred to the father in the family law case ... there are such deep prejudices in the system that she cannot overcome them. Moreover, if the report is unsuccessful, he may even turn back... on a false accusation".

None of the professionals interviewed could recall a case where a child with a disability had made an independent complaint to the police.

Several recent high-profile cases in child protection, including the case of the head of the correctional institution in Szőlő Street, highlight the fact that in many cases, members of the child protection reporting system do not take strong action in cases of child abuse because of the prestige and legal risks involved. Typically, they prefer to refrain from making another unsuccessful report, fearing that the perpetrator may later sue the institution for reputational damage, which would result in a loss of prestige. However, if the discovery or suspicion of abuse is not followed by a child protection signal and action to help and protect the abused child and investigate the incident, then this is child abuse in the context of systemic abuse.

Many examples of the obligation of authorities and officials to report abuse were mentioned by the professionals interviewed in the focus group. The Act on Criminal Procedure provides that if a member of a public authority or an official becomes aware of the commission of an offence in the course of exercising their powers, they are obliged to initiate criminal proceedings.

Due to the lack of training of signalling system members- as confirmed by literature review, in addition to signalling, criminal charges are often not filed in cases of suspected crime. Paradoxically, the 2024 law change, which penalises failure to report, has led to an unwarranted increase in the number of reports, often unnecessarily burdening the system and traumatising children, while the necessary infrastructure is lacking.

However, according to the experts interviewed, the obligation to initiate an official procedure under Article 17 of the CP Act does not impose an obligation to initiate criminal proceedings on the members of the signalling system.

All those who had direct experience of the functioning of the national child protection signalling system identified as a serious problem the fact that, in their view, staff in child welfare services do not always initiate criminal proceedings in cases of suspicion of crime, so that serious cases of abuse of children remain hidden from the

investigating authorities. Professionals interviewed by the Foster project also pointed out that although the health care system and police have issued protocols for dealing with child abuse, they are often unclear and their practical application is questionable. The head of the NGO interviewed in the present research put it bluntly, even when a psychiatrist or other professional makes a child protection signal, no criminal complaint is made by child protection services: "*There are no criminal reports after any indication, in practice speaking in general terms.*" According to the participants, this is partly due to a problem in the application of the law, referring here to the fact that the Child Protection Act does indeed provide for the initiation of an official procedure in case of suspicion of a criminal offence, but in practice this is often "settled" by the initiation of a protection order (as an official measure) and no criminal report is made.

An NGO that runs a free helpline for children and young people reported similar experiences, saying that primary child welfare services do not always take the initiative to report suspected offences, but rather try to remedy the situation by providing some kind of service that falls under the scope of primary care.

However, children are asking for help in large numbers, and according to the specialist at the NGO that runs the helpline, out of the 15,000 or so calls a year, around 1,100 are from children and young people with disabilities.

The number of known victims registered with the police in the case of children was 5,796 in 2019, 6,295 in 2020 and 5,804 in 2021, of which the number of children under 14 years of age was 2,162 in 2019, 2,689 in 2020 and 2,662 in 2021.

Inadequate knowledge and different interpretations of the professional guidelines applicable in cases of child abuse, as well as shortcomings in the functioning of the child protection detection and signalling system, contribute to the fact that members of the signalling system do not always take all necessary steps to protect the child, do not signal, thus exacerbating the child's vulnerability and further victimisation.

Among the actors in the child protection detection and signalling system, the child rights representative has a key role to play in identifying victimisation and providing effective assistance. According to Article 11/A of the Child Protection Act, the child rights representative shall pay special attention to the protection of children with special needs, which includes children with disabilities. During the structured interview, the representative of the NGO that runs a legal clinic in the segregated areas reported on a case where progress was made in the case of child victims with disabilities (child with special educational needs) with the help of a referral to the child rights representative.

Children with special needs (children with special educational needs and substance abusers) were removed belatedly from their families by the guardianship authorities after repeated signals of child abuse, on the grounds of serious vulnerability. However, the care placement allocated to them did not meet their special needs, they continued to run away, lead homeless lifestyles, did not attend school, became regular drug users and became criminalised. In spite of the NGO's repeated child protection signals, no progress was made in their cases as child victims until the NGO's legal volunteer made a signal to the child rights representative. The case study illustrates the important role of the child protection signalling system members in determining the best interests of child victims. At the same time, it raises the question of whether current victim protection and child protection legislation actually ensures that signalling members are genuinely acting in the best interests of the child and have the necessary means to effectively assist child victims.

It is necessary to mention the disability counselling service, which came into force on January 1, 2022. This is a specialised service aimed, on the one hand, at providing counselling to persons with disabilities and their family members, and on the other hand, at fostering cooperation with institutions providing social, child welfare and child protection, healthcare, educational, employment, sports, and other leisure services, as well as with civil organizations, advocacy groups, and religious institutions and communities. As of 1 January 2022, 2 disability advisers per county will be available in the designated family and child welfare centres, who will carry out their activities based on a methodological guide (with target group-specific knowledge to assess the needs of children with disabilities).

3.4 The situation of child victims in criminal proceedings and the procedural guarantees and support services provided to them

The following section describes the situation of child victims in Hungarian criminal procedure law, presenting the current legal framework that allows children to participate in legal proceedings affecting them.

3.4.1 Assessment of entitlement to special treatment

According to Article 82 of the Act on Criminal Procedure, the authorities shall consider, without discretion, persons under the age of 18 and persons with disabilities, even if

the disability is not officially recognised, as persons in need of special treatment, as well as victims of sexual offences, on the basis of a legal presumption. The application of special provisions or the determination of special treatment does not require a decision form, in order to minimise the administrative burden, as the decision itself takes the form of a decision to grant leniency measures.

In order to enable child victims with intellectual or psychosocial disabilities to exercise their rights as victims in criminal proceedings in the best possible way, i.e. in accordance with their maturity, development and interests, it is necessary to identify and assess their individual needs and to adapt the procedure to them at all levels of the child protection system and criminal proceedings.

Children with intellectual or psychosocial disabilities are often vulnerable to the most common crimes against children, and their vulnerability is often exacerbated by prejudice against persons with disabilities.

Identifying barriers to communication is the first step towards children being able to report harm or describe what has happened to the extent necessary to hold perpetrators accountable.

Legal regulation of individual assessment

The Ministry of Justice's Decree 12/2018 on the rules applicable to certain acts and persons involved in criminal proceedings regulates the detailed rules for establishing special treatment (hereinafter referred to as: MoJ Decree 12/2018). The individual assessment of victims is carried out by the investigating authority by filling in a simple, tickable data sheet (hereinafter referred to as the "individual assessment data sheet") in accordance with Article 9(4) of MoJ Decree 12/2018, Annex 1. The assessment shall also identify any circumstances that may prevent the person concerned from exercising his/her rights or fulfilling his/her obligations. These may include factors that make it difficult to understand or comprehend, difficulties in accessing the site or other obstacles to participation in the procedure (for example, health, school or care responsibilities). Other barriers may also be recorded.

The following paragraphs examine key challenges surrounding the practice and legal requirements of individual assessment for child victims, highlighting how the lack of mandatory ex officio assessments can lead to inconsistent protection and inadequate procedural accommodations.

A difference in the jurisprudence on individual assessment results from the fact that courts, prosecutors and investigating authorities are not obliged to carry out an ex officio individual assessment of a child under 18, a child with a disability or a child victim of sexual abuse, unless they are expressly made aware (ex officio or on request) of circumstances (e.g. disability) which indicate the existence of a ground for special treatment. While the police officer interviewed in the present research reported that police officers in his/her police station typically conduct ex officio individual assessments to determine whether a child is, for example, a person with a disability and automatically fill in the individual assessment form in Annex 1 of MoJ Decree 12/2018, there is no uniform national practice in this regard.

Another problem with the individual assessment is that even if the court, the prosecutor or the investigating authority identify the child victim with a disability, there is no ex officio obligation to conduct an individual assessment in such cases in order to determine the necessary and proportionate procedural guarantees and facilitations adapted to the child's situation.

However, the absence of an ex officio individual assessment may result in many cases in the child victim's disability remaining hidden or in procedural facilitations not being determined in accordance with his or her needs. As a result, the child may be retraumatised and his or her hearing may not be considered valid from the perspective of criminal procedure law, as he or she will not have received the appropriate procedural facilitation. In the course of the research, one such case was reported by a Barnahus House counsellor, where the child's disability was discovered just before the Barnahus hearing, and was brought to the attention of the counsellor and the investigator by the social worker who was having the 'tuning-in' conversation with the child at the Barnahus House. In this particular situation, the fact that the counsellor used the appropriate interviewing technique to meet the child's needs and that the interview could become admissible evidence in criminal proceedings depended to a large extent on the counsellor's specific training and his ability to quickly recognise and adapt to the situation. The Barnahus House counsellor interviewed in the research also reported a case where a child victim was not considered disabled but came from such a high level of social disadvantage that during the Barnahus hearing *"everything had to be explained to him in much the same way as to a mildly mentally handicapped person."*

Differing practices on individual assessment

Effective communication with child victims depends on adults recognizing each child's unique needs. This section explores how professionals learn about disabilities and special needs, the challenges in identifying them, and the impact of missing individual assessments and consequently the lack of adequate procedural accommodations, based on expert insights.

In order to use the appropriate communication tool and strategy, it is essential that adults communicating with children understand or recognize the child's specific communication and other needs.

During the expert interviews conducted for this research, professionals were asked about how they even become aware of a child's disability and the special needs that result.

According to the police officer interviewed, whether the child victim has a disability or special educational needs is usually stated primarily by their legal representative. The expert added that child victims are automatically entitled to special treatment. In almost all cases of sexual offences, a psychological expert is sent, so the police officer interviewed said that, if nothing else, this expert opinion could reveal the special needs of the child victim resulting from his or her disability.

In order to identify the individual needs of the child, our police interviewee said that the information gathering could be extended to other relevant institutions, such as the school, but this is not automatic. The police will only approach the school if it becomes involved in the procedure in some way, or if there is already some preliminary information that suggests there is a reason to do so: *"If I have not met the child ... and there is nothing that makes the school involved in the procedure, we will not approach the school. If it is involved in some way, then by all means."*

Police officers also look out for signs that may indicate a special need during the face-to-face meeting with the child. This could be, for example, if the child is not in an age-appropriate class or if he or she is a student in a special education institution. In such cases, the underlying reasons are asked and, if justified, an expert may be called in: 'If we have data, we may call in a psychological expert. Even if it is not a sexual offence,' said the police interviewee during the focus group discussions.

