INDUCTION TRAINING PROGRAMME
for interinstitutional teams
working with child and other
vulnerable victims of crime
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Introduction

This Programme is developed as part of the Justice Befriends the Child – Training of Practitioners for Better Cooperation Project funded under the Criminal Justice Programme under Contract No. JUST/2014/JACC/AG/VICT/7465. The Programme is designed for training of professionals in interinstitutional teams who interact with victims of crime. The majority of the materials in the Programme have been piloted with over 1100 professionals from within the justice system, the police, social services and protection, medical and social services, with representatives of municipalities, NGOs and with legal advisers in Bulgaria.

This Programme is elaborated as individual sessions covering the main topics related to the philosophy behind Directive 2012/29/EU establishing minimum standards for protection of and support to victims of crime, familiarising participants with the basic concepts, the specific protection measures and the place of individual assessment and its implementation, the integrated approach and best practice for coordination of interinstitutional interaction, among which the All under One Roof approach, best practice for coordinated interaction from Italy and Bulgaria and for informing child victims. The Programme has a special focus on the profile of competencies required of professionals interacting with victims of crime, especially children as vulnerable victims, as well as on the ethical rules when interacting with victims and establishing initial contact with them in a friendly way adapted to the victim’s individual needs and the specific nature of the respective crime. The programme content also includes a focus on developing the knowledge and skills of professionals from interinstitutional teams working with victims so that they know about the nature (the content components) and process of carrying out an individual assessment and develop basic skills to interact during the development of the needs and risk assessment for child and vulnerable adult victims of crime.
Programme Objective

Enhance the competence of professionals dealing with protection of, justice for and support to child victims of crime, as well as other vulnerable victims according to the definition contained in Directive 2012/29/EU, for applying coordinated interinstitutional interaction in the interest of the child, based on an integrated approach to protection and support for victims of crime.

More specifically, the Programme seeks to raise training participants’ awareness of best practice in the field of child-friendly justice; positive attitude change for putting into practice the principles of the so-called ‘friendly’ justice, as well as for enhancing the skills for coordinated interaction based on individual needs assessment and aimed at reducing the risk for victims of crime of secondary and repeat victimisation, intimidation and retaliation. The Programme aims to also raise the competence level of professionals who are the first point of contact for child victims and vulnerable adult victims by providing them with basic knowledge on ethical conduct, as well as with principles for interacting with child victims that correspond with the specifics of the victim and the possible consequences of the crime, as well as the principles of vulnerable-victim-friendly justice.

This Programme contributes to the development of the following competencies from the overall Competency Profile for professionals involved in dealing with vulnerable victims of crime or violence, as developed under the Justice Befriends the Child – Training of Practitioners for Better Cooperation Project: Competency No. 2 Use verbal and non-verbal communication in a child-appropriate way; Competency No. 4. Partner with representatives of other institutions in order to coordinate efforts for achieving justice and prevention of child victimisation; Competency No. 5. Observe ethical rules and code of conduct in relation to victims of crime.

As regards the Competency Profile for a professional working with victims of crime, this Programme contributes to the development of the following competencies: Competency 4. Carry out individualised assessment and share its findings; Competency 6. Partner with representatives of other institutions in order to safeguard the rights and interests of the victim/witness, and Competency 8. Observe ethical rules and code of conduct.
Programme Content

The Programme is designed to contain six individual sessions.

For each programme session there is a clear objective, a description of the exercise session, notes for the trainer and the relevant materials to use during the session.

The overall duration of this Programme is 16 academic hours.
Session 1.

(90 minutes).

Session objective:
Increase participants’ knowledge on the key concepts and requirements of Directive 2012/29/EU and improve their skills to put them into practice.

Session Description:
1.1 “Opening the Training and Meeting Participants” Session – 20 minutes
Objective of the exercise: Introduce participants to the topic and share expectations.
Instructions for the Trainer: Greet participants and present briefly the training. Ask each participant to share their expectations from the training. One of the trainers writes down the expectations on flipchart. Briefly comment on expectations and put the flipchart sheet in a visible place. Remind participants of the group’s work rules and emphasise that these are open and can be added on.
Materials for the Trainer: flipchart and marker pens, tape.

1.2. „Requirements of and Philosophy behind the Directive – Main Concepts” Presentation – Part 1, 30 minutes
The objective is to familiarise participants with the basic principles and main concepts introduced in Directive 2012/29/EU.
Instructions for the Trainer: Split the presentation in two parts, the first one being up to Protection Measures. Introduce participants to the main concepts and the philosophy behind the Directive. Explain the concepts ‘secondary and repeat victimisation’, ‘intimidation’ and ‘retaliation’. Use SAPI materials on secondary and repeat victimisation.

1.3. „How are Victim’s Rights Currently Guaranteed?” Exercise – Discussion – Part 1, 15 minutes
The objective is to increase participants’ sensitivity to the rights of victims and come up with examples of difficulties in the existing practice of supporting and protecting victims.
Instructions for the Trainer: Write down on the poster the questions in advance. Divide the participants into small groups as convenient and ask them to answer 3 questions:
1) How are the rights of victims of crime currently guaranteed?
2) What support do they get?
3) Who do they interact with in order to have victims’ rights and support guaranteed?
Note: The Trainer can decide whether to do this exercise concerning the existing practice as brainstorming or as a discussion.
**Materials for the Trainer:** flip chart and marker pens.

**1.4. „Requirements of and Philosophy behind the Directive – Main Concepts” Presentation – Part 2, 25 minutes**

The objective is to familiarise participants with the basic principles and main concepts, the protection measures and the rights of victims of crime according to Directive 2012/29/EU.

*Instructions for the Trainer:* Make the second part of the presentation - on protection measures and individual assessment. Explain the connection between individual assessment and measuring the risk of secondary and repeat victimisation, intimidation and retaliation. Use the materials in Annex No. 1.1 and Annex No. 1.2 to prepare your presentations on Directive 2012/29/EU.

*Materials for the Trainer:* projector, materials in Annex No. 1.1 and Annex No. 1.2 for preparation of the Presentation.
Session 2.
An integrated approach model. An example of best practice for a multidisciplinary and interinstitutional approach to interaction compliant with the requirements of Directive 2012/29/EU establishing minimum standards for protection of victims of crime

(90 minutes)

Session objective:
Increase participants’ knowledge about the existing best practice in our country for implementing the requirements of Directive 2012/29/EU as regards carrying out individual assessments and effective interaction.

Session Description:

2.1. Training film and discussion – 35-40 minutes

The objective is to familiarise participants with an example of best practice for applying the Integrated Approach Model based on individual assessment and the requirements of Directive 2012/29/EU.

Instructions for the Trainer: Show the film “Justice Befriends the Child – Best practice in Bulgaria”. Have a discussion with participants for about 15 to 20 minutes – how they find it; if they think this is applicable in their work context; what they think would be difficult, why, etc. Discuss how in reality the Coordination Mechanism works - what they consider a success and a challenge; what can be improved. Do investigating police officers and prosecutors take part in Coordination Mechanism meetings? Where do the meetings take place and who initiates them?

Materials for the Trainer: – projector and film on disk (link to the film “Justice Befriends the Child – Best practice in Bulgaria” – https://www.youtube.com/watch?v=Y_HuOmS9wos&t=3s).

2.2. „Local Interaction“ Presentation and Discussion – 30-40 minutes

The objective is to familiarise participants with the Coordination Mechanism for Territorial Interaction in place.

Instructions for the Trainer: Familiarise participants with the materials in Annex No. 2.1. Have a discussion with participants for about 10 minutes – how they believe this could be put into practice; what difficulties they meet and how this interaction contributes to protecting victim’s rights. When delivering on the topic “Local Interaction”, use the materials in Annex 2.1. “Coordination Mechanism or Agreement for Cooperation and Coordination in the Work of Territorial Structures – Summary”.

Discuss the difference between a meeting with mandatorily represented participants and one with optionally represented participants. Link also to the experience accumulated as at today through other best practice in Bulgaria that use the All under One Roof model, which are to be presented in the next session.

Present to participants the “Integrated Model” chart from Annex No. 2.2. Link to the questions from the first session “Who do you interact with in order to have the rights and support of victims of crime guaranteed?” What services are in place locally to support victims of crime, especially the vulnerable ones among them?
Note: Time allowing and if the participants know the Coordination Mechanism for Territorial Interaction well (Annex No. 2.1.), present the materials in Annex No. 2.3. “Protocol for Coordination of Inter-Institutional Interaction in Cases of Crimes against Children”. The presentation should include the content of the material in Annex No. 2.3. “Protocol for Coordination of Interinstitutional Interaction in Cases of Crimes against Children”.

Materials for the Trainer: projector and Annex No. 2.2 - “An Integrated Model” chart; Annex No. 2.1. Coordination Mechanism for Territorial Interaction” and Annex No. 2.3. “Protocol for Coordination of Interinstitutional Interaction in Cases of Crimes against Children”, as well as Presentation No. 2.1 and Presentation No. 2.3 developed by the Trainer.
Session 3.

How to improve local interaction? Best European practice for coordinated interaction: “All under One Roof” – the experience in Bulgaria, and the “Red Code” – a model for coordinated interaction and victim support in Rome, Italy

(180 minutes)

Session objective:

Session objective: Increase participants’ knowledge about the integrated approach and the All under One Roof model for coordinated interaction and support of victims as applied in the work with child victims, as well as familiarise participants with best practice for coordinated interaction in Italy and develop their skills for more effective and coordinated interaction by working on case studies.

Session Description:

3.1. Presenting the “All under One Roof” integrated approach – 55 minutes

The objective is to familiarise participants with best practice for coordinated interaction based on individual assessment and the requirements of Directive 2012/29/EU.

Instructions for the Trainer: Show the film “All under One Roof”, duration 35 minutes. Hold a discussion with participants for about 15 to 20 minutes - how they find it; if they think this is applicable in their work context; what they think would be difficult, why, etc. Discuss how in reality the system works at the local level. Are there cases of violated rights of children and vulnerable victims and what is the practice as regards discussion and interaction among the different institutions on these specific cases?

Materials for the Trainer: projector and disk with film on it (link to the film „All under One Roof” – https://www.youtube.com/watch?v=QwJ19srGUs&t=64s).

3.2. Work on case studies in small groups – 15 minutes

The objective is to develop participants’ skills to apply their newly acquired knowledge in their work on case studies.

Instructions for the Trainer: Divide participants at random into 5 or 6 small groups. Make sure to have at least one judge or prosecutor in the group which requires a judge or prosecutor. Give 15 minutes for work.

Materials for the Trainer: 6 case studies in Annex No. 3.1.

3.3. Discussion on case studies – 20 minutes

The objective is to improve participants’ skills to apply their newly acquired knowledge in work on case studies and to exchange experience.

Instructions for the Trainer: Start with the first two groups. Ask each group to present their case study by reading it aloud to the entire group because all groups are assigned different case studies. Provide each group with 10 minutes for reporting on their findings and discussion.

Materials for the Trainer: flip chart and marker pens.

Note for Trainer: Make a break and continue with presenting the case studies after the break.
3.4. *Discussion on case studies* – 40 minutes

*The objective* is, through participants’ work on case studies, to improve their skills to apply the newly acquired knowledge in their work on actual cases and to exchange experience.

*Instructions for the Trainer:* Continue with the groups reporting on their work on case studies. Ask each group to present their case study by reading it aloud to the entire group because all groups are assigned different case studies. Provide each group with 10 minutes for reporting on their findings and discussion.

3.5. “*Best Practice in Italy*” *Training Film and Discussion* – 40 minutes

*The objective* is to familiarise participants with international experience including good models for coordinated interaction when working with victims, the experience being based on individual assessment and the requirements of Directive 2012/29/EU.

*Instructions for the Trainer:* Show the film “Justice Befriends the Child – Best Practice in Italy”. Hold a discussion with participants for about 15 to 20 minutes - how they find it; if they think this is applicable in their work context; what they think would be difficult, why, etc. Discuss how the interaction with the hospital, police, prosecutor’s office and social services takes place in reality; what is the difference between our national practice in Bulgaria and the presented best practice for interaction in cases of domestic violence in this hospital in Rome, Italy?

*Materials for the Trainer:* projector and disk with film on it (link to the film “Justice Befriends the Child – Best Practice in Italy” – https://www.youtube.com/watch?v=ld8c_evJQUw&t=304s).

3.6. *Summary* – 10 minutes

*The objective* is to help participants summarise about the new models and approaches to working in the interest of the child, the victim and having their rights, protection and support guaranteed.

*Instructions for the Trainer:* The trainer is to summarise, based on the case studies and the best practice presented in the two films “All under One Roof” and “Justice Befriends the Child – Best Practice in Italy”, how to act in the interest of the child, when and who should make the individual assessment, how to make sure procedures are child-friendly. In addition, point out that these rights are similar to the rights of other vulnerable victims of domestic violence, sexual abuse, exploitation, trafficking, discrimination, terrorism. Summarise the most useful points for participants from this session.
Session 4.
Professional ethics in interacting with victims of crime

(180 minutes)

Session objective:
Change participants’ attitudes and increase their knowledge to achieve a more adequate attitude to the victims and respect for professional ethics when interacting with victims.

Session Description:

4.1. Exercise: “Which Ethical Principles do we Observe when Working with Victims of Crime”, 40 minutes

Objective of the exercise: Raise participants’ awareness of the basic ethical principles and standards to be observed by the various professional groups.

Description of the exercise: Write down on a flipchart sheet the title of this session and divide participants in small groups by profession. Give them 25 minutes to prepare a flipchart sheet with the written and unwritten principles and standards that they are obliged to observe as professionals in their contact with victims. Ask them to describe these standards in the context of the contact itself i.e. from the moment they first meet the victim to the time of completion of contact; say that they can use an example from practice. Upon completing their work, each group should be given time to present their findings.

4.2. Exercise: “Which Ethical Principles do we Observe when Working with Victims of Crime”, 40 minutes

Description of the exercise: Split participants into 3 or 4 small groups and hand out the case studies in Annex No. 4.1 – 3 case studies on professional ethics. If needed, use two copies of one of the case studies so that you can have 4 groups. Give participants 10 minutes to work on the case studies and then have a general discussion. Ask each group to present their case before the entire group. Give 10 minutes per group, the second group with the case study used twice being asked just to add, if they are of a different opinion or have different suggestions.

Materials for the Trainer: flip chart and marker pens, 3 case studies on professional ethics in Annex No. 4.1.

4.3. Trainers’ Summary, 10 minutes

Instructions for the Trainer: When summarising, highlight the importance of respecting the dignity of victims and what professional conduct should be avoided when making contact and interacting with them. Use the materials on professional ethics and code of conduct presented in Annex No. 4.2.

Note for Trainer: Call a break for participants and continue work on the topic after the break.

4.4. Presentation by Trainers, 30 minutes

Objective: Increase participants’ knowledge about the principle of participation of children and adult victims of crime and their right to information.

Instructions for the Trainer: When preparing for this session, use the materials on professional ethics and code of conduct presented in Annex 4.2. When summarising emphasise on respect for the victim’s dignity and what conduct should be avoided by professionals when establishing contact and interacting with victims. Stress on confidentiality, the right to information and participation in taking decisions about them. Use the materials from Annex No. 4.3 “Professional Ethics and Initial Contact with the Victims of Crime”.

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4.5. **“Informing Children” Training Film and Discussion – 20 minutes**

The objective is to present participants with hands-on experience in informing children of their rights to use special protection measures according to the requirements of Directive 2012/29/EU and motivation to look for new forms of informing.

Instructions for the Trainer: Show the film “Justice Befriends the Child – Being Informed about your Rights”. Have about 10 minutes for discussion with participants – if they think this is applicable in their work context; what they think would be difficult, why, etc. Discuss how in reality children are currently being informed about their rights, by whom and when?

Materials for the Trainer: projector and a disk with film on it (link to the film „Being Informed about your Rights“ – https://www.youtube.com/watch?v=BNB-80IYeEQ&list=PLZMjtrRo5niPh6iTbsXc5UrPjKPCWpmHf.

4.6. **“Role Play” Exercise, 30 minutes**

The objective is to develop participants’ skills to inform children of their right to use specific protection measures in line with the requirements of Directive 2012/29/EU and their skills to feel motivated to seek new forms of informing.

Instructions for the Trainer: Ask participants to split into three small groups and conduct an initial meeting with a child aged 8 years, another child aged 15 years and a young woman aged 20 years, all of whom victims of sexual abuse. What should they be careful about, what should they say by all means, where and how should they do it? Ask them to decide on their roles within the group and the observer is then to present the work of the small group to the whole group for general discussion. Remind them to use the content of the presentation and the film.

4.7. **Trainers’ Summary, 10 minutes**

The objective is to help participants summarise the new work models and approaches centred around the victim’s interests and safeguarding their rights during the initial contact for protection and support.

Instructions for the Trainer: Use the principles from the theoretical part to highlight yet again the importance of respecting the victim’s dignity, ensuring safety and security during the initial contact, a respectful treatment, support and cooperation with other structures and organisations.
Session 5.
Place and role of individual assessment of the victim of crime (vulnerable victims, children, people with disabilities, etc.) in compliance with the requirements of the Directive

(90 minutes)

Session objective:
Understand and reflect on the purpose and content of individual assessment, on the importance of the integrated interinstitutional approach.

5.1. Exercise – work on a case study, 20 minutes

Objective of the exercise: Reflect through practical situations on the importance of coordinated efforts and the holistic approach to assessing and understanding the situation with cases of violence; understand the risks of the piecemeal approach to work – even if the work is well done, ultimately it is not effective in relation to the victim.

Instructions for the Trainer: Divide the group into small groups of about 5 or 6 participants each, using whatever principle you choose in view of the group dynamics. Hand out the “Mariana” case study (see below) and ask them to answer the questions.

5.2. General group discussion, 10 minutes

Objective of the exercise: Arrive at a shared understanding about the need for joint action by the protection system, the police, the prosecutor’s office, etc., including for an overall assessment of the case.

Instructions for the Trainer: Each of the groups shares their comments and writes them down on the flipchart pad. The trainer summarises.

Required materials: Case study No. 5 „Mariana”, flip chart, marker pens

Case Study No. 5. Mariana

Mariana is 14 years old and, as her female teacher reports, the girl is a victim of sexual violence inflicted by the man her mother cohabitates with. The girl told her teacher that she was sexually abused over the last couple of months or so by her mother’s cohabitant while her mother was at work. The mother works on shifts and the cohabitant is unemployed. A police check-up was launched on the case, but the girl refused to give any explanations; rather, she would not speak or just answered monosyllabically. The girl was repeatedly questioned by various institutions, the fifth interview being carried out in a “blue room”.

In the course of the check-up it has been found that when Mariana was 12 years old, she filed a report with the police against her biological father accusing him of repeatedly abusing her sexually in the absence of her mother. The father, R. G., served a number of sentences for theft and fighting. Thanks to the very high level of precision of detail in the girl’s testimony, which included also a description of the specific intervention in a private part, this intervention being typical for people who spent time in prison, the abuser was sentenced and is currently still serving a prison sentence. There is no information for interventions on the part of other institutions.
Questions:

How would you comment on the situation as regards the second series of sexual violence against the child?

What do you think should/could have been done in the first case of sexual violence?

5.3. “Competency Profile for Professionals Working with Victims of Crime or Violence” Presentation, 35 minutes

Objective: Familiarise participants with the core competencies required in the work with victims of crime and/or violence.

Instructions for the Trainer: Use materials for preparing the presentation, as well as a multimedia presentation from Annex No. 5.1 and Annex No. 5.2 “Competency Profile for Professionals Working with Child Victims of Crime”. Use materials from Annex No. 5.1. “Competency Profile for a Professional Working with Victims of Crime”.

5.4. Discussion, sharing experience from one’s work with victims of crime – both positive and negative, 25 minutes

Objective of the discussion: Reflect on what participants’ learned and first steps to integrate it in their professional experience.

Instructions for the Trainer: Ask the whole group to stand up and take them to a place in the training hall where they can move freely so as the following can happen. Ask the group to split, finding their own little space in the hall:

First, ask all who have good experience in carrying out assessments through an integrated approach to go together as a group in one place; in another place – all who have some idea how to make an assessment of this kind; in a third group – all who have never heard of or been involved in such assessments. Ask people to comment within their group, as they stand, in the next 4 or 5 minutes, on their impressions from the presentation. Give the floor to one person in each group to share the group’s story.

Second, ask people to come together as a group if they believe it is very important to make such a multi-disciplinary and interinstitutional assessment; in another group – all those who believe it is important for players to coordinate in the assessment process but this is a social assessment and should, therefore, be carried out by the social services; a third group with the ones who believe investigation will be investigation, justice will be justice, social work will be social work and they have nothing in common, everyone should know their place. The next steps are as in the grouping exercise above.

