

# Model of Child-Friendly Justice Court Practices:

## Children With Intellectual or Psychosocial Disabilities



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## **Project**

The “Child-Friendly Justice: Developing the Concept of Social Court Practices” project (CFJ-DCSCP) aims to improve access to justice for children in an enhanced vulnerable situation in the criminal justice system. This will be done by developing and disseminating specialized models of individualized assessment of their needs, barriers, and situation in line with international and European law. To that end, the project includes a research and tool development component to identify existing and ongoing problems, make recommendations and provide practice-oriented guidance for criminal justice professionals involved in individual assessments in criminal proceedings for child victims or children who are suspects or accused of committing a crime that are also in a vulnerable situation. It focuses on children deprived of parental care, unaccompanied children, and children with mental disabilities. This Model sets out standards, practice-oriented guidance, and a tool for the implementation for a model individual assessment process in criminal proceedings, for Romania, which is tailored to the particular vulnerable situation of children with intellectual and psychosocial disabilities.

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## **Disclaimer**

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## I. What is this Model and why is it necessary?

This Model focuses on components of criminal proceedings, which have been identified during this project to need reform, in Romania, to enable children with intellectual and/or psychosocial disabilities, in contact with the law to participate in criminal proceedings.<sup>1</sup> The proposed solutions are based on the philosophy and values of the two EU Directives - Directive 2012/29/EU and Directive (EU) 2016/800; the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

This Model has been developed within the national framework in force as of February 2021. Undoubtedly, the improvement of the Criminal Procedure Code and the adequate transposition of the EU Directives, in line with UNCRC and UNCRPD is an important goal. It is also a prerequisite for the establishment of a child, gender and disability sensitive criminal proceedings. Considering deficiencies in Romanian legislation regarding individual assessment process, this Model will outline the essential elements necessary to address these gaps.

This Model is also meant to serve as practical guidelines for stakeholders directly involved with children with intellectual and/or psychosocial disabilities in criminal proceedings. It sets out guidance for piloting new tools. This Model will be validated by professionals and children involved in project activities. Depending on their feedback, this Model may be subject to further revision, enrichment, and development according to the different experiences of children and professionals in the criminal justice system.

The model consists of the following elements:

- a. Implements procedural rights (in addition to fair trial guarantees), including the right to support and legal assistance on first contact with the justice system, the right to an individual assessment, the right to be heard and to procedural accommodations in criminal proceedings;
- b. Prepares professionals in contact with a child victim or suspect or accused of committing a crime with intellectual and/or psychosocial disabilities to address their needs and barriers they may face. These include police officers, prosecutors, lawyers specialised in working with children, as well as judges who have undergone additional training;

<sup>1</sup> Drawing from desk research, interviews and consultation meetings with criminal justice professionals, child protection professionals and children. See our report: Child-Friendly Justice: Developing the Concept of Social Court Practices This report is co-funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020) Report on Existing Judicial Practices in Romania, [https://validity.ngo/wp-content/uploads/2021/10/D4.1-Report-of-Judicial-Practices-in-Romania\\_EN.pdf](https://validity.ngo/wp-content/uploads/2021/10/D4.1-Report-of-Judicial-Practices-in-Romania_EN.pdf)

- c. Supports a participatory environment, with professionals that support, use appropriate language, and facilitate parental/guardian or even carer involvement, whenever this is in the best interest of the child;

It uses as a springboard for national reform, the relevant legislation in criminal matters regarding children with disabilities in Romania: the Criminal Code (Law 286/2009), the Criminal Procedure Code (Law 135/2010), Law 272/2004 on the protection and promotion of children's rights, Law 252/2013 on the organisation of the probation service, Law 211/2004 on measures to provide information, support and protection to victims of crime (transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, hereinafter referred to as the 'Victims Directive'), and secondary legislation - Decision no. 1439/2004 on specialized services for children who committed a crime and are not criminally liable.