The importance of assessing and taking into account individual needs was also stressed by a member of staff of the foundation that runs a helpline for children during

the focus group interview. She used a specific case to show that, unfortunately, these needs are not always taken into account by child protection services: a boy with autism spectrum disorder had a long, multi-service telephone consultation, and told of severe neglect and emotional abuse. The Foundation has made a child protection signal on the case and has requested feedback from the Child Welfare Service on the action taken on the case. The feedback was "very inconclusive". When the specialist contacted the family support worker by telephone, the case worker replied, "He is not qualified to deal with such serious psychiatric cases, he certainly won't talk to this boy, he is a very strange boy, he has a psychiatrist and his psychiatrist will tell him what to do." According to the specialist, this is not an acceptable attitude, because *"talking to an autistic boy is not a task for a special needs teacher, and certainly not a psychiatric task... in my opinion, this should be a manageable task for a social worker or a social pedagogue."*

This case also shows that even if the competent authorities identify persons with special needs, in particular child victims and child victims with disabilities, it is not certain that they also carry out an individual assessment or, if they do, whether they assess what procedural guarantees and facilitations should be made to meet their needs. This can partly be attributed to non-compulsory legal provisions, partly due to a lack of specialised expertise, and partly due to insufficient sensitization training aimed at providing specific knowledge about children with disabilities.

Guarantee rules/procedural facilitation for persons requiring special treatment

Child victims and victims with disabilities are therefore automatically considered as persons requiring special treatment, without any individual assessment. At the same time, it is important to stress that most of the guaranteed measures listed in Section 85 of the Act on Criminal Procedure, which fall within the scope of special treatment, are only applied in practice if "there is a possibility" to do so, i.e. they are not mandatory. The optional ('possible') nature of the practical application of procedural guarantees makes it considerably more difficult to ensure that the best interests of children with disabilities are upheld in practice and increases the risk of their secondary victimisation. It also emerges from the focus group interviews that in many cases, despite the automatic entitlement to special treatment (disability and childhood), child victims with disabilities do not in practice enjoy the guarantees laid down in the legislation that could facilitate their access to justice.

The guarantee rules for special treatment include more favourable provisions for contacts with the authorities (protection of privacy, treatment of personal health data),

more favourable rules for the preparation of certain procedural acts (to be carried out without delay, preferably not to be repeated, not to unnecessarily meet with other participants in the proceedings, e.g. the offender), the involvement of the facilitator and, where necessary, the exclusion of the public from procedural acts.

In the case of children, the Act on Criminal Procedure distinguishes between proceedings involving persons under 14 and those involving persons aged 14-18.

For those under 18 years of age, “where possible”:

- Visual and audio recordings must be made,
- A forensic psychologist may be ordered to be present during the proceedings,
- The procedural act must be carried out with the assistance of an expert or adviser;
- It is the responsibility of the authorities to ensure the effective exercise of the rights of the child;.
- The child's statement cannot be verified by polygraph,
- Their interview can only be ordered with their consent.

Strict rules for children under the age of 14:

- They may be interviewed only if the evidence they are expected to provide cannot be replaced by other evidence;
- If possible, they should be heard in a place which is or has been made suitable for that purpose,
- The same person should, if possible, conduct the interview each time,
- A video and audio recording shall be compulsory.
- Confrontation is prohibited
- The defence and the accused are excluded from procedural acts in which the child is present.

The law also provides for further restrictions in the case of offences against sexual freedom or sexual morality committed against a person under the age of eighteen. In such cases, stricter rules on the place of proceedings apply and the presence of the defender and the accused is excluded in all cases. If the procedural act is conducted by telecommunication, the child victim may only see the judge, the prosecutor or a member of the investigating authority, unless there is an exception by law. Other persons present are not allowed to ask questions directly; they may only propose that questions be asked. In addition, the public should be automatically excluded from any procedural event where the personal presence of the child victim is required, without

any discretionary exclusion. However, it is a matter of concern that these stricter requirements do not have to be complied with, for example, in the case of offences of assault and battery, child endangerment or domestic violence.

While for other vulnerable groups, the right of self-determination of the victim/witness to refuse the application of special procedural guarantees related to special treatment is respected, for children, disabled persons and victims of sexual offences, special procedures related to special treatment are mandatory.

Overall, therefore, it can be said that childhood or disability alone is a ground for entitlement to special treatment, which can provide procedural rules that facilitate the participation of children in criminal proceedings.

3.4.2 Hearing child victims in criminal proceedings

The Criminal Code prohibits, as a general rule, the personal presence of the accused and the defence counsel at the hearing of a child witness, and provides that the examination of witnesses under the age of fourteen may not be ordered [Article 88(2) of the Criminal Code] and that the examination of witnesses between the ages of fourteen and eighteen may be ordered only with their consent.

As of 1 July 2018, the role of the investigating judge for the examination of witnesses under the age of eighteen has been abolished, as this is the exclusive responsibility of the investigating authority. The basic aim of this legal amendment was to reduce the number of interrogations and to avoid retraumatisation of the child.

As a general rule, the new Act on Criminal Procedure provides for the use of telecommunication means (teleconferencing, videoconferencing) as a general rule for the entire criminal procedure in Section 122 paragraph (1) point a) of the Act on Criminal Procedure as regards the method of interrogation of victims/witnesses under the age of 14. In the case of a victim entitled to special treatment, the Act on Criminal Procedure does not specify the person, qualification or expertise of the interviewer or the specific method of the interview, but it does specify who may be present and who may question the child.

Interviewing (interrogating) children with disabilities who have been victimised can be a key element in an investigation. If their individual needs are already known to the investigating authorities, the next step is to tailor the interview conditions, accordingly, choose the most appropriate professional to interview the child and apply the method. However, some research on witness interviews shows that victim protection in criminal

proceedings is not always ensured. The manner and number of interviews, the length of the proceedings, the possibility of special treatment and often the constant threat during the proceedings are reasons for the harsh re-traumatisation of child victims.

Experts interviewed during the research reported that it is currently entirely up to the police whether child victims are interviewed in Barnahus House by a specialist counsellor or in the police building in a room suitable for interviewing child victims. According to them, the police officer/prosecutor/judge typically chooses to interview children in the Barnahus House if he/she is already convinced that this interview technique is effective and less retraumatizing; if the child has a disability (typical police assignments for child victims with ADHD and autism); or for young children (for whom he/she considers that the specialist counsellor has more competent, specialized knowledge to conduct an effective interview).

Interviewing child victims at the police station

In the spirit of child-friendly justice, the first child hearing rooms have been designated in police buildings since 2011. Even at the outset, there was a problem of access to these rooms by children who could encounter harmful situations inappropriate to their age and maturity, given that they were set up inside a police station. In this initial period, there were no investigators who had received specific training in listening to children. From 2013, the need for multidisciplinary training of police staff in communicating with children was introduced at police standard level. The practical experience of the Police Criminal Investigation Department as well as several studies have highlighted the need for multidisciplinary interviewing training and protocols for police officers in relation to persons with special needs. To this end, the police, through the Hintalovon Foundation, invited a trainer from the Flemish police's specialised team for child interviews to train more than 100 police and justice professionals in 2018 on how to interview children in a gentle, child-friendly way. This enabled the police to finally fill the special interview rooms with real child-friendly content. Based on the training, the police produced an "internal curriculum" in 2022, which summarises the methods of child-friendly interviewing of children by police officers, as well as an interview protocol.

A police officer interviewed for this research said that the interviewing of children is typically still in the hands of the investigating authority and that although a so-called "Swallow Network" of police officers working with children has been established, most police stations do not have a specialist to conduct child hearings: *"A detective who interviews a robbery suspect in the morning or a suspect in a car break-in might interview a child."*

According to the police officer interviewed in the research, the reason why not all police stations have a specialist in children is that the specific methods of interviewing children have not been part of any training programme until recently. In other words, members of the investigating authorities have not received any specific training in the interrogation of children. The research on the use of the police premises designated to conduct child hearings also underlines that the lack of training can lead to serious violations of children's rights, secondary victimisation and can reduce the effectiveness of investigations and prosecutions.

In relation to the atmosphere of the current child interview rooms in police stations, our child protection guardian interviewee considered them to be no different from an ordinary police room because although "these are called child-friendly interview offices, they are ordinary police offices, they have one or two of these dirty toys in them and otherwise they are just ordinary police offices. The cigarette smoke from ten years ago is still embedded in the wall, there are two cameras and that's it, but the safe, the guns, they're all on the wall and the police medals." A research manuscript from a 2021 survey with child protection guardians also supports the view that police child-friendly rooms - especially compared to Barnahus listening rooms - are not welcoming.

Section 74 of the Act on Criminal Procedure explicitly requires that persons involved in criminal proceedings, such as police officers, prosecutors, judges, should strive to ensure that child witnesses, understand the information they are communicating and are able to understand it themselves, which requires special communication tools. However, according to the professionals interviewed during our research and the findings of the NCPS Child Abuse Research Manuscript 2021, child-friendly communication and the child's right to information and participation are often not implemented in practice, so the best interests of the child are not always put first.

Child Victims Hearings in Barnahus Hearing and Therapy Centres ("Barnahus House")

Since 1 January 2021, child victims can be heard in criminal proceedings using the so-called "Barnahus" method. The service cooperates with child welfare offices, primary child welfare services, but also participates in police investigations. The Barnahus model was initially used in Hungary on a trial basis in child protection proceedings, and from 2021 onwards, legislation has made it possible to use it in criminal proceedings. The essence of the Barnahus method is that, in addition to child-centred listening to children, it also allows for therapeutic assistance to child victims through trained professionals.

From 1 January 2019, Section 61 paragraph (2) of the CP Act. the operation of the Barnahus House in Szombathely became legal, so from 1 January 2019 it has been conducting Barnahus investigations on official secondment.