You can continue having people move around to form various groups if there is still time and/or need for such a discussion.
Session 6.
Content of and research areas in individual assessment of vulnerable victims – children and adults: needs assessment

(90 minutes)

Session objective:
Familiarise participants in more detail with the content of individual assessment and develop basic skills for carrying out initial needs-and-risk assessment of vulnerable victims (children and adults).

6.1. Presentation: “Content of the Initial Assessment with Children and Adults” and “Risk Assessment”, 30 minutes

Materials for the Trainer: Use materials from Annex 6.1 “Individual Assessment Methodology” to prepare yourself for the session and develop presentations to familiarise participants with the content of needs assessment and risk assessment.

6.2. “Work on Case Studies to Carry out Initial Assessment” Exercise, 30 minutes

Objective of the exercise: Increase participants’ knowledge of the content of initial assessment and develop their skills for coordinated interaction in the process of carrying out multidisciplinary individual assessment of a victim.

Instructions for the Trainer: Split the group into 4 small groups, 7 or 8 people each, and hand out to them ready-made assessments of children or adults, depending on the clients they work with. Assign them the task to discuss the assessments and propose what needs to be added as information and how. Hand out the form for initial assessment of adults in the small groups so that they can use it in their work on the task.

Materials for the Trainer: Use the materials in Annex No. 6.2 “Framework for Individual Assessment of a Child Victim” and Annex No. 6.3 “Form for Initial Assessment of a Victim of Crime”, which need to be in two copies so that 4 small groups can work on them. Two of the groups working with the form in Annex No. 6.4 “Information for Individual Assessment of a Child Victim” should receive also a copy of Annex No. 6.5 “Information for Individual Assessment of an Adult Victim” to use in their work group when completing the Form for Initial Assessment of a Victim of Crime in Annex No. 6.3.

6.3. Presenting the cases and assessments before the entire group, 30 minutes

Objective: Come up with a shared understanding about the content of assessment and about gathering information within the various research areas.

Instructions for the Trainer: Let each group present their case and proposals. The trainer summarises on a flipchart.

Materials for the Trainer: flip chart and marker pens.
Annexes to the Programme Content
Annex No. 1.1.

Philosophy behind the Directive within the context of the rights of the child and the principles of child-friendly justice

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1. Legal basis, philosophy and main concepts of Directive 2012/29/EU


The Directive is legally based on Art. 82, Para 2 of the Treaty on the Functioning of the European Union, stipulating that member states shall establish minimum rules to facilitate the mutual recognition of judgments and judicial decisions. Along with this, the Directive is developed on the basis of a Resolution of 5 April 2011 where the European Parliament proposes a strategy for combating violence against women, domestic violence and female genital mutilation to serve as a basis of future legal instruments of criminal law against gender-based violence, including a framework for combating violence against women.

The Directive is developed and adopted within the framework of a multiannual EU programme - An Open and Secure Europe Serving and Protecting Citizens (2010-2014), known as the Stockholm Programme. In accordance with Art. 68 of TFEU, the Programme defines the strategic guidelines for legislative and operational planning within an area of freedom, security and justice. The political priorities set out in the Stockholm Programme are of particular importance for the adoption of the Directive; those include: guaranteeing the rights of EU citizens, including improved access to justice and protection of the special needs of vulnerable people. This political context explains the increased attention to victims of crime whose interests and rights have been neglected for a long time.

The programme indicates that “those who are most vulnerable or who find themselves in particularly exposed situations, such as persons subjected to repeated violence in close relationships or victims of gender-based violence, as well as persons who fall victim to other types of crimes are in need of special support and legal protection; ... an integrated and coordinated approach to victims is needed, in line with the Council conclusions on a strategy to ensure fulfilment of the rights of, and improve support for, persons who fall victims of crime” (Point 2.3.4 of the Stockholm Programme). Several types of measures are listed with this regard, which the EU member states are to adopt, one of them being to “examine how to improve legislation and practical support measures for the protection of victims and to improve the implementation of existing instruments”.

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1 Directive 2012/29/EU, Art. 27, Para 2
2 Directive 2012/29/EU, Preamble, Recital 3
Directive 2012/29/EU creates for the first time such a broad legal framework for protection of victims of crime even though it is described as introducing “minimum standards”. The standards, at least those concerning the child victim, are not new since long before the adoption of the Directive, similar and higher standards are enshrined in numerous international legal documents, which will be touched upon later on. However, the Directive, which is binding for the EU member states, provides guarantees that its provisions will become part of the national legal systems, without prejudice to the opportunity to introduce higher level of protection for the victims of crime.\footnote{Directive 2012/29/EU, Preamble, Recital 11}

The philosophy of this legal instrument is reflected in Recital 9 of its Preamble. A key understanding is that “crime is a wrong against society, as well as a violation of the individual rights of victims”. The tradition which serves as a foundation of modern legal systems puts crime within the scope of criminal law’s attention and instruments. The anti-social nature of crime is what is of greatest significance for criminal law, a penal system being developed to handle it. Directive 2012/29/EU focuses on the relation between crime and the violation of the victim’s individual rights. This places the victim in the centre of all actions which have to be undertaken to relieve their situation, regardless of how the offender is treated.

The Directive proposes a definition of “victim”. A victim is, above all, the person who has suffered directly from the crime: “a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.” A victim is also a person indirectly affected by the crime: the crime caused the death of this person’s relative – family member (Art. 2, Para 1, (a). i) and ii)).

The Directive stipulates that victims of crime should be recognised (their status should be settled by the legislation) and treated in a “respectful, sensitive and professional manner without discrimination of any kind….”. The Directive requires also that an individual approach to the victim is ensured: “….the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity.” It is particularly important to ensure that “victims of crime are protected from secondary and repeat victimisation, …from intimidation and ….retaliation”, and also that the victim receives “appropriate support to facilitate their recovery and is provided with sufficient access to justice”\footnote{Directive 2012/29/EU, Preamble, Recital 9}. These requirements are laid down in the body of the Directive.

The Directive defines several categories of victims of crime with a special status. The criterion applied is higher level of vulnerability due to age, disability, gender or nature of the crime. The child victim is subject to special treatment. Member states are called on to ensure special facilitations for victims with disabilities to guarantee them access to their rights. Special attention is paid to victims of gender-based crimes or of violence in close relationship, and particularly to women. The Directive proposes to the member states to pay special attention to the needs of the victims of terrorism due to the special nature of this type of crime.
2. The child victim of crime in the international and European law

Not only does the Directive state its applicability to children but it also creates a special status for the child victim of crime: “Child victims should be considered and treated as the full bearers of rights set out in this Directive and should be entitled to exercise those rights in a manner that takes into account their capacity to form their own views” (Preamble, Recital 14).

Along with European law (Directive 2012/29/EU), international law also defines the legal status of the child victim of crime and much earlier at that. This fact is recognised by the Directive. It refers to the Convention on the Rights of the Child and its universal standard related to the best interests of the child as a primary consideration in all actions and decisions concerning children (Art. 3 of the Convention, adopted also by the EU Charter of Fundamental Rights, Art. 24, Para 2). Another provision of the Convention on the Rights of the Child, Art. 39, envisages particular obligations on the part of the states to ensure special protection of the child victims of all types of abuse and exploitation:

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

It is assumed that such protection should be provided also to the child victims of crime (without this being explicitly stated). A comparative analysis of this provision and of the Directive reveals that the Convention on the Rights of the Child (CRC) places the emphasis on the need of the child victim of abuse (including of a crime) of recovery and reintegration and not so much on their rights during participation in criminal proceedings. The adequate measures for the child’s recovery and reintegration should always be undertaken in compliance with the principles of the Convention: access without discrimination of any kind (Art.2), the views of the child to be given due weight (Art. 12), ensure the survival and development of the child (Art. 6), and also with relation to the other rights: to health and health care services (Art. 24), to education (Art. 28), to adequate standard of living (Art. 27) and to special attention and care for children deprived of family environment (Art. 20). Apart from these general provisions, the Convention does not envisage special rights for the child victims.

Interpreting the text, however, the Committee on the Rights of the Child arrived at conclusions concerning the need to guarantee that child victims of poor treatment or crime will not be criminalised and thus become victims of secondary victimisation: “…[The Committee recommends that States Parties review all relevant legislation] to ensure that children under 18, who are in need of protection are not considered as offenders (including legislation dealing with abandonment, prostitution, migrant status, ‘truancy’, runaways, etc.) but are dealt with under child protection mechanisms”.

This philosophy is consistently developed also in the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines).6

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7 Ibid.
8 Adopted with UN General Assembly Resolution 45/112 of 14.12.1990
“In order to prevent further stigmatization, victimization and criminalisation of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person.” (Point 56 of the Guidelines).

The same philosophy is embodied also in the Convention (182) of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour9 (Art. 3: definitions of the child victim, Art. 7: rights of the child victim – rehabilitation and social reintegration, education).

Riyadh Guidelines as well as the Guidelines on Justice in Matters involving Child Victims or witnesses of crime10 supplement and develop the CRC. The Guidelines on Justice in Matters involving Child Victims or witnesses of crime and the Directive share identical philosophy and specific regulations. The Guidelines, which are an older document, develop for the first time recommendations for changes in the criminal justice policy and for defining specific rights of the child. In summary, both documents require from the countries to readjust, adapt criminal justice to the needs and rights of the child as a participant in judicial proceedings.

The Council of Europe sets itself the same goal with the Guidelines on Child-Friendly Justice adopted in 2010 by the Committee of the Ministers. The document focuses on the rights of the child, including of the child victim of crime, as a participant in criminal proceedings. As the document describes its own goal, the Guidelines are drafted to protect children and youth from secondary victimisation by the justice system, notably by fostering a holistic approach to the child, based on concerted multidisciplinary working methods. The Guidelines feature detailed recommendations for child-friendly justice, including provision of detailed information, entitlement to compensation, protection of personal data, protection from intimidation and secondary victimisation, participation, access to legal aid, special protection when the offender is a family member or a relative of the child, special training of professionals working with children, including from the police, court, prosecution, etc., specialisation of the judicial system.

Besides these general standards, the rights of the child victims are also tackled by a growing number of international acts focused on certain specific crimes against children:

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography11 (Art. 9 concerning the rights of the victims: right to information, support for reintegration and rehabilitation, compensation for damages suffered),


- The Council of Europe Convention on Action against Trafficking in Human Beings13 Art. 10: identification of the child victim, Art. 11: protection of the child’s personal data, Art. 12: supporting the child victim: access to education, participation in criminal proceedings; Art. 15: right to compensation and legal protection; Art. 28: protection from secondary victimisation, intimidation).

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9 Adopted by ILO on 01.06.1999, entered into force in Bulgaria in 2001.
10 Adopted with ECOSOC (UN Economic and Social Council) Resolution 2005/20 of 22.07.2005. see the publication in Bulgarian of the Social Activities and Practices Institute, c., 2008
11 Adopted with a UN General Assembly Resolution 54/263 of 25.05.2000
12 Adopted in Palermo with a UN General Assembly Resolution 55/25 of 15.11.2000
13 Adopted in Warsaw on 16.05.2005, entered into force in Bulgaria since 2007
The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse\textsuperscript{14} (Art. 7: training of professionals; Art. 12 and Art. 13: notification; Art. 14: rehabilitation; Art. 31: rights in criminal proceedings - provision of information, participation and special protection during hearings, incl. environment, single hearing, etc, representation and legal aid, protection of personal data, protection against revictimisation).

All these documents reflect the diversity and development of various harmful types of abuse against children – against their sexual development, health and education, freedom and integrity. Recognising the serious harm to the child and society as a consequence of such abuses, international organisations (the UN and the Council of Europe) produced a catalogue of the rights of the child victim, which needs to be introduced and implemented by the member states. Generally, these documents propose a higher standard of protection of the child victims compared to Directive 2012/29/EU.


\textsuperscript{14} Adopted in Lanzarote on 25.10.2007, incl. Agenda for Action against sexual exploitation of children, adopted by the 1st World Congress (Stockholm, 1996) and 2nd Congress (Yokohama, 2001)
3. Protection measures for victims vulnerable to repeat victimisation

The Directive pays special attention to the risk of secondary and repeat victimisation of the victim in the course of criminal proceedings, as well as of intimidation and retaliation by the offender. This risk is highlighted in each of the international legal acts specified. The risk has been explicitly identified by the Directive, therefore Art. 18 defines the right of the victim to protection other than the general protection offered to each victim:\(^{15}\):

"Without prejudice to the rights of the defence, Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members."

The risk of secondary victimisation can derive from the personal characteristics of the victim, the type, nature or circumstances of the crime.\(^{16}\) To prevent this risk, special attention should be paid to the victims of trafficking in human beings, terrorism, organised crime, sexual abuse, crime committed with a discriminatory motive or a hate crime (Directive 2012/29/EU, Art. 22, Para 3). The victims of such crimes are normally exposed to a higher risk of secondary victimisation, intimidation and retaliation since it is very likely that they are related to the offender (family member, relative, someone they know). This makes the victim particularly vulnerable in the criminal proceedings since the victim is required to give evidence of the crime while the normal procedural rules do not take account of the victim’s vulnerability. There is a risk, therefore, that the goals and the instruments of the criminal proceedings aimed at identifying and punishing the offender, may contribute to secondary psychological harm to the victim (caused by repeating the circumstances, contacts with the offender, reminding the victim of the pain and distress suffered, etc.), victimising them over and over again.

This is why the Directive offers the introduction of appropriate protection measures during the criminal proceedings. The idea is that the criminal proceedings should take into account the personal specifics of the victim, especially if these are linked to the victim being related to the offender who has committed the crime (the accused or the defendant) or by their characteristics. The above said is of particular importance in the cases when the victim is a child.

The above said requires changes in the criminal proceedings, traditionally organised with a focus on the crime and punishment, even more so when the victim is a child. It is even assumed that in case a risk of repeat victimisation is identified, it should be acknowledged that the victim would benefit from special protection measures.\(^{17}\) Within this context, we can argue that the Directive requires that the Member States change substantially their criminal policy to include sufficient level of guarantee for the fulfilment of new rights such as: right to avoid contact between victim and offender (Art. 19), right to protection of victims in the course of criminal investigation (Art. 20), right to protection of privacy (Art. 21).

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\(^{15}\) The rights set forth in Chapters 2 and 3 of Directive 2012/29/EU.

\(^{16}\) Directive 2012/29/EU, Preamble, Recitals 55 - 58

\(^{17}\) Directive 2012/29/EU, Preamble, Recital 57
4. The assessment of the child victim’s needs as the basis for protection

Outside and in addition to the listed rights, the victim can be offered additional protection measures (Art. 23) if “specific needs” are identified. “Specific” needs are needs ensuing from the victim’s particular vulnerability to repeat victimisation and intimidation (Art. 22). In such cases the protection should be aligned to an even higher extent with the specific individual needs of the victim. This derives from the understanding that alignment with the needs guarantees the adequacy, usefulness, and hence, effectiveness of the protection for the victim. This understanding is the rationale behind the requirement to member states to ensure that individual assessment of the victim is carried out with a view to identifying their specific protection needs. Individual assessment is also a gateway to the special protection measures under Art. 23, as well as the measures for protection of the child during criminal proceedings under Art. 24 of the Directive. Child victims are always presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation (Art. 22, Para 4) arising from their status (referred to as the “evolving capacities of the child”, Art. 5 of the CRC). In this sense, it can be assumed that child victims should always be subject to an individual assessment in order to decide whether and to what extent they would benefit from the special measures as provided for under Articles 23 and 24.

The European lawmaker has left the time of launching the assessment to the discretion of the member states (“…in accordance with national procedures…”, Art. 22, Para 1). Despite the non-existence of a specific rule in this respect, it can be concluded that individual assessment should precede the initial stage of criminal proceedings. This follows from assessment being defined as “timely” (Directive 2012/29/EU, Art. 22, Para 1), “carried out at the earliest opportunity” (Preamble, Recital 55), but also from the purpose of assessment. It is the findings of the assessment that will be used as the grounds for providing the victim with special protection measures as early as the interview.

The Directive does not specify who or what structures will be responsible for carrying out the individual assessment of particularly vulnerable victims of crime and of child victims. This is a national lawmakers’ decision; however, there is no reason to stop us from setting high requirements for their special education and training, including as ‘a must’ the rights of the child, the specifics of children’s psyche, non-discrimination, etc.

This Directive contains basic rules on the extent (scope) and proceedings as regards carrying out an individual assessment. It should cover two groups of circumstances – the ones related to the personal characteristics of the victim and the ones related to the crime – type, nature and circumstances of the crime committed that are relevant to the victim (Art. 22, Para 2). The assessment of personal characteristics should be made by an experienced professional and it should cover:

- aspects of the civil status of the person such as age, gender, gender identity or expression, residence status;
- other sensitive information that can be related to the person’s status of victim or their risk of revictimisation such as ethnicity, race, religion, sexual orientation, health, disability;
- information on communication skills and any communication difficulties;
- relationship to or dependence on the offender;
- the victim’s previous experience of crime (Preamble, Recital 56).

Special attention should be paid to facts indicative of:

- considerable harm to the victim (due to the severity of the crime, for example multiple-perpetrator rape /gang rape) which might derive from the objective severity of the crime (as reflected, for example in the
relevant aggravated offences as provided for in the Criminal Code) but also from some characteristics of the victim’s (young age, exclusion, lack of supportive environment or such like);

- specific characteristics of the crime which makes it difficult to prove (the victim’s participation as a witness is required, which always brings about further discomfort and distress) – crime committed with a bias or discriminatory motive (for example, a minor girl suffering forced cohabitation);

- relationship of dependence or control between the victim and the offender (where the the girl is sexually abused by the father, a partner of the mother’s, a guardian or some such like individual) (Art. 22, Para 3). By all means, the extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim (Art. 22, Para 5).

- whether the victim’s residence is in a high crime or gang dominated area, or whether the victim’s country of origin is not the Member State where the crime was committed (Preamble, Recital 56).

Without going into the details of the proceedings of carrying out an individual assessment of the victim, the Directive lays down an important requirement:

- **Active participation of the victim**, including when a child victim. We should conclude that the child should participate always, irrespective of their age. The child’s age will determine the preparation of the environment and the child themselves for the process of assessment. Participation means that the victim, including the child victim, should be given the opportunity to freely express their views, give explanations and also receive all required information in compliance with their rights as set out in Chapters 1 and 2 of the directive;

- The wish of the victim, including the child victim, should be taken into account. This refers to the special protection measures, their type, extent, without prejudice to the other rights under Chapters 1 and 2, to the timeframe of the measure, etc. The victims’ concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular protection measure (Preamble, Para 58);

- The wish of the victim is overruling, especially if they refuse to benefit from the special measures envisaged under Articles 23 and 24;

- An entitlement to a review and update of the assessment, if the elements that form the basis of the individual assessment have changed significantly (Art. 22, Para 7).

**The individual assessment** should state/provide:

- Whether the victim (child victim) is at risk of secondary and repeat victimisation, of intimidation and of retaliation;

- The presence of a risk is bound up with the assumption that the victim will benefit from the implementation of special protection measures;

- a list of suitable specific measures.
5. Significance of the assessment for the child victim to exercise their right to active participation in the criminal proceedings and for the effectiveness of the proceedings

The timely carrying out of individual assessments of child victims is vital for determining if they can benefit from the special protection measures (Art. 22, Para 4) envisaged in Directive 2012/29/EU, hence indirectly for ensuring a just trial for them. Art. 13 of the Convention on the Protection of Human Rights and Fundamental Freedoms (CPHRFF) provides for the right to effective remedy in order to protect the rights set forth in it. The provision contains an obligation of the Contracting Parties under the CPHRFF to secure effective remedy for the protection of violated rights. Generally, when a child is harmed through the crime, irrespective of whether it concerns the rights enshrined in the CPHRFF or not, the provisions in Art. 15, Para 4 of the Criminal Procedure Code (CPC) are applicable, these provisions stating that the victim shall be provided with the needed procedural remedies for the defence of his/her rights and legitimate interests. The Court, the prosecutor and the investigating authorities are obliged to make their procedural rights clear to the victim and provide them with the possibility to exercise those rights (Art. 15, Para 3 of the CPC). Where the victim is a child, the remedies will be effective only if they take due account of and are adapted to the child’s age, maturity, views, needs and concerns (Art. 1, Para 2 of the Directive). The specific needs of more vulnerable victims are taken into account when setting out the specific measures in the Directive. Outside the two hypotheses under Art. 23, Para 1 of the Directive which exclude the obligation to provide special measures [(1) if operational or practical constraints make this impossible, (2) or where there is a 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], the EU member states are obliged to make sure they have in place the measures through which the Directive sets the minimum standards for protection of child victims in line with their specific protection needs, in respect of some investigative and other procedural actions, as well as in respect of the way the criminal proceedings are organised so as not to cause further stress to the victim, the possible consequences of which are repeat victimisation and intimidation.