## **II. Structure of the Model in an Easy to understand format for people with disabilities**

This chapter is dedicated to the contribution that people with disabilities, self-representatives and young people with intellectual disabilities institutionalised in residential centres in Romania have made in drafting a section of the Model in an Easy to understand format. Given the saying "Nothing for us without us!", we consider it necessary to actively involve people with disabilities, wherever they are, in activities that directly concern them and that can have a significant impact on their lives, and especially when they are faced with a criminal procedure, unfortunately characterised in Romanian legislation by rigidity, lack of procedural adaptations and lack of adequate means to complain or report abuses.

This section would not have been possible without the significant contribution of Ms. Elisabeta Moldovan, a person with disabilities with a burdensome institutional past, who has known, since childhood, the harshness and hostility that these residential centers, or more or less permanent "homes", represent for people with intellectual and/or psychosocial disabilities, from an age far too young not to affect their psycho-emotional development in the long term. Coming from a climate characterized by constant tensions, defensive and sometimes even aggressive attitudes on the part of employees, those called into the service of the state precisely to 'protect' people with disabilities, and lacking real means of empowerment and rehabilitation that would lead the disabled person to reintegration into the community, Ms. Moldovan is today an independent, free, autonomous person, who has been living in the community for almost 20 years, enjoying the support and backing of her network of close people, without whom this journey would have been much more difficult, in the absence of real support offered by a state numbed by formalism and paternalistic attitudes.

Ms. Moldovan's support person, Mr. Zoltán Szövérdfi-Szép, who has been by her side on this journey and in the years since Ms. Moldovan has been living in the community, also contributed to this section. What does this mean? Support persons

often involve many forms in which people with disabilities can have supporters who know, understand and interpret their choices, wishes and who can communicate these choices and wishes to others as well as support them to make their own decisions about particular aspects of their lives.

For many people with disabilities, assistance and support are essential for participation in social life. Lack of necessary support services can make people with disabilities extremely dependent on family members or state institutions. Support services are not yet a core component of disability policies in many countries and there are gaps in services everywhere. However, in Timisoara, a professional network of people with disabilities has been developing - self-representatives, and support persons who, when given the opportunity, or when it becomes necessary following repeated abuse, speak out and tell stories about their lives. Their aim, to make society aware of the problems faced by a disabled person, is supported by the positive example of people who have managed to overcome their limitations and now lead normal lives.

Before presenting the contribution that Ms. Moldovan and Mr. Szövérdfi-Szép have gathered and synthesized from their interviews and discussions with people with disabilities, it should be mentioned that this feedback has become necessary precisely in order to build basic guarantees for access to justice for children with intellectual and/or psychosocial disabilities institutionalized in residential centers, whether they are victims, witnesses or suspects of committing a crime in criminal proceedings. Due to the extreme sensitivity and fragility of this vulnerable group, as well as the many barriers we faced in talking to minors in residential centers, Ms. Moldovan and Mr. Szövérdfi-Szép talked to young people with disabilities in institutions or in the community with an institutional background about the concrete needs they may have had as children or when interacting with legal actors. These were first integrated into the present section, dedicated to the Easy-to-Understand/Easy-to-read format, as well as in the chapters on optimizing communication and dialogue techniques with the minor with intellectual and/or psychosocial disabilities. Part of these, entitled "Methods for adapting the conversation with a person with an intellectual or psychosocial disability", will also be used, together with this Model, in multidisciplinary training sessions for magistrates, lawyers and child welfare specialists.

