



E-PROTECT – Policy Guidelines for Austria, Bulgaria, Greece, Italy and Romania

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I. Introduction

E-PROTECT ('Enhancing PROtection of Children – vicTims of crime') is an EU-funded research project between October 2017 and September 2019 with the aim to strengthen the application of Directive 2012/29/EU (in the following Victims' Directive or VD) in the case of child victims, as well as to contribute to the overall protection of child victims in the European Union.

One of the core aims of the project is to identify how professionals conduct the individual assessment of child victims according to Art. 22 VD, thus, how they determine which protective measures should be taken in a particular case. Several research activities were conducted in close cooperation with experts and practitioners in the field of child victim protection in order to identify challenges as well as good practices.

Five EU Member States participated in the research, namely Bulgaria, Greece, Italy, Austria and Romania. This document contains concrete suggestions for the improvement of current practices of child victim protection in these Member States.



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II. Key Findings: Policy Guidelines for EU policy makers

Between October 2017 and September 2019 the E-PROTECT consortium conducted several research activities with the aim to identify how the Victims' Directive was transposed in Austria, Bulgaria, Italy, Greece and Romania. A particular focus was put on the transposition of the *Individual assessment of victims to identify specific protection needs* according to Art. 22 Victims' Directive. The research findings show that the transposition of the Directive turns out to be very diverse across these Member States.

While different standards existed in all Member States assessed, they had already pre-existing victim support measures in place. These distinct legal frameworks and pre-existing terminologies in which the Directive had to be implemented, constituted one of the major challenges of the transposition processes, in particular for the incorporation of the individual needs' assessment of victims in national legislation. As each Member State operates in its own context of victim support infrastructures which already existed before victim rights were regulated on EU level, every country inevitably produces divergent answers for transposing and implementing the Victims' Directive. These distinct national legislative and socio-practical environments in which practitioners and legislators have to act, exposes different understandings of the Member States' responsibilities towards protecting victims of crime at domestic level.

A key aspect for EU policy making is, thus, to include and understand the role of context. It is important that EU policy makers consider the different contextual factors, including different legal systems that determine country specific victim support systems, especially when the goal is to achieve minimum standards. Victims support varies in nature between Member States and therefore, EU policy makers have to take these contexts and different environments into account to develop more flexible means to influence policy and practices in Member States.



Key E-PROTECT Findings

Key Challenges for the protection of child victims of crime in Austria, Bulgaria, Greece, Italy and Romania

- i. There exists a need to **improve cooperation and collaboration** between the different stakeholders involved in procedures involving child victims (police, victim support, judiciary, lawyers).
- ii. **Victim protection legislation, policies and services are often very fragmented.** In particular, there exists a concentration of victim protection services in city centers and a lack of the latter in rural areas.
- iii. **Training for professionals** that are involved in procedures involving child victims – particularly those who conduct interviews - is key to child-friendly justice. Currently, in none of the countries assessed in the scope of E-PROTECT it is ensured that only specially trained professionals conduct interviews with child victims.
- iv. The **transposition of the individual needs’ assessment according to Art. 22 Victims’ Directive** posed several challenges to Member States.
- v. There is a **lack of victimological evidence-based research** in most Member States. This makes it difficult to compare the standards implemented in EU Member States as well as to identify the impact of the Victims’ Directive on EU Member State level.

i. Cooperation and collaboration

In all countries assessed, there exists a dire need to improve cooperation and collaboration between the different stakeholders involved in procedures involving child victims, such as police, victim support organizations, judiciary and lawyers. Further, in most countries there exists no clear allocation of responsibilities between main stakeholders and no clear definition of a case manager. Frequently, multidisciplinary and interdisciplinary collaboration is not perceived as a priority, also because the far-reaching benefits of cooperation are not immediately obvious. As a result, financial and human resources for cooperation activities are often insufficient.



In Austria, research results show that some practitioners have a lack of understanding for the roles and procedures of other organisations involved in procedures involving child victims due to limited cooperation activities. Research findings in Bulgaria suggest that the lack of clear allocation of responsibilities between stakeholders leads to a dilution of responsibility and passing the buck between the competent institutions and organisation. This process is further enhanced by the lack of communication channels not only from multi-agency perspective, but also in terms of the different regions of the country. Further, also the Italian research findings pinpoint the poor multidisciplinary and inter-agency cooperation among the different actors involved as one of the main challenges that needs to be addressed in the field of child victim protection. In Greece, participants of national seminars recognised the need to increase the cooperation of child protection stakeholders through the creation of a coherent network for information exchange and the enhancement of provided services as one the key challenges to be addressed. Lastly, also in Romania there exists a need to improve cooperation and collaboration between the different stakeholders involved in procedures involving child victims.

ii. Fragmentation of legislation and special protection services for child victims

In all countries assessed in the scope of E-PROTECT, there exist specific victim protection services for child victims of crime. However, these systems are often very fragmented and regionally specific. One of the major challenges in this regard is, that there exists a concentration of victim protection services in city centres and a lack of the latter in rural areas. While, for example, in Bulgaria one-stop-shop systems comparable to the Barnahus model are in place, these efforts only exist as an individual NGOs' effort and not as part of a state child protection policy, exacerbating uneven coverage.

Moreover, there exists also a fragmentation in legislation in some Member States assessed within the scope of E-PROTECT. Due to this fragmentation, ensuring an adequate protection of child victims of crime sometimes poses the challenge to guaranteeing equal standards in all regions. In Italy, for example, the fragmented policies and interventions concerning child victims hinder that child rights are upheld in some regions. Also, in Greece, the research findings show that there exists a lack of a national child protection system, which will serve as an umbrella and coordinate the efforts of all relevant agencies and organisations in the country.



iii. Training of practitioners

It is generally acknowledged that it requires special skills and competences to conduct an interview with a child victim, as for example knowledge on the evolving capacities of children or about different communication techniques. Our research results show that currently in none of the countries assessed it is ensured that only professionals that have been particularly trained in conducting interviews with child victims conduct these interviews.

In Austria, it is not ensured that all professionals, who conduct interviews with child victims, received a training in doing so, particularly on the countryside. In Greece and Romania, research activities reveal that there exists a lack of systematic training of professionals, including police, judges and prosecutors. Lastly, in Bulgaria, professionals pointed out that mechanisms for supervision and support to the child protection professionals are missing. The latter hinders the practical implementation of child rights in the light of E-PROTECT as the assigned social workers are unable to examine every case in detail, and often, as a result can only provide basic information of the case to the competent Court.

iv. Individual needs assessment

Overall, the research conducted in the scope of E-PROTECT shows that there exist difficulties to transpose and implement article 22 VD. While some Member States assessed in the scope of E-PROTECT undertook specific measures in order to transpose Art. 22, not all Member States fully implemented Art. 22 VD.