The first set of minimal requirements envisaged in the Directive concern interviewing the child victim.

First, the interview is to be carried out in premises designed or adapted for that purpose. The rule set out in Art. 15, Para 4, Sentence 1 of the Child Protection Act, which reads as follows: “The judicial and administrative authorities shall ensure appropriate surroundings for hearing the child in correspondence with their age”, complies with this requirement of Directive 2012/29/EU. In view of implementing this legislative requirement, as at December 2017 in Bulgaria in over 20 juridical districts and district towns the so-called “blue rooms” have been put in place, which constitute specially adapted premises for child interviewing and hearing by trained professionals outside the courtroom or police station (please see Map of Blue Rooms in Bulgaria developed by the Social Activities and Practices Institute (SAPI) http://www.sapibg.org/bg/resource-center/deteto-svidetel/sini-stai. The “blue rooms” guarantee the implementation of child-friendly procedures, the objectives of the criminal process being blended with the best interests of the child. A total of 8 district towns are still to cover, the process of building specialised premises across the country being well underway.

Second, Directive 2012/29/EU sets a requirement for child victim interviews to be carried out by or through professionals trained for that purpose. This requirement is reflected in Art. 15, Para 4, sentence 2 of the Child Protection Act which reads as follows: “The hearing and the consultation of a child shall by all means take place... in the presence of a social worker from the Directorate for Social Assistance at the current address of the child and when there is necessity - in the presence of another appropriate specialist”. Art 140 of the Criminal Procedure Code (CPC) is partially compliant with this requirement of the Directive. There-
fore, as regards interviewing child victims aged between 14 and 18 years, the CPC does not correspond with the minimum standards in the Directive. Insofar as the Directive establishes minimum standards and with regard to the requirement that child victim’s interviews are carried out by or through professionals, it should be emphasised that currently the CPC does not establish requirements for interviews to be carried out by specially trained investigating bodies or court panels, such requirements being in place in relation to the bodies involved in procedural action on cases against juvenile delinquents (Article 385 and Article 390, Para 2 of the CPC). What is more, according to Art. 140, Para 3 of the CPC, the pedagogue or psychologist present at the interview may put questions to minor person under 14 years only with the permission of the interviewing body.

The next requirement of Directive 2012/29/EU is that all interviews with the victim be conducted by the same persons, the Directive envisaging an exception – “unless this is contrary to the good administration of justice”. The non-existence in the Bulgarian CPC of the possibility for the interview to be conducted by a person/ entity other than the lead decision-making body in the respective stage of the proceedings, makes it impossible to take account of the challenges related to building a relationship of trust with a child victim traumatised by the crime. Interpreting this rule in conjunction with the previous one, however, leads to the conclusion that it is permissible to carry out the interview through a single person, and Art. 15, Para 4 of the Child Protection Act can be supplemented along these lines. In view of the exception specified in the Directive itself, the principles of the criminal justice process should be taken into account too, which in all in conjunction ensure the achievement of its objectives through a fair trial. A specific case in point is the possibility to carry out in the country an interview with a minor witness also by videoconference (Art. 140, Para. 5 of the CPC) or the possibility for the defendant and their defence counsel to put questions (Art. 281, Para 3 of the CPC).

Next, Directive 2012/29/EU requires that all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, be conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced. Meeting this requirement once again stresses the need for timely carrying out of the individual assessment, in line with which to undertake all procedural steps. The Directive envisions two possible exceptions to the rule: (1) it is not applicable when the interview is conducted by a prosecutor or a judge or (2) it is not applicable when the course of the criminal proceedings can be prejudiced by its application. Only the investigating authorities fall outside the first hypothesis, insofar as in criminal proceedings the interview/ interrogation cannot be conducted by other parties but them, the prosecutor or the judge. In practice, however, there is a substantial problem when child victim interviews take place prior to the launch of pre-trial proceedings, when Ministry of the interior bodies conduct check-ups, since it is this first contact of the child with the law enforcement authorities that calls for a careful approach in order to avoid repeat victimisation. Measures to this effect can be undertaken by delivering specialised training to the bodies of the court, the prosecutor’s office, the investigation service and the Ministry of the Interior, as well as via the information and awareness raising campaigns envisaged in Art. 26, Para 2 of the Directive.

The last rule of the Directive on interviewing child victims requires EU member states to guarantee that in the course of investigation as part of criminal proceedings all interviews with the child victim may be audio-visually recorded and such recorded interviews may be used as evidence in criminal proceedings, the rules for their use being provided for in the national law. This provision seeks to avoid putting the child under stressful conditions many times by conducting multiple interviews. The CPC provides for the possibility to make sound- and video-records to be used as material evidential proof (Articles 238 to 241 of the CPC) which replicate evidence and evidential proof but does not seek to limit the repetitiveness of actions in the course of investigation; it is just meant to certify that an act has been committed. The CPC contains rules limiting the possibility for a second interview with the child victim, provided they are a minor under
14 years of age. Children aged 14 to 18 years remain outside the remit of the restriction under Art. 280, Para. 6 of the CPC.

As a general comment about the legislative provisions on interviews and hearings as part of administrative and court proceedings with children, it should be noted that the Child Protection Act is not fully compliant with the provisions of the Directive. ‘Whereas’ clause No. 14 of the recitals of the Directive explicitly states that child victims should be considered and treated as the full bearers of the rights set out in this Directive and should be entitled to exercise those rights in a manner that takes into account their capacity to form their own views, children’s best interests being a primary consideration, as also laid down in the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child. In view of these provisions, the provision of Art. 15 of the Child Protection Act unduly narrows down the possibility for hearing as part of the administrative and court proceedings only to children aged 10 or older. It is true that Art. 15, Para 2 provides for the possibility of hearing of children under 10 years but this happens at the discretion of the court which needs to take account of the child’s level of development. This provision is clearly in contradiction with ‘whereas clause’ No. 42 of the recitals of the Directive reading as follows: “The right of child victims to be heard in criminal proceedings should not be precluded solely on the basis that the victim is a child or on the basis of that victim’s age”. The child’s age, as well as their maturity, views, needs and concerns, matter when deciding on the adapted approach to the child according to Art. 1, Para 2 and Art. 10 of the Directive, but it cannot constitute formal grounds to refuse to hear a child. When undertaking investigative action the provisions of the Directive concerning the victims’ right to protection should be observed: interviews of victims are conducted without unjustified delay after the complaint with regard to a criminal offence has been made to the competent authority; the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; victims may be accompanied by their legal representative or a person of their choice, unless a reasoned decision has been made to the contrary; and medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

The second group of minimum requirements provided for in the Directive concerns organising the proceedings in such a way as to prevent causing further stress to the child victim. In this respect EU member states should make sure they introduce several groups of measures:

- **measures to avoid visual contact between victims and offenders** including at the time of giving evidence, these measures being implemented by appropriate means, including the use of communication technology. The Directive requires EU member states to establish the necessary conditions to enable avoidance of contact between victims and, where necessary, their family members, on the one hand, and the offender, on the other, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact, an express obligation to have separate waiting areas for victims in new court buildings being included too;

- **measures to ensure that the victim may be heard in the courtroom without being physically present**, in particular through the use of appropriate communication technology;

- **measures to avoid unnecessary questioning concerning the victim’s private life** not related to the criminal offence.

This measure envisaged in the Directive is not an end in itself but is substantiated in ‘whereas’ clause No. 54 of the recitals of the Directive, which reads as follows: “Protecting the privacy of the victim can be an important means of preventing secondary and repeat victimisation, intimidation and retaliation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly
important for child victims, and includes non-disclosure of the name of the child. However, there might be cases where, exceptionally, the child can benefit from the disclosure or even widespread publication of information, for example where a child has been abducted. Measures to protect the privacy and images of victims and of their family members should always be consistent with the right to a fair trial and freedom of expression, as recognised in Articles 6 and 10, respectively, of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

- measures allowing a hearing to take place without the presence of the public. When there is danger that facts from the private life of a child victim of crime are disclosed, the court should consider the point the Directive makes (Recital No. 54) and use their power to decide that the court proceedings take place in camera (behind closed doors). In close connection with the last two measures is the provision of Art. 21 of the Directive which reads as follows: „Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy, including personal characteristics of the victim taken into account in the individual assessment provided for under Article 22, and images of victims and of their family members. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim“.

The third group of minimum requirements provided for in the Directive, concern legal aid to child victims. Firstly, Member States are to ensure that whenever the victim is a child in criminal investigations and proceedings, in accordance with the role of victims in the relevant criminal justice system, competent authorities appoint a special representative for child victims where, according to national law, the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family. Secondly, the member states are to ensure that whenever the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.
Annex No. 1.2.
Material to Help Trainers

Assessment of the Risk of Secondary and Repeat Victimisation

by Dr. Nadya Stoykova

Risk of secondary victimisation – this is the likelihood (caused by various factors) that the victim suffers further trauma brought about by their participation in legal proceedings. The factors contributing to secondary victimisation are numerous and diverse, the following being among them: forced repeated reporting of the traumatic event by the victim for legal-proceedings and justice purposes; multiple expert examinations; telling the traumatic story in front of many and different people who are not familiar to the victim; meeting the offender in court, when an identification parade/confrontation is organised or on other occasions while waiting for the trial to begin, etc.; inappropriate questions or conducting the interviews in a way which leads to further distress or a feeling of self-blame in the victim about the abuser’s actions, degrading the victim or making them feel ashamed, etc.; inappropriate environment for victim interviewing and inappropriate treatment by professionals due to which no calm and encouraging environment can be provided to hear the victim and get them to share all relevant information, etc.

Oblivion comes natural to memory and this is often part of the normal functioning of a person; however, when something is reminded repeatedly and regularly, at certain intervals of time, the mind can no longer forget it that easily and it is retained. The natural response of the psyche is to wish to forget unpleasant experiences quicker. This is why people often would not talk about these in the hope that they will forget them; they might even refuse psychological support hoping to forget quicker. What happens when we keep interviewing or ask victims to bring these events back to mind? This causes further harm to the psyche because, as studies on victims indicate, the victims relive the violence and the body responds with the same or similar symptoms of suffering and further stress. Repeated interviews not initiated by the victim, when they did not volunteer to talk, as well as the interviews with many and different people the victim does not know, perpetuate the trauma and hinder the victim’s start on the road to recovery and healing.

Risk of repeat victimisation – this is the likelihood that the victim becomes again a victim of crime (they are re-victimised) over the course of the legal proceedings due to their vulnerability and the specific nature of the crime committed. Often enough, vulnerable victims, such as children and especially victims with disability or dependence on the offender, due to delayed proceedings, remain unprotected from the offender. It is possible that the victim, due to their young age or insufficient cognitive development or social skills, fails to understand the crime committed against them and is again cheated by the offender for the latter to abuse them again. This is often the case with young children when abusers are part of the child’s family or close environment; when the crime model is of the seductive, bribing or manipulative kind in relation to the victim and the victim’s lack of social experience, social support and protection is capitalised on. A high risk of secondary victimisation is also observed in cases when the victim is emotionally dependent or is under the power of the abuser, threatened to keep silent, pressurised and forced to break and give in to words or actions aimed at blocking their defence mechanisms and leading them to believe that it was of their own volition, decision, choice or it was their own fault, there was no forcing; it was all along the lines of the victim’s voluntary involvement, etc.
**Risk of intimidation and retaliation** – this is the likelihood that the victim is being pressurised and threatened by the offender or other persons related to them or that there is an attempt to retaliate or threaten the victim’s life and health because of the latter’s readiness to report the crime and testify. Usually it should be assessed if the abuser has access to the victim, if they know the victim’s habits and daily routines, as a result of which they can easily secure themselves access to the victim and their family. It is possible that the abuser sends proxies to reach the victim and put pressure on them or intimidate them or attempt to retaliate. In order to assess this risk, the way the crime was committed should be studied in detail; it should be found out if there have been threats, coercion, multiple acts of the abusive behaviour, animosity towards the victim by the offender, uttered threats, what the relationship between the abuser and the victim is and to what extent the offender pressurise the victim, using manipulation, seduction or bribery models, among other models, depending on the crime and the victim’s specifics. It is also important to check if the offender has a record of similar behaviour towards other people in their environment.

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**Cases from practice**

A child aged 10 is a victim of sexual abuse by a person aged 25 years who is an uncle of the child’s and lives near the child victim’s home. The child visited regularly her uncle’s house to take care of and play with a younger child of the uncle’s. After she disclosed the sexual abuse against her and her parents reported to the police, the abuser intercepted her after school when she was alone and put pressure on her and intimidated her towards a refusal to give evidence, threatening to kill her or her mother. The child was traumatised even deeper; she stopped attending school and stayed only at home. Later the child refused to testify, fearing the threats can be carried out. The family was forced to think about moving out of town to protect the child.

A young woman aged 32, who had been a victim of systematic domestic harassment in the form of physical and psychological abuse against her for 8 years, decided to leave her husband, together with their child, and sought divorce. Threats against her and the child increased to include statements to the effect that he would not divorce her and if she took away their child, he would kill either her or the child. One day she got a telephone call from the father informing that he would not return the child after the holiday and threatening to kill the child. She reported to the police orally, but the seriousness and severity of situation were not appreciated. On the next day the father murdered the child’s grandmother on their mother’s side and attempted to murder the mother.
Annex No. 2.1.
Coordination Mechanism or Agreement for Cooperation and Coordination in the Work of Territorial Structures

Summary

The full title of the so-called Coordination Mechanism for Interaction in cases involving children who are victims of violence or at risk of violence is Agreement for Cooperation and Coordination in the Work of Territorial Structures of the Protection Authorities in cases involving Children who are Victims of Violence or at Risk of Violence and in case of Crisis Intervention. The Agreement has been in force since 2010 and was signed by all responsible line ministries – the Ministry of Labour and Social Policy (MLSP), the Ministry of the Interior (Moi), the Ministry of Justice (MJ), the Ministry of Education (ME), the Ministry of Health (MH), the Ministry of Culture (MC), the Agency for Social Assistance (ASA), the National Association of Municipalities in the Republic of Bulgaria and the State Agency for Child Protection (SACP).

The Coordination Mechanism aims to set out the specific interaction obligations of the entities involved in cases with children at risk – child victims of violence or in cases when a crisis intervention is needed. The Agreement states it clearly that interinstitutional (inter-agency) and multidisciplinary teams are to be set up at the local level, their hub being the Directorate for Social Assistance, more specifically the Child Protection Department (CPD). The responsibilities of the respective bodies and institutions should be included in the job description of professionals working on cases with child victims. It is necessary to identify the cases, have group discussions, outline the measures for risk prevention and the need to undertake other measures, as well as develop a plan and agree the actions of the various players. The Coordination Mechanism also specifies the mandatory and optional participants (players) (please see Item 8.2.) in the multidisciplinary teams at the local level working on cases with child victims of violence or children at risk.

The entire document is to be found on the SACP web page - sacp.government.bg.
Annex No. 2.2.
“An Integrated Model” Chart

- Report Assessment + launch of individual assessment (CPD and Police)
- Police protection (moving out of the family)
- Protection measure – accommodation in a Crisis Centre
- Coordination Mechanism meeting + Individual assessment
- Action Plan
- Opinion
- Plan for support and recovery services
- Rights of the victim (Art. 4, Art. 22, Art. 23 and 24, Art. 8, etc.)
- Informing
- Individual assessment
- Special Protection under Art. 23 and 24
- Support services
- Interview
- Opinion

Rights of the victim (Art. 4, Art. 22, Art. 23 and 24, Art. 8, etc.)
Annex No. 2.3.
Protocol for Coordination of Interinstitutional Interaction in Cases of Crimes against Children

Introduction

1. Rationale

When developing this Protocol for Interaction in Cases of Crimes against Minors account has been taken of the fact that children’s testimony is a major challenge in the proceedings in many countries, which strongly necessitates the adoption of internal rules for interaction. The latter should safeguard and protect children’s testimony while not going against or being incompatible with the rights of the accused/ the defendant in a fair and impartial trial.

The procedures for interaction in this Protocol are in line with the standards and principles of child-friendly justice and focus on the need to prevent secondary and repeat victimisation and provide support and protection to victims and witnesses without prejudice to the rights of defendants by getting sufficiently good and usable testimony as required for passing an appropriate sentence.

The procedures for interaction this Protocol sets out in detail are in correspondence with the existing national and the ratified international legislation and will help professionals working with children treat them with dignity, compassion and non-discrimination, as suitable in view of the specifics of children, and enable their participation in judicial proceedings.

Building on Directive 2012/29/EU, this Protocol for Interaction, hereafter referred to as the Protocol, presumes that children are particularly vulnerable, be it on the grounds of their personal characteristics or the circumstances of the crime. Therefore, child victims and witnesses should have the right to be treated in a way taking account of their special needs and specific situation. They should be treated on the basis of their best interests.

The purpose of this Protocol for Interaction is to contribute to: preserving the best interests of the child, acting without prejudice to the right for protection of the accused/ defendant and providing practical support to professionals working with child victims or witnesses of crime to cope with the tasks they are assigned within an interinstitutional team.

This Protocol for Interinstitutional Interaction was developed in line with the existing best practice in Bulgaria such as Standards for Interviewing Minors Participating in Legal Proceedings, developed by groups of experts with the Social Activities and Practices Institute, and Internal Rules for the Use of “Blue Room” Specialised Premises for Interviewing, developed with the support of UNICEF Bulgaria.

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This is an abridged publication of this document. The full document with annexes can be found on the SAPI web page.
2. Statutory basis (legislation)

This Protocol for Interaction is in line with the following existing legislation:


- **Guidelines of the Committee of Ministers of the Council of Europe for Child-Friendly Justice** adopted by the Committee of Ministers of the Council of Europe on 17th November 2010;

- **Guidance Note of the UN Secretary-General: UN Approach to Justice for Children** (2008);

- **Guidelines on Justice in Matters involving Child Victims or Witnesses of Crime** (ECOSOC Res 2005/20, 2005);

- **General Comment No. 10 (2007) of the Committee on the Rights of the Child – Children’s Rights in Juvenile Justice**;

- **2008 Proposals and Recommendations for Bulgaria of the Committee on the Rights of the Child**;


- **Directive 2012/29/EU** of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;

- **Bulgarian legislation**;

- **Agreement for Cooperation and Coordination in the Work of Territorial Structures of the Protection Authorities** in cases involving Children who are Victims of Violence or at Risk of Violence and in case of Crisis Intervention, 2010
1. General provisions

1. Objective:
This Agreement shall provide for the overall interaction among institutions responsible for working on cases of crimes against children,

- ensuring the observance of the principle of the best interests of the child victim or participant in legal proceedings, which includes prevention of repeat victimisation, provision of child-friendly justice, such as an interview in specialised premises by a specially trained expert, prevention of multiple interviews and meetings with individuals unknown to the child, as well as prevention of direct contact with the offender;
- making sure an integrated approach is applied to victims of crime with a view to protection from repeat and secondary victimisation, intimidation or pressure in the course of justice administration, as well as protection and support measures being in place throughout the justice administration process and after its completion;
- safeguarding the right of the child to be heard, to tell without fear, and, if necessary, with additional support, what they know, remember or can tell for justice purposes in their capacity of a witness or victim.

2. Venue:
Upon receiving a report on violence which covers the elements of a crime against a child, the following shall be obligatory:

- The first contacts with the child shall be made in a child-friendly and protected environment in premises adapted for children. Cases in which urgent medical intervention is required and the child is in a healthcare establishment shall be an exception.
- Child or vulnerable victims shall be interviewed in adapted premises for friendly interviewing of vulnerable victims set up within the building of the social service for child victims of crime in the respective town (Complex for Social Services for Children and Families (CSSCF), Community Support Centre (CSC), “ZaKrila” Protection Zone, Social Rehabilitation and Integration Centre (SRIC), etc.) or within the local police station or in court, where specialised premises shall be separated and equipped for interviewing child victims in an agreeable and child-appropriate setting allowing audio and video recording and video-conferencing.
- The first meeting under the Coordination Mechanism of the Interinstitutional Interaction Team with the participation of the optionally represented institutions shall be held on the grounds and within the building of the specialised social service for child victims or in other premises suitable for all participants.