As a working methodology, during the period in which they collected these ideas, Ms. Moldovan and Mr. Szövérdfi-Szép interacted, on the one hand, with young people with disabilities institutionalized in dedicated centers in Timiş county (3 centers), Sibiu county (2 centers) and Caras-Severin county (1 center), and, on the other hand, during weekly meetings with members of the Ceva de Spus/Something to Say Association - self-representatives (or during other events involving self-representatives such as the annual event - CDC Self-Representatives Conference). The first series of interactions, with young people in institutions, adds value to this Model, because it succeeds in gathering the direct, unaltered voice and opinion of a category of people silenced, hidden from society in centers often located on the outskirts of rural communities, which become an empty space for society, for human



rights, for themselves. The second series of interactions harmoniously complements this perspective, as self-represented young people are encouraged to express their opinion, to ask questions, to find out what a criminal procedure is or why it is necessary for multidisciplinary teams to interact with minors with intellectual and/or psychosocial disabilities, how the principle of the best interests of the child is applied in practice.

Thus, as stated above, the extensive contribution of people with disabilities, summarized by Ms. Moldovan and Mr. Szövérdfi-Szép, can be found throughout the Model and will be used and integrated in the drafting of training materials in a way that both those called upon to carry out the act of justice (magistrates, lawyers, police), as well as professionals in the psychosocial system for the protection of children with disabilities, to be able to use the information provided in a way that contributes to the respect of the fundamental rights of minors with disabilities involved in criminal proceedings, and that makes use of, rather than restricts, the provisions of the Convention on the Rights of Persons with Disabilities, European Directives and national laws in this field.

Finally, the authors consider it necessary that any document should be open with information in accessible, easy-to-understand language for persons with intellectual disabilities, to be detailed in the following Articles 1 - Purpose, 2 - Definitions, 7 - Children with disabilities, 12 - Equal recognition before the law, 13 - Access to justice, 33 - National implementation and monitoring and 49 - Accessible format of the Convention on the Rights of Persons with Disabilities, elaborated in an easy-to-understand format by Ms. Moldovan and Mr. Szövérdfi-Szép, together with their self-representative colleagues from the Association Ceva de Spus Timișoara.

Accessibility is a prerequisite for people with disabilities to live independently and participate fully and equally in society. Without access to the physical environment, transport, information and communication, including information and communication technologies and systems, and other facilities and services open or provided to the public, people with disabilities would not have equal opportunities to participate in those societies.



## Article 1

### Purpose

This convention came into being to protect the rights of persons with disabilities.



People with disabilities are different people who have abilities but who also have certain undeveloped parts or certain shortcomings.

There may be some gaps in the thinking part (intellectual disability), on the physical side (physical disability) or in the way people feel, see or hear (sensory disability).



These people encounter obstacles on a daily basis and cannot participate in community life.

From the very first article of the Convention, we note the involvement of people with disabilities in the drafting of the provisions and articles that directly concern them, as they are directly and actively consulted in order to provide the most positive impact.

## Article 2

### Definitions

Communication refers to what a person speaks, to written text, to text that you read with the help of fingers, audio recordings, icons.



Disability discrimination means that a person is treated differently because of disability.



Reasonable accommodation refers to all changes that people with disabilities need to make in order to enjoy the rights and freedoms that other people enjoy.

Reasonable accommodation refers to changes such as ramps, handrails, desks that height-adjustable desks, icons that appear next to text.



Universal design refers to the plan you make so that all people have access to services and information.

People with disabilities continue to face significant attitudinal, physical, legal, economic, social and communication barriers to participation in public life. Prior to the entry into force of the Convention, the views of people with disabilities were dismissed in favor of those of third party representatives, such as organizations "for" people with disabilities. It is therefore necessary to define the basic principles from the very beginning of the Convention.

## Article 7

### Children with disabilities

States Parties shall take all measures to ensure that ensure that children with disabilities enjoy the their rights like other children.



They have the right to express their views in the same way as others.

To be able to speak out, they must be supported as they need.

It is estimated that there are 500-650 million people with disabilities in the world, about 10% of the world's population, 150 million of whom are children. More than 80% of them live in developing countries with little or no access to services. Most children with disabilities in developing countries remain out of school and are completely illiterate. It is recognized that most causes of disability, such as war, disease and poverty, are preventable, as are the prevention and/or reduction of the secondary effects of disability, often caused by lack of early/timely intervention. More is therefore needed to create the necessary political will and real commitment to investigate and implement the most effective disability prevention actions, with the participation of all levels of society.

