MODEL
FOR INDIVIDUAL ASSESSMENT
OF VULNERABLE VICTIMS
AND
INTER-AGENCY COOPERATION
WITH VICTIMS OF CRIME

Sofia, 2017

Co-funded under the EU Justice Programme
This document was developed as part of the *Justice Befriends the Child – Training of Practitioners for Better Cooperation* Project under Contract No. JUST/2014/JACC/AG/VICT/7465 with the financial support of the EU Justice Programme.

The contents of this publication are the sole responsibility of the Social Activities and Practices Institute and can in no way be taken to reflect the views of the European Commission.

Associate Project Partners:

Authors:
Dr. Nadya Stoykova
Prof. Dr. Nelly Petrova
Darinka Yankova

Social Activities and Practices Institute
Sofia 1606, 1 Victor Grigorovich St.
tel: +359/ 2 8524713
sapi@abv.bg  www.sapibg.org

ISBN 978-954-2956-31-0
Table of Contents

INDIVIDUAL ASSESSMENT FOR VICTIMS OF CRIME .......................................................... 4
1. Introduction of minimum standards for protection of victims of crime ......................... 4
2. Specialist services for victims of crime – an integrated or sectoral approach? ............. 6

INDIVIDUAL ASSESSMENT METHODOLOGY ................................................................. 16
1. Purpose of the Methodology ......................................................................................... 16
2. The nature of individual assessment ............................................................................. 16
3. When to carry out an assessment? ............................................................................... 18
4. Who carries out the assessment? .................................................................................. 19
5. How to make the assessment? ..................................................................................... 19
6. What is the purpose of the assessment? ...................................................................... 21
7. What questions the assessment should answer? ......................................................... 22
8. Basic concepts in assessment ..................................................................................... 23
9. Specifics of the information by section as included in the initial assessment ............. 24
   Annex No. 1. Form for Initial Assessment of a Victim of Crime .............................. 26

REQUIREMENT FOR SPECIAL TRAINING AND COMPETENCES OF
PRACTITIONERS WORKING WITH VICTIMS OF VIOLENCE OR CRIME .................. 28

INTRODUCTION .................................................................................................................. 28
1. Requirement for special training .................................................................................. 28
2. Competency-based approach ....................................................................................... 29
3. Competency profile ...................................................................................................... 31

COMPETENCY PROFILE FOR A PROFESSIONAL WORKING WITH A VICTIM OF
CRIME AND/OR VIOLENCE ............................................................................................. 32
   Competency No. 1 .......................................................................................................... 32
   Competency No. 2 .......................................................................................................... 32
   Competency No. 3 .......................................................................................................... 33
   Competency No. 4 .......................................................................................................... 33
   Competency No. 5 .......................................................................................................... 34
   Competency No. 6 .......................................................................................................... 35
   Competency No. 7 .......................................................................................................... 35
   Competency No. 8 .......................................................................................................... 35

COMPETENCY PROFILE FOR A PROFESSIONAL WORKING WITH A CHILD
VICTIM OF CRIME AND/OR VIOLENCE ........................................................................ 37
   Competency No. 1 .......................................................................................................... 37
   Competency No. 2 .......................................................................................................... 37
   Competency No. 3 .......................................................................................................... 38
   Competency No. 4 .......................................................................................................... 38
   Competency No. 5 .......................................................................................................... 39

PROTOCOL FOR COORDINATION OF INTERINSTITUTIONAL INTERACTION IN
CASES OF CRIMES AGAINST CHILDREN ..................................................................... 41
INDIVIDUAL ASSESSMENT FOR VICTIMS OF CRIME

The Social Activities and Practices Institute (SAPI) obtained support from the European Commission through the EC Justice Programme to implement an entirely national project seeking to support the efforts for the actual introduction of the Directive’s requirements. The project’s title is *Justice Befriends the Child – Training of Practitioners for Better Cooperation*, contract number JUST/2014/JACC/AG/VICT/7465, *Access to Justice strand*. Our national project partners are the Ministry of Justice (MJ), the Agency for Social Assistance (ASA), the Ministry of the Interior (MI), the Supreme Prosecutor's Office of Cassation (SPOC). The project is aimed solely at training of and support to local multidisciplinary teams to carry out assessments of victims of crime.