3. Interaction principles:
- The interaction shall happen in a coordinated way with the participation and cooperation of all main bodies responsible for protection, care and justice administration in cases of violence or crime against children.
- In order to reduce the risk of secondary victimisation by enhancing the effectiveness of the interaction at the local level, upon receiving a report on violence or crime against a child, the main bodies responsible for protection, care and justice administration in cases of violence or crime against children shall follow a common procedure for coordinated interaction in the event of a report on violence or crime against a
child (see Appendix entitled *Procedure for Coordinated Interaction in case of a Report on Violence and Crime against a Child*)

- In order to enhance the effectiveness of the interaction and protect the rights of the child victim, the main bodies responsible for protection, care and justice administration in cases of violence or crime against children shall follow a common procedure for interaction when carrying out individual assessment of the risk for vulnerable victims in compliance with the requirements in Directive 2012/29/EU (see Appendix entitled *Procedure for Interaction when Carrying out Individual Risk Assessment*)

- In order to safeguard the child victim against additional trauma and reduce the risk of secondary victimisation, the main bodies responsible for protection, care and justice administration in cases of violence or crime against children shall observe the integrated approach-to-justice principle and a common procedure for interaction when interviewing children (see Appendix entitled *Interaction when Interviewing a Child Victim of Violence and Crime*).

II. Role of interaction participants in case of violence or crime against children or vulnerable victims

**The Regional Court**, recognising the vulnerability of child victims of crime, as well as the need for immediate action in the event of severe crimes against children, shall:

- nominate judges to work with child victims of crime who, if necessary, shall participate in meetings under the Coordination Mechanism;

- issue instructions to judges on the application of the principles of child-friendly justice and the need to use specialised premises for interviewing children in the presence of a judge;

- with a view to protecting the rights of the child victim, as well as applying the principles of child-friendly justice, request an **individual assessment of the risk** (see Appendix entitled *Individual Assessment Request*) at each state of the proceedings and its update in case of substantial change of circumstances, the assessment being filed as part of the case dossier.

**The Regional Prosecutor’s Office**, recognising the vulnerability of child victims of crime, as well as the need for immediate action in the event of severe crimes against children, shall:

- issue instructions for investigation on cases of crimes against children, giving them priority and in accordance with the principles of child-friendly justice;

- in order to achieve coordinated interaction, nominate a prosecutor to supervise the case with the child victim and participate in meetings under the Coordination Mechanism to review and track the case development;

- The supervising prosecutor shall request an individual assessment of the **risk** according to the requirements of Directive 2012/29/EU (see Appendix entitled *Individual Assessment Request*) at each state of the proceedings, the assessment being filed as part of the case dossier. The request shall be addressed to the **Provider of the Social Service**, where there shall be a team trained to support child victims and prepare individual assessment, copy to the **DSA**;

- in order to protect the rights of the child victim, as well as apply the principles of child-friendly justice, when a witness needs to be interviewed, the supervising prosecutor shall request the preparation for and holding of an interview with the child victim or witness of crime in specialised premises for interviews;
• ensure the participation of court experts in the interviews of minor victims and/or witnesses of crime with a view to prevent secondary victimisation of the child;

• make sure a medical examiner is timely included to develop a medical examiner’s report for justice purposes.

The District Directorate of the Ministry of the Interior (MoI), recognising the vulnerability of child victims of crime, as well as the need for immediate action in the event of severe crimes against children, shall:

• in order to achieve coordinated interaction and hold a meeting under the Coordination Mechanism upon receipt of a report on/complaint about a crime committed against a child, forward immediately the information received to the prosecutor’s office, as well as to the CPD and a provider of services for child victims of crime or violence;

• at the meeting under the Coordination Mechanism nominate a representative of their’s to work on the case involving the child victim of crime, who is to be included in the team carrying out the assessment and planning for the integrated approach – informing, participation in legal proceedings, accompanying, support;

• participate via an expert of their’s in carrying out the individual assessment of children according to the requirements of European Directive 2012/29/EU for assessment of the risk of repeat victimisation, intimidation of or pressure over the child and of the need to undertake protection measures or special measures in compliance with the requirements of the Directive;

• in order to safeguard against secondary victimisation, apply in their work with child victims the principles of child-friendly justice, the interaction with children happening in hearing and interviewing premises specially adapted for children, in a manner coordinated with all institutions involved;

• if necessary to visit a child at a particular address, for whom a report has been received at the local police station about a committed crime, the police shall immediately inform a representative of the CPD and the provider of a service working with child victims, who shall assign a psychologist or social worker to establish the first contact with the child victim (see Appendix entitled First Contact with a Child Victim of Crime).

The Directorate for Social Assistance (DSA)/ Child Protection Department (CPD), recognising the vulnerability of child victims of crime, as well as the need for immediate action and protection in the event of severe crimes against children, shall:

• nominate a case manager to work on the case involving the child victim of crime, who is to request and participate in carrying out the individual assessment of the risk and in planning for the integrated approach – informing, protection, participation in legal proceedings, accompanying, support;

• in order to achieve coordinated interaction, when the report is received at the DSA, forward immediately the information received to the respective regional prosecutor’s office and organise, with the support of the police, the prosecutor’s office and a provider of services for child victims, a meeting under the Coordination Mechanism;

• in order to protect the child from secondary victimisation and further crime, undertake protection measures in line with the initial assessment of the risk for the child;

• in the availability of an operational social service for support to victims of violence and crime, issue a referral for assessment, preparation and support for participation in legal proceedings of the minor victim or witness of crime, as well as for counselling and support for the child victim to overcome the violence they experienced;
• participate via an expert of their’s in carrying out the individual assessment of children and providing protection measures in line with the requirements of European Directive 2012/29/EU for assessment of the child’s family situation and the need to undertake protection measures or special protection measures in compliance with the requirements of the Directive;

• come up with an expert opinion as part of the initial individual assessment of the child victim, as well as prepare reports and expert opinions facilitating the update of the child’s individual assessment throughout the justice administration process and in the period to follow - in the course of support and rehabilitation;

• if necessary to visit a child at a particular address, for whom a report has been received at the local police station about a committed crime, the DSA/ CPD shall assign a psychologist or social worker to establish the first contact with the child victim (see Appendix entitled First Contact with a Child Victim of Crime).

The specialised service for child victims of crime, recognising the vulnerability of child victims of crime, as well as the need for immediate action and protection in the event of severe crimes against children, shall:

• provide support and accompanying services, as well as protection of the rights of child victims of crime and their parents as part of the integrated approach for working with children;

• nominate a professional in charge of the case involving the child victim of crime, who shall participate in the team working on the case, as appointed at a meeting under the Coordination Mechanism, the team being charged with carrying out the assessment and planning for the integrated approach – informing, participation in legal proceedings, accompanying, support;

• carry out individual assessment of the risk for children in compliance with the requirements of European Directive 2012/29/EU, as well as provide experts to participate and support the interviewing of children participating in legal proceedings (see Appendix);

• maintain the specialised premises for interviews of children (where the premises are built within the service), providing appropriate services to child victims and participants in legal proceedings; ensure the possibility for video and sound recording, provide separate waiting areas for the child and the offender;

• provide 24-hour access to specialised premises for hearing and interviews of child victims. In an emergency during working hours it shall secure immediate admission of the child into a protected environment. Outside working hours a member of staff in charge shall be secured to prepare the premises for child interviewing within 2 hours of receiving a report/ request;

• cooperate for organising and holding meetings under the Coordination Mechanism on cases involving child victims of crime;

• facilitate the access of the child victim to free-of-charge legal aid in order to secure protection of their rights;

• in cases involving a vulnerable victim of crime who has reached the age of majority, prepare the assessment of the risk and needs using the form in Annex 2.2. to this Protocol;

The Regional Health Inspectorate (RHI) and medical services, recognising the vulnerability of child victims of crime, as well as the need for immediate action and protection in the event of severe crimes against children, shall:

• nominate a team which shall work on cases involving child victims of crime and participate in the meetings under the Coordination Mechanisms to achieve coordinated interaction;
• whenever a child who is suspected to have experienced violence also constituting a crime is admitted in a healthcare establishment, the respective regional prosecutor’s office shall be notified immediately, copy to the CPD and the RHI;

• The Director (Head) of the healthcare establishment shall nominate an expert of their’s, with the agreement of the RHI, to participate in carrying out the individual assessment of children according to the requirements of the European Directive 2012/29/EU for assessing the child’s health condition and the need to undertake further medical examinations and provide specialist medical aid (see Appendix entitled Protocol for Individual Medical Assessment of a Child Victim);

• come up with an expert opinion as part of the initial individual assessment of the child victim, as well as prepare reports and expert opinions facilitating the update of the child’s individual assessment throughout the justice administration process and in the period to follow - in the course of providing medical care and rehabilitation;

• facilitate within the frame of the integrated approach the access of the child victim to free-of-charge medical examinations, and health care and services, depending on the child victim’s needs.

The District Administration, recognising the vulnerability of child victims of crime, as well as the need for immediate action in the event of severe crimes against children, shall:

• through its district planning policy contribute to developing and securing services for support and accompanying, as well as for protection of the rights of the child victims of crime and their parents, as part of the integrated approach for work with children;

• under this Protocol, initiate and hold regular meetings on the progress and challenges of its application once a year, and, if needed, more often;

• under this Protocol, initiate and hold an annual review reflecting the successes and challenges of this interaction at a general meeting of all parties, minutes of the meeting and proposals for optimising this Protocol being developed;

• disseminate information to the public about the rights of child victims of crime and their parents at the district level through the municipal structures.

The Municipality, recognising the vulnerability of child victims of crime, as well as the need for immediate action in the event of severe crimes against children and the need to support vulnerable victims of crimes, shall make the following commitments:

• through its planning policy in respect of services at the municipal level, contribute to developing and securing services for support and accompanying, as well as for protection of the rights of the child victims of crime and their parents, as part of the integrated approach for work with children;

• under this Protocol, initiate and hold an annual review reflecting the successes and challenges of this interaction at a general meeting of all parties, minutes of the meeting and proposals for optimising this Protocol being developed;

• disseminate information to the public about the rights of child victims of crime and their parents at the local level through the municipal structures.
III. Term and evaluation of the protocol for interaction

1. This Protocol shall enter into force on the date it is signed and shall be valid until a new one is issued.

2. Under this Protocol an annual review of this interaction shall be made at a general meeting of all parties and minutes of the meeting and proposals for optimising this Protocol shall be developed.

3. All signatory parties to this Protocol can initiate changes and updating.
Annex No. 3.
Case Studies on Interaction and Coordination

Case Study 1.1.
The hospital reported to the police that they admitted a 10-year-old girl with bruises and bleeding following a suspected sexual abuse by an adult male neighbour. The child is distraught and needs an emergency medical intervention.

The mother accompanies the child but tends to be uncooperative and insists on the child admitting that she fell and hurt herself on some spike or stick.

Questions:
1. How are we to act in this situation in order to meet the requirements of Art. 22 of the Directive? How do you see this assessment and who is to carry it out?
2. What are the risks for the child in this situation?
3. How are we to optimise the interaction in order to safeguard the rights of the child victim and reduce the risk as required in the Directive?
4. What difficulties do we face in practice?

Case Study 1.2.
Mimie is 11 years old. The police got a report that she was a victim of sexual abuse by an adult male whom she knows. The child was brought to the police station by a patrol unit who visited the address and found that the minor girl was staying there with an adult male without her parents. The child and the suspect were driven together to the police station for a police check-up. The office of the investigating police officer hosted an interview with the child to clarify the facts in the presence of two police officers (male), a psychologist (a female) helping the child to talk; a social worker (female) from the Child Protection Department (CPD), an inspector from the Directorate for Social Assistance (DSA) (male).

Questions:
1. How do you think the child feels in this situation? Are there any factors and circumstances that need to be taken into account as to whether and to what extent they are likely to lead to further trauma of the child?
2. What does Directive 2012/29/EU recommend in such cases?
3. In this case how can we apply the work guidelines in line with the instructions of the Ministry of the Interior (Mol) on reception of citizens and support to victims? Do you know any other relevant legislative documents?
4. What do you suggest is changed in the interaction or optimised in order to protect the best interests of the child according to the Convention on the Rights of the Child (CRC)?
5. Who is to carry out the assessment of the child in this situation and when?
**Case Study 2.1.**

A psychologist from the Community Support Centre (CSC) reported to the Child Protection Department (CPD) that during a counselling session with a child aged 9 years (a girl) sexual violence on the part of her brother (aged 17) was uncovered. The violence is systematic and on-going. The psychologist heard the child and sent the report. The CPD launched a procedure for calling a meeting under the Coordination Mechanism. Representatives of the police and the CPD, together with a representative from the CSC, met on the following morning to discuss action. On the afternoon of the same day the psychologist was summoned to the local police station (LPC) to be present when the child was to make a statement with reference to the psychologist’s report. The child and her parents were summoned at the LPC and a check-up was launched on the case.

The child was in the office of the Child Pedagogical Room (CPR) inspector (a female) with another two inspectors. The child was invited to talk but she refused to confirm the statement she made to the psychologist. The child was withdrawing into herself and she looked it. After 2 hours of stay at the LPC in an attempt by different representatives of the LPC to get her to start talking on the case, the child left with her parents.

**Questions:**

1. What are the slips with this case?
2. What could be done differently so as to comply with the national and international legislation on treatment of child victims of sexual offences?
3. What are the risks for the child in this case?
4. Who will inform the child and when by way of delivering on their rights?

**Case Study 2.2.**

A young woman aged 21 was admitted to the Emergency Ward with a bleeding wound on her leg and multiple bruises on her body. She reported herself a victim of battery on the part of her cohabitant who was 50 years old and was frequently jealous of her. She had lived in an institution, had no relatives and had been cohabitating with him for over 3 years; it had often been the case that he hit her, especially after alcohol use. She had not filed a report with the police up until then even though the police had visited several times acting on neighbour’s reports. She does not believe anyone would help her and is afraid to leave the guy. She believes he loves her in his own way and cannot live without her.

**Questions:**

1. What are the slips with this case?
2. What could be done differently so as to comply with the national and international standards for victim support?
3. What are the risks in this case and how can they be reduced?
4. Who and when will inform the victim of her rights and the possible support and protection services and measures?
5. What difficulties do you face in your work with similar cases?
Case Study 3.1.
You are a judge at the regional court. You are about to hear a molestation case involving a child victim abused by a close relative – the mother’s brother. The child was moved out from her family and accommodated in a Family-Type Placement Centre (FTCP) under a protection measure, since the mother did not protect or support her child. You got a request from the Director of the FTCP accommodating the child to apply the principle of child-friendly justice and interview the child in specialised premises for child interviewing. Such premises have been built in your town only recently and you still have no experience with interviewing children in such premises.

Questions:
1. What would you do in this situation? What action do you think you should take in your capacity of judge to safeguard the best interests of the child participating in legal proceedings as a victim of sexual abuse?
2. Would you issue an order for an interview in specialised premises for children? Please provide your reasons – if yes, why and if no, why?
3. Do you think the child is at risk of secondary and repeat victimisation, intimidation or retaliation? Please provide arguments for each of the listed types of risk.
4. How will you implement the requirements of Art. 22 of the Directive on carrying out individual assessment? What will you use this assessment for? Who can you request it from?
5. On what pieces of legislation (Bulgarian or ratified international legislation) should you base your course of action in this situation? Please provide a detailed list.

Case Study 3.2.
You are a judge at the regional court and are about to hear a rape case involving a young-woman victim aged 20. The rape was committed slightly over 2 years ago, when she was almost 18 years old. The victim knew the offender and, as found during the pre-trial proceedings, the act of violence was committed in the victim’s house.

Questions:
1. What would you do in this situation? What action do you think you should take in your capacity of judge to safeguard the rights of the victim?
2. Would you issue an order for an interview in specialised premises for vulnerable victims? Please provide your reasons – if yes, why and if no, why?
3. Do you think there is a risk of secondary and repeat victimisation, intimidation or retaliation? Please provide arguments for each of the listed types of risk.
4. How will you implement the requirements of Art. 22 of the Directive on carrying out individual assessment? What will you use this assessment for? Who can you request it from?
5. On what pieces of legislation (Bulgarian or ratified international legislation) should you base your course of action in this situation? Please provide a detailed list.
Case Study 6.1.
A Coordination Mechanism meeting was called at the Police and the participants present were a representative of the Child Protection Department (CPD), a representative of the provider of a social service for children and a representative of the police. The child was also present, having been brought by their mother. The team decided to get a statement (explanations) from the child. In the course of getting the 13-year-old minor girl to make her statement on her being sexually abused by an 18-year-old boy, you witnessed the following from one of those present at the hearing, who asked the girl: “But did you like it?” This apparently embarrassed the child and she shut up, upon which he made the following comment in her presence: “Ah, well, you obviously did!” After this remark you noticed the girl showed non-verbal unwillingness to talk. Her answers were hardly more than ‘yes’ or ‘no’. Soon after that she stopped talking completely.

You are about to discuss with your colleagues how you got on with your work on getting the child’s statement and what course of action you will take in this situation.

Questions:
1. What points would you like to make to your colleagues?
2. What conclusions would you draw about professional ethics based on this case study? Why? What would you recommend to the team who participated in the child’s hearing?
3. What course of action can be taken in this case in compliance with the requirements of the Directive and the best interests of the child victim of crime?
4. The case study does not make it clear where the child’s mother is all this time. What would you recommend as regards her participation in and presence at the child’s hearing? Why?

Case Study 6.2.
In your capacity of a psychologist you were invited to join a child’s interview before a judge which took place in the judge’s office. In addition to the judge (a male) and the psychologist (a female), the other members present were an investigating police officer (a male), a judges’ clerk (a female). The child is 11 years old and lives in a social care home for children deprived of parental care. They shared about being molested repeatedly by an educator employed in the social care home. The interview was slow to progress, the child was obviously uneasy. At the end of the interview the judge decided to give the child 2 leva to buy something for themselves.

Questions:
1. What conclusions would you draw about professional ethics based on this case study? Why? What would you recommend to the team who participated in the child’s interview?
2. What course of action can be taken in this case in compliance with the requirements of the Directive and the best interests of the child victim of crime?
3. What difficulties do you face in your practical work in cases like this?
Case Study 6.3.

A young 32-year-old woman was accompanied by a psychologist and a police officer to the gynaecologist’s to be examined due to being sexually violated by her husband who, in a drunken state, had committed physical and sexual violence against her in a fit of jealousy. The doctor refused to do a proper examination, saying he did not feel like being involved in court cases. He asked the woman to lie down, had a brief look and concluded that everything was alright and there was no problem.

Questions:

1. What conclusions would you draw about professional ethics based on this case study? Why?

2. What would you recommend to the representative of the police and the provider of the social service in this situation in order to protect the rights of the victim?

3. What course of action can be taken in this case in compliance with the requirements of the Directive and the best interests of the child victim of crime?

4. What difficulties do you face in your practical work on cases like this?
I. Introduction

Why do we have to table the issue of professional ethics in the interaction with victims of crime, especially when we mean vulnerable victims such as child victims, victims of sexual abuse, of gender-based violence or crime, of the various forms of exploitation, trafficking, of crimes where the victim is in a position of dependence on the offender, as well as victims with various kinds of disability that make them vulnerable.

The word ethics goes back to the Greek word ‘ethos’ meaning ‘custom, manner’. Ethics deals with the values and standards in relations, with the rules of conduct and action in relationships with others. Every human being has their own inner understanding of what is right or wrong, acceptable or unacceptable, based on which they develop their attitude towards other people, themselves and their environment. In this sense our subjective human understanding affects our professional attitude and behaviour towards the others we meet through the nature of our professional roles. This is why we need to realise that our professional role requires from us proper and adequate professional attitude towards people and their situation; we need to acknowledge and accept their value as human beings irrespective of their gender, age, ethnicity, or social status.

There are core universal values which are a point of reference for our professional course of action and conduct when interacting with victims of crime. However, it is possible that a clash or incongruence might emerge between professional values and ethical standards, and our inner understanding and notions about the people we meet in our professional work. In addition, it is also possible that we end up, through lack of sufficient professional knowledge or experience, in a situation where our human idea of how it is proper to react or interact with the victims of crime might prove insufficient and bring about behaviour which constitutes a breach of the ethical standards of professional conduct, as well as further distress to victims. There might be other reasons why we end up with a clash between the ethics arising from and corresponding to our professional role, and our everyday behaviour and understanding of our relationship with child victims and vulnerable victims of crime. Whatever the reason, professionalism calls on us also to ask ourselves this very important question – what our professional ethics should be like when it comes to dealing with child or adult victims of crime. Which attitudes or behaviours should we avoid and which attitudes and behaviours should we strive for?