While Article 12 of the Convention protects equality before the law for all persons regardless of age, Article 7 of the Convention recognizes the evolving capacities of children and states that "in all actions concerning children with disabilities, the best interests of the child ... shall be a primary consideration" (para. 2) and that "their views [shall] be given due weight in accordance with their age and maturity" (para. 3). In order to comply with Article 7, States Parties must review their laws to ensure that the wishes and preferences of children with disabilities are respected on an equal basis with other children.

## Article 12

### Equal right to laws

States Parties recall that persons with disabilities have rights as well as obligations before the law.



People with disabilities must receive help when they want to go to court and the police.



States Parties shall take measures to ensure that persons with disabilities are not deceived when submitting important documents.



States Parties shall take measures to persons with disabilities have the right to houses, land, cars.



People with disabilities have the right to borrow from the bank and do what they please with their money. No one will take people with disabilities' the house and the money, without them agreeing.



Equality before the law is a basic general principle of human rights protection and is indispensable for the enjoyment of other human rights. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights specifically guarantee the right to equality before the law. Article 12 of the Convention on the Rights of Persons with Disabilities describes in more detail the content of this civil right and focuses on areas where persons with disabilities have traditionally been denied this right. Article 12 does not establish additional rights for persons with disabilities; it simply describes specific rights, elements that States Parties must take into account to ensure the right to equality before the law for persons with disabilities on an equal basis with others.

## Article 13

### Access to justice

Justice refers to all the laws in a country but also to the institutions you go to when you have problems with the law (e.g. police, court).



States Parties need to support people with disabilities to understand what happens in court.



In these institutions there must be a language that is easy to understand or a support person.

People with disabilities have the right to have their say in court.



They must be helped when they speak out.

Some people need to write instead of speak.

Sometimes icons are needed.

Court, police and prison staff need to be trained to work with people with disabilities.

Two principles for access to justice: the best interests of the child and the right to be heard.

**Best interests of the child.** In all decisions taken in the context of the administration of juvenile justice, the best interests of the child must be a primary consideration. Children differ from adults in their physical and psychological development, but also in their emotional and educational needs. Such differences form the basis for less culpability of children in conflict with the law. These and other differences are reasons for a separate juvenile justice system and require different treatment of children. Protecting the best interests of the child means, for example, that the traditional goals of criminal justice (repression/ retribution) must give way to rehabilitation and restorative justice in dealing with juvenile offenders. This can be done in line with attention to effective public safety.

Right to be heard. States parties should encourage the child to form a free opinion and should provide an environment that enables the child to exercise his or her right to be heard. The views expressed by children can add relevant perspectives and experiences and should be taken into account in decision-making, policy-making and the preparation of laws and/or measures, as well as in their evaluation. These processes are usually called participation. Exercising the rights of the child or children to be heard is an essential element of these processes. The concept of participation emphasizes that the inclusion of children should not just be a one-off act, but the starting point for an intensive exchange between children and adults on the development of policies, programmes and measures in all contexts relevant to children's lives.

### Article 33

#### National implementation and monitoring

Implementation of the Convention refers to the measures a country takes to comply with the Convention.



Monitoring means checking the measures taken to comply with the UN Convention on rights of persons with disabilities.

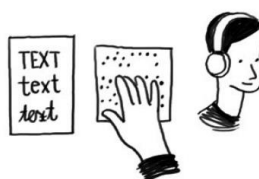
Each country must have a group of experts to check whether the rights of people with disabilities are respected.



### Article 49

#### Accessible format

The UN Convention on the Rights of Persons with Disabilities must be made into a easy to understand format.