Thanks to the extensive experience of interviewing in the so-called “blue rooms”, to our partnership with key players, and to the *Listen to the Child – Justice Befriends the Child* Project, which comes to a close soon, we have available piloted practice, developed training materials and we are ready to deliver training in performing individual assessments of child victims of crime.

The situation with adult victims of crime is challenging. We can contribute to piloting a selected practice and developing training materials, which requires real, intensive partnership.

1. *Introduction of minimum standards for protection of victims of crime*

Directive 2012/29/EU sets a requirement for the introduction of minimum standards for protection of victims of crime, especially the most vulnerable among them, such as victims of domestic violence, children, people with disabilities, among others.
Actually, the Directive sets a requirement for states to harmonise their criminal proceedings towards taking account of the needs of the victims of crime. Traditionally, penal procedure systems are strongly oriented towards the situation of the accused or the defendants and ensuring a just trial for them. Without prejudice to the rights of the accused or the defendants in criminal proceedings, the Directive also sets a requirement for the introduction of minimum standards for the protection of the rights of victims of crime. In this way, the Directive makes governments and justice systems focus on the victims too, thus redressing the balance to create a sense of justice for society. In this sense, the Directive’s requirements should not be deemed as “external pressure”, not least because Bulgaria as a state has participated in the drafting and approval of this Directive, but also because it focuses efforts on the vulnerable groups in society whose interests and needs have been underestimated up until now, and this is, ultimately, a commitment of all institutions in the member states. This is why we fail to understand the resistance we see on the part of almost all competent ministries.

We would like to share our concern as regards the delayed introduction of Directive 2012/29/EU, for which Bulgaria is already being sanctioned, and as regards the insufficient support on the part of state institutions for its introduction. We believe this delay is due to the insufficient inter-sectoral and inter-institutional cooperation in the name of the best interest of victims. We are particularly concerned about the fact that this gap is manifested as non-commitment and even resistance to the implementation of a directive dealing with rights concerning justice for, support to and treatment of victims.

The approach to and way of transposing Directive 29 into the Criminal Procedure Code poses a lot of questions, some of which have to do with insufficiently making sense and understanding the philosophy behind the Directive. The introduction of minimum standards for protection of victims of crime is meant to provide support and justice to these people. In our country the amendments seem to seek meeting the formal transposition requirements without actually changing the practices involving victims of crime.
2. Specialist services for victims of crime – an integrated or sectoral approach?

In compliance with Directive 2012/29/EU, for each victim of crime an individual assessment should be carried out. We believe that victims of crime need an individual assessment carried out by a multidisciplinary team who is to assess the risk, as well as the need for application of special protection measures within the meaning of Directive 2012/29/EU, together with the needs for provision of access to other services.

This package of services needs to be provided to the victim of crime as early as their first contact with the justice system, which means that it needs to be closely linked with or physically provided at the police station and/or the Prosecutor’s Office.

International leading practices to support the victims of crime

Based on a study\(^1\) of leading practices in European and North American countries, we are of the opinion that there are various options to provide this minimum package - informing victims of crime about their rights; emotional support and assistance to access universal, social and rehabilitation services. There are countries where the support to victims of crime is entirely undertaken by the social services, which consider them as people at risk. Such is the practice in the USA, Canada and some European countries. In the UK, France and other countries the approach is rather to fund specialist associations, directly from state funds or via the Ministry of Justice or the Ministry of the Interior, which offer a minimum package of services, including, primarily informing, psychological support and assistance to access universal, social or rehabilitation services. There is also the practice to delegate funds to local authorities by means of which to fund specialised services provided by non-government organisations (NGOs).