II. Ethical rules and standards of behaviour for those working with child victims of crime

When working with child victims of violence, especially sexual violence, it is important to stick to ethical principles and opt for attitudes and behaviour that will not increase their vulnerability or cause them further suffering and trauma. In this sense, there would be behaviours, attitudes and speech (words) that are best avoided in order not to cause further trauma or confusion to child victims. We need to take into consideration the specifics of the child victim and be aware that the offender of the violence might have used mechanisms for violence and control over the child which are confusing to children and these mimic concern, tenderness, intimacy but are actually used to get the better of the victim’s natural defence mechanisms against the violence directed at them.
The paragraphs to follow are devoted to behaviours, attitudes and speech (words) that should be avoided by professionals working with child victims of crime.

1. **Words we do not say to child victims of sexual violence**

1.1. **Words expressing a bribing attitude to the child**

It could be a compliment on the way the child looks, such as: “You are very beautiful!”, “You are a princess!”, etc. It is important to take account of the fact that offenders usually resort to seducing the child as part of their mechanism to control and confuse the victim, to disarm their defence mechanisms. Often the message they send contains a contradiction in terms – they say nice things but use violence on victims. Children find it difficult to handle this contradiction and feel confused; they do not resist the abuser, especially if they know them.

A case from practice in which children share and describe this confusing experience of theirs:

A case involving an 11-year-old girl describing how the abuser molested her and how he talked to her in the process. She shared that as he attempted to penetrate, which she found painful and she reacted against it, he would tell her: “You are very beautiful, I will not hurt you, do not worry!” He poured on her profuse flattery of the kind in order to win her over and bribe her into letting him do as he wanted.

A case involving a 5-year-old girl who was systematically molested, the abuser telling her: “You are my princess!”, “This is our secret game” and the child felt confused and could not oppose; neither could she share it with her mother because it was a secret.

A boy aged 6 or 7 years shared that the woman who molested him would tell him: “Let us see if you will become a man!” and the child felt confused because for him to be a man was a nice and important thing, while the way she acted confused and hurt him.

1.2. **Words expressing concern but our behaviour, action and attitude towards the victim actually cause them suffering**

This is a paradox faced by professionals working with child victims of violence, especially sexual violence. In order to uncover the violence and punish the offender, we require children to talk about the violence and sometimes, even though we see this is hurting them, we try to say words that sound like showing concern but our behaviour, attitude and what we ask them to do is actually hurting them. There are examples from practice when the professional, in order to motivate the victim to talk, tells the child who experiences difficulties to talk about the violence things like: “We are doing this for your own good”. In fact, in our capacity of professionals interviewing children or facilitating the process, we often face such situations – the victim keeps silent, they find it difficult to talk or they would not talk. In moments like this it is easy to say: “If you talk, this will be for your own good”, “Tell us, we want to help you”, but all the victim feels is they are being compelled to talk.

Often the victims keep silent or ask us: “Why do I need to talk?” This is where the difficulty lies – how to support the victim emotionally to talk, show respect for what they suffered versus our feeling about the fact that they do not wish to talk or even that they have misgivings about talking being the better option for them. It is important to understand what is behind the victim’s reticence and difficulty to talk because what might be lurking there could be a lot of shame, pain, guilt, fear about what will happen afterwards or, there again, embarrassment to speak out what they were done onto, etc. It is also possible the victim is confused by what we tell them.
A case from practice

A girl aged 15, a victim of systematic sexual abuse which started when she was 12 years old, shared that she has asked the abuser many times: “Why are you doing this to me?” to which he explained to her many times: “I do it for your own good”, “Trust me, you do not understand now but when you grow up, you will”, “One day you’ll thank me for this”, etc.

This phrase “We are doing it for your own good” when we interview children or motivate them to talk is not the most felicitous one. Rather, it might help us cope with our tension or appease our professional conscience that we are helping in this way; however, there is every possibility that this reminds children and victims (including victims who reached the age of majority) of the words, behaviour or attitude of the abuser. This brings about further confusion and further victimises child and adult victims. The professional ethics issue for us here is how to walk out of this conflicting situation and how to treat the victim respectfully and sparingly as regard their psyche, how not to put them in a situation of violence and abuse, but this time on the part of the professionals who are supposed to protect and support them. What is the difference between real concern for the victim and faked concern masking our desire to complete the task we have been assigned? One of the main differences is the demonstrated respect for the victim’s suffering and for their right to choose to tell us or not. At such times we can say: “I suppose you find it unpleasant to talk about it...” or “I understand it is difficult for you to tell...”, “I can see you find it difficult to talk...” Usually, after such emotional support, victims open up, react positively and find it easier to overcome their difficulty to talk. Then you can go on to say that what they will tell is really very important to you, that this will help you find the truth. Be patient and wait for the victim.

1.3. Words or non-verbal responses which are cynical or judgemental. These are words that contain moral judgements or characteristics pertaining to the way the victim looks, dresses or reacted during the act of violence.

It is difficult to imagine a professional being cynical with a child victim but, unfortunately, we ought to admit it happens. Judgemental attitude is often found also in comments about the victim or about their behaviour or reactions. Usually disparaging words are uttered, such as: “Is that the way you usually dress? Too much bare flesh, I’m afraid!”, “She asked for it”, “It is in her blood”. In reality we hear it from victims what the professionals’ first reaction was on meeting them – disapproving facial expressions, ironic comments on their clothes, make-up, especially if it is heavy, without realising that often this is a consequence of the violence or a model dictated by the abuser.

A case from practice

A girl aged 15 who is a victim of sexual abuse (molestation) on the part of her step father shared that he made her dress sexy so that she was more sex appealing for him. He bought her special clothes - tight-fitting, with a plunging neckline, leather boots, short skirts, etc. When the professional who was to interview the girl saw her first, his reaction was critical and he made a comment on her clothes. His indignation as a human being obviously got the better of his professional behaviour and ethical standards for non-judgemental treatment and regarding the victim as a human being with own dignity.
Sometimes we even fail to realise that the way the victim looks might be a direct consequence of the crime they suffered, especially if they have been abused over a long time and the victim has been in a position of helplessness.

2. Behaviour and actions to avoid

2.1. Touching the victim’s body with no show of respect

This is a topic often discussed among professionals working with child victims of violence, especially sexual abuse. Professionals themselves have shared that they have had situations where they hug the child victims, or caress them in order to ‘break the ice’ and calm them down. There are professionals who share that after the interview the child themselves came over and cuddled against the interviewer and she/he responded likewise in order to support the child. To what extent, when and how should we touch victims, especially those who suffered sexual abuse, is really an important issue concerning our professional ethics. When the violence was directed at the child’s body, we as professionals should take into account the following:

First, we do not touch the child’s body without showing respect for their opinion and allowing them to choose. It is good to keep in mind that offenders abuse the child’s body without consulting the victim. This is part of the violence model where the victim’s opinion often did not matter. Child victims of violence share about situations where the abusers make direct offers to them: “Would you like me to make you a baby?”, “Do you want us to have sex?” and this sounds like they are asking the victim but they are aggressive and insistent, and will not get ‘no’ for an answer, so they start working on the victim to consent. Some children share that abusers went straight into action after asking them the question and the children have not had the chance to respond and refuse the suggested action. Professionals take into consideration the child’s opinion in order to get back and reinforce the child’s sense of their own significance and show respect for their choice to allow to be touched or not. If you decide that it is good for the child to get your support and you choose to express this support physically, by a gesture of tenderness and empathy involving touching and stroking, you must then by all means share this with the child, ask their permission and consider their opinion.

Second, watch for the child’s responses and non-verbal behaviour – these will guide you how best to act in relation to the child. Sometimes, when we want to support children by way of showing physical tenderness and empathy for them, the children give a look of surprise, or they just nod or shrug their shoulders by way of saying they are not too sure what to do. This can be one of the negative effects ensuing from the violence they experienced. By all means we ask permission and touch the child physically only upon their consent, asking the child usually along these lines (this is valid also for a victim who has reached majority): “Can I touch/hug you?”, “Do you allow me to stroke your hand/arm?” It is important to ask permission but also be more specific about the way you intend to do it so that the child is not surprised or so as to avoid touching a part of their body that has been abused and they still feel pain and tension at the touch. You need to be particularly careful when you are dealing with physical or sexual violence. After the child has allowed you to touch them, you can go on to ask where they allow you to stroke them: “Can I stroke your hand/arm?” All the time watch for the child’s body language and check on it so that you know what to do. If the child withdraws into themselves, gets confused or has a look of surprise, do not insist, just accept their refusal. Allow the child time. If they feel safe and understood and supported by you, it is very likely that they initiate a response and hold your hand.

Third, be ready to show physical support and empathy to children who are looking for it. There would be children who have a more pronounced need for physical touch and physical support and it is a prevalent need with them. One tends to describe such children as more cuddly, more snuggly, seeking affection
and touch. This can make them more vulnerable to bodily abuse. How are you to react in situations when the child is cuddling up to you all the time? Some professionals report that in their practice children do this at their own initiative after a difficult, continuous interview, especially children whose parents are missing or were the abusers. In such situations you can safely respond, but again it will be good first to ask the child’s permission to hug and touch them. Observe the principle of respect for the child’s consent and opinion. This has dual meaning for the child – on the one hand, they know you respect their consent/opinion, because it is important, by means of which you help them walk out of the victim’s role and of perceiving themselves as being done onto. On the other hand, this is developmental for the child and a learning experience to know that this is the principle of respect and even when people are well-intentioned towards each other, it is important that the other person likes being touched at the moment. The other individual too is a person, not an object which puts up with it without the right to respect for their opinion. Use words to designate, explain to the child what they are feeling or doing in relation to you at the moment. You can tell them: “You obviously like this cuddling business/it is good be cuddled up”, “You want to cuddle up to me?”; you can ask them: “Does this feel good/Do you feel calmer now?” and then you can respond by asking permission to touch the child in the same way they touch you. You can say: “I find it nice too” or “I’m glad you feel better/calmer this way.” Always seek feedback from the child and keep checking if this is alright for them, if they are calmer this way or if they find it pleasant.

2.2. Offering goodies or a reward promise if the child answers our questions

The issue of giving goodies to children as part of our strategy to ‘break the ice’ and get them to talk with us is often discussed among professionals. This is a kind of bribery often used by abusers themselves in order to abuse their victims. Very young children, who are not critical enough yet so as to understand what they are involved in, report that the abuser offered them goodies and then abused them. Children buy into this outer appearance and the seemingly good intentions of the abuser, not realising it is a trap meant for them. Professionals should avoid all action and behaviour that can be associated with the abuser’s actions and never allow themselves to bribe a child with goodies or other rewards in order to ease the child into talking or make them talk. Sometimes in reality, especially with young children who lose patience or concentration during the interview, or stop wanting to answer the investigator’s questions, we can witness such talk: “Come and tell me this, and I’ll buy you an ice cream”, “Come on, let’s talk a bit longer and I’ll give you chocolate”, etc. In moments like this we better acknowledge our helplessness as adults to manage the child’s behaviour, and, above all, understand their resistance and refusal to talk and we actually resort to bribery models often used by abusers themselves. This puts the child into a position of falling victim again, but this time to the professionals who are supposed to protect and respect them. The professional should understand the way the child acts when they are tired, when they need a rest before they go on talking or need to get it explained to them what is happening and why they keep asking them these questions. People working with child victims of crime should be careful and, in their talks with the children, not allow themselves to bribe them and make promises for rewards or goodies, all the more so if they have no intention to keep these. Not only do they fit into the abuser model in this way, which is harmful for the child’s psyche, but they also replicate the model of cheating children which is inadmissible for people supposed to protect the child from such action.

In addition, the issue of giving money to child interviewees needs to be commented on. Naturally, we can have our doubts and claim that hardly anyone could do this; it transpires, though, that in practice there are some such cases. These are situations when some professional takes some money out of their pocket and gives it to the child interviewee to “go buy themselves something”. This is usually an unpremeditated, spontaneous act. We will not go into the details of the motives for such behaviour and what triggered this response to start with; however, it is important to mention that this is putting the child in a serious unease.
and confusion. On the one hand, it is possible that the abuser did the same thing with their victim. Often children who have been sexually abused report that their abusers gave them money after the abusive act, as part of the deal and the abuse. The stated reason was for children to buy themselves something or simply out of generosity. On the other hand, this violates an important principle of child abuse prevention, namely that children are not to take anything from strangers – no goodies, no money, no presents, nothing. Giving children goodies, or money, or any other rewards for that matter should be considered with great care, and it must be run by the child’s significant adult to get the latter’s permission or consent. This is part of the protection of child victims, and professionals working with them or interviewing them should be guided by this principle and observe it.

2.3. Conflicting messages from behaviour and inadmissible response.

Sometimes we speak in the way we should, we say the right words but our behaviour towards the victim shows disrespect. Over time we easily learn to say the right things but our inner attitude to the victim might be one of rejection, disrespect, contempt, ridicule, distrust and disparagement. This is often noticeable when we say to the victim words of concern such as “tell me what happened”, “say what he did to you”, “tell me how it all happened”, but our behaviour shows that we are not interested in the victim’s story or what they have to say about it. We do not keep eye contact, we do not expect the victim will tell us something important for the case and for unveiling the truth, we tap our feet, etc. Sometimes we might be saying: “I understand you find it difficult to talk”, while our conduct is indicative of impatience, non-verbal disdain for the victim’s suffering or petulance for the victim or the fact that they are reticent or do not wish to speak. Sometimes we even allow ourselves to threaten them by saying: “If you fail to speak, we can’t help you.” Victims pick these clashing messages, even children, who are very intuitive.

A case from practice

In the course of a study on the support victims get from the point of view of the victims themselves, the parent of a child aged 6 shared that during the interview, when the child told what the abuser did to them, in the way children do, in their own child language, there was an interviewer who started laughing at the child’s narrative and mocking the child with the words: “What did he do to you? Show it again, how did he do it?”, upon which the child turned to the parent to ask: “Why are they laughing at me?”. During the interview of an 11-year-old boy – a victim of sexual abuse, immediately followed by attempted murder, the child had difficulty concentrating and telling their story calmly and coherently because they had post-traumatic stress disorder symptoms after the incident. The interviewer got angry in the middle of the interview at the child being upset, in tears and unable to sit still, and told him: “Stop grizzling and whinging! Be a man!”

Such reactions and contradictory behaviour and attitude towards the victim go to show the professional difficulties we experience to accept the victim and their suffering, to understand them and act with due respect and professionalism, without any humiliation, mockery, masked distrust or irritability, but with healthy professional detachment and respect for the victim’s personality and their right to tell their story. In moments like this, if we feel this difficulty in our attitude to the victim it will be good to ask ourselves the question: “What is in our way? Why do I find it difficult to treat the victim with respect?” The answer to this question will most likely help us understand our professional difficulties and needs for support and development.
3. Questions to the victim that should not be allowed or asked

3.1. Questions that put the child into a conflict of loyalty

This happens with child victims of violence from their close relatives or from people they are in a close relationship with. When violence is committed against a child by their parent or a significant adult, children have very mixed feelings. On the one hand, they want the violence to stop because this hurts them, but on the other hand, they do not wish to lose the close relationship with the abusive parent, especially when they demonstrate not only violence but concern too. It is possible that the child hates the violence but does not hate the abuser. Often enough, child victims of domestic violence are aware of the violence and suffer from it, but equally they excuse the abuser and believe they are not bad, “they just do this when they have been drinking” or they report violence against another family member which they witnessed but meanwhile the abuser did not inflict any violence on them. At such times the victims might again be confused or in a loyalty conflict with one or other member of their family. In situations like this, this child victim’s or witness’s distress should not be increased by asking them questions that put them in a loyalty conflict. For example, in practice it happens during an interview that the child victim of physical violence inflicted by the father, gets asked the following by the father’s lawyer when the child mentions that their father beats them: “Do you love your father?” Such a question to the child should not be allowed since it puts the child into a loyalty conflict – in relation to the truth and in relation to their father. Children experience strong anxiety and guilt in moments like this due to reporting the violence and this is harmful to their psyche and mental health. Usually, the response of children when asked such questions is to withdraw into themselves, keep silent and stop talking.

3.2. Questions that are judgemental to children

In another case involving a 13-year-old child victim of sexual violence, the abuser is reported to have given the child money and they took it. A question followed on the part of the defendant’s defence counsel: “Why did you take the money?” The question needs rephrased so as it does not invite guilt in the child and is not felt by them as judgemental. If we really want to find out why the child took the money, we can achieve this by other questions that do not carry any blame or shame for the child.

3.3. Questions related to confidentiality and the right of the victim to keep their privacy

We are going to present some cases from practice which pose questions in relation to professional ethics and the strategy employed in working with victims of crime or in relation to the protection of the victim’s right to confidentiality about their private life. Here are some cases in point.

A case from practice

A case involving a 16-year-old girl raped by two boys, one an 18-year-old and the other a 20-year-old, whom the girl knew since they used to go out together - the boys, the girl’s female friend and other peers. The rape happened in the flat of one of the two boys. The girl is of Bulgarian origin. She went to the flat with the two boys and her female friend. They listened to music. All of a sudden her friend went out to talk on the phone and left shortly afterwards. The girl remained in the flat in the company of the two boys only. The girl did not share immediately with her parents about the rape because she felt ashamed and uncomfortable about the experience. She told her boyfriend first who told her mother. The mother reported to the police. This was how investigation into the case was launched.
The request for interview was part of the pre-trial proceedings and the interview was held before a judge. The interview took place in December 2016. No Coordination Mechanism procedures were launched. The team did not carry out an individual assessment of the child since such was not requested by the protection authorities or the investigators. The mother did not cooperate with the social services as regards access to the child since she wanted it all to end up quickly and be left in the past. She did not request any support for herself or the child. Professionals had very little time to meet the child and prepare her for participation in legal proceedings – they met only a day before the interview for half an hour.

The communication with the mother was a serious challenge to the work on the case and to the child’s preparation. The mother refused the opportunity for the child to visit a social service at the Community Support Centre (CSC). She even refused a slip excusing her child’s absence from school due to the interview and the preparation for it in the CSC. The mother is apparently concerned and reluctant lest news should spread around town about the child being a victim of sexual abuse. Often victims and their relatives refuse to use their rights concerning support and accompanying during the justice administration process.

During the interview the main challenges concerned the questions she was asked – some of the questions by interviewers behind the glass were directly addressed and leading to a point, as well as very specific, requiring the girl to provide a specific answer to closed questions related to sequence of events and timing; the girl found it difficult to order the events, as well as be very specific about some details such as if the door was locked; if she shouted or not; why she did not start shouting; if she was threatened, etc.

**Ethical challenges** during the interview – they arose from the fact that the child shared during her preparation with the psychologist that she was intimate with her boyfriend but she did not want her mother to know. This created a lot of discomfort and difficulty for the child to share things in reply to the question she was asked by the interviewers: “Have you had a previous sexual contact prior to the rape?”

**This case poses questions about professional ethics:** how to go about it when the victim does not wish to share personal information with their family or relatives that can discredit them; what should our professional response be in such ethics-related situations - in relation to the victim, in relation to the interviewing authority and in relation to the victim’s close relatives; how are we to safeguard the victim’s right to confidentiality and protect their interests to tell about the violence, without causing them additional harm.

When during the **preparation for participation in legal proceedings** an issue arises which in essence is a confidentiality issue, the court should be notified and also the victim should be supported to understand why it is important to answer this question; besides, conditions should be created to enable the victim to answer it without this leading to disclosing facts from their intimate life, which would make them further vulnerable. Practice shows that if the victim keeps to themselves information on previous sexual contacts, this can lead to a contradictory and unconvincing testimony and can make it look like the victim is lying or fibbing it. In such cases, however, the victim might well wish to keep silent and not disclose information which in essence contains facts from their intimate life and would discredit them in front of people who are close and important to them.

Another case from practice which poses the same or a similar question is how to **safeguard the victim’s interest and the interest of justice**, since for investigation and justice-administration purposes all facts are important, especially if they are relevant to the crime or violence.
A case from practice

This is a case involving a 17-year-old Roma girl who arrived in hospital with injuries, brought by a parent (the mother), looking for medical aid. They did not report the reason for the girl’s condition, the doctor did not ask for further information. On the next day the mother reported with the police that the girl was raped by a boy she knew, a friend of the girl’s. An investigation was launched. A psychologist carried out an individual assessment of the female victim and found out that the girl had had previous sexual contacts with the boy which the parents were unaware of. The girl had said nothing to her parents about these sexual contacts since this was a question of honour and a ‘valuable treasure’ the loss of which the parents would find it very difficult to swallow. During the medical examination bruises and marks were registered but the hymen was not broken. The girl could not share this information with her mother, about having had previous sexual contacts, but the fact was also that the latest sexual contact with the boy was forced and physical violence was inflicted upon her. The reason was that the girl wanted to discontinue the relationship with the boy, upon which he got angry and abused her.