In Bulgaria, the individual needs assessment is only carried out in cases of violent crimes against children and in the case of human trafficking. Thus, children that were not a direct victim of crime will not be subject to an individual assessment. Likewise, in Romania an individual assessment of child victims must only be conducted in the case of sexual abuse and domestic violence. Further, in Italy, research conducted in the scope of E-PROTECT points out a lack of a clear legal definition of violence against children and a lack of a legal transposition of the individual assessment procedure. While in Italy there doesn't exist an explicit provision transposing art. 22 VD in black-letter law, there exists an individual assessment in practice. Only in Austria and Greece new provisions regulating the individual assessment procedure were introduced in the course of the transposition process. In both states, however, the E-PROTECT research results find that the provisions are very vague, leaving several questions unresolved. However, in Greece, towards the end





of the E-PROTECT Project, a Ministerial Decision was issued, which introduced a structured protocol entailing guidelines on how the individual needs assessment should be conducted.

v. Lack of victimological evidence-based research

Lastly, the E-PROTECT research findings reveal that there is a lack of victimological evidence-based research in most European countries. Victimological evidence-based research would constitute an ideal basis for comparing the standards implemented in EU Member States. Understanding the extent of Victims' Directive impact on domestic legislations and practices is difficult to ascertain without evidence of the impact of victim assistance measures on victim experience and a lack of research in this regard.



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III. Methodology

In the first year of the project, a total of thirteen research reports were produced on the basis of 28 expert interviews in Austria (3), Bulgaria (0), Italy (3), Greece (12) and Romania (10) as well as secondary literature. The first eleven studies examined the legal implementation of the Victims' Directive, as well as the practical implementation of the individual assessment of child victims according to Articles 22 - 24 VD. Subsequently, a comparative report on the legal implementation and a comparative report on the practical implementation of the individual assessment were prepared. The purpose of these studies was to highlight common challenges and to identify promising practices. Based on these results, a first draft of a *“Methodology for a rights-based individual assessment of the needs of child victims of crime”* was developed.

In the second year of the project, at least six seminars were held in each of the five partner countries. In total, 35 seminars were held in Austria (6), Bulgaria (7), Italy (7), Greece (6) and Romania (9). In the course of the first round of seminars, the aim was to present the preliminary research findings as well as to identify challenges and good practices. For this purpose, the participants of the seminars were divided into small groups and instructed to discuss a concrete case study following a questionnaire. Both, the case studies and the questionnaire, were used in all partner countries, translated into the local languages. The participants of the seminars were professionals involved in the protection of child victims of crime, including lawyers, judges, prosecutors, police officers, as well as professionals working in child victim protection organisations, psychology and medicine. All participants were sent a protocol containing the main points of discussion with a request for validation.

Based on the findings from the seminars and the research results of the first year of the project, a *“Methodology for a rights-based individual assessment of the needs of child victims of crime”* was developed. This method can be understood as a guide for dealing with child victims in the sense of a child-friendly justice. In addition, concrete suggestions for improvements in the protection of child victims in criminal proceedings were formulated in all five partner countries. The method and the policy guidelines were discussed in a second round of seminars held in the course of 2019 with the aim to present and validate the findings.





IV. Policy Guidelines for Austria, Bulgaria, Greece, Italy and Romania

In the course of the two-year research project, the research team worked closely with practitioners involved in the procedures involving child victims to identify concrete policy guidelines to improve the protection of child victims in the European Union.

The following pages include the policy guidelines for Austria, Bulgaria, Greece, Italy and Romania. After an executive summary stating the most important areas for reforms, concrete challenges are pinpointed and suggestions for improvement are given. A particular effort was also taken to highlight best practices examples identified in each country.



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1. Austria

Executive summary

Key Findings and E-PROTECT opinions

- In Austria, not all child victims have **the right to free access to psychosocial and a legal court assistance**. For example, children who were not direct victim of domestic violence, but witnessed it, are not granted this right (§ 65 (1) lit. c StPO).
- The legal provisions regulating **the individual assessment procedure in Austria are very vague**. There is a lack of concrete procedures, defining factors and determination of the involvement of experts in the process of the individual assessment of victims.
- There exists a lack of special protection measures to protect **infants (0 - 4 years)**.
- In Austria, it is currently not guaranteed that the person conducting the interview with a child victim has received a special training. **Trainings for all professionals**, including judges and police, are an important aspect of child-friendly justice.
- **There exists a need to improve multiagency and interdisciplinary cooperation** between practitioners involved in procedures involving child victims. It is suggested that these should take place on a regular basis across all federal states and should be obligatory to involved experts (including for judges and prosecutors).
- There exists a lack of adequate and **child-friendly premises** designed particularly for interrogating children and adolescents in court houses and police stations in Austria.

Austria fulfils all requirements set out in the Victims' Directive. Especially the integrated system of psychological and legal court assistance is a well-functioning support mechanism in all regions in Austria. There exists, however, a need to establish concrete procedures, defining factors and legally determine the involvement of experts in the process of the individual assessment of victims. Moreover, trainings for professionals working with child victims of crime, in particular the police, are needed, in order to ensure that the rights of the child are upheld in every case. Most importantly, there is a need to improve interdisciplinary and multiagency cooperation structures.



Transposition of Art 22. VD in Austria

Austria	
Does there exist an individual assessment of all victims?	Yes. All victims have a right to a timely assessment to identify their specific protection needs.
Who conducts the assessment?	There exists no legal provision determining the responsible authority for <u>conducting the assessment. In practice, it is mostly conducted by the police.</u>
Are there provisions regulating the manner in which the assessment should take place?	No.
Which criteria have to be taken into account when assessing the specific protection needs?	Victims have a right to a timely assessment to identify their specific protection needs according with their age, emotional and health condition, as well as the particular kind and circumstances of the criminal offence. These preconditions must cumulatively prevail (see § 66a StPO).
Are child victims considered to be particularly vulnerable <i>ex lege</i> ?	Yes.

Policy Recommendations: Transposing the Victims Directive

In Austria the Victims' Directive was transposed through the StPO Amendment Law (Strafprozessrechtsänderungsgesetz I 2016, BGBl. I Nr. 26/2016) which entered into force on 1st of June 2016. Most of the rights outlined in the Victims' Directive were already in place before the transposition process.

Overall, the StPO Amendment Law included the establishment of the category 'victim with specific protection needs', a systematisation of rights granted to this group of victims in § 66a (2) StPO and an extension of the scope of various rights to a broader group of victims. While there exists no shortcomings or omissions regarding the transposition of the Victims' Directive in Austria, the findings of E-PROTECT suggest that there is room for further improvement of current practices. In particular, concrete procedures and defining factors for the individual assessment procedure should be established.

Concretization of the individual assessment procedure

While the Austrian transposition of Art. 22 VD is laying down all requirements set out in the Victims' Directive, the clarity of § 66a (1) StPO can be called into question. Various experts in the field of victims' support criticize that there are no concrete procedures or defining factors in place that regulate the individual assessment procedure. Neither, it is clarified who should conduct the individual assessment procedure nor



in which manner qualified professionals are to be involved. Thus, there exists a need to establish concrete procedures, defining factors and legally determine the involvement of experts in the process of the individual assessment of victims.