If we put into practice in our country the various approaches, several possible solutions emerge, all of them being financed by earmarked funding from the state:

- The service package to be provided by a team comprised of a social worker from the Directorate for Social Assistance (DSA), who is the case manager, a representative of the police, a representative of the Prosecutor’s Office (PO), a medical professional, a social worker and a clinical psychologist from an accredited social service;

- The service package to be provided by a team comprised of a social worker and a clinical psychologist from an accredited social service, who is the case manager, a representative of the police, a representative of the PO, a clinical psychologist from an accredited social service;

- The service package to be provided by an NGO team. These NGOs should be specially accredited and funded to provide such a service across the country;

- The service package to be provided by a team set up locally comprising representatives of state, local and NGO structures and funded via municipal budgets;

The minimum service package should include at least the following:

- informing victims of crime about their rights;
- individual case assessment;
- emotional support;
- assistance to access universal, social and rehabilitation services.

**Provision of protection measures as regards participation in legal proceedings**

**Being informed of one’s rights**

It is important to guarantee the right of victims to information about their rights, access to support, compensation, etc. at the time of initial contact, irrespective of whether the offender has been identified; this holds true for all victims, especially vulnerable ones; it is equally important that informing happens in such a way as to make sure the victims understand their rights. As regards the transposition of the Directive, it should
be stated that the amendments to Art. 75\textsuperscript{2} of the CPC introduce some of the victims’ rights to information, which is an important step, but again they are not guaranteed to the full because this provision of the law states that this will happen if the individual has provided an address and their rights to information arise if they expressly requested to be involved in the proceedings. Meanwhile, the amendments to the CPC do not include information on the right to support and to access to support services. Informing about this support is included as an obligation of the MI bodies under Art. 6\textsuperscript{3} of the Crime Victim Assistance and Financial Compensation Act. This amendment dates back to 2016 and according to conducted interviews with victims, all who turned to support services for victims of domestic violence shared that they learned about them from people they knew and none of them was informed by the police. It remains unclear what measures the MI takes to deliver on this right.

Right to special protection for vulnerable victims

In the transposition of the Directive in no way whatsoever was the Bulgarian experience of introducing friendly justice reflected, as based on a multidisciplinary and multi-institutional approach.

In different Bulgarian regions child-friendly justice practices have been developed for over 10 years now. As early as 2007, training of multidisciplinary and multi-institutional teams at the local level was launched in three Bulgarian regions where also the first specialised premises for child victim interviewing/hearing were set up, creating a friendly atmosphere, providing an opportunity for video recording and

\textsuperscript{2} Art. 75 (Amended, SG No. 109/2008) (1) (Supplemented, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017) In pre-trial proceedings, the victim shall have the following rights: be informed of his/her rights within the criminal proceedings; obtain protection with regard to his/her personal safety and the safety of its relatives; be informed of the progress of the criminal proceedings; take part in the proceedings in accordance with the provisions of this Code; furnish requests, notes and objections; file appeals with regard to the acts resulting in the termination or suspension of criminal proceedings; have a counsel; receive a translation of the decree terminating or suspending the criminal proceedings if he/she does not have command of the Bulgarian language.

\textsuperscript{3} The bodies of the Ministry of the Interior, investigators and victim support organisations shall immediately inform the victims or the persons under Article 3 (2) of:
1. (amended, SG No. 51/2016, effective 6.1 0.2016) their right to access to medical care, the organisations to which they can refer for free psychological help and support, as well as of any kind of specialised help they are entitled to receive;
2. victims' right to legal aid, the services to which they can turn in order to exercise that right, and the terms and procedures for obtaining legal aid free of charge;
guaranteeing, whenever necessary, the avoidance of encounter and direct contact between the victim and the offender. These facilities (“blue rooms”) were set up within buildings of municipal social services for children and families at risk. A team of psychologists and social workers was also set up, having been trained in the use of the NICHD\(^4\) Protocol as part of Thomas Lyon’s training programme. This team has been available to investigative bodies to interview child victims of sexual violence, young children and children with specific needs, as well as young female victims of trafficking. Over the years the number of such rooms has been increasing and as at November 2017 there were 21 rooms for child interviewing in operation, thus achieving coverage of over 70% of the judicial districts in the country. The size of the team of trained professionals has doubled, the children who were interviewed and heard in the specialised premises in the course of 2016 and during the first 10 months of 2017 being over 290\(^5\), data being available for only 12 of all specialised premises in operation.