Section 87 paragraph (1) points ba) and bb) of the Act on Criminal Procedure codifies this hearing by stipulating that the court, the prosecutor and the investigating authority *may* order that in the case of a procedural act requiring the participation of a person under the age of eighteen, the procedural act be conducted by a forensic psychologist or a psychologist authorised under Article 61 paragraph (2) of the CP Act or by another specialist counsellor as defined by law. The rules for the execution of the procedural act with the assistance of a counsellor are regulated in Chapter 7/A of MoJ Decree 12/2018 (VI. 12.) on the rules for certain acts of criminal procedure and persons involved in criminal proceedings. The special counsellor, who is a qualified psychologist and is familiar with the interview technique, conducts the interview of the child under the direct instruction of the police officer in charge of the investigation and on the basis of the Methodological Guidelines prepared by the National Police Headquarters.

In 2022, the National University of Public Service launched the Forensic Child Protection Counsellor Specialist Training, specifically for counsellors interviewing children in Barnahus interview centres, which also covers guidelines for interviewing children with disabilities.

There are currently five Barnahus houses nationwide: two in Budapest, one each in Debrecen, Szombathely and Gyula. According to the National Child Protection Service, the number of counselors employed in Barnahus houses increased to 23 in 2024, while the number of clinical psychologists providing therapy decreased from 7 to 3. In 2022, 190 children were interviewed in Barnahus houses, in 2023 301 children, and in 2024 396 children. In 2024, the number of children interviewed with the assistance of a specialist counsellor tripled, indicating that the investigating authorities are increasingly using this less child-invasive solution in their procedures. The Barnahus counsellor interviewed reported on a guardianship hearing where the child had to be heard for abuse (not committed by a legal representative, in case the appointment of a guardian ad litem would be automatic because of conflict of interest). In such cases, the consent of the legal representative is required for the taking of audio and video recordings of children under 18 and in this case the parent was more difficult to cooperate with and did not want to give consent. A workaround was found whereby a guardian ad litem

was appointed by the guardianship authority only for the hearing and he made a statement.

Another problem with the Barnahus hearings initiated by the guardianship authority is that if the case is later prosecuted because of a denunciation, the police can admit the Barnahus hearing as "other evidence" in the criminal proceedings, but cannot use it as an interrogation, so the child is often questioned twice, which is not in the best interest of the child. A further problem is that the Barnahus method does not replace the examination conducted by a forensic psychologist. According to the Barnahus House counsellor interviewed for this research, there are cases where a child is first interviewed by a Barnahus counsellor and then ordered to undergo a further forensic psychological examination. The child protection guardian interviewed in the present research reported a similar case where the child victim was interviewed at Barnahus House, but this was the third time the child had been interviewed, the previous two being by the police officer rather than a Barnahus counsellor. In this case, it is highly doubtful whether, even with the involvement of Barnahus House, the secondary victimisation of the child was minimised in view of the third hearing. However, the Barnahus counsellor interviewed in the present research reported a case where the child had been interviewed by a police officer before, but had not said anything and the prosecutor had therefore ordered a second interview with the child by the counsellor in the Barnahus house, which was usually successful in 90% of cases.

Compared to the number of children served by the Barnahus Hearing and Therapy Centres, the fact that only 19 children were provided with therapeutic support in 2024, when the point of the institutions is to provide a child-friendly listening environment and therapeutic support for children, seems low.

Crimes involving children and child victims with disabilities are not recorded by the NCPS. However, the Barnahus House in Szombathely collects data on the hearing of children with disabilities. According to these records, in 2020, approximately 60 children were examined, of whom nearly 20% were found to have mild intellectual disabilities and nearly 10% were found to have moderate intellectual disabilities. For child victims with disabilities, the Barnahus Manual requires that the location be accessible by public transportation. The premises must be accessible to children with disabilities and/or special needs and physically safe for children of all ages and stages of development, including children with disabilities and/or special needs.

Some of the child protection guardians interviewed in the NCPS survey on child protection guardians' knowledge of abuse believe that it is strongly contraindicated to talk to the child in cases of sexual offences, as this hinders the process of detecting the offence. This was particularly emphasised in cases where the child victim has a disability, where it is important *"to have questions and answers from the right professional in order to provide the child with the best support. The effectiveness of the assessment can be affected if the child is asked about it without specialist knowledge and more than necessary."*

However, there is no uniformly applicable methodology on how child protection guardians should "talk" to child victims about their trauma, **with what interviewing** methodology and to what depth, when child abuse is detected. Guidance on this would also be important in order to avoid retraumatisation of child victims following repeated interviews.

The services of the Barnahus House are of particular importance in the context of the Gylv. 76./B. of the General Protection Measures or in cases of sexual offences. The Barnahus model was unanimously considered the most child-friendly method by the experts interviewed in the present research and by the FOSTER project.

The consultant of the Barnahus House interviewed sees the important difference between the police interview room and the Barnahus House interview as *"actually here (in the Barnahus House) the children do not experience it as an interview, but as a conversation. So it's not that they are asked questions, direct questions, but the way the whole interview technique is set up, it actually gives the child the feeling of a conversation and therefore you can get much more information out of his testimony than if you ask him direct questions."*

The experts interviewed in the research were unanimous in stressing that this method should be applied uniformly throughout the country to child victims and that it is important to sensitise professionals working in the justice system (through training) on the method, especially to avoid secondary victimisation of children and to provide therapeutic treatment to child victims. However, according to one lawyer interviewed, the Barnahus House may be used at the investigation stage only on an ad hoc basis, in the lawyer's own experience it really depends on whether anyone has put pressure on the investigating police officer to use it. This possibility was also confirmed by the police officer interviewed during the research, who said that it was entirely up to the investigator in charge of the case to decide whether the child should be interviewed

directly in the police interview room for children requiring special treatment or by a specialist counsellor at the Barnahus House. According to our police interviewee, it is difficult for investigators to take the interviewing of victims out of their hands, so the number of interviews in Barnahus houses is hampered not only by the limited capacity of the specialist advisers and the availability of interview rooms, but also by the fact that its use is not mandatory but always a subjective decision of the police officer in charge. However, the Barnahus House counsellor reported that police officers are initially afraid to give up control, but once the well-structured interview has been started by the counsellor, and if they wait patiently for 10-25 minutes, they are surprised to find that they get answers to their questions. Her experience with police officers who request a child interview at Barnahus House is that they have a great deal of trust in the specialist counsellors, and often feel more competent, as that is why they bring the children here. The possibility of ordering child interviews at the Barnahus House is also a concern because there is no uniform methodology for interviewing child victims (with disabilities) at the Barnahus House or in the police interview rooms set up for interviewing children with disabilities. (While in the police child interview rooms, the child is interviewed by a police officer who has not necessarily received any training, in the Barnahus House the interview is conducted by a trained counsellor, asking questions shared by the police officer.)

The interviewed professionals also identify as a problem that the professionals who interview children (police officers, counsellors, forensic psychologist experts) do not receive a uniform (specific and continuous!) training and that those of them who have completed the training of counsellors provided by the National public service university are not always employed at the end as counsellors in the Barnahus House. Initially, the police organised a 2-week intensive training for the counsellors on behalf of the NCPS , where they were trained in the forensic child consultation protocol (NICHHD). As the training is still relatively new, not all counsellors in Barnahus Hearing and Therapy Centres have a counselling diploma. Child interviews in the premises reserved for the interviewing of NICHHD persons in the police premises are based on a police "internal curriculum" (2022) .

These circumstances hamper the uniform application of the law in child-centred hearings.

4.4.3 Augmentative and alternative communication (AAC) in practice

AAC is an umbrella term for tools and methods that aid understanding and comprehension, such as pictograms, drawings, soft toys, puppets or sign language. In the Hungarian literature, the use of augmentative and alternative communication has been studied mainly in educational institutions for children with intellectual disabilities. According to a study focusing on kindergartens, "the majority of children with intellectual disabilities need AAC. All of the special needs teachers interviewed use AAC in their pedagogical work and most of them do so in developmental situations."

There is no national research on the experience of using AAC tools in criminal proceedings.

None of the professionals participating in the focus group interviews were familiar with the term augmentative and alternative communication. However, once the concept was clarified, it became clear that such tools are used - instinctively - in the police, not only for children with intellectual disabilities, but also in a pseudo-random way to help children communicate.

According to our police interviewee, "There are a lot of things children don't have the words for or can't say... they draw them, they act them out, they show them on a stuffed animal." In police practice, it is more typical that the child "draws", "acts", "shows on a stuffed animal" what happened. Such tools are also covered in interview technique training, especially Barnahus training. *"You can use a doll, you can draw it, but you can do it in a way that I don't influence it."*

Interviewees during the focus group interview also pointed out that it is not currently built into the system, for example, to have a special needs teacher assist the process if a child has autism or other communication difficulties. There is no structure in place for regular collaboration and an accessible register of professionals.

According to the former judge, there are no databases available to law enforcement bodies that would allow them to know in which field an expert is specialised, which causes serious problems, for example, when appointing the right expert.

3.4.4 The role of facilitators in access to justice for child victims

In criminal proceedings, facilitators may be involved in the proceedings to represent and protect the rights and legitimate interests of the accused, the victim, the property owner and other interested parties, and to exercise their rights and fulfil their obligations.

In the case of disabled child victims, the participation in the proceedings of a facilitator may be of particular importance, who may be the following persons in their case, pursuant to Section 59 of the Be:

- Their legal representative;
- The guardian ad litem;
- In the case of foreign nationality, the consular officer;
- The adult person having the care of a minor or juvenile;
- An authorised representative;
- An adult person designated by the victim or the complainant;
- The person who acts as interpreter.

Special role of the guardian ad litem in the event of a conflict of interest between the child and the legal representative

According to the Criminal Procedure Act, the legal representative may be excluded from the proceedings by the prosecution or, after the indictment, by the court, if the interests of the legal representative are contrary to those of the person he or she represents. In this case, the police, the prosecutor's office or the court will appoint a guardian ad litem.

According to the experts interviewed in the focus group interviews, it is quite common for parents to be excluded from the proceedings in cases involving a minor victim and for a guardian ad litem to be appointed to represent the child. In the case of abused children, the parent is often held responsible for endangering the child or other criminal offences.

A counsellor and a social worker working in Barnahus reported that the authorities assign the guardian ad litem in 90% of cases, who *"feels and understands the children and the families, so I think it's very good to work with him and it's good for the children to have him there."* Sometimes a guardian ad litem who has no experience in Barnahus hearings just drops in, but they are usually open and interested.