Further, the research conducted in the scope of E-PROTECT shows that the police generally conducts the individual assessment based on experience, often without concrete guidelines or training. Experts working in the field argue that checklist could never do the heterogeneous needs of victims' justice. A Guideline for practice, however, might be useful for guidance, while keeping in mind that it can never replace the case-management of an individual case. Guidelines need to be well prepared to ensure that those who use them, also understand them.

The right to psychosocial and legal court assistance for “indirectly affected” children

The system of psychosocial and a legal court assistance is a good Austrian-wide practice. Nevertheless, there are still deficiencies that prevent that all vulnerable victims have access to this service free of charge. Many child victims in Austria are excluded from the right to psychosocial and a legal court assistance (namely, victims according to §65 Abs. 1 lit. c StPO). This includes, for example, children who were not direct victim but witnessed domestic violence.

No facilities for victims of human trafficking under the age of 15

There exists no facility or organisation to support victims of human trafficking under the age of 15 in Austria. Also, the police has no specialized unit exists to take care of the needs of this particularly vulnerable victim group. Due to the lifelong victimization, child victims of human trafficking are especially tied to their exploiters, so that they can only rarely seek help. It is important that there exist organizations that are specialized in helping all victims of human trafficking, regardless of their age.

Special protection measures for infants (0-4 years) who are victims of violence

Infants aged between 0 and 4 years are a particularly vulnerable victim group. Frequently, they are not able to testify in a typical manner, because of the lack of developed language ability. Dealing with children of this age group was identified as a key challenge for practitioners in Austria. Although there has been some progress in the area of child-friendly justice for children in the 6-12 age group, there has been a lack of



developments concerning infants. Practitioners in all seminars highlighted the need to establish new protective measures for this victim group.

The right to inform victims about adequate victim protection organizations

In Austria, there exist a variety of victim protection organisations that are specialised in specific types of victims of crime. However, the police in Austria is not allowed to point out appropriate victim protection organisations to victims. Practitioners in the Austrian Seminars pointed out that this current prohibition on "promoting" a victim protection organization prevents placement to appropriate facilities and should be amended.

Need for more qualified court experts

In Austria, there is a great need for experts in the area of the competency to stand trial and to testify (Aussagetüchtigkeit) of child victims. Currently, there are only a few competent experts in Austria who are responsible to carry out a great workload.

Individual needs assessment: Putting the child in the centre

Our empirical findings suggest several measures that could be taken in order to improve the practice of the individual assessment of a child victims' needs. Overall, these recommendations can be clustered into three broader topics: i) Appropriate training for all professionals working with child victims of crime; ii) Child-friendly premises and iii) cooperation between professionals.

i) Appropriate training for all professionals working with child victims of crime

It requires special skills and competences to conduct an interview with a child victim. For example, the person conducting the interview needs to have knowledge on the evolving capacities of children and about different communication techniques and non-verbal communication. Our research results show that currently in Austria it is not ensured that all professionals, who conduct interviews with child victims, possess these skills.

Our research suggests that trainings for all professionals, including judges and police should take place regularly in form of continued education activities and they have to be obligatory for all practitioners who conduct interviews with child victims. These trainings should include classes on developmental psychology, trauma psychology and memory psychology as well as communication and interview techniques. It might



make sense to have specific education tools for particular professions. At the same time, joint trainings for different professions are effective to establish a common basis for the work with child victims. Moreover, training of judge candidates could include the allocation to a victim protection organisation. This would constitute a high-impact measure for the promotion of interdisciplinarity.

These trainings are particularly relevant for the police in order to ensure that a child victim is adequately informed about the right to psychosocial and a legal court assistance. Practitioners pointed out that this information often gets lost in the stress of the situation.

Moreover, our research findings suggest, that there exists a lack of knowledge on how to adequately record an interview with a child victim. Experts pointed out that protocols should be recorded verbatim, since this entails the statements and not a summary which is coloured by the rating and personal feelings of the person who wrote the protocol. This information is particularly relevant for experts who need to decide on the competency to stand trial and testify (Aussagetüchtigkeit) of a child victim.

Specially trained police officers in Vienna

In Vienna, there exists a team of police officers specially trained in conducting interviews with child victims of crime. Any interview conducted with a child victim under the age of 10 by the police must be conducted through the assistance of one of these specially trained police officers. In these cases, the interview is conducted in a special apartment owned by the police, which is furnished in a child-friendly manner and equipped with cameras and an audio recording system. The latter can be used during further investigation and subsequently, during court procedure.

While this constitutes a promising practice, there exists room for improvement, particularly in two aspects: First, if a child victim is older than 10 years, it is at the discretion of the responsible police officer to decide whether the assistance of a specialised trained police officer should be used. Secondly, procedures are longer than the interview. The specially trained police officer, however, is usually only called as assistance during the interview and is not involved in the further investigation and court procedure.

ii) Child-friendly premises

In most cases the first point of contact for a (child) victim is the police. This implies, that mostly the first interview takes place at the police. In Vienna there exists an special apartment exclusively for interrogating child victims (see box above). These special premises have positive effects on both, the well-being of



children and the quality of statements made by children. However, our research findings show that special premises for interrogating children and adolescents are a rarity in Austria, at court and police stations. In particular, in district courts, special waiting rooms for child victims are needed.

iii) Cooperation between professionals

An essential prerequisite for enabling both, the protection of victims of crime and the functioning of investigation and information processes, are openness and understanding of the structures and framework conditions of other institutions. While there are some cooperation activities in place in Austria, there exists a major regional gap, particularly urban-rural. Our research findings suggest that multiagency and interdisciplinary cooperation activities should take place on a regular basis across all federal states. Practitioners pointed out that meetings should not only be case-specific, but also take place independently of cases. Our research further shows, that these cooperation activities work best, if there exists clear structures and responsibilities. Lastly, E-PROTECT found that data protection regulations should be clarified in order to ensure that they do not hinder cooperation activities which are helpful for the child victim.

The Styrian Network Against Sexual Violence

The Styrian Network Against Sexual Violence (*steirisches Netzwerk gegen sexualisierte Gewalt*) is a network of organizations working on sexualized violence. The organizations and professions that form part of the network, include violence and victim protection institutions, facilities for the disabled people, health and youth facilities, residential facilities, therapists, youth welfare offices, police, prosecutors and other professionals. They work for children, adolescents, as well as women and men who are indirectly or directly affected or threatened by sexualized violence.

The network is organized and coordinated by a steering group, whose members are elected every two years. The network meetings should enable improved communication, cooperation and content exchange between members. **The network serves four interconnected purposes:** 1) to raise awareness and to give victims of sexual violence a voice; 2) to exchange ideas, as well as to use synergy effects to improve the care for victims; 3) to formulate policy recommendations to decision makers; and 4) to enable a moment of reflection and exchange for the members and, herewith, ensure the quality of the institutions and organizations involved.