This experience and good practice have not been reflected at all in the amendments to the CPC. What is more, for reasons remaining unclear there were two parallel working groups tasked with transposing the Directive, one of them including representatives of organisations with experience in the introduction of friendly-justice practices. This group prepared draft amendments to the CPC and other laws, which reflected the experience and good practice accumulated in Bulgaria. However, another set of proposed draft amendments went to Parliament submitted by the other working group. Paradoxically, both groups worked under the umbrella of the Ministry of Justice. The amended CPC was approved extremely fast, with no discussions or opportunity to make proposals.

The amendments concerning interviewing introduce some positive change towards the so-called ‘interview of a witness with special protection needs’, which is an addition to

\(^4\) The National Institute of Child Health and Human Development (NICHD) Protocol: Interview Guide (NICHD Investigational Interview Protocol)

\(^5\) This data was presented at the Listen to the Child – Ten Years of Practice in Bulgaria National Conference held on 17\(^{th}\) November 2017
Art. 139. Meanwhile, in relation to children, who should be considered witnesses with specific needs and for whom this requirement should be applied, the amendments to Art. 140 provide for this as a possibility rather than as a requirement. In practice, this amendment does not lead to any actual changes since even prior to this amendment, if the investigating authority decided so, they could interview under the stated conditions. It is important to note that this instance of discretion of the investigating authority is in no way linked to the individual assessment which would safeguard the best interest of the child. The way the amendments were made does not guarantee the rights of the child as a vulnerable victim.

Neither are any requirements introduced as to the professional who is holding the interview, which is in violation of the requirements to ensure that the victim is understood, as pointed out in the recitals section of the Directive (21). The Directive also sets a requirement to ensure minimum number of interviews, which is in no way whatsoever reflected in the amendments to the CPC. The only possibility is provided for in the amendments to Art. 281, whereby interviews can be avoided during the trial proceedings if the child is under 14 or is a witness with specific needs, which appears to require evidence.

Introduction of individual assessment for victims of crime

The philosophy behind individual assessment is to facilitate above all the provision of special protection measures. The purpose of individual assessment is to take account

---

6 (10) (New, SG No. 63/2017, effective 5.11.2017) Interviews of witnesses with specific protection needs shall be conducted after measures have been taken to avoid contact with the accused party, including videoconferencing or telephone conferencing, in accordance with the provisions of this Code.

7 (5) (New, SG No. 109/2008, amended, SG No. 63/2017, effective 5.11.2017) Children or minors can be interviewed as witnesses in Bulgaria after measures have been taken to avoid contact with the accused party, including in specially equipped premises or via videoconferencing.

8 the witness fails to appear, and the parties agree with that. 6. (supplemented, SG No. 63/2017, effective 5.11.2017) the witness is under age or has specific protection needs, and the accused party and the latter’s defence counsel have attended the witness’s interrogation.

9 Victims who have been identified as vulnerable to secondary and repeat victimisation, to intimidation and to retaliation should be offered appropriate measures to protect them during criminal proceedings. The exact nature of such measures should be determined through the individual assessment, taking into account the wish of the victim. (58)
of the risk of secondary victimisation or further crime/violence, which poses the requirement to carry it out as early as possible, and also at each stage of the proceedings (53-56). The understanding about the content of assessment, as set out in (56), determines the social nature of this assessment undertaken by an interinstitutional and multidisciplinary team since it includes assessing both the state of the victim from a medical and psychological point of view and the social situation; however, it also considers the type of crime and the relationship with the possible offender. The introduction of the Directive’s requirement to carry out individual assessment - Art. 22 reading as follows: “victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation” has found its way into the CPC as an addition to Art. 144 - as ‘expert assessment’\(^\text{10}\). In this way it cannot play its role due to the impossibility for it to be multidisciplinary, to be undertaken as early as possible in order to decide on the nature of the victim as vulnerable or not and assess their needs for specific protection and support measures. The provision makes the assessment an obligation of a court expert whose competence is unclear.