In contrast, a domestic violence lawyer interviewed during the focus group interview said that *"99% of our cases they exclude the parents... and send out a stranger guardian ad litem" who often not only does not help the child but is "totally stand-offish... they don't even answer the phone specifically". It is particularly problematic that even the defending parent cannot contact the guardian ad litem: "don't send him any documents, he is not interested in anything, don't talk to him, he doesn't give any information, nothing"*.

This is all the more problematic because the *guardian ad litem* is supposed to represent the interests of the child, but the judge interviewed said that this is not the role of guardians today, saying that in his experience guardians *"quite simply, they just sign that they have been there"*.

According to our police interviewee, the original aim was *"to have a person [standing] beside the child who really and only has the child's best interests at heart and certainly not to make a decision that is contrary to that"*. However, she also expressed her doubts: *'the question is how much a lawyer has the skills or competences that the child needs there, in that situation'*.

A further concern is that while the appointment of defence lawyers is now decided by lot, the procedure is transparent and fair, this new system has not been introduced for guardians ad litem, which means that it remains a subjective decision of the police, prosecutor or judge who makes the appointment.

We asked what special training and knowledge is required for the guardian ad litem to be able to effectively represent the interests of children, including children with disabilities, the experts say none, i.e. in principle any lawyer can be a guardian ad litem, no aptitude test or other special training is required to perform the task.

Nor is the logic of the system conducive to genuine advocacy: according to the judge, the guardian ad litem *"will be paid by the hour for the hour"*, so *"if the parent provides him with a lot of paperwork... the study, the assignment, the writing... he will get nothing"*, so it is understandable that many lawyers keep their activities to a minimum.

In many cases, the guardian ad litem system thus fails to fulfil its original purpose of protecting the child, often hindering rather than helping to identify and address the child's special needs in the proceedings.

3.4.5 Information System for Child Protection

The CPS was launched on 1 October 2020 as a nationwide, unified IT system for the child welfare and child protection sector, integrated into the framework of the National Social Information System. This system supports specialised child protection care, primary care and the preparation and follow-up of adoptions. Its aim is to speed up administrative processes, increase transparency and implement modern electronic administration between professionals in the sector. From 1 July 2021, family and child welfare service providers have to record their service use in the national IT system called CPS. Reasons for signalling to be recorded in the CPS include: housing reasons, financial reasons, health problems of parents, family structure reasons, parents, family lifestyle, life management problems, child abuse, behaviour of the child concerned, health (for the child concerned: disability, behavioural disorder, learning disability, persistent illness, achievement).

Members of the signalling system with access to the CPS

Currently, primary child welfare institutions have access to the CPS: the Family Transition Home, the Children's Transition Home, child welfare services and centres, the child welfare office and specialised care providers. Child rights representatives have been given access for the last two years, but this only gives them the right to request information, not to record data, stressed the professional manager of the child welfare services and centres interviewed during the research.

It is important to note that CPS is not directly accessible to clients (i.e. children and their parents).

Benefits of the CPS

Among the benefits of CPS, professionals interviewed in the research mentioned that the system uses a social security number-based record, so that the child can be quickly traced. Moreover, when a family moves, there is no need to send paper files, so the care activity with the family becomes more transparent, and the move does not hide a record of past abuse. However, this will only work well if records are kept accurately by the designated signalling system members.

Critical remarks on the CPS

The system was introduced too early, with many initial errors that caused many professionals to tire of using it (although it has now undergone many corrections and has very good back-up support). Although it should in principle be mandatory for

signalling system members to record their signals/reports in the CPS, many signalling system members still request data on paper or fill in the electronic forms only sloppily. The CPS does not recognise foreign names, which makes accurate identification difficult.

Not all relevant signalling system members have access to it, for example, the professional manager of the child welfare service and centre interviewed in the present research pointed out that there it would highly improve the cooperation between different signalling system members, if schools, kindergartens and especially the police would have access to the CPS.

The level of access to the system is not transparent: some signalling system members can only use it to retrieve information, others can use it to record information, but it is not transparent which actors have access to which data, which hinders the follow-up of signals and the possibility of cooperation between signalling system members.

Registers are duplicated because each sector has its own system which they have to maintain in parallel (e.g. GPs, nurses, teachers), which creates a significant administrative burden and reduces efficiency.

Effective access to justice for children also requires that the court and investigating authorities have effective access to previous child protection reports/signals in criminal proceedings.

3.5 Case studies

In the following, the current situation of child victims with disabilities in child protection and criminal proceedings is presented through concrete cases that have come to our attention during the research.

3.5.1 The autistic child, who is both a victim and a perpetrator

This is a case of an autistic high school boy who threatened his classmates with scissors and received a lot of press coverage in Hungary. The case illustrates how systemic problems can lead to a child becoming both a victim and a perpetrator. The autistic high school boy involved in the case threatened his classmates during a meltdown by scissors, and the school principal filed a criminal complaint against him. At the same time, the boy's parents have also launched a series of actions against the school, claiming that the school is responsible for the situation, which, on the one hand, has failed to provide their child with the necessary and compulsory developmental

support, has not employed an autism specialist and has not acted against the bullying at school despite repeated warnings. For months after enrolment, he did not receive the developmental classes that the educational service that the schools was obliged to provide, but only a fraction of the amount of services. He was regularly bullied in the school, which was not adequately addressed by the school, and teachers refused to provide autism-specific sensitisation sessions offered by parents. On one occasion, the child's autistic symptoms were exacerbated and in a crisis situation he acted aggressively wielding scissors, but no personal injury was caused. The school subsequently reported the incident to the police and made a report to the family support service. The parents appealed to the Commissioner for Fundamental Rights on the grounds of non-development, who found that the institution had discriminated against the boy by not providing him with the necessary development.

Following the school incident, the family was referred to the child protection authorities following a report from the school, who investigated whether the child's home environment was appropriate, i.e. whether family problems were the cause of the school incident. The authorities later found that the family was taking good care of the child.

We interviewed the boy's mother, who gave the following account of the proceedings before the family services, the guardianship authorities and the police:

Child Welfare Service

At the proceedings before the Child Welfare Service, the parents were spoken to informally at first, the child was not present. On this occasion, the mother gave a detailed account not only of what had happened, but also of what autism means and what it means for her son. When the family was visited at home by the family support worker, she did not talk to the child because she was not prepared for communicating with an autistic child. The case was eventually closed without action.

Police - interview as a suspect

The parents were well prepared, had better than average advocacy skills, hired a lawyer specialised in autism, all of which contributed to the fact that, according to the mother, overall the police procedure was not traumatic for the child and was basically a positive experience for the family.

Before the child was questioned as a suspect, the parents were heard as witnesses, who indicated that special expertise would be needed to question the boy, and

suggested the involvement of a special education teacher, but the police did not see any legal and procedural possibility to involve such a teacher. The parents were proactive in discussing the manifestations of autism in their son, the circumstances in which he was impaired or needed help.

The boy was thoroughly prepared by his parents before the hearing about what to expect, who would be present, what the detention would entail, what to expect there. The mother said that they could not have done this as lay people, and their lawyer's role was key in this. The child was interviewed in a children's hearing room, and the mother was given the opportunity to view the room before the hearing. The mother suggested a few changes: she had the stuffed animals moved, and the pictures on the wall were turned around so that the stimuli would not distract her son.

At the beginning of the hearing, the investigator read the child's rights as a suspect and the content of the allegation. The information was not reworded in child-friendly language and was difficult for even the parent to follow.

On the advice of the boy's lawyer, he did not make a statement or complain about the allegation, so the hearing did not last long and was basically calm. After the interview, the boy was fingerprinted and photographed. The parents' lawyer also asked in advance about the specific circumstances of this, so that the child could be prepared for the fact that his hands would be inked, that a photograph would be taken, because all of this had caused him difficulties. The taking of the photograph, namely the need to look into the camera, was something the parents had practised at home and they had also made sure that they would use ink that could be washed off immediately. The lawyer also found out that the whole palm would be inked, for which the child was specially prepared.

Overall, according to the mother, the investigators at the police station did not have the expertise to know what the procedural accessibility of autistic children might entail in practice, what the triggers were that might cause problems, all of which the parents proactively brought to the attention of the police, to which the police were open and not closed, and the investigator who dealt with the child was a very empathetic person.

It would have helped the child's procedural participation if he had been informed in writing in advance of what to expect during the hearing or during the process of being photographed and fingerprinted, and if he had been informed of his rights in writing, in a child-friendly language.

Guardianship proceedings: Following a police report, proceedings were also initiated before the Guardianship Office, which first visited the child at home and then held a guardianship hearing. Similarly to the family support worker, the child welfare worker was neither prepared to talk to a child with autism and had no knowledge of autism in general. For this reason, the person who visited the family on behalf of the guardianship authority did not speak to the boy, only to the parents. At the hearing, the boy was summoned in person, but at the request of the parents, the boy was allowed not to appear and gave a written account of what happened at school.

The case illustrates how a child with autism can become both a victim and a perpetrator of the system's failings, while expert support and sensitisation of educational institutions is severely lacking.

The parents later initiated infringement proceedings against the school for disregarding the expert opinion - which were rejected by the police - but the child remains under investigation as the case is still pending against him.

3.5.2 Child with intellectual disability both victim and perpetrator

A similar case is that of a teenage girl with an intellectual disability who was bullied for a long time, for example her hair was so badly torn that it will not grow back and, in the absence of effective help from school, she once threatened bullying classmates with a knife. Although the school was aware of her abuse by classmates, no report was made to child welfare services. The 12-year-old girl was interviewed as a witness in the presence of her legal guardian because of her age, a criminal case was opened for the offence of manslaughter and the police informed the child welfare services. It is possible that the incident could have been prevented if the child protection referral system had been informed in time about the abuse of the disabled girl at school and the girl had received effective help in time. In the absence of a standard protocol for the identification of children with special needs (disabilities) and the assessment of their needs in criminal proceedings, it is questionable to what extent the child's disability and previous victimisation will be taken into account as a mitigating factor in criminal proceedings.

3.6 Conclusion

Based on the findings of the first part of the research, it can be concluded that the Hungarian child protection and criminal procedure only partially meets the international requirement of inclusiveness with regard to child victims with disabilities. Although the legislative environment, such as the Criminal Procedure Act, contains forward-looking provisions on child-friendly and accessible procedures, the practical application of these provisions is not uniform according to experts, and there is no official data available on the number of child victims with disabilities affected each year.

