



RECOMMENDATIONS

FOR ESTABLISHING MINIMUM STANDARDS FOR CHILD VICTIMS OF CRIME

PROJECT “LISTEN TO THE CHILD – JUSTICE BEFRIENDS THE CHILD”

Introduction

Directive from 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, shall be implemented by all the Member States by 16 November 2015. This directive contains several new provisions, the content and scope must be carefully examined before their actual implementation in the national law of the Member States of the European Union.

Currently, legislative frameworks of the Member States provide different perspectives on development issues on victims' rights depending on existing rights.

The main objective of the Directive on victims is to ensure that the specific needs of victims of the support will be considered, something that should be done by an **individual assessment** (see below) and **participatory approach on rights to receive information, support, protection and observance of procedural rights**.

Article 22 of the Directive, bearing the title "Individual assessment of victims to identify specific protection needs," says one key aspect of the Directive on victims, namely the requirement for victims to be considered individually and on a case. It stresses the need for individual assessment to determine specific needs, namely the need for special measures in criminal proceedings or the specific approach to child victims (in accordance with Articles 1, 23 and 24 of the Directive).

Given that the review of the situation in the countries whose representatives participated in the project "Listen to the child – Justice befriends the child" which showed varying degrees, the need



to improve the regulatory framework and practices to guarantee the rights of child victims crime and / or violence,

Based on an understanding of the integrated approach that combines application measures, services and activities in the areas of protection, justice, health, rehabilitation, education about cases of child victims of crime and / or violence, depending identified in the assessment needs and in the name of his best interest,

Assuming that an integrated approach in our view is a set of cross-cutting interventions, based on the rights of child victims of crime and/or violence to receive information, participation, non-discrimination, expression, protection adapted to his age, language specific features,

Based on the notion that the implementation of the integrated approach as a set of cross-cutting interventions depend on the individual assessment of the child, which :

- identifies its needs of protection when there is a security risk, a risk of repeat victimization, intimidation or manipulation, which responsibility is to the child in risk protection and support services;
- identifies the needs of the child to be listened, ie his needs related to participation in judicial proceedings without the risk of secondary victimisation. The responsibility to ensure these measures brings justice system in each country in partnership with the systems for social services, health, local authorities and NGOs;
- identifies the needs of medical treatment, recovery to carry by the social, health and educational systems` coordinated actions,

Whereas that the analysis of the situation in the countries whose participants took part in the project „Listen to the child – justice befriends the child” is showed the need for special efforts to introduce individual assessment,

United around the idea that guaranteeing the rights of child victim of crime and/or violence, putting his best interest as the supreme principle requires systematic and persistent implementation of inter-institutional and multidisciplinary approach that integrates efforts of all parties, structures and sectors of the country involved. It's about introducing teamwork around each individual case and its management throughout the period of signaling the recovery of the child from the consequences,

Given what has been achieved in the project "Listen to the child-justice befriends the child?" in policy development and piloting of an individual assessment, which will provide an integrated approach to child victims,



We recommend:

Recommendation №1

To monitor and support the meaningful implementation of policy changes, legislation and practice in each of the EU Member States.

1.1. Considering that each of the Member State has different experiences and progress in introducing changes in the proper policies and legislation it`s necessary at European level to derive criteria for analysis and monitoring of the meaningful implementation of the requirements of the Directive in Member States.

1.2. At the national level we recommend all Member States to improve the implementation of existing regulations, as well as to improve the regulation to introduce a multi-disciplinary approach which, in our view, continues to require a real engagement of the structures of each state, especially in Bulgaria and Romania.

1.3. It is necessary to take action in each country at national and local level to recognize and engage different sectors to the protection of children and their best interests so that the protection system integrates practices friendly to the child justice, to the specialized social services, health, education.

1.4. At local level a transition from general agreement on common actions towards the adoption of a protocol with clear commitments steps and procedures of each of the involved party is necessary. These protocols should ensure cross-sectoral interaction and case management throughout the period of the signal of crime or violence until completion of all judicial proceedings and recovery of child .

1.5. The multidisciplinary and multi-institutional approach requires teamwork. Teamwork of all participants is therefore necessary to look at the situation from different point of view and to realize the full scope of the needs of the child to ensure its coordinated and consistent care. For this purpose it is necessary namely organizing joint meetings summaries.