**Provision of support and recovery services**

The Crime Victim Assistance and Financial Compensation Act sets out the forms of support too, making references to the Health Act for health services, even though solving the problem with access to psychotherapeutic support of victims of crime, which in most European countries is the responsibility of health services, in Bulgaria is not guaranteed even for victims of crime.

As regards the remaining services\(^\text{11}\), it is not clear how access will be secured. The Crime Victim Assistance and Financial Compensation Act provides for funding for the

\(^{10}\) (3) (New, SG No. 63/2017, effective 5.11.2017) An expert assessment can also be appointed to establish specific protection needs of a witness in connection with his/her participation in criminal proceedings.

\(^{11}\) Article 8.(1) The forms of assistance to victims of crime shall be:
1. medical treatment in emergency situations according to the procedures established by the Health Act;
2. psychological counselling and assistance;
organisations providing such support but it is project-related funding and it fails to provide access to all victims throughout the country. This Act also provides for the obligations of organisations supporting victims of crime. It remains equally unclear which these organisations are. We assume what is meant is organisations supporting victims of domestic violence. We have no data about support organisations for victims of crime in operation. By all means, to put it in a nutshell, there are provisions in place guaranteeing a minimum service package but there are no services for adult victims of crime within the meaning of Articles 23 and 24 of Directive 2012/29/EU.

In fact, the lack of such services makes the access to social services, such as the ones provided nationally, as indicated in the recitals section of the Directive (39), impossible or non-guaranteed to say the least. In relation to children, this access to social services is guaranteed within the protection system.

**In the transposition of the Directive, the Bulgarian experience in introducing an integrated approach for provision of access to support and recovery services was not sufficiently reflected.**

The MJ itself has been funding projects aimed at victims of domestic violence, which require the introduction of an integrated approach, since 2009. During the 2012-2015 period, the European Commission, through its Justice Programme, funded an international project *Justice Befriends the Child* aimed at developing an integrated assessment model, this assessment providing access to services for protection against the risk of repeat victimisation, for friendly justice in the event of risk of secondary victimisation, and to services for the victim’s recovery from the consequences of the crime. This model was based on experience in several countries; it was piloted in Bulgaria and Romania and European recommendations for its roll-out were issued.

---

3. (supplemented, SG No. 51/2016, effective 6.10.2016) free legal aid under the Legal Aid Act:
4. practical help.
(2) Persons referred to in Article 3, Paragraph 2 shall be entitled to the forms of assistance under Paragraph 1, Items 2 to 4.
(3) (Amended, SG No. 51/2016, effective 6.10.2016) The forms of support under Paragraph 1, Items 2 and 4 shall be provided in accordance with the principle of confidentiality prior to the initiation of criminal proceedings, at the time of or within a reasonable period of time after the completion of criminal proceedings in accordance with the needs of the victims and the persons under Article 3 (2).
(4) (New, SG No. 51/2016, effective 6.10.2016) Where necessary, free psychological counselling and assistance under Paragraph 1, Item 2 shall be provided after award of the judgment under Article 24.
The project partners in Bulgaria were the MJ, the Supreme Prosecutor's Office of Cassation (SPOC), the MI, the SACP. The application and development of this model was at the heart of the „Justice Befriends the Child – Training of Practitioners for Better Cooperation” Project.

Since 2015 the All under One Roof model has been piloted in Bulgaria via the innovative integrated service “ZaKrila” Protection Zone as part of a project implemented by UNICEF Bulgaria, SAPI and Association Animus Foundation in three Bulgarian towns.

Through the SACP and SAPI, Bulgaria participates in the PROMISE 1 Project.

No analysis of best practice was undertaken for the introduction of an integrated, child- and family-centred approach so that it can be used when amending the legislation.