2. Bulgaria

Executive summary

Key Findings and E-PROTECT opinions

- The Bulgarian legislator should take measures to fully transpose Art. 22 of the Victims' Directive, taking into account that a victim might suffer from violent, as well as from non-violent crime. The transposition should consider that one might be either direct or non-direct victim of a crime.
- The Bulgarian legislator should regulate a single point of contact where victims can turn to relevant professionals, and where the provision of social services is organised.
- The coordination between the child protection professionals should be improved, especially in the context of social service provision to child victims of crime.

In total 8 events were organised in Bulgaria, welcoming more 200 child protection professionals. Most of the findings detailed in the **E-PROTECT Country report on the individual assessment methodologies of child victims of crime in Bulgaria** and the **E-PROTECT Country report on the transposition of Victims' Directive in Bulgaria** were confirmed by the participants and the debates led during the E-PROTECT events throughout Bulgaria. In the light of the project, the central finding relevant to the Bulgarian context is the non-transposition of Art. 22 of the Victims' Directive. On a more positive note, both the desk-based research and the events confirmed that there is a multidisciplinary mechanism responsible for the individual needs' assessment performance – the coordination mechanism. In practice, the individual assessment is performed in cases of violence against children, or in cases of human trafficking, clustered under the social and not the judicial system. However, MeetUps' participants highlighted that in an event of an online crime, the coordination mechanism would not be convened, and that in general online crimes and violence tend to be neglected by the law enforcement authorities. This calls for a change of the prerequisites for the coordination mechanisms convergence, as well as the type of experts sitting on it, as cases of cybercrimes and cyberbullying are increasing and the participation of experts in this field will be appreciated.

Part of the issues stemming out of the limited transposition of the Victims' Directive in Bulgaria are rooted in the fragmented legislation regulating the protection of child victims of crime. On the one hand there is



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the legislation on social services and child protection (namely the Child Protection Act, which logistically falls in the civil law family), and on the other – the Bulgarian Criminal Procedure Code. In addition, there is also the Act on Support and Financial Compensation to Crime Victims which primarily establishes different administrative procedures. The situation is further aggravated by the lack of communication and interaction between the judicial and social system, and the general unawareness by the different actors on the rules governing the other system. Effectively, there is a necessity to fully transpose the provision of Art. 22 in the national legislation, however the legislator is to consider which is the appropriate legal act fitting its purpose.

With regards to the appropriate measures that are to be applied and observed during ongoing criminal proceedings, it should be noted here that the legislator has failed to provide for the implementation of the basic principles of child-friendly justice aiming to ease child participation. Among the shortcomings is the lack of transposition of the provision of Art. 23 Victims' Directive requiring that child interviews and hearings are to be led by the same person, ideally from the same gender, who has undergone appropriate education/ is of relevant background. In practice however these principles are observed as a result of the individual efforts of appointed experts. Many of the participating judiciary and law enforcement representatives have shared that they strive to organise a single interview with the child, using appropriate premises – the blue room available across Bulgaria, while employing trained in child-sensitive communication professionals. Nonetheless the fact that this is indeed a good practice, its practical realisation is dependent on the individual subjective assessment of the persons responsible for handling the case in the respective phase of the criminal proceedings. When discussing Art. 23 & 24 Victims' Directive prescriptions, one last remark is to be made. From policy- and legal-making point of view, changes are to be introduced to not allow contact between the victim and the perpetrator. The current legislation in this direction is rather scarce, providing the possibility to use communication and information technologies to carry out interviews with the victim, and there is room for improvement. Firstly, the relevant provisions are of discretionary nature which might deprive the child victim of their right to benefit from such protection measures. Then, the legislation might envisage separate entries to the court building, the use of screens, etc. to avoid eye contact between victim and perpetrator and ensure a child-friendly environment throughout the course of the proceedings. As highlighted above, recent changes in the Bulgarian Criminal Procedure Code might potentially contribute to the fragmentation of the process of victim protection, and the inability to allocate responsibilities. Although Art. 417a stipulates that the vulnerable victim is to be informed of the



prison release of the already sentenced perpetrator by the director of the respective prison, it is not clear how the latter will be aware of who the victims is, nor of his/ her contact details so the provision is appropriately implemented in practice. To this end, it is a duty of the Bulgarian legislator to address the points made in this section and overcome the gaps in legislation underlined here.

E-P ROTECT events demonstrated the existing need for the child protection professionals' community consolidation, and for an appropriate forum to facilitate this process. An unexpected value of the E-PROTECT implementation in Bulgaria was precisely its facilitating role establishing a bridge between the array of experts dealing with child victims of crime. This was particularly appreciated in the cities outside the capital where such events are a rare occasion. Human factor is a pivotal element of interagency cooperation thus the E-PROTECT project presented an opportunity for relationships to grow and blossom resulting in an improved holistic approach towards child protection.

Transposition of Art 22. VD in Bulgaria

Bulgaria	
Does there exist an individual assessment of all victims?	No. According to art. 144, para. 3, the individual assessment procedure is an optional step under the framework of criminal proceedings. The provision is prescriptive, not mandatory.
Who conducts the assessment?	As per the wording outlining individual assessment procedure in Bulgaria, it is an expert witness that carries out the individual assessment. An expert witness is nominated by the Court on case-by-case basis.
Are there provisions regulating the manner in which the assessment should take place?	No.
Which criteria have to be taken into account when assessing the specific protection needs?	Under the framework of criminal proceedings, there no criteria defined that need to be considered while conducting an individual assessment.
Are child victims considered to be particularly vulnerable <i>ex lege</i> ?	The law does not explicitly regard to child victims as particularly vulnerable, but the systematic interpretation of the law demonstrates that they are to be considered as such.

Policy Recommendations: Transposing the Victims Directive

The Bulgarian legislator should take measures to fully transpose Art. 22 of the Victims' Directive, taking into account that a victim might suffer as from violent, as well as from non-violent crime. The transposition should consider that one might be either direct or non-direct victim of a crime. Further, the process should follow the procedure outlined in the Law on Normative Acts and carry out impact assessment to include the



variety of stakeholders. This process should consider also the specific of social and child protection legislation to avoid duplication of competencies and prerogatives.

Furthermore, the Bulgarian legislator should regulate a single point of contact where victims can turn to relevant professionals, and where the provision of social services is organised. Logistically, this change is should introduced as a measure under the pre-trial phase of the criminal procedure. However, the detailed rules might be integrated in Act on Support and Financial Compensation to Crime Victims.