The girl victim could not report to the investigators the facts about her intimate relations with this boy because she was afraid of how her parents would take this and how they would react to her disrespecting a family value. The girl’s story of the rape being her first sexual contact was the version told the mother and father and reported to the police, which was not confirmed at the medical examinations. During her sessions with the psychologist assessing the emotional state of the girl and her readiness to participate in legal proceedings, it transpired that, out of strong fear of rejection and shame, the girl withdrew into herself and did not disclose all facts of the violence. The case was closed as groundless.

All this poses questions concerning our knowledge about victims’ behaviour at critical times, as well as a series of ethical issues for justice itself: how to interact with the victims; how to guarantee victims’ confidentiality – is this possible at all; how are we to support the victims of more severe crimes in order for them to disclose facts of the objective truth needed by justice; what methods does justice use to gather reliable data and facts through other means outside the witness-related ones, especially in cases of severe crime where the victim is likely to be in a very vulnerable position since uncovering the crime might bring about disreputation and strip the minor victim of their dignity.

The current version of the CPC contains in its Art. 263 a requirement to justice to protect personal information about the victim, allowing the possibility for the case to be heard or individual acts within court proceedings to be examined behind closed doors. The objective is to prevent divulgence of facts pertaining to the intimate life of citizens. How is this rule and requirement to justice applied in practice? We can see that there are cases in which the victim’s giving a testimony – a detailed and objective one, is associated with the disclosure of facts from their intimate life which puts them into a position of vulnerability and can be discrediting.

Ethics requires that such facts be clarified during the assessment, their confidentiality being respected for justice purposes and the interviewing body taking all necessary measures to protect the victim from further victimisation through disclosure of facts from their intimate life that can discredit them with significant people or society. We recommend, especially in cases of sexual abuse against juveniles, that interviews are conducted in the presence of support persons who are not the parents. Of course, parents can be there, if minors agree and wish them to be present at the interview, and when in advance, during the assessment it has been clarified if parents’ presence will lead to non-reporting of some facts about the violence, which is not to the victim’s advantage and does not help justice unveil the truth.
In order to avoid such situations, it is best to ask some questions in advance, as part of the assessment of the victim’s readiness to be included in legal proceedings. These questions that need clarified prior to the interview with the victim, when they are a child or a vulnerable victim, are as follows:

1) Is the victim ready to disclose facts of violence or other important facts from their lives before the judge or the investigating authority?

2) Does the gender of the person conducting the interview or being the direct contact person matter i.e. does the victim prefer them to be a man or a woman due to the nature of the violence?

3) Are there any preferences as to who should be present at the interview from the close relatives or friends? For example, if the parents are present, will this interfere with the full truth being told, together with all facts of the violence?

4) Is there a need for a support person during the interview, who is to help the victim talk about what happened, and who will this person be?

5) How will the victim regard the presence of the offender at the interview and will this be in their way to tell about the violence?

All these questions serve as preparation for the professional who is to do the talking with the child during the interview or accompany the child during the latter’s hearing and participation in legal proceedings.
Annex No. 4.3
Presentation “Professional Ethics and Initial Contact with the Victims of Crime”

JUSTICE BEFRIENDS THE CHILD – TRAINING OF PRACTITIONERS FOR BETTER COOPERATION
 „Professional Ethics and Initial Contact with Victims“
 Dr. Nadya Stoykova

Contract No. JUST/2014/JACC/AG/VICT/7465
2016-2017

Professional Ethics – Basic Principles

1. **Respect for fundamental human rights and freedoms** as provided for in international acts to which the Republic of Bulgaria is a State Party, in the Constitution, in national primary and secondary legislation;

2. **Observance of professional standards;**

3. **Provision of equal access to support and justice** – police bodies, health and social services, justice-administration bodies, etc.;

4. **Protection** against unlawful actions/ misconduct;

5. **Timely course of action.**
Initial Contact with Victims

- The reasons and hypotheses necessitating initial contact with (approaching) a victim of crime can be diverse and very case specific;
- Sometimes it depends on the type of crime, the way it was committed, the specifics of the victim themselves such as age, health condition and emotional state, gender, etc.

Principles Guiding the Initial Contact with Victims

- Practice draws on three key principles in the course of approaching victims, which are guiding for the conduct of each practitioner, be they in the police or in the health or social services or another field.
- These principles are derived from the victim's needs.

Victim's Needs

1) Need for safety.
2) Need to express their emotions.
3) Need to know what comes next.

NB!

In order to meet these needs, three types of support are provided during the initial contact with victims.
Support to Victims during Initial Contact:

- Support to guarantee safety during initial contact with the victim;
- Emotional support;
- Need to know what comes next;

(Office for Victims of Crime –
https://www.ncjrs.gov/ovc_archives/reports/firstrep/bgavoc.html/)

Support and Treatment of Victims during Initial Contact:

- Support to guarantee safety during initial contact with the victim
  - Pay close attention to your words, posture, mannerisms and gestures, facial expression, tone of voice, etc.
  - Introduce yourself;
  - Check on the health condition of the victim, etc.
  - Suggest they contact close relatives or friends or a doctor, or a psychologist to talk to, or a legal adviser or any other professional as the case might be;

Support and Treatment of Victims during Initial Contact:

- Emotional support –
  - Need to express their emotions and tell their story without being judged, blamed, mocked or ridiculed;
  - Watch for their reactions and behaviour in order to understand them;
  - Do not interrupt their story; ask open questions;
  - Check if you got them right;
  - Show concern and be patient with them;
Support and Treatment of Victims during Initial Contact:

- **Need to know what comes next - fear of the unknown**;
  - Inform them about their rights and the proceedings to come next;
  - Give them information on existing support resources and services;

Professional Ethics when Interviewing Victims

- **The duration of the interview and the speed of interviewing** should be aligned with the individual needs of the victim (vulnerable victim), the specialised interviewing methodology and the interviewing conditions;

- **The interviewing ethics** is aligned with respect for the dignity and respect for the identity of the child (vulnerable victim).

Professional Ethics when Interviewing Victims

- Interviewing and hearing of victims are to be conducted in **suitable premises adapted for interviewing** purposes and corresponding to the needs of the victim, especially in case of vulnerable victims requiring special protection.

- **Interviewing is organised** in such a way as to avoid contact between the victim and the offender.
Annex No. 5.
Competency Profile

by Prof. Dr. Nelly Petrova

Requirement for special training

International standards on protecting the rights of the child\(^{20}\), as well as of people in a vulnerable position, note the need for specialised training of the professionals involved, which is to ensure that their rights have been observed, including the rights concerning the individual approach, taking account of the specifics and needs of the respective individual. These requirements are directly valid in our country too, some of them\(^{21}\) being also introduced in our national legislation. It should be noted that the requirements in the Criminal Procedure Code (CPC) refer only to cases against offenders of minor age and do not refer to the participation in legal proceedings of child victims of crime in their capacity of witnesses. Most likely it is believed that their protection will be ensured by the mandatory participation of a psychologist or a pedagogue with minor witnesses under 14 years of age and their participation at the discretion of the investigating authority with minor witnesses aged 14 or older.

What does special training mean?

There are still no clear answers to this question. ‘Psychologist’ and ‘pedagogue’ are too “open” as professions, which poses a serious problem in relation to the expectations for specialised training.

As regards the ‘psychologist’ profession there is no clear standard and people who have completed a bachelor’s degree in any of the whole range of the so-called ‘humanities specialisms’ can get a master’s degree in psychology, with the exception of Sofia University St. Kliment Ohridski, where the only programme left “open” for non-graduates from the bachelor’s programme in psychology is precisely that of the specialism Child and Adolescent Psychology.

When it comes to the ‘pedagogue’ profession, the situation is both different and similar. In our country the only standard existing in relation to a profession that has a bearing with children is for the teacher profession, which is defined as teacher legal capacity\(^{22}\), which is, however, taken to be pedagogical and in this sense, any specialist, be they a mathematician, chemist or historian, is considered a pedagogue. Obtaining a teacher legal capacity requires only 120 hours of studying pedagogy and psychology, usually the latter being general and pedagogical psychology. The remaining part of the studies is concerned with the methodology of teaching the respective subject.

There is this practice of specialist juvenile police officers or the so-called Child Pedagogical Room Inspectors participating in interviewing child witnesses of violence or crime. It should be noted, that their training to do this job includes a one-year programme of studies at the Ministry of the Interior Academy, which, however, covers the work with child offenders.

\(^{19}\) This document was developed as part of the Justice Befriends the Child – Training of Practitioners for Better Cooperation Project, contract № JUSt/2014/JACC/AG/VICT/7465


\(^{21}\) CPC, Art. 385. “In cases of crimes committed by underage persons, pre-trial proceedings shall be conducted by appointed investigative bodies with appropriate training”.

\(^{22}\) REGULATIONS on the State Requirements for Acquisition of Teacher Professional Qualifications, promulgated in the State Gazette (SG), Issue 89 of 11.11 2016, in force since school year 2017/2018, approved by virtue of Council of Ministers’ Decree No. 289, dated 7.11.2016
This situation generates a lot of challenges and a high risk of real shortage of knowledge, skills and attitudes to understand the needs of the child as regards communication, sharing, disclosing information, the specifics of child development, ways to adapt legal proceedings in a way that the child is heard and their testimony (statement) has value. In reality none of the above listed qualifications pertaining to specialised training, guarantee the existence of this kind of competencies.

**Competency-based approach?**

The competency-based approach presupposes that when curricula and training programmes are developed to cover a particular area of training in universities or other training organisations, the aim is to achieve a clear set of knowledge, skills and attitudes which correspond to the needs of the respective area of practical work. Today in Bulgaria training organisations do not always enjoy a clear status; they decide for themselves on the content, forms and methods of training; they accredit their own curricula or training programmes through their own representatives; they evaluate the end-of-training outcomes themselves. The competency-based approach is alternative to the one currently in operation; this second approach can be defined only as “the implication-based approach”. This is particularly true for specialisms with a broad profile in the humanities which train professionals for the so-called non-regulated professions\(^\text{23}\). This approach requires a standard for a particular profession or specialised vocational training, which is essentially a set of competencies.

In reference literature in Bulgarian there are two words often used, both of them being translations of the same word – competency. We are talking of the same concept which acquires different but related meanings in different contexts. Some specialists believe that “a competency is an ensemble of behaviours (affective, cognitive, psychomotor) which allows the individual to engage effectively in an activity which is most generally considered a complex one”\(^\text{24}\). A competency is the link between the individual's capabilities and the requirements of the job they are doing.

**Firstly, we say that an individual is competent when they are capable of mobilising their knowledge in pursuance of their professional activity.** In other words, when we talk about competence or competencies we mean a range of knowledge, skills and attitudes to perform an activity up to a certain level/standard. In this sense, the competency is also a standard for doing a particular job. **On the other hand, competence is also a value standard:**

- a professional is competent also in the sense that they have the right to engage in a particular activity i.e. we say: “this is within his competence”.
- the professional can use their capabilities solely within the frame of the activities for which they have been trained, as certified by a diploma, license, certificate, etc.

In this sense, it is important that structures working with children, together with training organisations, develop at least two competency profiles required when working with child victims of violence or crime. The proposed standards developed as part of this project are based on long years of experience of working with children, interinstitutional cooperation and developing competency profiles. It is our understanding that only clearly defined competencies should give powers to work on these cases.

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\(^{23}\) Such are the professions ‘educator’, ‘social worker’ and ‘pedagogue’ since the job requirements are too open. The most regulated professions are in engineering ones and the medical professions.

\(^{24}\) For more details see Petrova-Dimitrova, N. Training of Social Pedagogues – Competencies, Standards, Perspectives// Pedagogy No. 1, 2011
Competency profile

The competency profiles for professionals working with child or adult victims included in this document have been developed as part of the Justice Befriends the Child – Training of Practitioners for Better Cooperation Project, Contract № JUST/2014/JACC/AG/VICT/7465 in consultation with experts from the protection system, the police and the justice system participating in working groups and a professional discussion at the final conference in November 2017. The first profile (Annex 5.1.) includes a set of competencies which all professionals whose job requires contact with victims, irrespective of their professions, should acquire i.e. we are talking of a minimum standard for specialised training to be provided to investigating police officers, doctors, prosecutors, judges, sentence enforcement staff, etc. The second profile (Annex 5.2.) includes knowledge, skills and attitudes which social workers, psychologists and pedagogues working in specialised integrated services for child victims\(^5\) should have.

\(^5\) Such as Zona ZaKrila, social services at Community Support Centres (CSCs) with ‘blue rooms’ built in them, Crisis Centres, etc.
Annex no. 5.1.
Competency profile for a professional working with a victim of crime and/or violence

**Competency No. 1. Inform the victim of their rights**

Is able to:
- inform the victim of crime and their family of the victim's rights; inform the victim of their right to participation and their right to be heard;
- present information in a way that is understandable to the victim and their close relatives or friends; use different forms for presenting information, such as video materials, special brochures, interactive techniques;
- act in compliance with the legislation;
- use legislative provisions in the interest of their work and in the interest of the victim, stand for the rights and interests of the victim of crime;
- use the specific, reference, supplementary legislation relevant to the victim;
- inform the victim of their right to individual assessment, the purpose and objectives of this assessment, the steps and content of the assessment process;
- advise the victim and their close relatives and friends about the measures and activities related to safeguarding the rights of the person;
- accompany the person throughout the process of providing the service.

**Competency No. 2. Research into the emotional and mental, and the social state of the victim**

Is able to:
- communicate, build a contact of trust, use various interviewing techniques;
- conduct a psychosocial interview;
- carry out clinical observation;
- recognise and take into account the stages of emotional, cognitive, psychosocial, behavioural development of the victim through the prism of the different theories of human development;
- recognise and take into account the manifestations of mental and social functioning of people, and their mental suffering;
- recognise and take into account the manifestations of the influence of family relations and interactions on the mental functioning of the person – the place of the person in the family, boundaries, roles, style of upbringing and types of relationship between spouses, parents and children, myths, taboos;
- apply recognisable theoretical knowledge in studying the mental and social functioning of the victim.

**Competency No. 3. Recognise in the victims of crime the signs and symptoms of the violence they have experienced**

Is able to:
- recognise the symptoms of various types of violence, the typology of violence/abuse inside and outside the family;
• identify symptoms of violence, the age-specific characteristics of the symptoms of the victim;
• recognise the effects of the experienced violence, the signs/manifestations of suffering in the communication and behavioural responses of the victim;
• recognise the specifics of disclosing the sexual violence experienced;
• recognise the loyalty of the victim to the perpetrator of violence;
• recognise the symptoms of neglect, intimidation, rejection, discrimination.

**Competency No. 4. Carry out individual assessment and share its findings**

Is able to:
• understand the different types of communication (verbal and non-verbal), grasp the meaning of the information, analyse speech content;
• consider the connection between the victim, the problem and the situation and identify problematic issues and difficulties;
• formulate hypotheses and conclusions about the meaning of the data, and about the links and relations, providing arguments based on recognisable knowledge;
• identify the needs, come up with specific needs arising from the situation in the specific case, depending on the victim’s age, development and social situation, among others;
• focus their efforts on identifying the resources, both formal and informal;
• identify the victim’s needs related to the latter’s right to be heard;
• identify the risks of repeat or secondary victimisation;
• communicate the assessment findings in a language understandable to the victim and their family;
• set and agree objectives for the joint work;
• discuss with the team their ideas and hypotheses in relation to the case; come up with an expert opinion;
• if required, coordinate and participate as a partner in developing an integrated intervention plan, including access to other institutions and services;
• provide access to universal, social and rehabilitation services;
• provide access to medical, legal, psychological support and assistance, where necessary;
• draft and maintain relevant documentation on the case.

**Competency No. 5. Facilitate an interview with the victim or witness of crime through specialised hearing (interviewing)**

Is able to:
• prepare the setting for interviewing;
• meet the accompanying person;
• prepare the victim for the interview – familiarise them with the setting, introduce them to the objectives of the interview; build contact, trust and make them feel at ease; study the specific use of language by the person; instruct them in accordance with their level of development about the rules for interviewing;
• apply specific interviewing techniques in a data- and fact-centred way – open-ended questions, encouraging free narrative, providing support to clarify details, to place the events in a time sequence, to distinguish between fact and fiction, non-verbal expression techniques;
• rephrase questions from other participants in the interview in a way which the victim understands, without any loss as to the purpose of the question;
• convey trust, is able not to contradict, ridicule, threaten or argue with the victim;
• know and apply best practices in child interviewing, based on international experience;

**Competency No. 6. Partner with representatives of other institutions in order to safeguard the rights and interests of the victim/witness**

Is able to:
• prepare written information, reports, opinions, exchange of correspondence;
• exchange information with partners;
• organise/participate professionally in multidisciplinary and inter-institutional meetings;
• understand the meaning of teamwork for enhancing the efficiency in resolving the case and participate in teamwork;
• act within the remit of their competence and respect the opinion of the other team members;
• agree on responsibilities;
• give effective feedback;
• distinguish one’s personal position from the position of the institution they represent;

**Competency No. 7. Professionalization**

Is able to:
• think over their own practices, reflect over their meaning for the work;
• discuss their work with colleagues;
• participate in professional development and support initiatives, such as training, intervision, supervision, etc.;
• look for professional assistance and support;
• strive for one’s own improvement and development;
• innovativeness;
• manifest commitment and responsibility.

**Competency No. 8. Observe ethical rules and code of conduct**

In relation to victims of crime:

Is capable of:
• being well-behaved, tolerant and well-intentioned with each victim of crime;
• using well their professional competence, as well as the professional powers of the institution they represent, in the interest of victims;
• not allowing any abuse of institutional rights and powers to the detriment of the rights and interests of the victims;
• being non-judgmental and respectful to human dignity;
• managing their own feelings and experiences when dealing with victims;
• being emphatic and supportive;
• being authentic – ability to establish genuine, human contact, with no facades.
• not commenting on people in a manner degrading their dignity;
• keeping professional secrets i.e. using the information obtained only for professional purposes;
• accepting the victim for what they are;
• being sensitive to the victim’s needs;
• being impartial, neutral, with clear professional boundaries;
• being tolerant with and considerate in relation to the behaviour and rhythm of the victim;
• accepting and showing respect for diversity, showing non-discriminatory attitudes;
• being flexible and quick-witted in implementing the law in the interest of victims.

In relation to the partners in the context of a multidisciplinary approach:
• acting within their powers;
• respecting the personal and professional dignity of their partners;
• sticking to the common principles and objectives;
• being tolerant and cooperative with their partners;
• showing intolerance for judgmental, discriminatory, degrading to the victim’s dignity behaviours and statements on the part of representatives of their own institution/service or partner institutions;
• not allowing any discrepancy between officially stated and actually set objectives of the work;
• not allowing double standards in relation to various institutions and authorities;

Attitudes, qualities:
• Tolerant and cooperative with the partners
Annex No. 5.2.
Competency profile for a professional working with a child victim of crime and/or violence

**Competency No. 1.** Be versed in and understand child development, the cognitive, emotional and social characteristics of each age period. Recognise in the victims of crime the signs and symptoms of the violence they have experienced

Is able to:

- recognise and take account of the stages of the emotional, cognitive, psycho-social, behavioural development of the child;
- recognise and take account of the manifestations of children’s psychological and social functioning and mental suffering;
- recognise and take account of the manifestations of the influence of family links and interactions on the person’s psychological functioning – place of the person within the family, loyalty, relationships, etc.
- recognises the symptoms of various types of violence, identify symptoms of violence;
- recognise the effects of the violence experienced, the signs/manifestations of suffering in the communication and behavioural responses of the child victim;
- recognise the specifics of disclosing the sexual violence experienced;
- recognise the loyalty of the victim to the perpetrator(s) of violence;
- recognise the symptoms of neglect, intimidation, rejection, discrimination;
- know the advantages of the modern approaches to child interviewing, for example the international protocol for child interviewing, and cooperate for their use in the interest of justice and in the interest of the child.