The UN Convention on the Rights of Persons with Disabilities must also be available in Braille and in audio.

Finally, these two articles reaffirm the obligation of Member States to include people with disabilities in all initiatives and actions concerning them. Any document, be it a law or public policy act, a guidance document, or a standard document, must be written in accessible and disability-friendly language.



### **III. What is an individual assessment and its purpose for children with intellectual and/or psychosocial disabilities**

It is a personalised evaluation taking specifically into account the personal characteristics of children, their situation and individual circumstances, whether they participate in criminal proceedings as victims or suspects or accused of committing a crime. This is a right for both child victims and suspects or accused of committing a crime with and without disabilities.<sup>2</sup> It should be used, like all actions in criminal proceedings, to enable children to exercise their criminal procedural rights and participate in criminal proceedings.<sup>3</sup> This includes enabling children with intellectual and/or psychosocial disabilities to participate in criminal proceedings on an equal basis with other children.<sup>4</sup>

This right is paramount to ensure judicial decision-makers in criminal proceedings provide the appropriate support that will allow children with intellectual and/or psychosocial disabilities to express their views in all matters that affect them. Without hearing a child first, a decision cannot be made in their best interest. This means decisions regarding support, information, protection, education and social integration measures are likely to be inappropriate without hearing them first and tailoring them to the personal characteristics and individual circumstances of the child. Criminal professionals must ensure for these reasons that all children, including children with intellectual and/or psychosocial disabilities, are provided age- and disability-appropriate assistance to ensure they can express their views.

Therefore, notwithstanding separate purposes for specific decision-making processes in criminal proceedings,<sup>5</sup> individual assessment should contribute towards the identification of participation barriers and how to overcome them for children with intellectual and/or psychosocial disabilities. In this assessment, a child's best interests must be a primary consideration in criminal proceedings, which must be assessed on an individual basis. It should support professionals in assessing their own processes in criminal proceedings, what may qualify as a barrier for children, address it and decide on what procedural accommodations may be necessary.

#### **Recognising Intellectual and/or Psychosocial Disability**

The determination of age- and disability- appropriate measures may rely on an age or disability assessment. The extent of this assessment may vary according to what information is available to criminal justice professionals and its sources, whenever a child with intellectual and/or psychosocial disabilities is in contact with criminal proceedings (whether as victim or suspect or accused of committing a crime). First contact with the child is crucial however to ensure non-discriminatory and appropriate

<sup>2</sup> See Article 22 Directive 2012/29/EU and Article 7 Directive (EU) 2016/800.

<sup>3</sup> See Article 1 Directive 2012/29/EU and Recital (1) of Directive (EU) 2016/800, Article 12 and 40 UNCRC, Article 5, 8 and 13 UNCRPD.

<sup>4</sup> See Article 5, 7 and 13 UNCRPD.

<sup>5</sup> As it will be expanded further below.



treatment throughout criminal proceedings and inform the extent of the individual assessment process, in line with the best interest of the child.

First criminal justice professionals that children with intellectual and/or psychosocial disabilities meet are typically police or lawyers. It is in this first encounter that a first assessment should be conducted by these professionals to identify what kind of physical and communication barriers they may encounter in criminal proceedings. Any signs of difficulty communicating, understanding and be understood will justify the need for immediate referral to qualified personnel who can perform an appropriate and comprehensive individual assessment. This qualified personnel, such as psychologist, will support criminal justice professionals in the determination of what procedural accommodations are necessary to enable the participation of children and expression of their views.

It is not intended however for criminal justice professionals to be able to diagnose a disability, but simply recognise that there may be a need for procedural accommodations in criminal proceedings. It is also noteworthy that some persons with disabilities, including children, may be unaware, uncomfortable or simply refuse to share information regarding their disability. This may be due, for example, concerns that divulging this information may lead to them becoming institutionalized or treated unfairly. So any questions regarding their perceived disability must be accompanied by how this information will be used, for what purpose in criminal proceedings and if strictly necessary, respectfully asked. Refusal to answer questions related to perceived disability must be respected and the determination of procedural accommodations must not be dependent on a formal disability diagnostic.