1.6. The multidisciplinary work allows professionals to recognize their skills and in their role. This multidisciplinary approach is also recognition of the complementarities that promotes a better approach to child victims needs. The multidisciplinary, fundamental tool for the coordination of individual assessment, develops a common clinical picture for all.

It is recommended for the group of professionals working with child victims to work in an environment of multidisciplinary.

Recommendation №2

It is important when introducing minimum standards for the protection of victims of crime to build on existing resources and best practices. Each European country has the resources and best practices in the field of child protection, child participation in legal proceedings on violence prevention, care and support to cope with the effects of crime and violence.



2.1. At European level to continue their efforts to identify and disseminate best practices to ensure the rights of children, victims of crime and / or violence, integrated approach to child protection. Continue the practice of stimulating discussion and exchange between different countries to constantly update and improve the quality of "minimum standards" to protect the rights of vulnerable victims.

2.2. At the national level in each country should have a mechanism these practices be recognized, identified as good and used as resources to achieve change. Such practices are coordinating protocols and agreements on cooperation in different European countries (Italy, Bulgaria, France, Romania, Northern Ireland, Finland), building a friendly environment for interviewing children (Italy), neutral justice structures such as hospitals (France Romania), centers for social services (Bulgaria). At the national level necessary transition from pilot projects friendly to child justice to the multiplicity of practices and providing them to all children, victims of crime and / or violence.

2.3. At the local level is necessary to introduce identified good practices, depending on the specific needs of children.

Recommendation №3

We believe that the training of specialists from different sectors should be determined by the agreed minimum standards of competence of all who work with child victims of violence.

3.1. Systematization of initial training in detection, care for acts of harassment, victimology for all professionals who may be associated with child victims: nurses, doctors, educators, social assistants, consultants on social and family economy, psychologists, investigators, magistrates, lawyers and others working with children.

3.2. Developing permanent and multidisciplinary training. Each Member State to ensure the sustainability of the implementation of multidisciplinary and cross-training on the rights and protection of victims of crime and effective interaction. At this stage more often various agencies, ministries and training structures conduct cross-sectoral training in the pilot experiments or projects.

At European level could be identified and multiplied good models for multidisciplinary and cross-training for coordination and effective communication, ethics, informing victims of their rights and opportunities to support and encourage Member States to build sustainable models and practices for intersectoral and multidisciplinary training.

3.3. Providing training and ongoing support of local teams for interaction in cases of violence or crime against children.

Recommendation №4

It is necessary to improve the child's information practices and family rights, such as:

- informing about the right of assessment, right of particular protection measures, right to participate and be heard by the justice system, as well about the rights of protection and support;



- informing about the right in all stages of the Justice and the proceeding of the child`s case;
- Informing in a manner understandable to the child and his family.

4.1. At European level, we believe that the efforts through European programs to identify and develop best practices of informing children and their families and for their implementation at national level should continue.

4.2. At the national level, each party is required to analyze and review their practices to inform children and their families about their rights and to plan and implement specific actions for their improvement.

4.3. At the local level by introducing an integrated approach to ensure adequate informing on children's rights in all phases of the integrated approach to pursue the case.

Recommendation № 5

We think it is necessary to make serious efforts to implement / use of individual assessment of a child victim of crime and / or violence as in criminal proceedings in each of the Member States and in all legal proceedings.

5.1. At European level there is a need of efforts to clarify the understanding of assessment the case of a victim of crime and or violence. In the different countries there are different understandings and there continues to be some confusion in this area.

5.2. At the national level the institutions concerned must take into consideration that the assessment of the situation of a child victim of tortious or criminal acts is a process, not a single act. It is important to ensure effective emergency preparation of a preliminary assessment at the normative level and in practice. This assessment should be developed as soon as possible, which means that the police and protection services should require its development immediately after the information given to the child about his rights and before taking any action whatsoever to investigation, support and protection. It should assess the state of readiness and needs of special protection measures to participate in legal proceedings as well as their needs for protection in relation to the risk of continuation of the crime, intimidation or manipulation. Subsequent clinical evaluation is geared to the needs of mentally recover from injuries and consequences of experience crime and/or violence.

