



**Individual assessment – a gateway  
to a child centered justice:  
FOCUS research  
summary in Europe**

  
**Focus**  
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)

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## Acknowledgments

The **FOCUS Research Summary** has been developed as part of the FOCUS project and are a component of a set of **FOCUS tools and resources**. The desk review at European level and the research and consultations carried out at national level during February – October 2020 was to the core of the FOCUS project, establishing the foundations for capacity building activities, piloting of assessment tools and procedures, and advocating at national and international level. The main findings were developed for the piloting process to be undertaken in FOCUS in 2021 in Bulgaria, The Netherlands, Serbia, Romania and Greece.

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



## 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 individualized care, and have access to personalized 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)

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<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

One of the first activities conducted as part of the FOCUS on my needs: Working together for children in criminal proceedings project, was to review the framework and existing research and projects that identify or describe existing multidisciplinary individual assessment practices of the circumstances and needs of children.

As part of the review, the national systems of the five countries involved were mapped. These countries include Bulgaria, Greece, Serbia, The Netherlands and Romania. A literature review and stakeholder interviews were also conducted to identify key regional projects, with the aim of collecting country experiences and recommendations pertaining to multi-disciplinary needs assessment tools for children, and to build synergies and bridges with ongoing projects.

The review shows that multidisciplinary individual assessment practices have gained increased relevance since the implementation of EU Directive 2012/29/EU, which establishes minimum standards on the rights, support and protection of victims of crime, and EU Directive 2016/800, which provides procedural safeguards for children who are suspects or accused persons in criminal proceedings.

However, the implementation of individual assessment tools for both child victims and child suspects or those accused of a crime, is hindered by a lack of harmonised guidelines, standards, training principles, monitoring, and information sharing. The research identified relevant information on specific child-assessment tools on child victims, especially in relation to violence. The results also included promising practices such as well-established instruments, one-stop-shop practices for child victims such as the Barnahus model, as well as child-friendly hearing mechanisms for child suspects and/or those accused of a crime.



## Country results

Research was carried out in the five project countries through a desk review and by conducting interviews with professionals and young people. The main outcomes are summarised below:



### Bulgaria

- ◆ Lack of a common understanding of individual assessment, also due to the lack of connection between the welfare system and the justice system.
- ◆ Promising practices introduced by NGOs and some pilot experiences, but they lack continuity.
- ◆ Lack of specialised tools for individual assessment in criminal proceedings – both for child victims and child suspects/accused.
- ◆ The protection system uses risk-assessment forms for all children and for case management.



### Greece

- ◆ Important legal reforms strengthened the status and support of children involved in criminal proceedings.
- ◆ The Victim Directive's provisions have not been fully integrated.
- ◆ The assessment of child suspects and offenders is realised mainly by the juvenile probation officers who are assigned the case of a child by order of the public prosecutor.
- ◆ Solid structures are lacking, and barriers need to be eradicated in order to guarantee the adequate conduction of the individual assessments.



### Serbia

- ◆ Individual assessment for child suspects and those accused of a crime is regulated by the Law on Juveniles and the Criminal Procedure Code and conducted during criminal proceedings.
- ◆ In addition to the facts relating to the criminal offence, the judge shall determine the age of the child, assess their maturity, their living environment and circumstances, and other relevant facts relating to the child.
- ◆ Initial assessment for children and youth in child protection/welfare centres is in place.
- ◆ There is no obligation for an individual assessment for child victims of crime and there are not enough specialised support programmes for children after the crime.





## The Netherlands

- ◆ In the case of child victims, the law requires that an individual assessment is carried out to identify specific protection needs and to determine whether and how victims can benefit from appropriate measures, looking at secondary victimization, intimidation and retaliation. The individual assessment is carried out mainly at the police level.
- ◆ In the case of child suspects and those accused of a crime, the Child Protection Board carries out research on the personal circumstances of the child. The individual assessment for these children is usually conducted at a later stage of the criminal proceeding.
- ◆ The use of the National Instrument for Youth Criminal Justice (LIJ instrument) by different stakeholders is well received. This instrument includes a screening and risk assessment and is used for advising on sentencing and which intervention will be most appropriate.
- ◆ The Dutch youth justice system does not yet fully comply with EU standards and lacks a holistic and integrated system of individual assessment for both child victims and child suspects.



## Romania

- ◆ Significant efforts are made on a case-by-case level to serve the best interests of children, but there is still a need for more resources, training, and a multidisciplinary approach
- ◆ Clear quality standards for individual assessments are lacking and the existing individual assessment initiatives are not sustainable in the absence of structural institutional interventions.
- ◆ The social services system shows unequal development between rural and urban areas. There is a lack of identification services, early intervention and mechanisms for recording, referring and monitoring cases of child suspects/accused on the local and especially the rural level.
- ◆ There is a need for child-specialised courts and judges, separate child-friendly hearing rooms and waiting rooms.



## Some conclusions from the FOCUS review

There are some challenges concerning individual assessments of the circumstances and the needs for child victims, child suspects, and those accused of committing an offense, that can be highlighted in our review:

- ◆ There is not always a clear provision in the law and policy framework about the obligation to conduct individual assessments for both groups of children.
- ◆ Clear quality standards on how to conduct individual assessments are lacking.
- ◆ In some countries, there are no clear processes or tools in place.
- ◆ In countries where processes and tools for individual assessment are available, they lack a clear, defined purpose and/or they are not systematically carried out.
- ◆ The knowledge of individual assessment principles and standards of application among professionals working with children is limited.
- ◆ Digital knowledge among professionals working with children is lacking, whereby child digital skills should be included in the assessment, as they also often play a central role in the commission of the offence itself.



## Key recommendations

- ◆ Integrate different practices into a coherent and holistic system, where individual assessments are conducted systematically and according to high-quality standards.
- ◆ Learn from promising practices concerning child victims (e.g. the Barnahus models and models for child suspects/accused like the Dutch LIJ-instrument).
- ◆ Invest in the capacity building of professionals working with children involved in criminal proceedings.
- ◆ Focus and invest in collaboration and coordination between protection and justice services.
- ◆ Develop robust, multi-disciplinary individual assessments at the national level, by:
  - ▶ Forging a common understanding of what individual assessment are
  - ▶ Joining or initiating meetings and conversations on individual assessments about the content and during the different phases of the process (investigation, court proceedings) and among different actors (prosecutors, police, social workers etc.)
  - ▶ Building a coherent approach/system by integrating various practices
  - ▶ Building collaborative processes in order to avoid the duplication of work and to make sure the full process for the child goes smoothly
  - ▶ Developing specialised skills for the professionals involved
  - ▶ Finding ways to support capacity and resources.



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