#### **IV. Individual assessment of Child Victims' with Intellectual and/or Psychosocial Disabilities**

Although Romania has the legislative framework to ensure that the protection needs of victims with disabilities and children accused of committing a crime are met, there are very few clear guidelines for judicial authorities on how to carry out the assessment, in accordance with the individual needs and specific circumstances of the crime, as detailed in the Directive. Social services and victim support organizations shall follow more detailed guidelines and procedures for needs assessment, either governed by national law or, in the case of NGOs, in accordance with national practice

In Romania, individual assessments or evaluations have not been systematically carried out at the time of drafting the national report. However, this does not preclude the authorities from assessing a victim's<sup>6</sup> needs or barriers on a case-by-case basis.

<sup>6</sup> Article 2 from the Victims' Rights Directive defines a victim as:

- A natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death; «Family members» means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victims.

The police can also carry out an initial assessment once the victim, through their guardian, has reported the crime and obtained a crime reference number, or the prosecutor has filed a complaint on behalf of the victim.

The national legislation provides special measures to support and protect victims such as:

- Victims interviewed in rooms especially designed or adapted for this purpose;
- Victims interviewed by, or with the participation of, appropriately trained specialists;
- all questioning of victims of sexual violence, gender violence or violence in close relationships (if the hearing is not conducted by a judge or a prosecutor) carried out by a person of the same sex as the victim, if this is the wish of the victim and without prejudice to the criminal proceedings.

Special measures are also provided for children who are always presumed to have specific protection needs due to their vulnerable situation in accordance with the Victims' Directive. Support and protection measures are laid down by the national laws. They are implemented either by the person who conducts the preliminary proceedings or by a psychologist from General Direction of Child Protection.

## **What should be assessed**

An individual assessment process<sup>7</sup> must be conducted according to the best will and preference of a child with intellectual and/or psychosocial disabilities with the provision of appropriate support to enable their expression. It should support the definition of the extent which child victims with intellectual and/or psychosocial disabilities may benefit of specific measures<sup>8</sup> in the course of criminal proceedings, including to address any risk of secondary and repeated victimisation, intimidation, and retaliation.<sup>9</sup> This implies also the definition of procedural accommodations in criminal proceedings to enable children with disabilities to overcome barriers they may face.

Article 22 §2 and Recital 56 of the Preamble of the Victims' Directive state that the individual assessment shall, in particular, take into account:

- The personal characteristics of the victims – namely their age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offenders and previous experience of crime.

• «Child» means any person below 18 years of age.

<sup>7</sup> Based on Article 22 of the Victims' Rights Directive 2012/29/EU

<sup>8</sup> Such as the ones listed under articles 23 and 24 of Directive 2012/29/EU.

<sup>9</sup> Repeat victimisation relates to a victim suffering from more than one crime over a period of time either by one or multiple offenders. For instance, it could be repeat violence in a close relationship or disability or hate crimes committed against people due to their vulnerability. Secondary victimisation is victimisation that occurs not as a direct result of the criminal offence but as a result of the response of public or private institutions to the victim.

- The type or nature and the circumstances of the crime - such as: 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, whether the victim is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed.

The individual assessment is individual and adaptable:

- Its extent may vary according to the seriousness of the offence or to the degree of apparent harm suffered by the victim.
- Each person reacts differently when faced with an offence and only a personalised evaluation can highlight a victim's specific vulnerable situation. The Directive favours a case-by-case approach, without creating priority categories or a hierarchy of victims.

