



# FOCUS Mapping Tool!

## Individual assessment – a gateway to a child centered justice



Working together  
for children in criminal  
proceedings

December 2021



Terre des hommes  
Helping children worldwide.



FOCUS is co-funded by the Rights, Equality, Citizenship Programme of the European Union (2014 – 2020)

**Disclaimer**

The content of the FOCUS Mapping Tool: Individual assessment – a gateway to a child centered justice represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



# Table of Content

<b>Acknowledgments .....</b>	<b>4</b>
<b>About the FOCUS project.....</b>	<b>5</b>
<b>Introduction.....</b>	<b>7</b>
<b>1. Law, policy and procedure on individual assessment processes .....</b>	<b>8</b>
<b>1.1 Summary overview table of the elements in place to support individual assessment processes .....</b>	<b>8</b>
<b>1.2 Background Questions: Law, Policy and Procedures.....</b>	<b>9</b>
<b>2. Practice: How are individual assessment of circumstances and needs of children undertaken? 10</b>	
<b>2.1 TABLE: Overview of Individual Assessment Processes .....</b>	<b>10</b>
<b>2.2 TABLE: Overview of Stages of Procedure and conduct/use of individual assessment.....</b>	<b>12</b>
<b>2.3 Background Questions: Practice in focus.....</b>	<b>14</b>
a) How is the assessment carried out? .....	14
b) How is the assessment taken into account?.....	15
c) Miscellaneous considerations: .....	16
<b>3. Reflections on individual assessment processes and challenges, and opportunities to consider 17</b>	
<b>Impact of individual assessment processes .....</b>	<b>17</b>
<b>Current challenges.....</b>	<b>17</b>
Potential opportunities for change .....	18
Brief analysis of the key needs and opportunities (short/mid and long term) as they regard:.....	18



## Acknowledgments

This **FOCUS Mapping Tool** has been developed as part of the FOCUS project and are a component of a set of **FOCUS tools and resources**. This version was developed for the piloting process to be undertaken in FOCUS in 2021 in Bulgaria, The Netherlands, Serbia, Romania and Greece. The FOCUS Mapping Tool helps stakeholders review the state of development of individual assessment processes (tool).

Rebecca O' Donnell (Child Circle), took a lead role in the development of the FOCUS mapping tool, while receiving valuable input from the FOCUS experts Silvia Randazzo , Child Justice Expert, Annemieke Wolthuis, Research, mediator and trainer Mariama Diallo, Regional Programme Manager Access to Justice, Regional Office of Terre des hommes for Europe and Orinda Gjoni, FOCUS Regional Project Coordinator and our partners – Child Rights Centre (Serbia), Defence for Children (The Netherlands), SAPI (Bulgaria), Terre des hommes Hellas and Terre des hommes Romania.



## About the FOCUS project

FOCUS<sup>1</sup>, a European Union co-funded project (2020 – 2022), centred on promoting and supporting the implementation of EU legal obligations to carry out **individual assessments of the needs and circumstances of children involved in criminal proceedings, whether as victims, suspects or accused**. These obligations are set out in three EU Directives concerning combating sexual abuse and exploitation of children<sup>2</sup>, victims' rights<sup>3</sup> and procedural safeguards<sup>4</sup> respectively, as transposed into, and sometimes complemented by, national law.

The **ultimate objective** of the project is to support child-centred justice, and ensure that children in contact with the law, as victims and as offenders, receive individualised care, and have access to personalised support and responses, including through restorative justice processes. FOCUS partners see the implementation of **robust and multidisciplinary individual assessment process as a gateway into child centred justice**. Focus sought in particular to:

1. Make systematic individual assessment practices of more common application with children involved in criminal proceedings.
2. Build the knowledge, capacities and skills of youth justice professionals, about standards, tools, procedures and process in the use of multidisciplinary individual assessment with children in criminal proceedings.
3. Build the knowledge and capacities of children about their rights in the criminal justice system and empower children to be agents of change and advocates for child-centred justice.

The project facilitated learning through international mutual exchange of practices between the five target countries: Bulgaria, Greece, Serbia, Romania and The Netherlands. FOCUS partners identified gaps between theory and practice on the implementation of individual assessment practices, gaps which were addressed by providing professionals with new, practical tools and resources to apply and systematize individual assessment process and practice in their countries.