Procedural and communication accessibility and the institution of individual assessment are only used on a case-by-case basis, so that the rights enshrined in international conventions such as the CRPD or the Convention on the Rights of the Child are not always applied in practice.

However, this research has identified some promising practices and opportunities for improvement. The feedback from practitioners on the application of the Barnahus model is clearly positive, and consideration should be given to extending its application nationwide. The commitment of many public and civil actors to child-friendly justice is an important basis for further progress. However, there are serious shortcomings in ensuring child-centred and best interests-oriented procedural participation, especially for children with disabilities, who are often retraumatised during repeated hearings.

There is a systemic problem of multidisciplinary cooperation, with a lack of information flow, clear lines of responsibility and procedural protocols. Coordination between professionals is often ad hoc and does not allow for a coordinated response that is sensitive to the best interests of the child. This confirms the need for comprehensive, systemic changes, not only at the legislative level but also at the institutional, attitudinal and operational levels, to ensure that the rights of children with disabilities are effectively implemented in criminal proceedings.

02

PART 2
HUNGARIAN
MULTIDISCIPLINARY
COOPERATION SYSTEM

1. Introduction

The first part of the report presented the structural problems of the Hungarian child protection reporting and signalling system. In this context, we highlighted the lack of unified protocols and terminology for handling cases of child abuse, as well as the absence of knowledge and guidelines specifically addressing children with disabilities. We also identified the lack of practical training even for the existing methodological guidelines as a further issue.

We described the circumstances that contribute to crimes against children often remaining hidden, referring to the common practice among members of the signalling system of failing to report suspected abuse.

We reviewed the individuals directly involved in enforcing the procedural rights of child victims, especially those with intellectual and psychosocial disabilities. In this regard, we specifically addressed the role of guardians ad litem, and the fact that this legal institution currently fails to fulfil its intended function.

As part of the examination of the criminal procedural situation of child victims with intellectual and psychosocial disabilities, we assessed the consequences of the fact that eligibility for special treatment is automatic for children and persons with disabilities. This may result in the omission of individualized assessments of the needs of these groups. We also addressed the inconsistency of procedural accommodations, noting that under the Criminal Procedure Code, their application is merely optional (“to the extent possible”), which hinders the realization of the best interests of (disabled) children in practice and increases the risk of secondary victimization.

In our critical examination of the hearing of child victims, we emphasized the lack of training for professionals conducting interviews with children, the optional nature of hearings conducted in Barnahus houses, and the lack of knowledge concerning interviews with children with intellectual or psychosocial disabilities.

In addition to outlining the advantages of the Child Protection Information System, we also listed the criticisms that have prevented it from becoming a unified digital platform for all members of the signalling system — a platform that could facilitate the sharing of information concerning child victims.

Based on the above critical observations, in Part 2 we conclude that a truly multidisciplinary cooperation can only be achieved if the various professional sectors

— such as child protection, healthcare, and the justice system — work together in a coordinated manner.

This can only be achieved if different professional fields, such as child protection, health and justice, work together in a coordinated way. This approach is fully in line with the European Commission's Recommendation on integrated child protection systems, which stresses the importance of cross-sectoral cooperation and information sharing to protect children's rights. The EU Recommendation underlines that only a well-coordinated, complex system can ensure that children have the protection, support and effective access to justice they need.

The HMCS aims to ensure that child victims, in particular those with intellectual or psychosocial disabilities, receive appropriate, timely and responsive support.

By streamlining communication and cooperation between the child welfare, police, health and social sectors, HMCS will not only help to manage cases more effectively but also ensure better outcomes for children.

In the second part of the report, we therefore make recommendations to address the primarily systemic problems identified in the first part. The system supports victims directly by providing access through a dedicated website or application available on PC, Mac, Android, and iOS. Vulnerable victims, including those with disabilities or children, can use the platform to report crimes, seek support, or receive procedural and legal guidance. All application interfaces will comply with accessibility standards for persons with disabilities. The design incorporates widely used solutions to ensure ease of use, which will be further explored in subsequent sections.

Furthermore, Diana provides support to criminal justice professionals, such as police officers, prosecutors, judiciary staff, anti-violence centres, healthcare providers, and lawyers. By centralizing data and facilitating collaboration among these stakeholders, the system strengthens victim support processes while reducing redundancies and risks of secondary victimisation.

The following sections will explore Diana's ability to adapt to various levels of technological infrastructure, from advanced systems to more basic standalone applications, and how it can ensure its viability in the Lithuanian context.

2. Recommendations to make the child protection signalling system works more effectively to protect child victims

As indicated in point 4.3 of Part One of this report, in order for child victims (with disabilities) to be brought to the attention of the child protection or justice system at all, crimes against children must be visible to the authorities.

However, due to a lack of knowledge about child abuse and the difficulty of detecting it in practice, many crimes against children remain undetected. Furthermore, although child protection professionals have sufficient knowledge about child abuse, their assessment of the extent of abuse and consequently the determination of the action to be taken to end the child's vulnerability varies widely from one professional to another.

Among child victims of hidden crime, child victims with intersectional characteristics who remain hidden because they have difficulty accessing justice, do not receive child-centred information tailored to their individual needs and may be exposed to intersectional discrimination deserve special attention. This is particularly the case for children in state care, in children's homes, children in closed (psychiatric) institutions and children with disabilities, who are typically less informed of their rights and unable to report.

The professionals interviewed in the present research agreed that very few criminal charges are brought even if the offence against the child is recognised or reported by the signalling system. This is partly due to the fact that the Child Protection Act and the professional protocols for the operation of the signalling system are not always in line, and there is a lack of practice-oriented (case-focused) training for the staff of the signalling system to help them apply the professional protocols for the operation of the signalling system in concrete cases and to define clear reporting obligations for signalling system staff.

Recommendation 1: Regular case-focused and sensitisation training should be provided to signalling system officers on how to recognise and deal with abuse (victimisation) and how to work together with signalling system officers, in line with the Member States' obligation under the Victims Protection Directive .

Recommendation 2: It is also recommended that the professional protocols for the operation of the Signalling System be harmonised with the Child Protection Act in order to clarify to the members of the Signalling System the cases in which they have an obligation to report/notify.

Recommendation 3: Particular attention should be paid to the provision of appropriate information on the needs of child victims with intersectional characteristics, e.g. the establishment of a hotline for children with disabilities that is accessible without barriers.

3. Individual assessment

Reducing latency in relation to crimes against children increases the chances that child victims with disabilities will be brought to the attention of authorities and organisations that are responsible for their individual needs and rights. However, in order to ensure that child victims have effective access to services and procedural safeguards that meet their specific needs, it is essential to ensure that they receive an adequate individual assessment. As indicated in section 4.4.1.1 of Part 1 of this report, the fact that courts, prosecutors and investigating authorities are not obliged to conduct ex officio individual assessments in the case of children under 18, children with disabilities and child victims of sexual abuse, results in different legal practice in relation to individual assessment. In the following, proposals are made in relation to the individual assessment.

3.1 The purpose of individual assessment

In Hungary, identifying and assessing the individual needs of child victims, including children with disabilities, presents a number of challenges. Effective implementation of the right to individual assessment enables the identification of child victims with disabilities. It is also a prerequisite for the effective implementation of other rights, including the right to information, access to support services and the right to protection, and the procedural facilitation and other supports that go with them. It should be highlighted that, under the Criminal Procedural Act, children and persons with disabilities are automatically considered as persons with special needs without an individual assessment, and under MoJ Decree No. 12/2018 (XII. 20.), the police are not obliged to carry out an ex officio individual assessment of a child, except where, for example, an individual need (e.g. disability) has arisen as a result of a report from the legal representative.

Recommendation: Individual assessment should be mandatory in all cases so that the competent authority can determine the most appropriate means and methods of providing understandable information to child victims (with disabilities) and the type of support services (procedural facilitations and accessibility measures) required by child victims and their families.

Currently, there is no uniform methodology on how authorities dealing with child victims with disabilities should assess the individual needs of the child. The lack of formalised procedures and protocols, as well as the lack of formalised cooperation between those who have a duty to protect children, means that procedural and other responses to the specific needs of child victims (with disabilities) are variable and depend primarily on the attitude of the agencies and individuals who come into contact with them.

Recommendation: Strengthen the information flow and coordination between the members of the signalling system and establish a uniformly applicable protocol for individual assessment of the individual needs of child victims (with disabilities), which will allow the identification of specific protection needs.

3.2 The individual assessment protocol

From the expert and focus group interviews carried out during the research, it was clear that there is a need for a uniform 'individual assessment protocol', to be applied uniformly by all members of the signalling system, to help identify risks, vulnerabilities and barriers to access to justice for child victims with disabilities and to identify procedural facilitation measures that best fit the needs of the child victim with a disability.

3.2.1 First step: risk analysis through individual assessment

The assessment of the needs of child victims (with disabilities) and the analysis of the risks involved should start when the child's vulnerability or suspected offence against him or her first becomes known to the members of the signalling system.

Recommendation: it is therefore recommended that the first individual assessment is carried out prior to the filing of a formal complaint/criminal charge (e.g. when the child's vulnerability is identified by child welfare services/child welfare representative/guardianship etc.). Furthermore, it is of paramount importance to keep the individual assessment up to date (in the child protection and) criminal proceedings, where appropriate by conducting a repeat individual assessment.

The following questions should be answered in the first instance by the professional who comes into contact with the child and is authorised to report, denounce or take other action to protect the child:

1. Age of the child;
2. Family and social situation;

3. Nature of the offence, preliminary classification of the offence;
4. Whether the child has special educational needs or disabilities;
5. Special health needs.

In the light of this information, the signalling system member who comes into contact with the child victim (with a disability) may also be able to answer the following questions:

- What is the child's primary disability and how does it manifest itself?
- Does the child need any assistance (e.g. AAC device) to communicate, does the child have a barrier to understanding or comprehension?
- In what specific ways does the child's disability affect his/her understanding and cooperation?
- What is the family's capacity to enforce and represent the child's interest?
- Whether the nature of the offence may give rise to a conflict of interest between the legal representative (parent) and the child?
- Does the child's health condition require special attention from the authorities (e.g. diabetes)?

The primary sources for the risk assessment are information provided by the child's legal representative, documents, information already available from the CPS, but it may be necessary to involve other persons in contact with the child, such as his/her teacher, a special needs teacher or a psychologist.