## Who conducts the assessment

In Romania, a psychologist usually conducts the assessment. The competent authority or entity may differ according to the stage of criminal proceeding (for ex. Police and prosecution for pre-trial stage and General Directorate of Social Assistance and Child Protection for trial stage). Depending on the personal characteristics of the victim and/or the nature of the crime, a competent person is assigned that has the qualifications to work with victims with specific needs. They may also support <sup>10</sup> the child to communicate (psychologist, doctor, Non-Governmental Organisation, social worker, victim support services (etc.)). The police officer or competent authority or entity will still need to ensure that appropriate information is gathered to inform the assessment for specific measures and to assess any risk posed to the victim.

## What are the procedural steps

The individual assessment should be 'timely', which means, carried out at the earliest opportunity, ideally after a first preliminary assessment upon first contact with criminal justice professionals. A comprehensive individual assessment should be carried out in a multidisciplinary manner, based on information collected from multiple sources, in close cooperation with the victim or accused child, and based on their best will and preference.

These sources can be parents or guardians, school, social worker or care assistant, healthcare provider, support person and/or even a person the child trusts. It is important that the protection of child victims, includes participation of a person they trust. The person of trust may or may not be the holders of parental responsibility. The participation of holders of parental responsibility must not preclude the provision of support to enable child victims with intellectual and/or psychosocial disabilities to exercise the rights set out in the Directive. As Recital 60 of the Directive suggests, the child may need a guardian or an appointed representative – in cases of crimes

<sup>10</sup> According to law 272/2004 regarding protection and promoting children rights

committed by parents, maternal assistant or a person appointed as child's guardian. In practice, in Romania, it is arguable whether a guardian would be able to ensure the appropriate support, since this role would be performed 'by a legal person, an institution or an authority'. There are even reports that, in most cases, the Child protection Directorate refuses to submit child complaints to the Prosecutor's Office or to the Police.

## **Individual Assessment Tool - Questionnaire**

To support individual assessment process in Romania, this Model proposes a questionnaires, which has been designed in two parts:

The first part to capture information about:

- the victim's personal characteristics;
- vulnerable situation; and
- risks and fear of harm; so as to identify specific protection needs, an initial understanding of their situation and the need for a more detailed evaluation.

The second part is a more detailed assessment to determine the level of risk faced by the victim and to what extent the victim should benefit from special measures in the course of criminal proceedings, for those victims highlighted as at a greater risk of repeat or second victimisation, of intimidation or retaliation. Depending on the situation, victims may not need to be assessed using the second part of the template questionnaire. Some victims may not have any specific protection needs or their particular needs may be apparent from the outset. For others, such as child victims with intellectual and/or psychosocial disabilities, an in-depth assessment may be required to identify their specific needs and to determine whether, and if so which, measures would be of benefit in addressing them. The second part shall be developed according to each child's need assessed during the first interview.

Part one of the template questionnaire has identified eight types of specific offences (taken from the Directive, Article 22 §3) and three circumstances in which victims are more likely to have specific protection needs. Where the victim falls within any of these categories, the second part of the template questionnaire (more detailed assessment), should be completed to determine whether and to what extent the victim may benefit from special measures in the course of criminal proceedings. Part two should also be completed if appropriate, taking into account any identified vulnerable situation. Even where part two of the template questionnaire is not relevant to the individual victim, the evaluator should still identify the needs of the victim under that section. The template questionnaire is for guidance only and it is important that the information requested therein is elicited by a discussion with the child victim with intellectual and/or psychosocial disabilities, rather than formulaic questioning.

### **Template of the first questionnaire: initial questionnaire**

It is essential to ask for the child victim's consent when conducting the individual assessment, whether in the initial questionnaire or in the detailed evaluation. Indeed, making sure the victim agrees that the assessment takes place and, after completion, dating and signing the document for accuracy, limits the risk of the victim disputing the content and provides a clear basis on which the evaluator can suggest procedural accommodations, protective measures and/or referral to appropriate support services.

It is possible that the personal characteristics of some victims (e.g. age, gender, ethnicity, health disability, communication difficulty, etc.) or the type, nature and circumstances of the crime, mean they are at greater risk of suffering harm.