Individual needs assessment: Putting the child in the centre of the proceeding

The research conducted in the scope of E-PROTECT suggests the following measures to be taken in Bulgaria to strengthen the individual assessment as a measure applied to child victims of crime:

- There is a need for better societal understanding of child rights in general throughout Bulgaria. To this end, educational and awareness raising campaigns should be implemented to build the understanding that each child is entitled to their own set of rights, and not be seen as an extension or even property of the parents. This is especially relevant in the advent of the on-going public debate and the wide spread of misinformation throughout Bulgaria when it comes to child rights.
- The coordination between the child protection professionals should be improved, especially in the context of social service provision to child victims of crime. This means better understanding and awareness of existing mechanisms, expanding their scope rather than establishing new ones.

A Prosecutor from Plovdiv Regional Prosecution Office has shared that whenever in the case a child victim is involved, a single interview is carried out, in the specialised premises (a blue room) by a specialist trained in child-sensitive communication, with the presences of all parties in the proceedings behind a venetian glass. The specialist has an earbud, and everybody present could ask their questions through him/ her. The interview is duly protocolled, and the produced document is the evidence used in Court, instead of summoning the child victim again and again. This could be replicated across Bulgaria where such premises are available.

- The local context is of primordial importance. For this reason, it should be considered in the framework of child protection services. To this end, the promising example of Milan¹ could be replicated in Bulgaria as well.

¹E-PROTECT Individual Needs Assessment Methodology, p. 29



- There is a need to ensure the availability of regular trainings and supervision. These efforts should follow the multidisciplinary approach ingrained in the E-PROTECT project, so experts from different sectors and bodies collaborate with each other, not only on professional but also on personal level. In such efforts, issues such as child-sensitive communication, professional ethics, methods for information exchange, communication to media, privacy and data protection are to be given appropriate attention.

Varna Regional Court provides for specialisation of judicial formations in child-related matters, which allows them to develop skills in child-sensitive communication, and interpersonal relations with social workers which ultimately result in a better examination of each particular case involving children. Varna judicial district is also among the innovators in Bulgaria as they were the first ones to install and use information and communication technologies in Court hearings. This practice could be replicated in the bigger district and regional courts across Bulgaria.

- The provision of victim support services on the basis of the ‘one-stop-shop’ approach is recommended to become a state policy.
- The provision of social services by experts NGOs is to be supported and promoted. As the legal framework in Bulgaria provides the possibility for NGOs to be social services providers and taking into account that across the country it is the third sector who introduces novel approaches to child support and protection, it is important that these efforts are further encouraged and recognised.

A number of NGOs who are social service providers pilot the one-stop-shop approach whenever providing services to victims. Among them are: [Social Activities and Practices Institute](#), who are managing four social services provision centres across Bulgaria; [Animus Association Foundation](#); [Pulse Foundation](#)

- The State is to take a more active, supportive expert role in the provision of social services to victims rather than solely monitoring and control. Currently the Bulgarian social system is limited by its resources and is not fully capable of the actual implementation of child protection policy. Thus, additional resources need to be allocated in this direction, so the public bodies charged to implement child protection policies are empowered to do so. This would also have effect in the relationship of trust between society and state.
- In general, there is a need for the increase in the allocation of resources both human and financial in the system of child protection.



3. Italy

Executive Summary

Key Findings and E-PROTECT opinions

Italian policy makers should:

- Design and implement a structural reform on child protection in order to establish a national child-specific and child-sensitive system of integrated support and assistance to child victims of crime.
- Provide for a qualified system of continuous training under a multidisciplinary and inter-agency approach with the involvement of universities and other competent and accredited training providers.
- Create a centralized data collection system on violence against children that allows to analyze and monitor this phenomenon.

The Italian legislator should:

- Harmonize and integrate laws on child protection from violence and crime, introducing a specific legal definition of violence against children;
- Undertake a legislative reform to specify inter-agency cooperation mechanisms, identifying the actor in charge of overseeing such coordination and defining roles, functions and responsibilities;
- Introduce legal elements to ensure that the best interests of the child are a primary consideration within criminal proceedings involving child victims.



Transposition of Art 22. VD in Italy

Italy	
Does there exist an individual assessment of all victims?	There is no explicit legal provision transposing art. 22 in black-letter law. In practice victims are subjected to an individual assessment when considered particularly vulnerable, including minors.
Who conducts the assessment?	There exists no legal provision determining the responsible authority for conducting the assessment. In practice, it is mostly conducted by the competent public authorities (judge, prosecutor, social services and judicial police).
Are there provisions regulating the manner in which the assessment should take place?	No.
Which criteria have to be taken into account when assessing the specific protection needs?	Some indications are provided by art. 90-quarter ICCP but as are quite general, local institutions and organizations have tried to elaborate their own criteria.
Are child victims considered to be particularly vulnerable <i>ex lege</i> ?	Yes, ex art. 90-quater ICCP.

Policy Recommendations: Transposing the Victims Directive

The Victim's Directive has been superficially transposed into Italian legislation through Legislative Decree 15 December 2015 no. 212. The transposition was based on a generic interpretation of national law with regards to the provisions of the Victim's Directive. As a consequence, this bureaucratic process only introduced a few changes in the Italian legislation that, in many aspects, was already in line with the EU Directive. However, the Italian legislator has lost a unique occasion to harmonize laws on child protection against violence and crime and to further regulate some principles and safeguards introduced by the Directive.

Italy has a legislation on child victims of crime which is very fragmented and disperse; child victims are not considered as vulnerable victim as such. Their particular vulnerability is only recognised according to some typologies of crime which are particularly serious rather than according to the situation of vulnerability determined by their minor age. Very often, law reforms occur as a response to particularly serious cases that capture public attention. Moreover, often these reforms do not respond to an organic vision and are often poorly integrated in the legislative corpus. This emergency approach gives place to law reforms that are not



efficient but, on the contrary, risk to add complexity to the already difficult and fragmented normative system.

As a consequence, the Italian legislator should:

- Harmonize and integrate laws on child protection from violence and crime, introducing a specific legal definition of violence against children.
- Introduce legal elements to ensure that the best interests of the child are a primary consideration within criminal proceedings involving child victims. No other interests of any nature (i.e. procedural exigencies) can undermine or go against the best interests of the child. The protection and wellbeing of the child should be prioritised over any other consideration.
- Undertake a legislative reform to specify inter-agency cooperation mechanisms, identifying the actor in charge of overseeing such coordination and defining roles, functions and responsibilities. An option could be to modify article 609-decies of the Penal Code that establishes the communication, for certain crimes committed against children, from the Prosecutor to the Juvenile Court. Instead, such communication could be sent to the Juvenile Prosecutor since it is the actor that has the power to initiate the procedure for the protection of the child.
- Regulate further article 22 of the Victim's Directive in the national normative framework. The individual assessment of child victims is currently not established as such by law. The Italian legislator and/or policymakers should specify by whom, when and how the individual assessment should be carried out. In the meantime, policy-makers at the central level should develop implementation and operational tools to be used by the concerned actors in the local level.