**Competency No. 2.** Use verbal and non-verbal communication in a child-appropriate way

Is able to:

- communicate, establish and develop contact, use a language the child understands;
- read the child’s non-verbal signals and body language and how they relate to the child’s emotional state;
- use different forms for presenting information, such as video materials, special brochures, interactive techniques;
- inform the child and their family of their rights as a victim of crime; inform the victim of their right to participation and their right to be heard;
- present information in a way that is understandable to the victim and their close relatives or friends;
- inform the victim of their right to individual assessment, the purpose and objectives of this assessment, the steps and content of the assessment process.
Competency No. 3. Know and use the legislative resources on the rights of the child and child protection, criminal justice and other pieces of legislation promoting the best interests of the child

Is able to:

• know and implement/advocate for the implementation of the legislative framework on the rights of the child/human rights, protection for respecting human rights and protection for children at risk;
• know and implement/advocate for the implementation of the provisions concerning criminal proceedings, especially the ones pertaining to the participation in them of children/victims of crime;
• know and implement/advocate for the implementation of the legislative framework on access to social services for people at risk;
• use legislative provisions in the interest of their work and in the interest of the victim, stand for the rights and interests of the victim of crime;
• use the specific, reference, supplementary legislation relevant to the victim;
• know, facilitate the use of or use the standards/protocols for child interviewing.

Competency No. 4. Partner with representatives of other institutions in order to coordinate efforts for achieving justice and prevention of child victimisation

Is able to:

• agree objectives, actions, procedures with other parties to the crime – the child, the parents, the police, social services and others, by using the Coordination Mechanism framework
  – in the case of suspected child abuse, cooperate for taking appropriate child protection measures and measures safeguarding the child from their first encounter with the system for safeguarding and protecting rights.
  – in the case of a report (signal) about a child victim, take timely action and not delay the work on the case, undertake relevant action and hear the child victim and their close relatives or friends in the shortest possible space of time.
• organise/participate professionally in multidisciplinary and inter-institutional meetings with a view to:
  – discussing and agreeing on action towards the administration of justice and the protection of the child victim of crime;
  – a better coordination and minimising the risks of repeat and secondary victimisation of the child, as well as providing further protection against intimidation or retaliation;
• exchange information with partners:
  – share professional information, in the interest of the case and within their competence, with the bodies involved in the case;
  – upon the emergence of new or additional information on the case, be proactive and share it with the respective interested institutions working on the case, by way of good partnerships and willingness to solve the case quickly and with good quality.
• cooperate for developing coordination rules corresponding with the needs of the respective community/municipality;
• understand the meaning of teamwork for enhancing the efficiency in solving the case and participate in teamwork;
• act within the remit of their competence and respect the opinion of the other team members;
• distinguish one’s personal position from the position of the institution they represent;
• take action for guaranteeing the rights of the child victim and their protection before all institutions and bodies in compliance with the Bulgarian and international legislation.
Competency No. 5. Observe ethical rules and code of conduct in relation to victims of crime

Is capable of:

- being well-behaved, tolerant and well-intentioned with each victim of crime;
- using well their professional competence, as well as the professional powers of the institution they represent, in the interest of victims;
- not allowing any abuse of institutional rights and powers to the detriment of the rights and interests of the victims;
- being non-judgmental and respectful to human dignity;
- managing their own feelings and experiences when dealing with victims;
- not commenting on people in a manner degrading their dignity;
- keeping professional secrets i.e. using the information obtained only for professional purposes;
- being impartial, neutral, with clear professional boundaries;
- being tolerant with and considerate in relation to the behaviour and rhythm of the victim;
- accepting and showing respect for diversity, showing non-discriminatory attitudes;
- being flexible and quick-witted in implementing the law in the interest of victims;
- reporting to the respective institution in charge in case of registering a violation of these rules of ethical conduct for professionals interacting with child victims.

In relation to the partners in the context of a multidisciplinary approach:

- acting within their powers;
- respecting the personal and professional dignity of their partners;
- sticking to the common principles and objectives;
- being tolerant and cooperative with their partners;
- showing intolerance for judgmental, discriminatory, degrading to the victim’s dignity behaviours and statements on the part of representatives of their own institution/service or partner institutions;
- not allowing any discrepancy between officially stated and actually set objectives of the work;
- not allowing double standards in relation to various institutions and authorities;
INDIVIDUAL ASSESSMENT METHODOLOGY

1. Purpose of the Methodology

This Methodology seeks to guide professionals in the fields of justice and social work as to the purpose, nature, objectives, way to carry out and contents of individual assessment, as provided for in Directive 2012/29/EU establishing minimum standards for protection of victims of crime.

Insofar as the specifics of implementing the Directive for child victims of crime rest on existing legislation, both in the area of protection and in the area of criminal justice, as well as on accumulated experience of implementing special protection measures in the practice of children participating in legal proceedings, above all through the use of the so-called “blue rooms”, finding solutions when dealing with children seems clearer. Naturally, with them there are also a number of difficulties and challenges.

With crime victims of full legal age the lack of clarity and resistance are extremely high, which requires adoption of common principles and a mechanism for choosing a course of action, and this Methodology proposes such principles and decisions for action.

The Methodology seeks to facilitate the joint efforts of various state, local and private structures by proposing and delineating roles, functions and relations.

The Methodology introduces the concept of individual assessment based on experience in psycho-social work with victims of crime.

2. The nature of individual assessment

The term ‘assessment’ is used primarily in the field of social work and social services, where, based on information gathered about the person and their family, an assessment of their needs is undertaken, with respect to managing a particular social risk.

It is within the competence of the social worker to be able to consider, understand and interpret the purpose and meaning of the information gathered, in order to highlight existing problems, the ensuing risks and the specific needs of the person arising from these.

What is particularly important in the assessment process is looking for and identifying the existing resources, which are, indeed, the mechanism for managing the risk. When carrying out assessment, we are looking for these resources both in the person and in their environment, their social network. Along with this, precisely because this is within the competence of social workers, it is possible to also identify the existing formal social resources which include the range of actual, existing on the territory of the community universal, social and rehabilitation services. Ultimately, managing the risk of social exclusion is done through:

- Provision of access to universal services, such as healthcare, education, transport, employment, etc.;
- Provision of social services, such as shelter, accompanying, counselling, informing, etc.
- Integration of universal, social and rehabilitation services, as well as of the resources of the person and their social network.
The leading criterion in terms of social risk is the link of the identified problem with the issue of the person's social inclusion. In other words, any problem that puts a person at risk of social exclusion should be subject to social assessment. As regards victims of crime, the difficulty comes from the requirement of Directive 2012/29/EU that all victims of crime should be entitled to individual assessment and implementation of special protection measures.

According to Directive 2012/29/EU, children are regarded as vulnerable victims and they need special protection measures.

The assessment exercise lies at the heart of the integrated approach which also seeks to contribute to reducing the risk of secondary and repeat victimisation by guaranteeing that the victim will be led through a course of action in a holistic and coordinated way, based on respect for their rights.

The assessment is a professional understanding expressed as a professional opinion, based on the professional knowledge and professional experience of the professional who carries it out. The purpose of this assessment is to serve as the basis for an individualised approach to the particular person.

Assessment is a professional term encompassing the range of professional hypotheses, conclusions and opinions formulated following analysis and interpretation of the case-specific information gathered. The assessment is an expression of the competencies of the professional or the team carrying out the assessment to grasp and present the meaning of the information they collected about the particular person.

The assessment is a professional conclusion about what the gathered information means in terms of the key issues in the work on a particular case. The data we collect has explicit and implicit meaning. The implicit meaning is not unambiguous and requires interpretation.

The assessment is centred on the needs of the person so that they be heard and supported when they are a victim or a witness of crime or violence. Every victim has the right to be heard and supported.

The information gathered, on the one hand, satisfies the individualisation requirement i.e. it is specific, person-centred, unique and, on the other hand, it is relevant to the specifics of the cases of violence. The practice of assessment shows that the pillars for information gathering fall along a spectrum ranging from a check list (a ‘yes’ or ‘no’ answer to a range of questions) to free collection of information on a case-by-case basis.

3. When to carry out an assessment?

a. Informing about the rights of the victim and the right to individual assessment

The first step upon establishing contact with a victim of crime should be to inform them about their rights, including their right to individual assessment and its purpose.

Informing should happen in a way that shows respect for the dignity of the victim, respect for their interest, and in a way they can understand. Informing should cover:

- Informing about the victim’s right to legal protection;
- Informing about the specific situation, its place in the justice process, the status of the professional and the services dealing with it and the specific rights of the victim. It is very important to explain to the latter the purpose of the police check-up, how it is registered, what it means for justice purposes, the difference between a check-up and an interview, the interview options, etc.
- The human rights of the person as a witness in criminal proceedings i.e. their entitlement to special protection measures as provided for in Articles 23 and 24 of Directive 2012/29/EU;
- The right to individual assessment to identify these needs and the meaning of the individual assessment;
- Their right to emotional and psychological support.
6. Individual assessment needs to be undertaken only if the victim wishes to have one carried out after being informed, except in the case of:

- victims of domestic violence, of crimes against the person, hate crimes, etc., as specified in the Directive.
- a person not being in a position to express their wish.

In such cases the assessment is undertaken in parallel with informing the victim about their rights.

The assessment is carried out at each stage of the proceedings and is to be updated with each change of circumstances that can lead to the emergence of or increase in the risks for the person. The dynamic nature of this assessment needs to be taken into account.

4. Who carries out the assessment?

The risk assessment should be the result of the work of a multidisciplinary team. By all means, its findings should be shared and discussed with everybody concerned with the case. The assessment with children is the work of a team of professionals, the composition of which depends on the specific situation and case but, as a general rule, these are the participants in the Coordination Mechanism for Territorial Interaction: the Head of the CPD and the supervising prosecutor and a representative of the social services, a specialised social service or a specialised organisation supporting victims of crime, in line with the respective government decision, as well as a police officer in charge of informing about the victim’s rights; professionals – a psychologist and a social worker working for a provider of specialised services for victims of violence, such as a: Centre for Social Rehabilitation and Integration (CSRI), Crisis Centre, Complex for Social Services (CSS), Community Support Centre (CSC), Zona ZaKrina Advocacy Centre, etc.; a medical professional.

We believe that for this purpose the extent/scope of the content of report (signal) assessment, which is to be undertaken by the CPD/DSA, should be expanded.

5. How to make the assessment?

The assessment is based on gathered information and the more the information and the more instruments used to collect it, the more reliable the assessment is.

The assessment is carried out on the basis of an interview with the victim of crime, as well as with other people who can provide information, facts and evidence in order to do the research and prepare the individual assessment report. With people who have difficulties expressing themselves, it is best to use additional research methods and mediators.

When the assessment is undertaken immediately after the violence suffered, the person should be seen by a medical professional who is to determine if a specialised examination is required.

Here we are trying to follow the case-by-case approach, while providing assessment frameworks i.e. a set of recommended research areas.

**Assessment is an on-going process of informing and negotiating with the client.** The victim, together with their family, takes an active part. It is carried out after one is informed about the nature, essence and the objectives of the assessment process. The process of carrying out an assessment is launched by the agreement to do it. The objectives and methods to carry out the assessment should be negotiated with the people. Every person has the right to know what and how will be researched and assessed, and to participate in the process in an informed manner. As early as the stage of establishing contact, the purpose of the assessment and its meaning for the person is explained, along with the benefits it brings to them and the way in which it will happen.
The validity of the assessment is determined on the basis of the volume, content and depth of the information gathered. We try to collect information through a range of methods and techniques, among which interviews, observation, projective tests, drawings, photos, genogram, etc., in line with the specific characteristics, age and situation of the victim. It would be good for the interview to be carried out by a professional, social worker or psychologist, who is trained in interviewing victims of crime or violence. They can coordinate the information gathering process and the consideration of this information within the team. The involvement of the police is very important since, ultimately, it is the police who are instrumental as regards the access of the victim to information, on the one hand, and, on the other hand, the access of the professional making the assessment to information about the crime, which is linked to the risk of intimidation, manipulation, further crime. It is especially important to note here that a person is considered a victim even if no suspect is identified or no investigation is launched.

In reality, the assessment is an expression of the subjective opinion of the professional/team since it rests on analysing and interpreting the meaning and making sense of the available information. This opinion should rest on the specific range of knowledge about the person, their situation and needs. The assessment of a particular case is an expression of the link between the collected data about the person’s state (emotional, intellectual, physical and behavioural) and their difficulties, family situation, social situation in life. This is why it is essential that the interpretation and consideration of the information should not rest solely on the life experience of the assessor, as we often see it happens in practice. This is why in many countries it is insisted that the assessment is undertaken via a data-based approach, the data being scientifically verified and proven in research. It is proper professional practice for professional hypotheses and opinions to be backed by theoretical knowledge, on the basis of which they were drawn in the first place.

Sharing the assessment findings with the assessed person is a prerequisite for achieving a two-way, equality-based relationship in the process of helping the victim. Sharing should happen in a comprehensible language, without resorting to simplification. It would be good for all findings to be put up for discussion and approval. The opinion and agreement of the assessed individual is sought. If there is any disagreement, the statements not acceptable to the assessed individual are re-discussed and some generalisation is sought that both parties find satisfying.

Every assessed person has the right to get acquainted with the assessment in its written form - a report, an opinion or other.

There would be cases when communicating the assessment is extremely difficult due to the specific features of the person, such as cognitive difficulties, serious mental health problems or mental retardation. In such cases the assessment is shared with a close relative or friend who holds particular powers in relation to the victim.

It is a good practice to carry out the specialised medical examination as early as possible and it takes priority over all other diagnostic methods.

6. What is the purpose of the assessment?

This assessment should come up with a professional opinion on the victim’s needs of support measures, special measures, and their vulnerability as regards the risk of repeat victimisation and the risk of intimidation and retaliation. It serves to define coordinated and integrated social, therapeutic and justice interventions through which to reduce the risks for the victim.

It serves to identify the needs for or the risk for the victim of:

• Treatment and psychosocial accompanying;
• Friendly practices for participation in legal proceedings;
• Protection;
• Repeat victimisation;
• Intimidation or retaliation on the part of the offender or people commissioned by them.

7. What questions the assessment should answer?

The assessment seeks to provide answers to the following:

7.1. Whether the person is in need of medical care, special protection; if there is a risk of intimidation or further violence. It makes justice take interest not only in the offender but also in the victim and their value for administering justice without infringing on the interests and rights of the person suspected or accused of having committed the crime.

7.2. The initial assessment shows what the person needs in order to be heard so as to safeguard their right to be heard. In this sense, the assessment does not seek to make a pronouncement on the witness’s fitness to testify for justice purposes; rather, it is oriented to the needs which justice should to take into account so that the witness can be heard. The point is to make real efforts to enable the victim to communicate what happened, what they went through, what they heard or saw.

It might transpire that the case requires the interview to be conducted by a specialist mediator in specialised premises, in a friendly environment, for example a “blue room”, by an investigating police officer specially trained to interview victims of violence; by a specialist mediator i.e. a member of the mobile hearings team; what gender should the interviewer be; whether the interview should involve direct contact with the accused or not; should it follow the ‘regular procedure’.

7.3. Which interventions should come first – the interview or the support activities? Here a number of difficulties can be pointed at, arising primarily from insufficient competence and the contradicting strands in it, which gets in our way to rest assured what is better for the victim and for justice. From the point of view of justice, it appears important that the interview is held as soon as possible after the act of violence since then the information seems most reliable. From the point of view of mental health, positions here vary too much, and they are sometimes rather the result of professional lore than an objective assessment of the victim’s needs. Our experience of working with child and adolescent victims of violence shows that more often than not for them too it is better to do the interview as soon as possible after the crime was committed. Equally, it is our experience that the more interviews, the higher the risk of secondary victimisation, while the statements become increasingly unfit to be used by the justice system.

8. Basic concepts in assessment

Here we are going to present some of the specific terms in the context of assessment, relevant to the requirements of Directive 2012/29/EU.

Special protection measures:
Measures against secondary victimisation (Recitals 53, 57, 58 of the Directive) – all action seeking to: limit the number of contacts with different individuals; use video and sound recording equipment to record the interviews; avoid causing distress to the victim in court proceedings by limiting the visual contact with the offender, their relatives and accomplices.

Risk of repeat victimisation:
The risk of repeat victimisation can be due to different factors:
The victim’s individual characteristics:

- Personal characteristics of the victim, such as age, gender, gender identity or expression, ethnicity, race, religion, sexual orientation, health status, residence status;

- Relationship to or dependence on the offender;

- Previous experience of violence or previous crime and experienced violations in the person’s life;

- Cognitive and emotional maturity, communication difficulties;

- Disability (if the disability contributes to the person’s further vulnerability and if it affects the ability of the person to disclose or provide information to the justice system when the standard approach is used, the assessment also needs to identify if the person requires additional work and a professional to help them talk and tell the story);

- The victim’s readiness\(^{26}\) to participate in legal proceedings (psychologically – emotionally and cognitively; level of trust of the victim towards the system and the other strangers; are they fit, whether the victim is physically and healthwise fit to participate in legal proceedings);

- Other.

Type and nature of the crime:

- Information is gathered on the type and severity of the crime – whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, etc. (according to the Criminal Code, sexual assault and sexual abuse of children, child trafficking and exploitation are more severe crimes and that needs to be taken into account; according to Directive 2012/29/EU, these crimes involve higher risk of victimisation, which needs to be taken into account too);

- Information is gathered about the offender – whether the victim knows them or not; whether they are close to the victim or not; whether the person is in a loyalty conflict with the offender;

- If the offender has direct or limited access to the victim;

The place where the offence was committed (this has a bearing on the decision what special measures to be undertaken and, above all, where to implement them in order to guarantee the victim’s safety and security);

Circumstances of the offence:

1) Use of threat (to the victim or people close to them), violence, coercion, isolation, seduction;

2) Victims of violence who are dependent on the offender in one way or another – economic or emotional dependence due to social relations or relationships, etc.;

\(^{26}\) The assessment also helps to decide to what extent the victim is ready to confirm already gathered information about the crime/violation they suffered, which depends on a number of factors. One of the key factors in this respect is how much the victim trusts the person to whom they report about the crime. This level of trust is not automatically transferred to the interviewing professionals. The level of trust and readiness of the person to disclose again facts about the violence to new people not known to them should by all means be judged at this initial phase in order to make the most appropriate decision to organise and conduct the interview.
9. Specifics of the information by section as included in the initial assessment

The assessment framework we use includes a formal, must-fill-in part which registers who submitted the request, what the reason was for such a request and what purpose it will serve. This part also contains details about the person and their relatives and close friends. It is very important also to present the methods used for information gathering.

The reason for requesting the assessment can be reported violence, committed or suspected. It is important to know what is the reason to commission an assessment and this should be stated as early as the introduction to the assessment.

The request itself is very important for the assessment. An assessment can be requested by the family, the DSA, the court or the prosecutor’s office, the victim themselves, friends or relatives of theirs. The request actually shows what is expected from professionals. It can seek the provision of a service, which means that the assessment will be used to plan the interventions within the service. The request can be asking for a professional opinion on the possible effect an interview might have on the victim, on whether the latter is fit for one, etc.
**Annex No. 6.2.**
Framework for Initial Individual Assessment of a Child Victim of Crime

**INITIAL ASSESSMENT FORM**\(^{27}\) FOR A CHILD VICTIM OF CRIME

**Prof. Dr. Nelly Petrova**
**Dr. Nadya Stoykova**

<table>
<thead>
<tr>
<th>1. Personal details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full name:</td>
</tr>
<tr>
<td>Date of birth and age:</td>
</tr>
<tr>
<td>Gender:</td>
</tr>
<tr>
<td>Unified registration number (EGN):</td>
</tr>
<tr>
<td>Individual characteristics increasing the level of vulnerability: ethnicity, race, religion, disability, sexual orientation, health status, other.</td>
</tr>
<tr>
<td>Information about the child’s legal status: exercised parental rights, established guardianship/child custody, protection measures taken, residence status, other (revised by MLSP)</td>
</tr>
<tr>
<td>Full names, address, tel. nos.: (of the parents/guardians)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Description of the assessment request:</th>
</tr>
</thead>
<tbody>
<tr>
<td>By whom?</td>
</tr>
<tr>
<td>Reason for assessment – reported violence, abuse, other...</td>
</tr>
<tr>
<td>Purpose (for whom and what is it meant for?)</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Deadline:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Sources of information during the initial assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of interviews with the child:</td>
</tr>
<tr>
<td>Number of meetings with other persons:</td>
</tr>
<tr>
<td>Documentation:</td>
</tr>
<tr>
<td>Other:</td>
</tr>
</tbody>
</table>

\(^{27}\) This document was developed under the Listen to the Child – Justice Befriends the Child Project under Contract JUST/2013/IPEN/AG/4601.
4. Other details:

| Date of submission of the initial assessment: |  
| Date of assessment update: |  

5. Team working on the case:

Prosecutor: ...........................................................................................................................................................................

Police Officer: ...........................................................................................................................................................................

Lead Social Worker from the Child Protection Department (CPD): ...........................................................................................................

Key Social Worker/ professional from the Complex for Social Services (CSS): ...........................................................

Health Expert: ...........................................................................................................................................................................