The main FOCUS tools and resources developed are:

1. The FOCUS Standards: provide guiding principles for undertaking individual assessments for children involved in criminal proceedings, including respect for the Charter of Fundamental Rights and the UN Convention on the Rights of the Child (tool)
2. The FOCUS Standards self-reflection tool: accompanies the FOCUS Standards and supports stakeholders and professionals in reflecting on how the Standards are fulfilled or can be better fulfilled in their practice or in their national systems (tool).
3. The FOCUS Mapping Tool: helps stakeholders review the state of development of individual assessment processes (tool)
4. The FOCUS reference table for progress helps stakeholders identify actions to achieve improvements (tool)

---

<sup>1</sup> <https://tdh-europe.org/our-work/focus-on-my-needs-working-together-for-children-in-criminal-proceedings-/7144>

<sup>2</sup> EU Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography.

<sup>3</sup> EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime.

<sup>4</sup> EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.



5. The FOCUS pilot planning tool: helps stakeholders plan pilot activities to improve individual assessment processes (tool)
6. The FOCUS research summary on individual assessment with children in Europe (resources)
7. International human rights standards applicable on individual assessment practices (resources)
8. Q&A Individual assessment – a gateway to a child centered justice: key concepts and frequently asked questions (resources).
9. The Focus capacity building resources: the Focus Training Handbook, Focus on-line platform and the Focus e-learning module.



# Introduction

This tool can be used by actors working with children in criminal proceedings to establish the state of development of individual assessment processes and can be utilized in combination with the Pilot Planning Tool, the FOCUS Standards and the Standards Self-Reflection Tool. The tool can also be used as a resource to support trainers preparing a training course.

The use of this tool can be informed by the Q&A document and by the Standards that provide an introduction to individual assessment processes and key elements in their regard.

The completed tables from this tool can be used as a background reference for professionals using the FOCUS Standards Self-Reflection Tool.

Having assessed the state of development, the FOCUS Reference Table for progress tool can then be used to identify goals for progress, and the FOCUS piloting planning tool can be used to plan activities which can help achieve progress.

This document includes a set of questions that would need to be answered by professionals working with children, to establish the state of development of individual assessment processes. These questions have been grouped into three areas as it follows:

## 1. Law, Policy and Procedure

### 1.1 Summary Overview of the System Underpinning Individual Assessment Processes

### 1.2 Background questions about the Legal, Policy and Procedural Framework

## 2. Practice: Establishing more detailed information about Individual Assessment Processes in place

### 1.3 Overview of Individual Assessment Processes

### 1.4 Overview of Stages of Procedure and conduct/use of individual assessment

### 1.5 Background question: Practice in focus

## 3. Reflection Questions on impact, current challenges and potential opportunities for change



# 1. Law, policy and procedure on individual assessment processes

## 1.1 Summary overview table of the elements in place to support individual assessment processes

**Note:** In some countries, there are different processes in place for individual assessments for child victims on the one hand and for child suspects and accused on the other. Consequently, it may be important to fill out these tables twice to capture a profile of each of these processes.

Overview of law, policy and procedure	
1. Is there a law concerning individual assessments (clear obligation)?	
2. Are there clear procedures (definition of who, when, how, what, where, for what purpose)?	
3. Are there coordination protocols (as individual assessment processes typically rely on different actors working together to undertake, contribute to, use, follow up on individual assessments)?	
4. Are there tools and practices (such as case management tools or checklists)?	
5. Do they involve skilled professionals (training)?	
6. Are specific resources available (e.g. special cases and needs)?	
7. Are accountability mechanisms, monitoring and review in place?	