Italian policymakers should:

- Design a structural reform on child protection in order to establish a national child-specific and child-sensitive system of support and assistance to child victims of crime. This system should be public and cover the national territory. It should act also as a referral system to provide child victims with appropriate services and continuity of care.
- Provide for a qualified system of continuous training under a multidisciplinary and inter-agency approach with the involvement of universities and other competent and accredited training providers. This training system should be coordinated by a mandated actor and should be addressed to all those



professionals working with and for child victims of crime.

- Create a centralized data collection system that allows to analyse and monitor the phenomenon of violence against children.

Individual needs assessment: Putting the child in the centre of the proceeding

The notion of individual assessment as established in article 22 of the Victim's Directive does not correspond with the Italian internal legislation and with the variety of practices. The applicability of article 22 remains vague because it is insufficiently regulated. An intervention would be needed to understand the individual assessment as an integrated process shared among all the actors involved in the protection and care of child victims. Specific roles, functions and operational modalities should be defined. This would avoid the existence of parallel individual assessments which are never compared or shared between the different authorities, agencies and services. To this end, the legislator should identify an actor that is responsible for the coordination of all the different stakeholders that may be involved in the individual assessment or that may make use of it.

With regards to the involvement of the child during the individual assessment, there is a need to optimize time. The earlier authorities are aware of the need to protect a child, the more can be done to unify interviews of the different judicial actors, and to allow the participation of different stakeholders in order to avoid repeated interviews.

In some Italian realities, the figure of the "*curatore speciale*" (special curator) as foreseen in many provisions of the Italian civil code, is assuming a key role also in criminal proceedings. It holds the legal representation of the child during the proceedings when there is a conflict of interests with the "natural" legal representatives of the child. However, if enhanced, this role could assume a function of supervisor of the child's situation and facilitate the communication between the child and the authorities, institutions and any other involved actor. The special curator should represent and defend the best interests of the child and try to qualify the procedural safeguards the child is entitled with, including the right to receive adequate information.



The individual assessment requires an understanding of the victim. However, there is different information that needs to be acquired and it is difficult to do so during the first contact. Based on good practices in other EU Member States, it would be important to introduce in advance to the child victim the judge and the environment in which he or she will be listened.

In the ASL Roma 6, under the initiative of the Prosecutor, a child-sensitive listening room has been created which is more child-friendly than the Court rooms. If feasible, this measure could be extended to all the other Italian territories.

To effectively implement the provisions of articles 351 comma 1 ter, 362 and 391 bis, comma 5 of the Code of Criminal Procedure that establish that interviews to children should be carried out with the assistance of an expert on psychology or child psychiatry appointed by the Juvenile Prosecutor, some prosecutor offices have established work shifts to the experts.

A critical aspect regards the time factor. There is the need to ensure prioritized treatment of those proceedings involving children in order to reduce to the minimum the timeframes of the different procedural phases.

Another key aspect is to ensure that there is a follow-up of the child's case, which includes providing always a feedback to the child after a judicial decision. This often does not occur in case of acquittal. Even if it is an extremely delicate moment, it is absolutely necessary above all when the accused person has not been convicted. It is important to clarify to the child that it is not a matter of lack of trust on the child's version but a problem of insufficient evidence.

A last element which emerged from the national consultations regards the fact that victims are also those children who are forced to commit a crime. In order to prevent this phenomenon, there is a need to raise awareness on the importance to report the situations of risk to the Juvenile Prosecutor.

Overall, the E-PROTECT project was an excellent occasion to raise a common reflection on how to reform the protection system for child victims of crime. The significant involvement and collaboration of the Italian Department of Juvenile Justice of the Ministry of Justice, which is in turn responsible for providing support to child victims of sexual abuse, has allowed to start a nation-wide consultative process with key actors aimed at identifying concrete proposals to improve the system.



4. Greece

Executive summary

At a legislative level, Greece harmonised its national legal order with the Victims' Directive through the adoption of Law 4478/2017. The new legislation transposed the Victims' Directive in whole, 'verbatim' in the main and, to a certain extent, it even provides more protection than the minimum standards imposed by the European legal instrument. This comprehensive transposition is envisaged as a step forward in the way to the establishment of a coherent and effective system of child protection in the country.

Nevertheless, the practical implementation of this normative framework regarding the child victims of crime is still almost non-existent. The two-year period following the entry of the new law into force has shown the few objections and scepticisms voiced during the law-making stages to have valid grounds. The individual needs assessment of the child victims, which constitutes a pivotal point in the Victims Directive towards a child-friendly justice system, is still discussed only in paper. Until the commencement of the operation of the "Houses of the Child", where the individual needs assessment and the interviews during the criminal investigation are due to be taking place hereon, child victims continue to be interviewed by police psychologists in the Police Departments for Minors, which bears significant risks of secondary victimisation.

Failure to check the efficiency of the new legislation from a practical scope steered the discourse during the seminars and MeetUps towards the existing shortcomings or best practices by private and public institutions in the country. The lack of statistical data, a strong and coherent network of interagency communication and sufficient information on the role and duties of every actor involved in child victim protection are only few of the concerns raised during those events. Law enforcement officers are often perceived as intimidating, distant and unapproachable individuals, instead of protective figures where one should feel comfortable to refer to in case of a crime. Social workers are at times resented inside their institution, because their report might expose problems or omissions in the management. New synthesis of the population after the refugee crisis calls for special measures regarding the cultural mediation needs of foreign child victims of crime. And, most importantly, the training of professionals is scarce, inconsistent and relies heavily upon private initiatives, as it does not yet form part of the state agenda.



The following sections discuss the above conclusions and even go beyond those to pinpoint best practices and suggest changes in order to develop a fortified, coherent and upgraded child protection scheme in Greece, on the basis of the new, harmonised with the requirements of the EU, Greek legislation.

Key Findings and E-PROTECT opinions

- Regular training, of a public character, of all professionals who provide child victim protection services.
- Increase of cooperation of the child protection stakeholders via the creation of a coherent network for the exchange of information and the enhancement of provided services
- Clear distinction of responsibilities among the different actors involved in child protection and creation of a central administrative monitoring body for the accurate implementation of the normative framework.

Transposition of Art 22. VD in Greece

Greece	
Does there exist an individual assessment of all victims?	All victims shall be subject to a timely and individual assessment to identify their specific protection needs. However, the provision gives priority to the personal and professional freedom of judicial authorities over the individual assessment. Moreover, the referral of a victim to competent authorities that conduct the individual assessment, depends upon the victims' referral request.
Who conducts the assessment?	In the case of child victims of crime, the Independent Offices for Protection of Child Victims are commissioned to undertake the individual assessment.
Are there provisions regulating the manner in which the assessment should take place?	No.
Which criteria have to be taken into account when assessing the specific protection needs?	The Greek legislation lists a far more detailed catalogue of criteria than the Victims' Directive which constitute the basis for the individual assessment. These criteria are, however, not exhaustive and constitute indicative parameters that should be considered for the identification of the victims' special needs. In the cases of child victims of crime, two factors are of particular relevance: the maturity of the child and the child's wishes.
Are child victims considered to be particularly vulnerable <i>ex lege</i> ?	Yes.



