

Child Victims and Individual Assessments

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Who is Victim Support Europe



- Leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is
- Founded in 1990
- 56 members in 30 countries
- Full members, associate members and supporters

- **Mission:** Strengthening the rights and services for all victims of crime in Europe, promoting the establishment and development of services for victims of crime
- **Vision:** The Voice of Victims in Europe

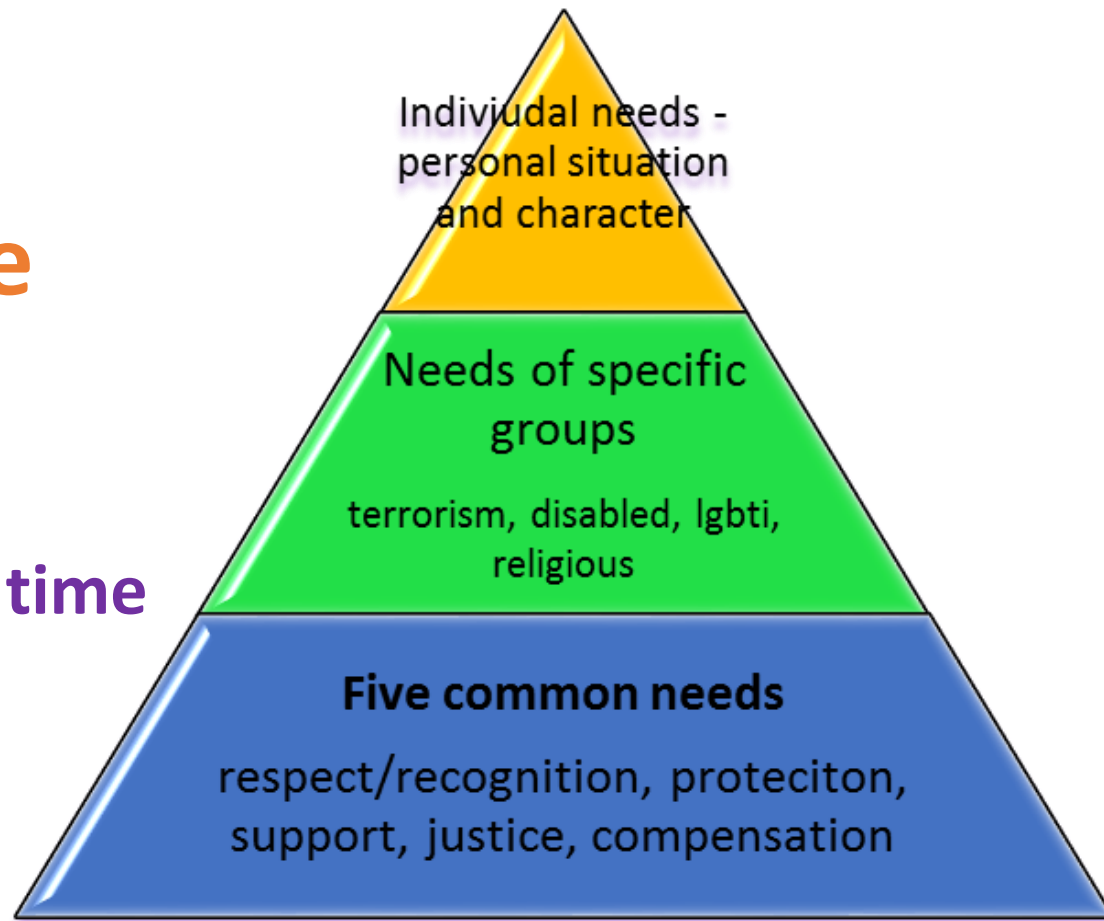
Victims' Directive - Systematics

- Article 18 – Right to Protection
- Article 19 – Right to Avoid Contact
- Article 20 – Right to Protection during Criminal Investigation
- Article 21 – Right to Protection of Privacy
- **Article 22 – Individual Assessment and Special Protection Needs**
- **Article 23 – Right to Protection of Victims with Special Protection Needs during Criminal Investigation**
- **Article 24 – Right to Protection of Child Victims during Criminal Investigation**



Victims needs is the starting point:

Not budget, not resources, not time



Article 22 – Individual Assessment

- **Preconditions:** timely and individual
- **Purpose:** identification of special protection needs, and determination whether and to what extent a victim may benefit from special protection measures
- **Reason:** vulnerability to secondary and repeat victimization, to intimidation and to retaliation, crime committed with a bias or discriminatory motive, relationship to and dependence on the offender
- **What to take into account:** the personal characteristics, the type or nature of the crime and the circumstances of the crime, the severity of the crime, the degree of apparent harm suffered by the victim, the wishes of the victim
- **Child victims shall be presumed to have specific protection needs**

Article 23 – Right to Protection

- **Preconditions:** a special measure follows an individual assessment
- **Exception:** if operational or practical constraints make a special measure impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings
- **Type of measures:**
 - Interviews with the victim in premises designed or adapted for that purpose
 - Interviews with the victim by or through professionals trained for that purpose
 - Interviews with the victim of sexual violence, gender-based violence or violence in close relationship by a person of the same sex as the victim
 - Avoid contact between victims and offenders incl. during the giving of evidence, by appropriate means, incl. ICT
 - Be heard in the courtroom without being present, by ICT
 - Avoid unnecessary questioning concerning the victim's private life
 - A hearing without the presence of the public

Article 24 – Right to Protection of Child Victims

- Type of measures:
 - Interviews with the victim audiovisually recorded and such recorded interviews may be used as evidence
 - Appoint a special representative for child victims because of a conflict of interest between the holders of parental responsibility and the child victim, or because the child victim is unaccompanied or separated from the family
 - Where the child victim has the right to a lawyer, he or she has the right to legal advice and representation where there is or could be a conflict of interest between the child and the holders of parental responsibility