In risk assessment, it would be of paramount importance for the competent authorities to adopt a child-centred approach, taking into account the aspects listed below:

In addition to individual child-specific factors, authorities should take into account cultural norms that may make it difficult to recognise and report child abuse (victimisation) in some communities, as well as social and family dynamics. In rural or sparsely populated areas, families may hide cases of violence or abuse because of shame, stigma or distrust of justice. In Roma communities, there is a particularly strong distrust of the justice system, given the systemic discriminatory practices and negative stereotypes about Roma in society. This is particularly true of their relationship with child protection services: while they experience significantly higher rates of removal of their children from their families than non-Roma families because of their poverty or simply because of their ethnicity, they are understandably much less likely to use formal justice channels to address grievances against them or their children. On the

other hand, it is also important to highlight that crimes against Roma children may remain hidden simply because of a lack of minimal trust in the police.

Recommendation 1: In risk assessment, the prosecuting authority should take into account not only the individual factors that characterise the child victim, but also the cultural norms, social and family dynamics that often hinder access to and participation in justice for children with disabilities.

Recommendation 2: If the primary assessment/risk analysis is not carried out by the investigating authority but is done prior to the formal procedure, we believe that the circumstances found and the information gathered about the child should be recorded in the CPS, so that it is available to the police if the formal criminal proceedings are subsequently initiated before the investigating authority.

By creating the data protection and technical conditions for this, the investigating authority would also have immediate access to the data related to the child's preliminary individual (needs) assessment without a specific request from the child protection services, which would on the one hand significantly speed up the individual assessment to be carried out by the police and, if for whatever reason it does not take place before the child is interviewed, could provide relevant information to the professional interviewing the child.

3.2.2 Step 2: Drawing up the individual support plan

As explained in more detail in section 4.4.1.3 of the first part of this report, in many cases, despite the automatic entitlement to special treatment, child victims with disabilities do not in practice enjoy the guarantees provided for in the legislation that would facilitate their access to justice. While an individual assessment would be mandatory for all child victims, we consider it necessary that in all cases, professionals should also record what specific procedural facilitation is required by the competent authorities in response to identified individual needs.

Recommendation: It is recommended that an individual support plan for the child be drawn up on the basis of the results of the risk assessment carried out as part of the individual assessment, in order to ensure the child's rights, meaningful participation in the proceedings and prevention of secondary victimisation.

The purpose of the individual support plan is to offer specific procedural facilitation tailored to the child's individual needs, i.e. to set out how the authorities can adapt to the child's disability in the context of procedural accessibility.

These individualised procedural solutions may include the identification of individual circumstances to be taken into account in the preparation for the hearing of the child, specifically reflecting the particular needs of the child:

when (at what time of day) it is recommended to hear the child victim;

where the child should be interviewed (Barnahus house, police interview room for persons with special needs, possibly outside, in an educational or social institution),

what technical conditions are necessary to interview the child (e.g. AAK equipment);

who, i.e. with what kind of special expertise and of which gender should interview the child;

- Create the legal possibility for a "support professional", e.g. Sign language interpreter, communication support person in case of autism, social worker, special needs teacher, to be present at the hearing of the child, not only the guardian ad litem (who is specifically meant to represent the child in legal proceedings);
- And who is not recommended to be present because of the nature of the offence or for other reasons relating to the child;
- What additional information may assist the hearing (obtaining the child's expert opinion),
- What special AAC equipment is available to assist the interviewing of children;
- Any other procedural adaptations/facilitations prior to the child's secondary victimisation, reflecting the circumstances identified in the individual assessment
- Whether the child needs to be informed in writing in advance of the hearing or of the whole procedure, and what child-friendly or disability-reflective options are available for informing the child of his/her rights at the time of appearance (e.g. For children with autism, it is helpful if they are informed in writing or if they are given a written indication of the expected course of the hearing in advance).

The individual support plan should be drawn up at the latest before the first hearing of the child by filling in the relevant form, which should then be published not only in the police's own IT system but also in the CPS. The aim is to ensure that the prosecution and the court have access to the individual support plan, so that in the event of a possible repeated hearing of the child at a later stage of the proceedings, all parties concerned are aware of the procedural adaptations and facilitations necessary to protect the child.

To ensure that the child is informed in a way that is tailored to his or her individual needs, it is important that the most important parts of the support plan are explained to the child in a clear and simple way or, for example in the case of children with autism, in writing in a language and format that the child can understand and that the child is genuinely involved in the development of the plan, by seeking his or her views on the comfort of the procedural arrangements, where possible.

4. Trauma-informed and child-centred interview protocol

In section 4.4.2 of the first part of the report, we discussed that the use of interviewing techniques that take into account the specificities of children is essential to ensure that the trauma experienced by the child victim is not exacerbated by the interview.

The use of child-tailored and trauma-informed interviewing techniques is therefore primarily aimed at protecting the child victim from secondary victimisation as much as possible. However, according to the focus group interviews, relatively few police officers have received training in child-specific interview techniques, this method is still not integrated into legal education and child protection workers are not trained in this area.

Therefore, persons interviewing child victims in connection with a crime (e.g. social workers, police officers or lawyers) are not equipped with interviewing skills that are specifically tailored to children. This is particularly true for children with disabilities. Even if the individual assessment has identified areas where they need special assistance or a different approach from the usual one, there is no specific hearing protocol in place that could correspond to their needs.

Recommendation: We recommend the development of a standardised hearing protocol for signalling system members for trauma-informed and child-centred interviewing of child victims, which would include best practices for interviewing child victims with intellectual and psychosocial disabilities. There is also a need to provide sensitisation training for signalling system members on the practical application of the standardised interview protocol, which will provide clarity on how to approach child victims in a trauma-informed and child-centred way when child abuse is detected.

Our technical recommendations for special hearings for children with disabilities:

Children with autism spectrum disorder, for example, may have difficulty recalling past events, particularly autobiographical and personal events, as well as difficulty recalling facial memory, names and experiences. In the area of communication, echolalia - echoing the other person's words, even long after the conversation has taken place - may be common. The child may not understand questions or may not be able to respond adequately due to stress. Excessive sticking to the subject, detailed answers even to irrelevant questions and easy distraction are common.

Attention and concentration difficulties can also be a problem for other children with disabilities, and therefore the room in which the interview is held, its decoration and

furnishings, for example, are of particular importance. A clean, undecorated interview room with natural colours is also an important tool for keeping the attention of children with neurotypical disorders. For children with autism, environmental preparation is of particular importance. A setting that is calm, free of distractions, transparent and, if possible, can be introduced to the person concerned beforehand is necessary.

When choosing the time of the interview, it is also important to consider the child's usual schedule and programme, as his/her cooperation and responsiveness may be reduced if the interview takes him/her away from an enjoyable and important activity. It is worth asking the parents or another person who knows the child well about this beforehand.

The age of the child should also be taken into account when choosing the time. In the case of pre-school children, it is advisable to start in the morning so that the interview can be completed, if possible, by lunchtime. It is also important to make sure that the interview for these young children does not interfere with their afternoon nap time. This not only disrupts the child's daily rhythm, but may also increase the stress that the interview will inevitably cause.

With regard to the appearance of the interviewer, as described in the context of the interview room, it is important to ensure that the interviewer's clothing and appearance (tattoos, extreme hair, body jewellery, clothing) is not ostentatious, as this also makes it difficult for the child victim to concentrate and distracts him/her more easily. It is advisable to wear a neutral, plain, pastel-coloured dress with no writing or pattern. Wearing a police uniform is not recommended.

At the beginning of the interview, the interviewer should introduce him/herself to the child, preferably with the child's eyes at about the same height, and may squat down or sit down next to the child. It is important to choose an appropriate distance from the child, not too close to the interviewer, but not sitting behind a desk.

Introductions should include all persons present in the interview room. If the parent is not with the child, he/she should be informed of where his/her parents are during the interview.

The child should be informed at the beginning of the hearing, in a manner appropriate to his/her maturity and abilities, of the course of the hearing ("interview"). Depending on the age of the child victim with autism, a written description of the interview, the persons present and even the expected questions should be provided, for a child who

cannot read, pictograms may be used to illustrate the interview. This can significantly increase the child victim's sense of security and help reduce tension.

When explaining the rules of the interview, it is important to explain the basic response options to the interviewer's questions and their meaning: it should be explained to the child when to answer that he or she does not remember something or does not know the answer. It should be emphasised that the truth, the truth, should be told, but it is worthwhile for the interviewer to make sure, even playfully, that the child victim understands the concept of truthfulness, for example by the interviewer making a blatantly false statement - "My hair is green. Do you think this is true or a lie?".

The listener's communication should aim to be simple and short. Open-ended questions should be preferred to yes or no questions. In particular, in the case of child victims with autism, avoid figurative forms of speech, puns and sarcasm, as these can lead to misinterpretation.

It can build confidence in the child if the interviewer uses the phrases and words used by the child and if, from time to time, the interviewer summarises what the child has said.

In order to build trust and to overcome the stress that is working in the child victim, it is worth asking the child at the beginning of the interview about pleasurable or positive experiences, events, games, activities, and allowing him/her to talk about them freely and without interruption (e.g. if the child is stuck and refuses to go forward with the interview, the interviewer can always redirect the child back to these positive topics until he or she feels the child is ready to talk about what has happened to him or her again).

Child protection guardians interviewed in the NCPS research made the following recommendations for trauma-informed and child-friendly interviewing of child victims with disabilities:

- Enabling the presence of a special education teacher or other **professional** with expertise in special treatment (e.g., a sign language interpreter), as these children's reactions can often be misinterpreted (e.g., avoidant or aggressive behaviour).
- Providing a friendly, safe environment for listening.
- Training police officers to interview children with disabilities, with particular attention to questions tailored to the child's mental abilities and non-verbal communication tools.

- Ensure sufficient time to conduct the interview, appropriate to the child's condition.
- Ensuring the presence of a caregiver or other trusted person, which is particularly important to increase the child's sense of safety.

However, some child protection guardians also noted that for children who also have special needs because of their disability, what a child needs is entirely case-specific, making it difficult to formulate a generalised set of needs. This reinforces the idea that an assessment of individual needs is always relevant for children with disabilities.

5. Proposals related to stakeholders supporting child victims

In section 4.4.4. of the first part of our research report, we summarised the anomalies that emerged in relation to the guardians ad litem, and highlighted the fact, that a guardian ad litem can be any attorney, no aptitude test or other special training is required to perform the task. The focus group discussions revealed that there is no support person available to the child during the criminal proceedings who is able to effectively defend the rights and best interests of the child.