Policy Recommendations: Transposing the Victims Directive

In general, the normative framework developed after the transposition of the Victims Directive in Greece appears to be comprehensive and protective towards the child victims of crime who participate in judicial proceedings as witnesses. In some regards, law 4478/2017 which incorporates the VD even went beyond the minimum standards of the European Directive, by providing, for instance, broader definitions of main terms or by adding categories of persons who benefit from the victim support service.

Recently, this legal legislation was complemented by the Ministerial Decision 7320/2019, which regulates the establishment and operation of the “House of the Child”, the new structure destined for the individual assessment and interviews with child victims of crime. The legal document provides details about the infrastructure, the tools and the proposed methods for the individual assessment and interviews of child victims. In its annex, it introduces a structured protocol for the interview of the child victims during judicial proceedings, which incorporates specific guidelines for all stages of the interview of child victims of crime. The purpose of such protocols, which are already in place as part of the criminal proceedings in other countries, is to minimise the risk of second victimisation of the child victim by building trust, creating a comfortable environment and thoroughly explaining to the child the logistics of the interview in a comprehensible manner. Although the individual assessment methodology developed for the purposes of E-PROTECT project is significantly more elaborated and inclusive, the Ministerial Decision follows a similar direction and features common elements, which verifies the accuracy of the methodology and the harmonisation of both documents with the international guidelines.

Yet, a coherent legal framework only constitutes the basis for the efficient protection of child victims. Despite the legislative developments, issues and malfunctions continue to arise mainly due to the bureaucratic character of the law enforcement and justice system in the country. Although important steps have been taken the last semester, the identification and configuration of appropriate and full equipped spaces where the “House of the Child” could start its operation is still in progress. The training of professionals assigned to conduct the individual assessment of child victims of crime has just been completed and there has been no official information regarding the exact date when these structures will open their doors to child victims of crime.

Considering these administrative delays, the lack of awareness on behalf of the child protection officers does not come as a surprise. In the beginning of this project, almost no stakeholder or agency operating in



the field of child protection was aware of the transposition of the Victims' Directive and its pivotal role to the advocacy of rights of child victims of crime. From the 12 professionals approached and interviewed for the purposes of this project, only two were acquainted with the new law and its relevant provisions for the establishment of the new, child-friendly premises for child victims. Similarly, only few of the individuals who participated in the national seminars and MeetUps appeared to have knowledge of the legal documents tackling the gap in child victim protection in the country.

In total, and despite the general ignorance regarding the new legislative framework, there were no suggestions for amendments in the child victim protection system at normative level. The transposition of the Victims Directive, for those who are aware of its existence, is considered to be a success in theory. The few relevant concerns about the legal framework revolved around the obsolete character of older provisions which stipulated the operation of certain bodies which were never created in practice. What remains to be seen in the future is whether, when and how practice will be harmonised with the theoretical background established with the adoption of Law 4478/2017 and the subsequent Ministerial Decision 7320/2019.

[Individual needs assessment: Putting the child in the centre of the proceeding](#)

In the heart of the new legislation lies the individual needs assessment of child victims of crime as a core part of the promotion of a child friendly justice system. In Greece, this did not use to be a separate procedure of identifying the special needs and special measures to be taken in each child victim case, but rather an evaluation of the mental and physical condition of the child to determine whether they are competent to participate as a witness in the criminal proceedings. The recent Ministerial Decision entails a detailed description of the individual needs assessment as a state obligation in every case of alleged criminal offence against a minor and the embedded protocol contains specific questions for the performance of this assessment. However, taking into account that the "Houses of the Child" have not yet commenced their operation, any discourse around the individual needs assessment in the seminars and MeetUps conducted under E-PROTECT remained, as expected, only theoretical.

As most of the project's events took place prior to the adoption of the Ministerial Decision, the participants focused on the IAM developed by E-PROTECT and expressed a very positive opinion regarding its structure, coherency and objectives. The sole objection to this document relates to the practicality of assigning every child victim case to the agency of first contact. Such a rotation of responsible agencies is



prone to create confusion to both the numerous stakeholders and to the children, and may lead in the end to the insufficient handling of the case, thus exposing children to further risks of victimisation.

Learnings from the “Smile of the Child” paradigm

The “Smile of the Child” (SotC), a Greek NGO founded in 1995, undertakes a prominent role in child protection in Greece. The SotC provides a holistic protection to its beneficiaries by featuring services of prevention, intervention and support in cases of criminal offences against minors. These include a national help line receiving calls from any individual (in some cases, the victim itself) who wishes to report a crime against a child; *impromptu in situ* visits to identify offenses and address imminent risks; and a number of structures for hosting and supporting children, among which a Child Advocacy Centre which serves the same purpose as the newly established “Houses of the Child”: to promote a child-friendly justice system and enhance the conditions of participation of child victims in the criminal proceedings. In total, the SotC operates as a substitute agency in lieu of the absent central state mechanism for child protection in the country and exemplifies the modus operandi of similar agencies in Europe which have already a well-developed, comprehensive child protection system in place.

Ambiguity in the responsibility sharing is in fact a burning issue identified by the majority of the professionals in the field. Not even child protection organisations, either private or public, are fully aware of their duties and the limits of their operation. To tackle this problem, there is a dire need for the creation of central public body of child protection, which will coordinate the efforts of the decentralized services and operations already in place. This agency should be endowed with the power to assign tasks and responsibilities to all agencies under its jurisdiction, to monitor their operation and to deliver reprimands when needed. Furthermore, the central agency should establish a solid network for the seamless communication of all institutions and to develop a recording system for all cases of child victims of crime, so as to address the significant gap of statistical data on the phenomenon in the country. Such an organization modification might also contribute to the existing problems of regional distribution and the excessive, uneven workload of certain services, induced by the local concentration of child victim support institutions.

A clear distribution of responsibilities is essential not only at an interagency level, but also among different professionals with different expertise and duties. In Greece, the role of the social worker has been criticised to be a bit vague and, at times, undermined. In cases of reported criminal behaviour against children, social workers of the Child Protection Groups of every municipality take on the task to perform *in situ* visits to



evaluate the situation at the family home and identify potential hazards or even the need to withdraw the child and place them at other accommodation structures. These visits should always be *impromptu*, to ensure that there is going to be a realistic and not an idealised image of the family environment and, for safety reasons, the assigned social worker should always be escorted by a colleague or a police officer. Apart from their investigative role at the early stage of determining the existence of a criminal offence, social workers serving at educational or child protection institutions should be granted full access to the individual files of the children and be given the leeway to perform their duties, rather than confronted with suspicion and resentment, which has been stated by some professionals to be the case.