Data from action research conducted during the implementation period of the „Justice Befriends the Child – Training of Practitioners for Better Cooperation” Project indicate that the model for application of an integrated individual assessment carried out by a multidisciplinary team is useful to all institutions.

The repeated position of the Ministry of Labour and Social Policy also has contributed to this situation, stating that social services and social work have no bearing on crime victims.

This position runs counter to the responsibilities we believe this Ministry has as regards respect for the human rights of all people in Bulgaria.

We also believe that an opinion presented on behalf of MLSP experts at the working group meeting on the Law Amending and Supplementing the Criminal Procedure Code regarding the requirements of Directive 2012/29/EU goes against the nature, meaning, principles and modern scientific and practical approaches of social work. In essence, it expresses a clear position of non-commitment to get involved in the process of implementing the Directive’s requirements as regards Bulgarian nationals of full legal age.
We cannot agree with the understanding of social work/social services presented in this opinion as related solely to the “daily activities” of people. In all modern definitions of social work and social services, their role as a guarantor of respect for human rights and social justice is emphasised as one of their intrinsic features.\textsuperscript{12} It is precisely their role as a guarantor of respect for the human rights of all people who, for one reason or another, are not in a position to take advantage of them, that is key to social work in the second half of the 20\textsuperscript{th} century and the early 21\textsuperscript{st} century. Social services are aimed at people at social risks and in a position of vulnerability, who, because of this, have difficult access to universal services, such as justice, health care, education, transport, etc. We cannot possibly expect that the health, education and justice\textsuperscript{13} sectors will develop their own special services for people at serious risk in life, the victims of crime being one such group of people. These services are universal because they target all people. Social services need not overlap with them just as universal services should not overlap with social services. This is about the mission of social services to make sure that people at social risk have access to them. It is no other but social work as a meta-profession and meta-science that needs to “provide a mechanism for interaction” and coordinate all services revolving around the individual at risk i.e. its function is to manage the case\textsuperscript{14}.

Social work and social services are not aimed at satisfying the basic needs of people, as the opinion in question argues, and this has been the case for over a century now. Social services are aimed at the specific needs of the individual at social risk and this is the reason why it is necessary to introduce individual needs assessment in all areas of social work/social services. By ‘social risk’ we do not mean poverty alone, but also

\textsuperscript{12} Please see definition of social work approved by the International Federation of Social Work (IFSW) and the International Association of Schools of Social Work (IASSW) at their joint congress in Montreal, Canada, in July 2000 with delegates from 75 countries. The new definition was approved by the IFSW General Meeting and the IASSW General Assembly in July 2014.  
http://ifsw.org/policies/definition-of-social-work/;  
http://www.socialserviceseurope.eu/#!ssgi/cjpz

\textsuperscript{13} We would like to emphasise that informing one about their rights, as well as carrying out an individual assessment of a person at risk, are not services of the justice system.  
https://www.google.com/url?q=http://www.tandfonline.com/doi/abs/10.1080/14043850701706911&sa=U&ved=0ahUKEwi_3M6a4MTKAhXBDF3IKHcsABlkQFggJMAI&client=internal-uds-cse&usg=AFQjCNF4gAhym1ZV1idD0y_EOX8musFCBw

\textsuperscript{14}
all factors that can contribute to putting one at risk of social exclusion. Victims of crime can be people who need social protection because of poverty, abuse, involvement in trafficking, disabilities and, as such, they need to have guaranteed access to such protection.

The opinion is in sharp contrast with the definitions of social services in Bulgaria, such as the definition for ‘Crisis Centre’ adopted in the Implementing Regulations of the Social Assistance Act (IRSAA) as “a complex of social services for individuals who are victims of violence, trafficking or other form of exploitation, the services being provided for up to 6 months and aimed at the provision of individual support, satisfaction of daily needs and legal advice to the service users or social and psychological assistance, whenever urgent intervention is needed, including by means of outreach teams for crisis intervention”\textsuperscript{15}.