## 1.2 Background Questions: Law, Policy and Procedures (to be answered both for child victims, and for child suspects/accused)

- 1.1 What laws deal with individual assessments and what do they say? Do they implement the relevant EU directives? (See Overview of International Law and Guidance)
- 1.2 What does the policy framework say about individual assessments? (Are these recent policies?)
- 1.3 What procedures exist for individual assessments of child victims or suspects/accused of crime?
- 1.4 What guidance or practice directions exist for individual assessments of victims of crime or those accused/suspected of a crime?
- 1.5 Are any of the above child specific? Do they approach/mention vulnerable groups, including children?
- 1.6 What actors are involved in the individual assessment processes (who undertakes them, contributes to them, uses them)?
- 1.7 Are any coordination protocols in place between different professionals on individual assessment processes?
- 1.8 What tools are available for individual assessments?
- 1.9 What are the qualifications of the person/agency who performs the individual assessment?



## 2. PRACTICE: How are individual assessment of circumstances and needs of children undertaken?

### 2.1 TABLE: Overview of Individual Assessment Processes

**Note:** In some countries, there are different processes in place for individual assessments for child victims on the one hand and for child suspects and accused on the other. Consequently, it may be important to fill out these tables twice to capture a profile of each of these processes.

<p>What is the <b>purpose</b> of the Individual Assessment processes in place?</p>	<ul style="list-style-type: none"> <li>◆ To ensure children can access their procedural rights</li> <li>◆ To ensure that the specific needs of children concerning protection, education, training and social integration are taken into account</li> <li>◆ Serve to establish and to note, in accordance with the recording procedure within the Member State concerned, information about the individual characteristics and circumstances of the child as might be of use to the competent authorities when (a) determining whether any specific measures to the benefit of the child is to be taken; (b) assessing the appropriateness and effectiveness of any precautionary measures in respect of the child (c) taking any decision or course of action in the criminal proceeding, including when sentencing</li> <li>◆ To identify specific protection needs and to determine whether and to what extent they will benefit from special measures during the course of the criminal proceedings</li> <li>◆ To engage children in the process, with a view to empowering them to participate more efficiently in the proceedings as a whole</li> </ul>
<p>Who <b>uses</b> the Individual Assessment and for what purpose?</p>	<p>List of actors List of decisions/services the assessment feeds into</p>
<p>Who <b>undertakes</b> the assessment?</p>	<p>List of actors</p>



<p><b>What is the <i>scope</i> of the assessment?</b></p>	<p>Takes into account:</p> <ul style="list-style-type: none"> <li>◆ The child’s personality and maturity, the child’s economic, social and family background</li> <li>◆ Any specific vulnerabilities</li> <li>◆ The special circumstances of each particular child victim, taking due account of the child’s views, needs and concerns</li> </ul>
<p><b>What is the role and rights of the <i>child</i>?</b></p>	<ul style="list-style-type: none"> <li>◆ Child informed about the purpose of the assessment, and its outcomes</li> <li>◆ Close involvement of the child</li> <li>◆ The holder of parental responsibility or another appropriate adult and/or a specialized professional</li> <li>◆ Takes into account the child’s views, needs and concerns</li> </ul>
<p><b>When is the assessment undertaken?</b></p>	<ul style="list-style-type: none"> <li>◆ At the earliest appropriate stage of the proceedings and before the indictment, (with some exceptions)</li> <li>◆ If the elements that form the basis of the individual assessment change significantly, the assessment should be updated throughout the proceedings (at the latest)</li> <li>◆ Victims should receive a timely assessment; if the elements that form the basis of the individual assessment change significantly, the assessment should be updated throughout the proceedings</li> <li>● It should nevertheless be possible to present an indictment in the absence of an individual assessment, provided that this is in the child's best interests. For example: in cases where waiting for an individual assessment to become available would unnecessarily risk prolonging the detention of a child who is already in pre-trial detention</li> </ul>



## 2.2 TABLE: Overview of Stages of Procedure and conduct/use of individual assessment

Please provide a brief overview of the procedures with a summary overview in the grid provided, including when the assessment is undertaken, the actors involved in individual assessment, how is it used, and by whom.