5.3. At the local level it is necessary to clearly define the commitments for requesting evaluation of its provision as a process throughout the management of the case. Commitment to request an evaluation should have competent authorities in case management of children at risk and the competent authority for investigation. The preparation of the assessment should be based on information from all relevant institutions, and is the work of a multidisciplinary team. It is necessary to improve the system of data collection and tracking of cases of child victims and/or witnesses of crimes to identify the best answers regarding the management and prevention of cases of violence committed against the child.



5.4. National and local level, it is essential to adopt a methodology of personalized assessment of a child victim of crime or criminal acts based on knowledge of the situation. To achieve an individualized assessment of the child victim, it is recommended to set up a framework taking in consideration the needs of a child, framework that will ensure that every need of the child is taken into account and evaluated. It is recommended that the consideration of children's needs victim is the common thread throughout the administrative and judicial proceedings.

5.5. In case the complaint is without consequence or termination of the proceedings, it is recommended to review the needs of the child victim and to give another answer that might not be possible as civil law and educational, psychological or other plan.

5.6. To remedy current gaps due to the lack of a common instrument, it is recommended introduction of a single reference methodology for the assessment.

5.7. Court proceedings can be very long, and the child's needs change over time. It would be dangerous to remain with the only one assessment from the beginning of the proceedings. For that reason it must be reassessed in the investigation or prosecution. Lack of coordination between the hearing of the child, expertise, socio-educational and psychological orientation can cause new injuries in the child.

5.8. It is recommended to evaluate the social life of the child, the family and his entourage to determine whether the family and social environment are risky for the child and thus it can be separated from them or identify needs help. The need of care - it is recommended to prepare a protocol for care according to the needs of child victims and medical care consistent with the personality of the latter. The need to preserve its landmarks - it is recommended to evaluate the school level of the child to determine whether there is a change in behavior results or whether the child is faced with specific difficulties.

Recommendation № 6

It is necessary to ensure the participation of children when making any decision affecting them. The participation of children and their right to express their opinion on all important issues related to their lives, is a principle that should be applied to ensure children and victims of crimes.

6.1. At European level it is necessary to ensure the exchange of experience and good practices for effective involvement of affected children and their families in decision by the relevant decisions concerning their lives and especially their participation in legal proceedings.

6.2. At the national level it is necessary to encourage Member States to implement these models identified as good for children's participation in their national policies and practices for monitoring and evaluation systems, particularly the judicial system.

6.3. At the national level as an important part of the monitoring and quality control to guarantee the rights, support and protection of child victims of crimes must provide opportunities for the participation of children who have passed through the system. This can happen by introducing



different approaches to assessment and collection of feedback from injured children and their parents.

Recommendation №7

Preparation and examination of a child victim or witness of a crime should be done by an accredited methodology based on knowledge and accepted by the competent authorities at national and local level.

7.1. At European level to stimulate the creation of a resource fund of good practice for training and interrogation of child.

7.2. At the national level should be accepted by the system for protection and justice system, method for preparation and interviewing child victims of crime and / or violence.

7.3. At the local level must be ensured control over the implementation of the adopted methodology for preparation and interviewing child victims of crime and / or violence.

Recommendation №8

It is necessary to ensure a therapeutic, psychotherapeutic and psychosocial support to all child victims of crime and / or tortious.

8.1. At European level it is necessary to provide a resource of best practices to provide therapeutic, psychotherapeutic and psychosocial support each child victims of crime and/or violence.

8.2. At the national level is necessary un involvement of the health system to provide access to therapeutic, psychotherapeutic and psychosocial support each child victims of crime and/or violence and his family.

8.3. At local level it is necessary to create resources to provide therapeutic, psychotherapeutic and psychosocial support each child victims of crime and/or violence and family.

Recommendation № 9

Ensure fair justice through a system of monitoring and evaluation of ongoing legal proceedings involving children, victims of crime.

9.1. At European level is necessary to enable the possibility to exchange best practices and models for monitoring and evaluation of Justice to ensure the quality of justice systems. This monitoring is necessary to ensure justice system in continuously improving the conduct of interrogations of children approach adapted to the needs of the child.

9.2. At the national level it is necessary to encourage Member States to establish systems to monitor and evaluate the quality of justice and especially the conduct of legal proceedings involving children, informing them about their rights and the respect of their rights in the entire process of administration of justice, including from the first contact with the system.