6. Description of the crime committed

6.1. Type and nature of the crime/violence  (Item 6.1. is to be completed by a representative of the Police: Child Pedagogical Room Inspector with the Criminal Police Department)

| Type and severity of the crime – if it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, etc. (according to the Criminal Code, sexual assault and sexual abuse of children, child trafficking and exploitation are more severe crimes and that needs to be taken into account) | (Here general information is gathered about whether the crime was committed inside or outside the family, by whom – parents or members of the extended family, significant adults or close friends, or persons with whom the child is in a relationship of dependence, control or someone who is outside the family and has no access to the child; how long ago did it happen as from the date of report. The initial information gathering takes place upon receiving the report, as well as when gathering evidence from other individuals.) |
| Duration and intensity | Further information is gathered during the first hearing of the child, upon which an opinion is developed to form part of the overall assessment report produced immediately after this hearing. The opinion is updated if new data appears or changes of circumstances arise as regards the child or the reported act. |
| Place where the crime/violence has been committed | Information can be gathered also from additional sources of information – relatives or friends of the child’s or the persons who reported to the Police, as well as from other persons with whom the child shared or who have already obtained some information.) |
| Other: ... |  

### Offender(s):
- Relative/close friend
- Lives/does not live with the child
- There is/there is no likelihood for further crime
- There is/there is no likelihood of threat
- The victim is/is not dependent on the offender
- Other

### Legal proceedings initiated
- By whom?
- What kind of?
- Who safeguards the interest of the child?

### Other (where additional essential information is required):

### 7. Description of the child’s current situation

#### 7.1. Who takes care of the child? (to be completed by the CPD)
- Housing conditions, quality of care for the child (general description)
- Is there a link/relationship between the person taking care of the child and the offender?
- Is the place where the child is looked after a safe place for them?
- Is there any need for special protection measures?
- Other (additional essential information)

Very general information gathered as part of assessing the report within the first 24 hours. The information is gathered from the parents, other significant adults, the child themselves, as well as during the interview with the child. In order to protect the child from secondary victimisation, when assessing the report, gathering information from the child on issues that are beyond the care of the child and the family situation and relationships is avoided.

#### 7.2. Education
- School attendance, attitude to learning;
- Significant adults in the school
- значими възрастни
- Relations and relationships with peers

Other (additional essential information)

Very general information, if it is required to take any protection measures and move the child out of the family in order to guarantee their right to education.

#### 7.3. Social integration
- Significant adults
- Child’s social network
- Other (additional essential information)
# 8. Description of the psychological state of the child and their readiness to participate in legal proceedings

<table>
<thead>
<tr>
<th><strong>8.1. Current psychological state of the child</strong></th>
<th>To be completed by a psychologist and/or social pedagogue who is a child interviewing and hearing professional.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional</td>
<td>Here the level of the child is judged most generally and it is decided if the child is in need of additional assistance and support in order to tell their story and what happened. No expert examination shall be done. The information is to be gathered directly from observation and talking to the child, as well as from other people taking care of the child. In case of any suspected violence against the child, an overall medical examination by a paediatrician or other professional, depending on the type of violence, is to be undertaken by all means in order to establish the child’s health status, and, if needed, refer the child for additional medical expert examinations.</td>
</tr>
<tr>
<td>Cognitive</td>
<td></td>
</tr>
<tr>
<td>Behavioural</td>
<td></td>
</tr>
<tr>
<td>Level of development</td>
<td></td>
</tr>
<tr>
<td>Language development, what language do they speak?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>8.2. How does the child respond to the violence?</strong></th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>8.3. Psychological symptoms of the violence experienced?</strong></th>
<th></th>
</tr>
</thead>
</table>

| **8.4. Are there any other issues?** | Evaluation of the child’s readiness to participate in legal proceedings  
Need for special measures and friendly practices |
|-------------------------------------|-----------------------------------------------------------------|
INITIAL ASSESSMENT – OPINION:

I. Description of the overall condition of the child
Visible consequences of the violence
Existence/lack of supporting and safe environment
Readiness to participate in legal proceedings

II. Main risks (please describe the main risks as follows):
• of further violence, repeat victimisation,
• of intimidation or retaliation on the part of the offender or people commissioned by them;
• of victimisation through participation in legal proceedings
• other

III. Basic needs (please describe the basic needs as follows):
• for protection, legal or other;
• for support, for treatment and psychosocial accompanying;
• for special measures as regards the provision of child-friendly justice – informing, accompanying, friendly practices for participation in legal proceedings;
• other

IV. Expert’s/ experts’ recommendations
• as regards participation in legal proceedings
• as regards support and therapy
• other
Annex No. 6.3.
Form for Initial Assessment of a Victim of Crime

INITIAL ASSESSMENT FORM

1. Description of the report (signal):
   hour……………………, date ……………………………., type of report (anonymous or not) ………………………………
   ……………………………………………………………., who reported (institution, individual) ………………………………
   …………………………………………………………………………………………………………………………….................……
   type of violence/crime: ………………………………….......................……………...................…………………………………….

2. Details of the victim:
   age ……....……, gender ………...……….., name …………......…...........................………………………………………………...
   address …………………………………………….......................................................................………………..……………
   Is the victim known to Social Services as a service user? …………….................…............................………………..
   Does the victim have a disease or is there any other specific condition that makes them vulnerable?

3. Additional essential information:
   (Additional essential information is also gathered that is relevant to the report and it needs to be clarified prior to the meeting under the Coordination Mechanism)
   Where was the victim at the time the report was made? ………………………………………………………..
   What is their health status? ……………………………………………………………….
   When did the reported violence happen? (just happened, not long ago, some time ago, over a month ago) 
   ………………………………………………..........................................…….................................................
   How did the reporting person know of the violence? (they learned from the victim – the victim reported themselves, they learned from another person, they guessed from external or other signs that cause concern) ………………………………………………………………………………………………………

4. Information about the offender (if available and if it can be gathered):
   Does the victim know the suspect? …………………………………………………………………………………………………
   What is the relationship between the suspect and the victim and their family? …………………………………
   Did the suspect have access to the victim at the time of the report? …………………………………………………

5. Emotional and psychological state of the victim
   How does the victim feel? …………………………………………………………………………………………………
   Are there any signs of anxiety, fear? …………………………………………………………………………………………

Induction Training Programme for Interinstitutional teams working with child and other vulnerable victims of crime
6. Victim’s social situation:

Shelter ............................................................................................................................................................
Immediate environment .................................................................................................................................
Education or employment ..............................................................................................................................
Other …………………………………………………………………………………………………………………………….

7. What does the victim think of their own needs of protection and support? .........................................................
.....................................................................................................................................................................

Assessor’s expert opinion on the following:

• the risk for the victim’s health and life; the victim’s medical care needs;
• the risk of intimidation, manipulation, further crime and need for protection, accommodation;
• the risk of secondary victimisation and the need to apply special protection measures, such as an interview in a friendly environment, by an expert trained for that purpose, of the same sex, etc., as per Article 23 of Directive 2012/29/EU;
• the need to inform and accompany the victim during the legal proceedings;
• the victim’s need for psychosocial and psychological support for overcoming their traumatic experiences.
An ex No. 6.4.
Information for Individual Assessment of a Child Victim

FRAMEWORK FOR ASSESSMENT OF A CHILD VICTIM OF VIOLENCE AND/OR CRIME

1. Personal details:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Full name:</td>
<td>Petya</td>
</tr>
<tr>
<td>Date of birth and age:</td>
<td>Aged 16</td>
</tr>
<tr>
<td>Gender:</td>
<td>female</td>
</tr>
<tr>
<td>Unified registration number (EGN):</td>
<td>xxxxxxxxxx</td>
</tr>
</tbody>
</table>

| Individual characteristics increasing the level of vulnerability: ethnicity, race, religion, disability, sexual orientation, health status, other. |
|---|---|
| The girl lives with her 10-month-old baby, her mother and her stepfather in their family house. |

<table>
<thead>
<tr>
<th>Child’s legal status:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental right</td>
<td></td>
</tr>
<tr>
<td>Protection measures</td>
<td></td>
</tr>
<tr>
<td>Guardianship</td>
<td></td>
</tr>
<tr>
<td>Residence status</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full names, address, tel. nos.: (of the parents/guardians)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother: Katya xxxxxxxxxxxxxxxx</td>
</tr>
<tr>
<td>Village of xxxxxxxxxxxxxxxx</td>
</tr>
</tbody>
</table>

2. Description of the assessment request:

<table>
<thead>
<tr>
<th>By whom?</th>
<th>District Prosecutor’s Office of xxxx, District Investigation Department</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reason for assessment – reported violence, abuse, other...</th>
</tr>
</thead>
<tbody>
<tr>
<td>On 7th June 2016 the Community Support Centre (CSC) received a request from the Regional Prosecutor’s Office for interview of a child in specialised premises i.e. a “blue room”, the child being Petya Xxx Xxx who is a victim of abduction for the purpose of being placed at disposal for acts of debauchery and being involved in acts of debauchery, all of which are criminal offences under Art. 156, Para 2, Sub-Paras 1 and 2 in conjunction with Art. 156, Para 1 of the Criminal Code, as well as a victim of persuasion to practise prostitution under Art. 155, Para. 1 in conjunction with Art. 26, Para 1 of the Criminal Code.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Purpose (for whom and what is it meant for?)</th>
<th>The assessment will be used to prepare the child for interviewing in specialised premises – a “blue room”.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>20th June 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline:</td>
<td>21st June 2016</td>
</tr>
</tbody>
</table>
3. Sources of information

<table>
<thead>
<tr>
<th>Number of interviews with the child:</th>
<th>One interview with the child on 9th June 2016. Preparation for a hearing in a “blue room” scheduled for 16th June 2016.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of meetings with other persons:</td>
<td>Working meeting with the Supervising Prosecutor to whom the case was assigned; Meeting with the Head of the District Investigation Department; Team meeting with the CPD in the village of XXXXXXXX; Meeting with a legal adviser from the CSC.</td>
</tr>
</tbody>
</table>
| Documentation: | • Request for issuing a referral to the social service “Individual assessment, preparation for and conducting an interview with a child in specialised premises – “a blue room”;
• A questionnaire going together with the request
• Referral issued by the Directorate for Social Assistance (DSA) in the town of K. to the service “Preparation for and conducting a hearing of a child in a blue room”;
• Social report on the child by the DSA in the town of K. |

Other:

4. Other details:

| Date of submission of the initial assessment: | |
| Date of assessment update: | |

5. Team working on the case:

Key Social Worker: M. S.
Social Worker from the Child Protection Department (CPD), village of H.: Ts. P.
Prosecutor: H. P.
Head of the District Investigation Department: G. H.

6. Description of the child’s current situation

<table>
<thead>
<tr>
<th>6.1. Type and nature of the crime/ violence (Item 6.1. is to be completed by a representative of the police)</th>
<th>The criminal offence is persuasion to practice prostitution, abduction for the purpose of placing the girl at disposal for acts of debauchery and persuading her to practice prostitution. On 28th December 2015 the girl left her home, telling her mother she was going to the pub in the village of R. and she was missing until 23rd January 2016.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type and severity of the crime – if it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, etc. (According to the Criminal Code - sexual assault and sexual abuse of children, child trafficking and exploitation are more severe crimes and that needs to be taken into account);</td>
<td></td>
</tr>
</tbody>
</table>
## Duration and intensity

Having met a number of different persons, Petya found herself in the company of a man whom she reported to have forced her to engage in prostitution on the territory of the town of Xxx. In the following few days the girl was put at the disposal of third parties too in the town of V. and, as she shared in the story she told an investigating police officer, she had been shut off in a flat where she had been persuaded to engage in prostitution. After she had spent a few days in the town of V., she was transported back to the town of Xxx. Her mother, Katya Kolarska, timely reported her daughter missing with the police authorities.

## Place where the crime/violence has been committed

On 23rd January 2016 the girl was found by Ministry of the Interior staff practicing prostitution on the road in the near vicinity of the town of Xxx. She was detained at the XXX Local Police Station of the Regional Office of the Ministry of the Interior and handed over to her mother.

- The man nicknamed Paco is a stranger to Petya;
- At the moment there is no risk of further crime;
- The girl has not been threatened as at today;
- The girl is not dependent on the offender.

## Offender(s):

- Relative/close friend
- Lives/does not live with the child
- There is/There is no likelihood for further crime
- There is/There is no likelihood of threat
- The victim is/is not dependent on the offender
- Other

## Legal proceedings initiated

The case is at its pre-trial stage for criminal offence under Art. 156, Para 2, Sub-Paras 1 and 2 in conjunction with Art. 156, Para 1 of the Criminal Code, as well as for persuasion to practise prostitution as per Art. 155, Para. 1 in conjunction with Art. 26, Para 1 of the Criminal Code.

## Other (where additional essential information is required):

### 6.2. Description of the child’s state/condition:

**Healthy**

Petya is clinically healthy; she has a 10-month-old baby.
<table>
<thead>
<tr>
<th>Emotional</th>
<th>The girl understands her emotional state of anger, joy, sadness. Her emotional state is stable.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cognitive</td>
<td>Skills to set short-term realistic objectives and confidence in her own capacity to achieve them are observed with the girl.</td>
</tr>
<tr>
<td>Behavioural</td>
<td>The child’s behaviour is relatively stable.</td>
</tr>
<tr>
<td>Level of development</td>
<td>Her development level corresponds to her physical age.</td>
</tr>
<tr>
<td>Language development, what language do they speak?</td>
<td>The child has the vocabulary to express or describe not only events but emotions too.</td>
</tr>
<tr>
<td>How does the child respond to the violence experienced?</td>
<td>The girl realises what has happened and has accepted it. Petya tells her story freely, talks chronologically about what she went through; she does not report about anxiety or concerns about being abducted or threatened by the offenders.</td>
</tr>
<tr>
<td>What symptoms are observed?</td>
<td>Currently, no symptoms ensuing from the violence are observed.</td>
</tr>
<tr>
<td>Are there any other issues observed?</td>
<td>The capacity to plan and implement a series of events in everyday life is currently stable, the child’s and mother’s personal responsibilities in relation to the 10-month-old baby are synchronised.</td>
</tr>
</tbody>
</table>

**6.3 Who takes care of the child? (to be completed by the CPD)**

- Housing conditions, quality of care for the child (general description)
- Is there a link/relationship between the person taking care of the child and the offender?
- Is the place where the child is looked after a safe place for them?
- Is there any need for special protection measures?

The child is raised in a family environment by her mother and stepfather. The family is also taking care of the daughter of the stepfather cohabitating with the mother, this daughter being 2 years older than Petya. The biological father of the victim died when she was 2 years old.

The family lives in a house they own in the village of R. The place has three rooms; it has water and electricity supply; it also has a ground floor with another two rooms, a kitchen and bathroom. It is equipped with the usual furnishing and belongings required for keeping a standard household. The domestic hygiene is good. The two girls have their own rooms.

**Other (additional essential information)**

**6.4. Education**

- School attendance; At this point in time Petya has completed Grade 7 at the “XXXX” Secondary School in the village of Xxx.
- attitude to learning, school marks, etc.
- Significant adults
- Relations and relationships with peers

The girl had very good grades in school and she has developed a positive attitude to school, as reported by the CPD.
### 6.5. Social integration

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant adults</td>
<td>The girl is fond of her mother and is in a difficult, conflicting relationship with her stepfather.</td>
</tr>
<tr>
<td></td>
<td>Petya’s mother, Katya, is taking care both of her daughter and her 10-month-old baby.</td>
</tr>
<tr>
<td>Child’s social network</td>
<td>-</td>
</tr>
<tr>
<td>Other (additional essential information)</td>
<td></td>
</tr>
</tbody>
</table>
FINAL ASSESSMENT – OPINION:

I. Description of the overall condition of the child and strengths and resources

Development – The girl’s development level corresponds to her calendar age. Petya can voice her emotional state. She understands her emotional state of anger, joy, sadness, fear. The child’s language level allowing her to express or describe not only events but her emotions too is very good.

Consequences of the violence
As at today no external consequences from the violence suffered are observed with the child Petya. She looks in good health; she goes to public places, communicates easily with adults and peers.

Existence/lack of supporting and safe environment
Petya’s mother understands and supports her daughter and takes care of her and her 10-month-old baby.

Readiness to participate in legal proceedings
Based on the interview and the research into Petya’s situation, we can say that she is ready to participate in legal proceedings. She has the required skills, power of observation and focused attention; she understands the meaning of situations and issues. She has good memory. She can verbalise her relived experiences. A team of professionals has prepared the girl for a child-friendly hearing procedure in a protected space.

II. Main risks (please describe the following main risks):

• of further violence, repeat victimisation
  Currently there is no risk of further violence; Petya has not seen the again men in question, who are now being investigated.

• of intimidation or retaliation on the part of the offender or people commissioned by them;
  There is no information for attempts on the part of the offenders or other persons who have some bearing on the case to try to connect with the child or to have threatened her. The case should be followed-up.

• of victimisation through participation in legal proceedings
  Currently there is no risk of victimisation since the interview with the child will not take place in the presence of the abuser and there are no traces of anxiety in the child’s behaviour. It is necessary to carry out a follow-up risk assessment upon her inclusion in other legal proceedings.

III. Basic needs (please describe the basic needs as follows):

• for protection, legal or other;
  Currently there is no need for police protection. The family supports the child.

• for support, for treatment and psychosocial accompanying;
  Petya needs a protected and confidential environment where she can openly share her thoughts and feelings about the violence she experienced. It is recommended that the child be provided with socio-psychological support from professionals.
• for special measures as regards the provision of child-friendly justice – informing, accompanying, friendly practices for participation in legal proceedings
It is necessary to safeguard the psycho-emotional state of the child by providing child-friendly justice, informing, accompanying and preparation for participation in legal proceedings.

• Other: research into the factors leading to the crime against the child, as well as into the attitude of the mother and the child’s close circle to the crime committed against her and their readiness to support the child for psychosocial recovery.

IV. Expert’s/ experts’ recommendations

• as regards participation in legal proceedings
Currently Petya is ready to participate in legal proceedings, following active work of the CSC team on the case towards stressing the importance to participate in such proceedings. It is necessary to take into account the recurrence of the violence, as shared by the child.

• as regards support and therapy
It is recommended that the work with the girl focuses on overcoming the traumatic experience and on potential development. Petya needs support in order to develop the right ideas about role models and patterns of behaviour.
Annex No. 6.5.
Information for Individual Assessment of an Adult Victim

Information for Individual Assessment of a Victim of Violence or Crime

In 2013 Snezha, then 32 years old, started cohabitating with Dido H. Over time Dido started to inflict violence on Snezha. The two have their own child Sylvia Didova H. Snezha, the mother, has another child from a previous marriage – Tanya, 11 years old. The mother takes care of Sylvia and receives child maintenance payments from Tanya’s biological father, even though the parents had cohabitated without being bound by legal marriage. The mother says she is of Bulgarian origin.

Type and severity of the crime/violence: domestic violence on the part of the cohabiting male individual against the mother, predominantly physical violence, witnessed by the child Tanya. The child shared that Dido often argued with her mother. During these conflicts things would escalate to the man hitting the mother. Tanya did not wish to watch these conflicts. During one of the rows between Dido and Snezha, he threatened the mother that he would sleep with Tanya. Dido cohabitated with Snezha during 2013 and until September 2014. This is when a restraining order has been issued against Dido. Since then the parents of the young child Sylvia has not lived together. The mother shared that during her pregnancy with Sylvia Dido inflicted physical violence on her. Now, the mother tells, Sylvia’s father contacts her to see his daughter but when he visits them, he again starts putting psychological and physical pressure on her. Following the restraining order Dido discontinued his contact with the child Tanya. Despite this, the child is constantly supervised by an adult. The child sees a psychologist regularly to overcome the trauma from the violence.

On 1st June 2016 Snezha visited the Community Support Centre (CSC) and shared that on 30th May 2016 around 10 p.m. Dido inflicted physical violence on her. She had marks and bruises all over her body. Mrs. Konstantinova was advised by a social worker and a legal adviser about the Protection against Domestic Violence Act (PaDVA). The mother was supported to file a complaint under the PaDVA. On the same day a forensic medical certificate was issued to register Snezha Kostadinova’s condition.

Snezha informs that on 29th September 2014 a restraining order was issued against Dido H. under the same PaDVA. He has inflicted physical violence on her since, in violation of this order. Snezha shared that one of Dido’s attempts to hit her was intercepted by Tanya, which led to the child being pushed hard and she fell and hit herself badly. The child fears Dido.
Children and Justice – ressource center and materials:

Web site of the Project “Justice befriends the child – training of practitioners for better cooperation”:

Ethical Rules for practitioners:
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