Stage of the proceeding	Individual assessment process	Use of the individual assessment at this stage	Actors involved/roles
	<p><i>Is it undertaken/refreshed at this stage?</i></p> <p><i>First assessment of needs (screening of circumstances, physical and mental health needs)</i></p> <p><i>In-depth assessment</i></p> <p>...</p>	<p><i>How is it used?</i></p> <p><i>Planning and preparing for interviews (criminal investigation and child protection proceedings)</i></p> <p><i>Referral to services (victim)</i></p> <p><i>Decisions on prosecution, diversion, restorative justice (RJ)</i></p> <p><i>Decision on sentencing and RJ after conviction</i></p> <p><i>Decision for compensation</i></p> <p><i>Protective measures</i></p> <p><i>Social measures</i></p> <p><i>Health measures</i></p> <p><i>Education measures</i></p>	<p><i>Who are they?</i></p> <p><i>What is their role?</i></p> <p><i>Undertaking assessment, contributing to assessment, using assessment?</i></p>
<b>Report/disclosure of offence</b>		...	...
<b>Conduct of investigation</b>			
<b>Ordering pre-trial measures (suspect/accused)</b> <b>Ordering Protective measures (victims)</b>			



<b>Subsequent interviews</b>			
<b>Courtroom proceedings</b>			
<b>Sentencing</b>			
<b>Victims: compensation proceedings</b>			
<b>Post proceedings Provision of support assistance and access to services</b>			



## 2.3 Background Questions: Practice in focus

### a) How is the assessment carried out?

Consider the following elements and reflection questions below:

#### I. Timing of the assessment

- ◆ When does the individual assessment take place?

#### II. Scope of the assessment

- ◆ What does the individual assessment take into account?

#### III. Actors

- ◆ Who decides on the scope of the assessment, considering in particular that it is possible “to adapt the extent and detail of an individual assessment according to the circumstances of the case and stage of the proceedings”?
- ◆ How to avoid that this possibility “pre-determines” or limits decisions or that the assessment fails to address important elements that may not seem central on the face of it?

#### IV. Sources of information for the assessment

- ◆ Who contributes to the assessment? If multiple informants (e.g. school or therapist) are interviewed, how will this information be transferred to the final report? In other words, if information is given orally, how will this information be processed? Who is responsible for checking if this is done correctly? (i.e. is a draft sent to the informant and does an informant have to give their permission?)
- ◆ What are the consequences for the right to privacy of the child?
- ◆ Who is part of the multidisciplinary assessment? (Potential disciplines of possible candidates: social professionals, psychologists, health professionals, educational professionals)
- ◆ What is the role of the child’s lawyer?
- ◆ What is the role of the child’s parent(s)/guardian(s)?
- ◆ Who can propose sources for the assessment, based on the child’s circumstances or characteristics?
- ◆ How to allow for the exchange of data – if made in the context of a multidisciplinary team – one assessment or several coming together? How to address confidentiality concerns?
- ◆ What mechanisms are there to exchange information and to document case-specific data in one report? Is the lawyer involved in ensuring confidentiality? And if so, how is the lawyer involved?

#### V. Child’s participation in the assessment

- ◆ Informing the child about the individual assessment process to ensure effective participation. Who is going to be involved, what information is going to be shared (and with whom), how can the child respond to a draft that has been made? Is the child’s age and maturity taken into account?



- ◆ How does the child ensure that their views are heard and considered?
- ◆ What is the nature of the intended cooperation of the child?
- ◆ What are the consequences of the child failing to cooperate?
- ◆ Is access to a restorative intervention part of the assessment?
- ◆ In what circumstances might the child's cooperation run counter to its right of defence? How does the child exercise their rights of defence during the assessment or from the use of the results of the assessment?
- ◆ How should the lawyer be involved? Is there any good practice on this?
- ◆ Do interviews with children or other important sources of information, such as caregivers, family members or teachers, form part of the assessment need to be carried out in a forensically sensitive way and if so, how?
- ◆ In other words if the child is interviewed regarding issues that are relevant to the proceedings (e.g. extent of responsibility), how is this done in a way that does not interfere with the court's ability to inquire about the child directly?
- ◆ Are particular interviewing techniques used to ensure the child's understanding of the inquiry? Do they avoid addressing issues of fact concerning the offence which are the subject of the inquiry?
- ◆ What mechanisms and procedures are in place to ensure that the assessment of the child's circumstances do not interfere with the criminal investigation or harm the validity of the child's testimony? This may be relevant depending on when the assessment is done (e.g. this could be before or after the completed criminal investigation). Equally, are there facts established in the criminal investigation that should be taken into account as regards the assessment?
- ◆ What mechanisms are in place to ensure that the assessment is carried out in a child-sensitive way, so as to ensure the participation of the child, to secure the disclosure of important and relevant information, and to avoid alienating or traumatising the child?
- ◆ What is the role of the lawyer in this regard?
- ◆ When the individual assessment is completed, who is responsible for discussing the results with the child? What are the (legal) options of the child when reacting to what is stated in the report? In other words, how is a fair hearing guaranteed in the process, specifically, when other sources of information are involved?
- ◆ How can the issue of too many people questioning child suspects and victims be addressed?