Recommendation 1: Guardians ad litem should be appointed to represent children's interests who have specific expertise in hearing children and should **be adequately** remunerated to ensure that they are genuinely motivated to effectively represent children's interests in legal proceedings.

Recommendation 2: We recommend the introduction of automatic legal representation for child victims, taking into account in particular the special needs and best interests of children with disabilities, in order to ensure that their rights are more effectively enforced.

Even in the absence of a public defender, it is necessary that children with disabilities have the possibility to be assisted by a support person during the criminal proceedings who can help them to exercise their procedural rights and communicate with them. According to our interviewee on the advocacy of people with autism, there is a great need for support persons in the course of official proceedings "*whom the person with autism himself names and who knows him*". Such a person could, for example, help in communicating with the court, explaining situations to the person with autism, especially if they involve metaphors or ambiguous language. The lawyer stressed that there is no legal provision under either the Civil Code or the Criminal Code that would allow for such a support person who would assist the victim with autism in

communication during court proceedings in a similar way to sign language interpreters. The lawyer highlighted as a particular problem that there are few experts in autism, and often none are appointed even in child protection proceedings: "*The guardianship offices do not even appoint experts... they may think that it is fine, they can interpret it.*" Yet the presence of the right expert could help to interpret autism correctly, avoiding erroneous conclusions about parental responsibility. According to our former judge interviewee, it is problematic that the legislation does not allow for the use of an informal, i.e. unappointed, interpreter. The persons listed as facilitators under the Criminal Procedure Act cannot help with communication.

Recommendation: It is proposed to amend Article 59 of the Criminal Procedure Act to allow the participation of a person designated by the disabled person or his/her legal representative as a facilitator, in order to promote the enforcement of his/her procedural rights, taking into account his/her specific needs due to his/her disability and age.

6. Proposals for the application of the Barnahus model

In relation to Barnahus houses, the findings in section 4.4.2.2 of the first part of the report and the unanimous opinion of the professionals interviewed suggest that the complex services provided in Barnahus houses are the most beneficial for children. However, based on the criticism we elaborated in the first part of the report in relation to the ad hoc application of this model, we make the following recommendations:

Recommendation 1: It is recommended that the procedural guarantees for child victims with disabilities, in particular the Barnahus House hearing, should not only apply on a case-by-case basis but in all cases. In other words, as a general rule, all children should be heard in Barnahus House during criminal proceedings. However, this requires an assessment whether there would be enough capacity available in the Barnahus system to carry on all such interview, as it is not transparent how many children are heard in a police room or other hearing room suitable for interviewing children in comparison to the approximately 300 Barnahus hearings per year. Pending the creation of the necessary capacity, we recommend that the Public Prosecutor's Office should, on an interim basis, develop guidelines to make sure that the first interview of children are conducted in Barnahus settings, especially in cases where previous interviews of children have been unsuccessful. Experience has shown that in an appropriate setting, with the assistance of a Barnahus counsellor, children are more likely to give a meaningful testimony, thus it could increase the effectiveness of the procedure and ensure the protection of children at the same time.

Recommendation 2: We also recommend the procedural recognition of Barnahus hearings to minimise the need for repeated hearings, so that Barnahus hearings conducted at the initiative of the guardianship authority can be used as full witness hearings in subsequent criminal proceedings, provided that they are conducted in a manner that meets the requirements of the criminal procedure. This would avoid the same child being interviewed repeatedly, often on several occasions, which would harm the best interests of the child, increase the risk of secondary victimisation and undermine the child-friendly nature of the proceedings. If it is not feasible to use them as full witnesses, then the investigating authority/prosecution should be obliged to admit Barnahus hearings not conducted in criminal proceedings as "other evidence".

Recommendation 3: it is recommended to examine under which circumstances the use of the Barnahus model could replace, in whole or in part, the forensic psychologist's expert examination. It would be advisable to develop a uniform practice to avoid children being placed in multiple procedural situations for similar purposes (e.g. interview with a counsellor followed by a separate psychological expert examination) when the first examination has provided sufficient evidence.

7. Opportunities for cooperation in a multi-stakeholder system

One of the criticisms of the functioning of the domestic child protection detection and signalling system made in section 4.3 of the first part of the report was the lack of formalised cooperation between the members of the signalling system.

Identifying and protecting child victims from further abuse is a shared responsibility of the signalling system members and depends on the quality of their cooperation. Measures to facilitate cooperation between the signalling system members will allow for a more child-centred justice system.

There is a need to organise regular training courses on specific knowledge and methods for dealing with child victims, preferably involving people with different knowledge, organisational and professional backgrounds. Such heterogeneous, i.e. intersectoral trainings can strengthen the confidence of professionals in working together and can also provide a better understanding of the practical tasks carried out by different sectors.

Research on the latency of child abuse suggests that a significant proportion of child abuse is brought to the attention of public education professionals, protective nurses and other signalling system members. However, few cases of child abuse are brought

to the attention of the investigating authorities, which also indicates a lack of information transfer and coordination between authorities working with child victims and a lack of a child-centred integrated approach between signalling system actors (child protection, police, courts, victim support services, child welfare services and centres, etc.) to prevent child victimisation.

It is therefore also essential that the framework and possibilities for cooperation between the members of the signalling system are clear to all. According to the professionals interviewed, it is very much up to the professionals themselves to decide when and how to seek help from other services. Cooperation between different professionals in matters concerning children with disabilities would be particularly important, also because of the individual needs of children, the uncertainty in professionals about these needs and the general prejudices and stereotypes against persons with intellectual and psychosocial disabilities.

Among the national good practices of multidisciplinary cooperation, it is necessary to highlight the so-called Swallow's Nest programme, launched on 29 February 2024, which has created a new national network for the protection of children to investigate "paedophile" crimes. The Network currently has 211 members, and the members of the multi-level, hierarchical network of specialised investigators are police officers assigned to investigate sexual offences. The new network works in close cooperation with child protection services and the names and contact details of the designated police contact points have been made available to child protection actors. The primary objective of the Network is to develop and maintain a professional knowledge base, based on an assessment of the training needs and requirements of police officers, and then to organise local, regional and central training courses with the participation of the Faculty of Police, the National Institute of Criminology, child protection institutions and NGOs invited to the Child Protection Round Table convened by the police. Based on the practical experience of professional guidance, in the event of recurrent professional and procedural errors or significant errors in a specific case, they can provide the police officers concerned with rapid training as an immediate intervention, focusing exclusively on the error detected or the specific case, in order to ensure the immediate cessation of unprofessional, unprofessional or illegal work.

Recommendation 1: We therefore recommend the development and application of a standardised case management protocol to formalise cooperation in order to make it clear to the members of the signalling system what other organisations or professionals belonging to the signalling system can potentially be called upon to assist them in

connection with a particular type of case, what potential cooperation opportunities are available in connection with each case and why and to what extent these can help them in their work. Such a practice-oriented methodological guide, actually developed by the professionals involved in the cooperation, describing their own competences and possibilities in a comprehensible way, would facilitate and perhaps even promote the development of new links and closer intersectoral cooperation.

Recommendation 2: In order to ensure that the protocol formalising cooperation can be put into practice, we consider it necessary to convene a regular local forum for consultation and training of all relevant local actors, which could be the local (municipal, district or even county) equivalent of the Child Protection Round Table, which has been referred to as a good practice in the context of the Swallow's Nest network, with the same function and objectives.

The Local Child Protection Round Table could be convened on a regular (e.g. monthly) basis by the Child Welfare Service, to which all signalling system members should be invited. The round table is not only an opportunity for the members of the signalling system to get to know each other personally and to gain a better understanding of each other's tasks, competences and expertise, but also to identify areas where further training may be needed, including by the member with the relevant knowledge passing it on to other members of the round table.

A study on children's rights, as well as the findings of the focus group interview of this research highlighted the need for child protection professionals and associated professional (teachers, paediatricians, defenders, psychologists, prosecutors, judges) to jointly develop good practices for the management and prevention of child abuse (victimisation).

To this end, they should develop together professional principles and frameworks, participate on joint sensitisation trainings, and the processing of actual cases of child abuse in a narrower and broader context in case conferences is also necessary. They should then summary trends, identify possible systemic failures and formulate recommendations. Child Protection Round Tables can be an excellent platform for this, where representatives of different professions can regularly interact and exchange experiences.

The disability advisers described in the first part of the research report, as members of the signalling system, can (should) play an important role in deepening cooperation

between members of the signalling system, identifying children with disabilities who are victims and providing them with services that meet their needs, and drawing up an individual support plan.

Recommendation 3: We recommend the inclusion of disability advisors in our proposed Local Child Protection Roundtable.

The professional managers of child welfare services and centres interviewed in the present research also highlighted the importance of feedback to the signalling system, which strengthens trust between signalling system members and increases the willingness to reporting, and promotes cooperation between signalling system members in the best interests of the child. In this context, it identified as a good practice the employment of a full-time signalling system advisor and responsible person in child welfare services and centres, whose main tasks are to run the signalling system and to sensitise signalling system members to the phenomenon of child abuse and the importance of reporting, to establish regular and effective cooperation between signalling system members through inter-professional meetings and to keep the CPS signalling register up to date: *"So if there is a person who focuses intensively on this in his or her tasks, to operate the signalling system, and it is not the case that the 72nd task of the family support worker is to operate the interprofessional meetings, record the signals and keep the records, then it can be very effective."*

Recommendation 4: It is recommended that in order to deepen the cooperation between signalling system members on a daily basis with a case focus and to coordinate signalling effectively, and to reduce the administrative burden on family workers, the employment of a full-time signalling system advisor and responsible person should be mandatory in all child welfare services or centres.

Recommendation 5: In addition to setting out a framework for cooperation and making it known to all actors, we propose to create a basic condition for cross-sectoral cooperation: the use of a single digital platform, the development of which is proposed in chapter 5.8 below, in the context of the further development of the existing CPS.

8. A digital information system for the effective functioning of a model multidisciplinary cooperation system

In section 4.4.5 of the first part of this report, we have described in detail the advantages of the CPS and, after consulting experts, we have also highlighted the critical remarks that are currently preventing the CPS from being accessible to all

members of the signalling system. A problem identified is that there is a lack of transparency as to which signalling system members have access to which data, and there are signalling system members who do not have access to the system at all. It was also mentioned that in many cases data recording is duplicated, which places an undue administrative burden on professionals, and that after initial problems with the implementation of the system, many people have become tired of using it.