We believe that the \textit{MLSP should be a lead ministry in the introduction of minimum standards for protecting the rights of the victims of crime and for their support, as well as in the process of the actual introduction of the requirements of Directive 2012/29/EU} in our country. Bulgarian nationals should rely on the advocacy role of the MLSP, since the change in practice of the Ministry of the Interior (MI) and the Prosecutor’s Office (PO) during the investigation process, as regards the victims and witnesses of crime, cannot possibly happen without this advocacy.

\textsuperscript{15} \url{http://eurogender.eige.europa.eu/sites/default/files/events-files/140617%20BG%20Ag%20Soc%20Ass.pdf} ;
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?

3.1. 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.

3.2. 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 ZaKrilu 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:

1) 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.

2) Risk of repeat victimisation:

The risk of repeat victimisation can be due to different factors:

2.1) 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\(^\text{16}\) 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.

\(^{16}\) 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.
2.2) *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);

2.3) *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.;

**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. 1. Form for Initial Assessment of a Victim of Crime

INITAIL 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?

Are there any symptoms of mental suffering?

Other….

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.
REQUIREMENT FOR SPECIAL TRAINING AND COMPETENCES OF PRACTITIONERS WORKING WITH VICTIMS OF VIOLENCE OR CRIME

INTRODUCTION

1. Requirement for special training

International standards on protecting the rights of the child\textsuperscript{17}, 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\textsuperscript{18} 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


\textsuperscript{18} CPC, Art. 385. “In cases of crimes committed by underage persons, pre-trial proceedings shall be conducted by appointed investigative bodies with appropriate training”.
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 on children is for the teacher profession, which is defined as teacher legal capacity\textsuperscript{19}, 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. 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.

2. **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

\textsuperscript{19} 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
approach”. This is particularly true for specialisms with a broad profile in the humanities which train professionals for the so-called non-regulated professions\(^\text{20}\). 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”\(^\text{21}\). 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.

\(^{20}\) 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.

\(^{21}\) For more details see Petrova-Dimitrova, N. *Training of Social Pedagogues – Competencies, Standards, Perspectives// Pedagogy* No. 1, 2011
3. 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 2.1.) 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 2.2.) includes knowledge, skills and attitudes which social workers, psychologists and pedagogues working in specialised integrated services for child victims\textsuperscript{22} should have.

\textsuperscript{22} Such as Zona ZaKrila (ZaKrila Protection Zone), social services at Community Support Centres (CSCs) with ‘blue rooms’ built in them, Crisis Centres, etc.
COMPETENCY PROFILE FOR A PROFESSIONAL WORKING WITH A VICTIM OF CRIME AND/OR VIOLENCE

(ANNEX No. 2.1.)

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
COMPETENCY PROFILE FOR A PROFESSIONAL WORKING WITH A CHILD VICTIM OF CRIME AND/OR VIOLENCE

(ANNEX No. 2.2.)

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.
- recognise 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;
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

---

23 This is an abridged publication of this document. The full document with annexes can be found on the SAPI web page.
Institute, and Internal Rules for the Use of “Blue Room” Specialised Premises for Interviewing, developed with the support of UNICEF Bulgaria.

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);
I. GENERAL PROVISIONS

1. Objective:

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

1) 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;

2) 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;

3) 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:
1) 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.

2) 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.

3) 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:

1) 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.

2) 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)

3) 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)

4) 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:

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

2. 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;

3. 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:

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

2. 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;

3. 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;

4. 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;

5. 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;

6. 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:

1. 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;

2. 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;

3. 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;

4. 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;

5. 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:

1. 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;

2. 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;

3. 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;
4. 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;

5. 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;

6. 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;

7. 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:

1. 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;

2. 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;

3. 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);

4. 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;

5. 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;

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

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

8. 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:

1. 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;

2. 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;

3. 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);

4. 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;

5. 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:

1. 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;
2. under this Protocol, initiate and hold regular meetings on the progress and challenges of its application once a year, and, if needed, more often;

3. 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;

4. 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 crime, shall make the following commitments:

1. 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;

2. 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;

3. 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.