## b) How is the assessment taken into account?

- ◆ Are there different outputs/reports from different agencies?
- ◆ Is there one output from the assessment?
- ◆ If so, which agency is in charge?
- ◆ Can other agencies, that are part of the multidisciplinary assessment, have a say in relation to the assessment in court or use the assessment in their work for other purposes, such as therapeutic/mental health interventions, combined parent-child interventions/therapy, special assistance for educational purposes, and child protection?
- ◆ Are the outcomes of the assessment provided to the child and his/her lawyer? How is the output(s) shared with the lawyer?



- ◆ Which “competent authorities” receive the assessment outcomes? (e.g. law enforcement, the judge, prosecutor, social professionals, medical professionals, detention centres?)
- ◆ How is the assessment taken into account by competent authorities? Is there a systematic and coherent approach to determining the outcomes on the basis of different types of findings in the assessment or is it up to the competent authority in each case to determine how the specific circumstances affect outcomes and decisions?
- ◆ How is the participation of the child ensured in the process? How is the privacy of the child guaranteed in the process of the individual assessment?
- ◆ Is there a legal remedy available to the child should he/she object to the results of the individual assessment?
- ◆ Is it possible for the child to request a second opinion?
- ◆ Might different competent authorities take different decisions (potentially at different stages) and how is this coordinated amongst them? What is the lawyer’s role in relation to each?
- ◆ Whose responsibility is it to ensure that the assessment is brought before the judge?
- ◆ Does Article 7 only place an obligation on Member States to ensure that the circumstances of the child are available to the judge to consider or is there also an obligation on the judge to apply the assessment to decisions? Are the judges obliged to consider the full report or can they select the elements that they consider relevant?

### c) **Miscellaneous considerations:**

- ◆ Use of technology in proceedings (video recording/video links)
- ◆ Monitoring and accountability mechanisms, and mechanisms to ensure the individual assessment is adapted during the proceedings
- ◆ Ensuring a fair hearing: availability of the individual assessment in due time, and without prolonging pretrial detention
- ◆ To what extent is a previous individual assessment valid in current proceedings? How is this determined?
- ◆ Right to privacy vs right to information (i.e. receiving a copy of the casefile): is the individual assessment part of the criminal casefile (victims and suspects)? Who is responsible for this decision?
- ◆ Determining the extent and detail of the individual assessment in minor offences
- ◆ Doing more harm in light cases. For example: Assessing children who are suspected of shoplifting candy might harm and stigmatise them more than if the case is handled effectively and quickly.
- ◆ Regarding effectiveness:
  - ▶ Protecting child victims vs. the right to a fair trial (i.e. a fair hearing) of the defendant: What is the role and weight of the (results of) individual assessment? What is our objective?
  - ▶ Appropriate measures or sentencing: what is the role and weight of the results of the individual assessment? Who is responsible for the quality and validation of the individual assessment? Making sure the content is recent (and updated if necessary). What is our objective?





## 3. Reflections on individual assessment processes and challenges, and opportunities to consider

### Impact of individual assessment processes

- ◆ How effective is the individual assessment? Is any research available?
- ◆ How could it be more effective? What is missing or what is needed to enhance the individual assessment?

### Current challenges

Are there aspects in the general criminal justice or child protection system that may affect individual assessment procedures?