Recommendation 1: We propose to extend access to the CPS of at least some of the members of the signalling system listed in article 17 of the Child Protection Act (in particular the police, public education institutions, courts, prosecution).

This would make the early identification of child victims (with disabilities) more efficient, facilitate the identification of individual needs and access to victim support services for children with special needs, reducing duplication and the risk of secondary victimisation. Of course, a key condition for expanding access is the compliance with current data protection regulations and that personal, sensitive data is handled securely and in a closed system.

Recommendation 2: We propose to integrate child protection relevant data from the registration systems of each sector into the CPS.

If the police detects that a child is at risk or has been victimised, the information should be automatically entered into the CPS, for example through the police's internal IT system (Robocop). This would significantly improve the effectiveness of alerts and the speed of child protection interventions.

The rationale behind the proposal is that in many cases, the police do not send a signal to the child welfare services, even when the child is clearly at risk or a victim, as reported by the head of the child welfare centre interviewed during the research. She said that sometimes criminal proceedings are initiated against the perpetrator, but the child welfare service is not informed.

Consideration should also be given to the integration/automatic transmission of child protection relevant data from the different registration and IT systems used by the different signalling system members (KRÉTA, BIIR, VOIR) to the CPS system, of course in compliance with data protection legislation. This would deepen the cooperation between the signalling system members and make all information on the reporting of children at risk more transparent, managed on an IT platform collecting data on child endangerment. This measure is in line with the European Commission's Recommendation on the development of integrated child protection systems, which

aims to protect children from abuse by providing holistic care tailored to children's needs, based on coordinated, multidisciplinary cooperation between different authorities and sectors.

8.1 CPS in the service of child-friendly and accessible access to justice for child victims with disabilities

As explained above, when it comes to individual assessments of children, it is necessary to record the criteria to be taken into account in the individual assessment and the most important data relating to the children on a standardised data sheet. Cross-sectoral cooperation in the interests of child victims would be served if this sheet were also made available in the CPS by members of the signalling system who complete it. The information contained in the sheet is key to developing the individual support plan, so it is important that the police have access to the findings and data from the preliminary individual assessment carried out by members of the signalling system through the CPS.

On the other hand, we suggest that the most important elements of the individual support plan to be prepared by the police should also be recorded in the CPS so that the child welfare services can have access to it, as the individual support plan would lay down, for example, the main framework for the interview of the child, which information may be necessary and useful later on when the child welfare services or the guardianship authorities have to interview the child.

Recommendation: It is recommended that the individual assessment form and the individual support plan be recorded in the CPS.

9. Conclusion

The second part of the report revealed that the rights of children with disabilities are closely linked to the effectiveness and liveliness of cooperation between sectors. Our research concluded that the Hungarian child protection and criminal justice systems currently lack the coordination and information sharing necessary to ensure trauma-sensitive and accessible procedures tailored to the needs of child victims. Information about a child held by a member of the signalling system may not necessarily be communicated to the investigating authority, even though it would be relevant for personalised procedural facilitation. The CPS could in principle be capable of storing the information needed for the individual assessment of the child, but different levels of access and other internal IT systems used in parallel prevent this.

The gaps identified in this chapter, in particular the obstacles to information flows, the lack of trust due to data protection concerns and the different approaches of the actors in the sector, are systemic barriers. Multidisciplinary cooperation is also often hampered by the lack of common protocols or clear, shared responsibilities. Feedback from professionals suggests that inter-professional meetings are sporadic and case discussions are not routine, which is particularly detrimental for cases involving children with disabilities, which require increased attention and an individualised approach.

One of the key lessons of the research is that without improved cooperation between the child protection, judicial and police sectors, there can be no meaningful improvement in access to justice for children with disabilities. This requires the development of institutional culture, training, a clear definition of responsibilities and, perhaps most importantly, the development of common procedures and protocols to ensure that cases are handled in a coordinated manner, taking into account the best interests of children.

At the heart of our proposals in the second part of the report is the strengthening of multidisciplinary cooperation in procedures for child victims with disabilities. The coordinated action of actors from different disciplines, such as child protection, justice, police, health and social sectors, is essential to ensure that children's rights are effectively respected and unnecessary trauma is avoided. To this end, it is necessary to develop a standardised, practice-oriented national procedure and cooperation protocol to formalise and promote cooperation between the members of the signalling system, clearly defining the rules for information sharing, case management and inter-professional responsibility sharing.

The report makes a number of practical and strategic recommendations to protect and support child victims, in particular children with disabilities. The proposals can be grouped thematically under the following main headings:

1. Training and sensitisation

Priority should be given to regular, case-focused, sensitisation training for signalling system members to help them recognise child abuse and victimisation, in line with the victim protection directives. It is recommended to provide practice-oriented training on the application of protocols, with particular attention to the needs of

children with intersectional characteristics, such as children with disabilities. One example of this could be the creation of an accessible hotline.

2. Individual assessment and protocols

In order to adequately support the needs of child victims, it is recommended to make individual assessment mandatory and to develop a uniform protocol for conducting the assessment. This would include a risk assessment and the development of an individual support plan for the child, which would provide a basis for the provision of appropriate procedural facilitation and services.

3. Legal representation and procedural accommodations

In order to effectively enforce children's rights, it is reasonable to appoint only appropriately trained guardians ad litem who are committed to children's rights and who have the special knowledge necessary to hear children. We recommend that the appointment of such guardians be universal and, similar to appointed defence counsel, mandatory for all child victims. We also consider it necessary to amend Article 59 of the Criminal Procedure Act to enable people with disabilities, including children, to assert their procedural rights with the support of an appointed assistant who can help them according to their needs. Similar to sign language interpreters, these special assistants could facilitate understanding and comprehension for persons with disabilities. We have also made a concrete proposal for a trauma-informed and child-centred child hearing protocol, including hearing techniques for children with intellectual and psychosocial disabilities. This proposal takes into account international and national good practices.

4. Application of the Barnahus model

It is considered necessary that Barnahus hearings should not only be implemented on a case-by-case basis, but as a general rule in criminal proceedings. We propose that such hearings should be recognised in procedural law and that the law should clarify when they can replace forensic psychologist examinations, in order to avoid children being repeatedly victimised.

5. Multisectoral cooperation - coordination at local level

In order to put this into practice, it is important to have a regular forum of relevant actors at local level, we propose a so-called Local Child Protection Round Table - similar to the Swallow's Nest network - where consultation, training and experience

sharing can take place. The involvement of disability advisers in these forums is also recommended. Full-time signalling advisers in child welfare services are also needed for day-to-day coordination of cooperation.

6. Digital infrastructure - CPS development

It is also proposed that the technical conditions for cooperation between the different sectors and signalling system members be created by developing a single digital platform, potentially an enhanced version of the CPS system. Access to the CPS should be extended to the additional signalling system members set out in Article 17 of the Child Protection Act, and relevant child protection data from other digital platforms should be integrated into the CPS. Individual assessment forms and support plans should also be recorded in the CPS.

7. Strengthening good practices

The Swallow's Nest programme, as an effective national good practice, should be made more transparent and supported with more resources so that it can be more widely applied.

03

ANNEXES

1. Appendix

Main legislation governing the operation of the detection and warning system

- Act XXXI of 1997 on the protection of children and guardianship administration ("the Child Protection Act")
- Decree 15/1998 (IV. 30.) NM on the professional tasks and operating conditions of child welfare and child protection institutions and persons providing personal care
- Act III of 1993 on social administration and social benefits
- Methodological guidelines on the rules for the operation and functioning of the detection and reporting system operated by family and child welfare services
- Protocol on the processes of the detection and reporting system operated by family and child welfare services
- Uniform sector-neutral principles and methodology for the detection and elimination of child abuse in connection with the operation of the child protection detection and reporting system
- Act C of 2012 on the Criminal Code
- Protocol on the processes of social assistance work provided within the framework of family and child welfare services
- Protocol on the processes of family and child welfare services related to child protection
- Protocol on the processes of family and child welfare services related to child protection
- Protocol on the investigation and treatment of cases of abuse of children and young adults in institutions providing specialised child protection services, foster parent networks and reformatories

2. Questions for the professionals interviewed during the focus group interview

1. Legislative and institutional framework
 - To what extent do you consider the legal definition and the practical implementation of "entitlement to special treatment" in criminal proceedings to be appropriate? What additions should be made in relation to children with disabilities?
 - To what extent are the rights of child victims (e.g. right to representation, protection against victimisation) respected in practice?
 - Where do you see gaps?

2. Training and professional preparation
 - What is your experience of the training of judges, prosecutors and defence lawyers in relation to victims with disabilities? What training is most lacking?
 - What is your experience of the preparedness of judges, prosecutors and defence lawyers to deal with child victims? What training is most lacking?
 - Do you know the concept of augmentative and alternative communication (AAC)?
3. Individual needs assessment and procedural matching
 - Is the individual needs assessment of child victims adequate? What methods are used?
 - Do you see opportunities to involve "helpers" or others to overcome communication barriers?
4. Data collection and monitoring
 - How can the collection of statistics on victims with disabilities by the police and judicial authorities be improved?
 - How could regular data collection help to enforce procedural guarantees?
5. Interagency cooperation
 - What is the level and form of cooperation between child protection services and judicial actors?
 - How could cooperation between the various child protection actors in the case of child victims with disabilities be improved?
6. Willingness to report and victim blaming
 - What are the main barriers to reporting the victimisation of children with disabilities?
 - How do you think the lack of trust in the justice system among these groups could be reduced?
7. Compensation and support mechanisms
 - How accessible are compensation options for child victims with disabilities? What procedural barriers do you see?
8. Technology solutions
 - What role can e-government and videoconferencing play in supporting child victims?
 - Do you have experience with the use of artificial intelligence (e.g. AI avatars) in professional training or in the preparation of interviews?
9. Expert opinions and capacities

- How relevant and timely are expert opinions in assessing children's mental health?
10. Good practices and systemic recommendations
- Which national or international good practice do you consider most adaptable in Hungary?
 - What interventions would be necessary to reform the compensation procedure and the justice system in general in order to improve the procedural rights of child victims with disabilities?

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