Issues – Project VOICIAIRE

- Article 22: to set up clear and transparent national procedures to enable individual assessments, including regulations, guidelines and other instruments on how, when and by whom should individual assessment be performed, currently much left to professional sensitivity and perception
- Article 23 – a lack of procedures and guidelines, general lack of awareness, models of individual assessment must be established, training must be provided to professionals
- Article 24 – only in some EU countries, child appropriate rooms have been set up, yet to improve specialised procedures and constant specialised training with regard to child's age and maturity

COMPREHENSIVE SUPPORT FOR ALL, BY ALL

Where to find protection of children:

- Victim Support

- Generic
- Specialist

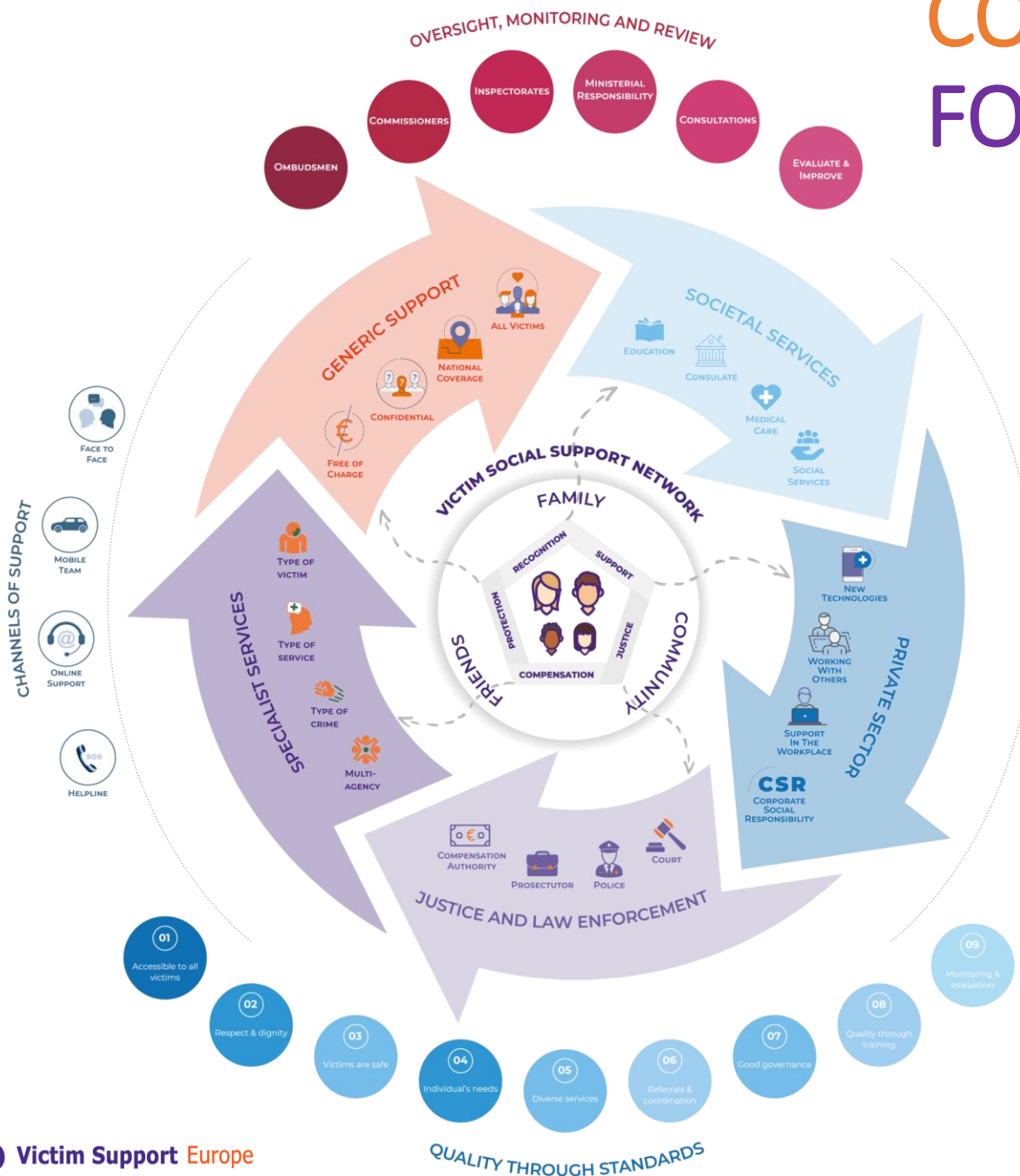
Victims issues can also be mainstreamed into:

- Societal Services:

- Education, healthcare, social services

- Justice and Institutions:

- Police, Ombudsmen, Ministries



Role of NGOs in Victims' Support delivery

- **While both governmental and non-governmental actors take part in the provision of services, NGOs seem to dominate the sector.** A VSE survey (of governmental and non-governmental actors) indicates that the majority of generic and specialist services across Europe are delivered by NGOs.
- **It is apparent that to best support victims of crimes, both governmental and non-governmental actors must be involved in tending to their needs.** This is best done in a coordinated and planned manner, which ensures cooperation and referral between different actors. To that effect, organisations may enter into different agreements, memoranda of understanding and protocols of cooperation.
- **NGOs are better at providing access to services for victims who might need support, and at adapting the way they provide service to respond to victims' needs.**
- **NGOs also seem better at delivering services by dedicated staff and through recruiting volunteers.**
- **While NGOs may be better placed to provide many of these services to victims in an accessible, flexible and cost-effective manner, it is still the responsibility of the state to create an environment in which NGOs can effectively operate.**

Thank You



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