Issues to consider:

- ◆ General approach/attitude to child rights
- ◆ General approach to child-centred justice settings
- ◆ Acceptance of human rights standards
- ◆ General approach to child suspects and the accused (punitive, protective, diversionary, restorative?)
- ◆ Resource limitations: Basic question from authorities: individual needs assessments create needs/obligations – if they cannot be met, there will be limited appetite for undertaking them
- ◆ Clear understanding of the benefits and opportunities: How to explain the opportunities and benefits to children, professionals, the public interest for undertaking effective individual assessments.
- ◆ What level of public awareness exists regarding the rights/needs of victims/suspects/accused, and children generally?
- ◆ What “champions” exist for improvements (ombudspersons, social workers, politicians, NGOs, celebrities?)
- ◆ Others

What other issues and potential challenges need to be taken into account when designing further or new individual assessments for child victims and child suspects?

- ◆ Various and sometimes competing goals and priorities of individual assessments (ascertain facts, identify needs, identify vulnerabilities, inform the trial/sentencing, inform the decision about diversion and about restorative justice, etc.)
- ◆ Privacy of the child vs. interviewing informants and sharing information
- ◆ Interviewing the child before the police interview to conduct a proper police interview vs. protecting the child against self-incrimination



- ◆ Need for a forensic assessment (to address the limited IQ of a child or a behavioural diagnosis)
- ◆ Lack of resources to undertake the assessment itself and/or lack of resources to meet the needs identified by the assessment
- ◆ Inappropriate procedures
- ◆ Lack of available trained staff
- ◆ Use of technology
- ◆ Absence of knowledge and skills
- ◆ Attitudes of staff (e.g. towards the rights of the child)
- ◆ Clarity regarding the roles of various professionals
- ◆ Absence of dialogue between various professionals and the absence of coordination mechanisms
- ◆ Public policy priorities: deterrence, punitive, diversionary, restorative, integrated welfare/justice approach, recognition/support (or not) for a child rights-based approach

### Potential opportunities for change

- ◆ What research/reviews exist pertaining to practice in the area?
- ◆ Who are the key policy stakeholders involved in developing/implementing/monitoring outcomes from individual assessments?
- ◆ What discussions have taken place at the national level regarding individual assessments and whom did they involve?
- ◆ Landmark cases involving children which demonstrate the need for the use of individual assessments (basic facts/outcomes and learnings - to be fed into training)
- ◆ Good/promising practices that can be built upon

### Brief analysis of the key needs and opportunities (short/mid and long term) as they regard:

- ◆ Raising awareness of the need for individual assessments
- ◆ Developing processes/practice for individual assessments
- ◆ Enhancing existing processes/practice for individual assessments



## FOLLOW US FOR MORE UPDATES

### Terre des hommes in Europe

[tdh-europe.org](http://tdh-europe.org)  
[twitter.com/TdhEurope](https://twitter.com/TdhEurope)  
[www.facebook.com/TdhEurope](https://www.facebook.com/TdhEurope)

### Terre des hommes Hellas

[www.facebook.com/tdh.greece](https://www.facebook.com/tdh.greece)  
[twitter.com/tdh\\_greece](https://twitter.com/tdh_greece)

### Terre des hommes Romania

[tdh.ro](http://tdh.ro)  
[www.facebook.com/TdhRomania](https://www.facebook.com/TdhRomania)

### Child Circle

[www.childcircle.eu](http://www.childcircle.eu)  
[twitter.com/ChildCircle.EU](https://twitter.com/ChildCircle.EU)

### Child Rights Center, Serbia

[cpd.org.rs](http://cpd.org.rs)  
[www.facebook.com/Centarzapravadeteta](https://www.facebook.com/Centarzapravadeteta)

### Defence for Children The Netherlands

[www.defenceforchildren.nl](http://www.defenceforchildren.nl)  
[twitter.com/DefenceChildren](https://twitter.com/DefenceChildren)  
[www.facebook.com/DefenceForChildrenNL](https://www.facebook.com/DefenceForChildrenNL)

### Social Activities and Practice Institute, Bulgaria

[www.sapibg.org/bg](http://www.sapibg.org/bg)  
[www.facebook.com/sapibg](https://www.facebook.com/sapibg)



Co-funded by the Rights,  
Equality and Citizenship  
program of the European Union

