



Safeguarding children rights and best interest through effective and respectful participation and interdisciplinarity

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Why we do it:

- To enhance the approach of the justice system to treat the child in a manner consistent with the promotion of the child's sense of dignity and worth.
- To strengthen the integration between the system of justice and child protection as an effective tool for the protection of the rights of the child.

What is a good model for child-friendly justice?

- in full compliance with the CRC,
- fully integrates a timely and multi-sectoral IA as an effective tool where the justice system meets the child protection system,
- provides safeguards – procedural, professional and material – for the child hearing and child participation.

Context:

- lack of coordinated interaction between the criminal justice system, the child protection and social services systems
- Individual assessment (IA), if implemented, is primarily used as an evidentiary tool within the process rather than to enable other rights to be realised
- Underestimation of the training of professionals and structures that should protect the interests and rights of children

Elements:

- Procedural rights tailored to the best interests of the child, including - the right to IA and a hearing
- Trained professionals with whom the child comes into contact
- Supportive environment - facilitation, language, supportive professionals, parent involvement, etc.
- Appropriate infrastructure – ‘friendly’ spaces for interviewing the child victim or ed (in the GP) or give evidence, as a suspect and as an accused or witness ('blue rooms')

Principles:

- Decentralization of decision-making to be closest to the child and empowerment of professionals working directly with the child
- Strengthening the multysectoral and interdisciplinary approach by developing clear protocols for working with the different tools, tailored to the best interests of the child
- Timeliness and effectiveness of preventive and/or protective measures.

Story from the practice:

Mario's Case

Individual assessment:

- General information about the child - data - names, age (or presumed age), sex, contact details; features of the child's personality and maturity; economic, social and family background of the child,
- Information on characteristics of the child that place him/her at higher risk - disability, membership of a vulnerable group, asylum seeker, etc.
- Assessment and determination of the best interests of the child - specific needs of the (particular) child (for protection, education, training and social integration) involved in the civil or criminal justice,

From this assessment the following information should be clarified for the court: presence or absence of disability and/or communication problems; opportunities for social services and effective social interventions, specific protection measures for the child, educational measures that are appropriate to be implemented.

IA should include:

- An assessment of the child's needs in relation to the violence experienced and the family's capacity to meet those needs adequately and with a focus on the child's best interests; this has implications for what protection measures should be taken;
- An assessment of the risks to the child - the risk of re-victimisation, intimidation and coercion, which may be due to a variety of factors (the individual characteristics of the victim; the type and nature of the offence; the circumstances of perpetration) and the risk of secondary victimisation, which is due to the child's vulnerability as a witness and participant in legal proceedings; this has implications for what procedural facilities can be provided as well as protective measures for the child or their relative who has been the victim of violence.
- Assessment of the child's injuries and the specific needs of the child victim of violence for treatment, rehabilitation and special support in his or her physical recovery/ Medical expertise.
- Specialised psychological assessment of the child and his family
- Proposals for appropriate protection and/or support measures based on the findings of the IA.

Algorithm:

- appropriate tasking and questions in relation to a report requested by an authorised institution
- the court may instruct a child welfare service provider to establish a multidisciplinary assessment team to carry out the tasks of an IA.
 - In cooperation and collaboration with the SAD, the Child Pedagogical Room, other child services providers working in the territory of the court, educational service providers, medical professionals, and others;
 - with the active participation of the child, his/her parents, guardians, relatives and/or carers.
 - Taking into account the child's views and best interests.
 - The Child Pedagogical Room, as well as the SAD shall provide the team with the available information about the child.

In the civil proceedings, the assessment focuses on determining the most appropriate manner and conditions for the child to appear in court.

Key issues for consideration:

1. On which stage shall IA will be developed?
2. Who shall ask for the IA?
3. Who shall do the IA?



Thank you for your attention!

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