More bewildered than the child victim protection agencies are currently the general public, including parents and professionals working with children, who are completely ignorant about the extent of the phenomenon, the authorised parties to handle a child victim case, the channels of reporting a crime against minors and the criminal procedure to be followed. Thus, a complete list of all the services operating in the field of child protection should be available at schools, hospitals, activity centres and every place destined for children. At virtual level, the Ministry of Education and Religion should maintain a friendly website where this information should be made available to the public and updated regularly to include any advancement of legislative, administrative or practical character. Likewise, all child protection actors in the public and private sector should upload and provide unrestricted access to all relevant information about their mission, services, facilities and ways of communication with them.

Safe Kids, Safe Content

As part of the campaign against child-related cyber-crime, the Greek Police acknowledges the numerous lurking online risks for children and the daunting task of parents to monitor the behaviour of their offspring in the Web. Therefore, the police authorities encourage parents to install parental control software in all electronic devices, including phones, tablets and computers. “Safe kids” is such a software developed by Kaspersky and specifically designed to create a child-friendly and risk-free online environment for children.

The pre-emptive character of providing sufficient information to professionals and the society in general has been highlighted as one of the most important aspects in advocating the rights of child victims of crime. The promotion of awareness raising programmes should be a pivotal point in this agenda of prevention. Such programmes may incorporate seminars, webinars, interactive events and exercises, as well as the



systematic and intensive training for educators, health personnel, social workers, lawyers and every person involved in child protection. Nevertheless, these educational efforts should not be limited to the professionals in child victim support. Parents, relatives and every other adult involved actively in a child's life should remain at all times alert, interested and informed about technological advancements, potential risks and any kind of change which may bear a robust impact on children's development, education and behaviour.

In the context of the recent political developments in the Middle East, Greece has received a continuously growing number of asylum seekers and migrants of all ages bearing a different linguistic, religious and cultural background. Thus, a new need has emerged, or has at least been intensified regarding the participation of this group of individuals in the criminal justice systems: that of cultural mediation. The lack of communication in the Greek or English language and the cultural impediments in cases of underage aliens who fall victims of crime in the Greek territory calls for prompt solutions, namely the recruitment of interpreters and cultural mediators by the State. The services of these professionals should be available primarily in the "Houses of the Child" but also the national helplines, the Police Department for Minors and the judicial authorities, upon request.

To sum up, all the aforementioned guidelines may facilitate the work of professionals operating in the field of child protection not only in Greece, but throughout the European Union. With the transposition of the Victims Directive and the Ministerial Decision that complements it, the legal framework governing the rights of child victims of crime appears, at last, to be comprehensive. However, the lack of practical implementation renders all recommendations voiced during the seminars highly theoretical. The following months will be of the essence in order to observe and shape a well justified opinion on the applicability and efficiency of the new law and newly founded structures. In any case, the foundation for the protection of children from any form of criminal offence is the establishment of strong family bonds, based on transparency and mutual trust. It is within a healthy family environment that children are more protected, develop their own defensive mechanisms and advance their critical view towards an unpredictable and at times extremely dangerous world.



5. Romania

Executive Summary

Key Findings and E-PROTECT opinions

- The Romanian legislator should improve national legislation in order to properly address all needs for children victims of crime. These measures should include: simplifying procedures and enforcing responsibilities and measures in preventing, treating and monitoring child victims of crime;
- There is a need to provide national trainings for professionals working with child victims of crime, such as social workers, lawyers, policy officers, judges and prosecutors, child psychiatrists and psychologists. These trainings should put a focus on the interaction between different professions, in order to improve cooperation.

Transposition of Art 22. VD in Romania

Romania	
Does there exist an individual assessment of all victims?	Romania has national provisions on individual assessment procedures and special measures. However, these provisions are not applicable for all types of crimes against children. The existing provisions are available under the "Framework Methodology on Multidisciplinary and Networking Prevention and Intervention in Child Violence and Domestic Violence" and "Multidisciplinary and Interinstitutional Interventional Methodology on Children Exposed to and Affected in Operational Risk Situations through work, child victims of trafficking, as well as Romanian migrant children, victims of other forms of violence on the territory of other states".
Who conducts the assessment?	The initial assessment is conducted by the General Direction of Social Assistance and Child Protection. Once the case has been registered and the initial assessment was concluded, a detailed, comprehensive and multidimensional assessment of the situation of the child victim will be performed. The GDSACP Director designates or nominates a case manager who may be employed by the institution or an accredited private body/accredited non-governmental organization or independent forms of exercising the profession of social assistant recognized by law.
Are there provisions regulating the manner in which the assessment should take place?	No.
Which criteria have to be taken into account when assessing the specific protection needs?	There are no specific provisions related to which criteria should be taken into consideration when assessing the specific protection needs.



Are child victims considered to be particularly vulnerable <i>ex lege</i> ?	Yes.
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Policy Recommendations: Transposing the Victims Directive

It is not possible to formulate a clear recommendation for national policymakers by providing a specific amendment of legislation in order to comply with the Victims' Directive. Whilst there is also the need to update and amend specific laws, there exists an even greater need to create new legislation and measures to ensure that all child victims of crime, not only child victims of domestic violence, are granted special protection measures. The Romanian legislation offers a detailed scheme of intervention for the cases of victims of domestic violence but not for any other types of crimes.

More so, whilst there exists a need to improve, update, amend, and add to the current legislation, also measures for enforcement, and thus the actual implementation, are essential. Most importantly, there exists a need that sufficient budget is allocated for the actions proposed. Only with the necessary budget, regional institutions will have the resources to train people accordingly to the recommendation and therefore the law.

Since 2018 county councils are required to allocate enough and proper resources for the protection of victims of domestic violence, taking into account the number of victims in that region and correlating these numbers with the actual centres in the region as well as with specialized staff that can interact and help victims. Although, this action is required according to the national legislation, no such allocation has been made properly, taking into account the number of victims and their needs. That being said, a series of complex solutions should be taken into consideration, in order to ensure that the problems are addressed from top to bottom.

Individual needs assessment: Putting the child in the centre of the proceeding

In Romania there exists no generally applicable individual needs assessment procedure at national nor regional level. Usually, the best approach towards cooperation is selected by professionals (having in mind their current resources available), whilst always putting the child's interest in the centre. There exists strong collaboration between social workers and police, counsellor and prosecutor in individual cases, thus, ensuring that the child will remain feeling safe from the beginning of the procedure or trial and will not be put in the position to relive the trauma.





Although there exist the good practices of “Blue Rooms” in Romania, these rooms are not available for hearings with all children. In fact, most children do not have the option to be heard in a “Blue Room”. Therefore, professionals usually try to assist and help the child as much as they can by allowing the hearing to take place in quite spaces or rooms, so that they avoid the re-traumatization by having the child in the same room as the perpetrator. Also, in order to avoid asking the same questions, professionals usually exchange opinions and ideas amongst them in order to provide the best solutions and services to the child victim of crime.



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