The first part of the template questionnaire aims therefore at collecting the relevant information about the personal characteristics of the victim. General information (1) must be gathered to assess personal vulnerability (2) and identify risks and fear of harm (3).

File number:  
Nature of the offence:  
Date of the offence/last offence:  
Assessment Date:

Draft - questionnaire  
(CONFIDENTIAL WHEN COMPLETE)  
Victims' assessment for special measures  
Initial questionnaire of victim

NOTE: THE QUESTIONS CONTAINED WITHIN THIS NEEDS ASSESSMENT ARE FOR GUIDANCE ONLY AND SHOULD NOT BE READ OUT IN QUESTIONNAIRE STYLE TO THE VICTIM. THIS QUESTIONNAIRE AIMS TO DETECT POSSIBLE RISKS OF SECONDARY AND REPEAT VICTIMISATION, INTIMIDATION AND RETALIATION AS WELL AS TO DETECT VICTIMS' SUPPORT AND COMMUNICATION NEEDS. THE RECOMMENDATIONS SECTION AT THE END OF THE DOCUMENT SHOULD BE COMPLETED FOR ALL CASES

The victim agrees for an evaluation to take place: ☐Yes ☐No

#### PERSONAL CHARACTERISTICS OF THE VICTIM

##### General information

Last name: .....  
First name: .....  
Gender: .....  
Date of birth/reported age: .....  
Home Address: .....  
E-mail address: .....  
Phone number: .....  
Lawyer/contact person: .....  
Nationality: .....  
Parent/Guardian Full Name: .....

#### VULNERABILITY ASSESSMENT

☐ Without parents  
☐ Living in alternative care: ☐ Yes (clarify if necessary) ..... ☐ No  
☐ Disability (please clarify): *Note: Please explain to the child why you need to know this and assure them this information will not be shared outside of criminal proceedings;*  
☐ Difficulty speaking: ☐ Yes (clarify if necessary) ..... ☐ No  
☐ Difficulty reading: ☐ Yes (clarify if necessary) ☐ No  
☐ Other communication difficulties (please clarify): .....  
☐ Physical ☐ Yes (clarify if necessary) ..... ☐ No  
Victim of a crime in the past twelve months? ☐ Yes (please clarify and assess if the victim still has problems with that victimisation) ; ☐ Yes ☐ No  
Mother Tongue: .....

Other vulnerable situations (no parents, institutionalization, ...) .....

### 3 - RISKS AND FEAR OF HARM

Type or nature of crime (may select more than one response)

- ☐ Human trafficking
- ☐ Sexual violence
- ☐ Child abuse or exploitation
- ☐ Violence in a close relationship

Others : .....

Circumstances of the crime

Does the victim have a personal connection with the suspect? ☐ Yes ☐ No

Does the victim fear further harm from the suspect? ☐ Yes ☐ No

Does the suspect have previous offending history against the victim? ☐ Yes ☐ No

Recommendations of the evaluator regarding victim's needs assessment

(TO BE COMPLETED IN ALL CASES)

a) Victim's protection needs (needs related to victim's protection and/or related to improving the quality of the evidence) .....

b) Support referral needs (counselling legal services, victim support services, community services...): .....

Identity of the evaluator:

Date :

Victims' assessment for special measures

Detailed evaluation

Please fill this section if:

- the offence is one of the crimes specified above or;
- you have answered 'yes' to any of the questions under circumstances of the crime or;
- you consider it appropriate, taking into account any identified vulnerability.

NOTE: THE QUESTIONS CONTAINED WITHIN THIS NEEDS ASSESSMENT ARE FOR GUIDANCE ONLY AND SHOULD NOT BE READ OUT IN QUESTIONNAIRE STYLE TO THE VICTIM.



## **V. Individual assessment of a Child Suspect or Accused of Committing a Crime**

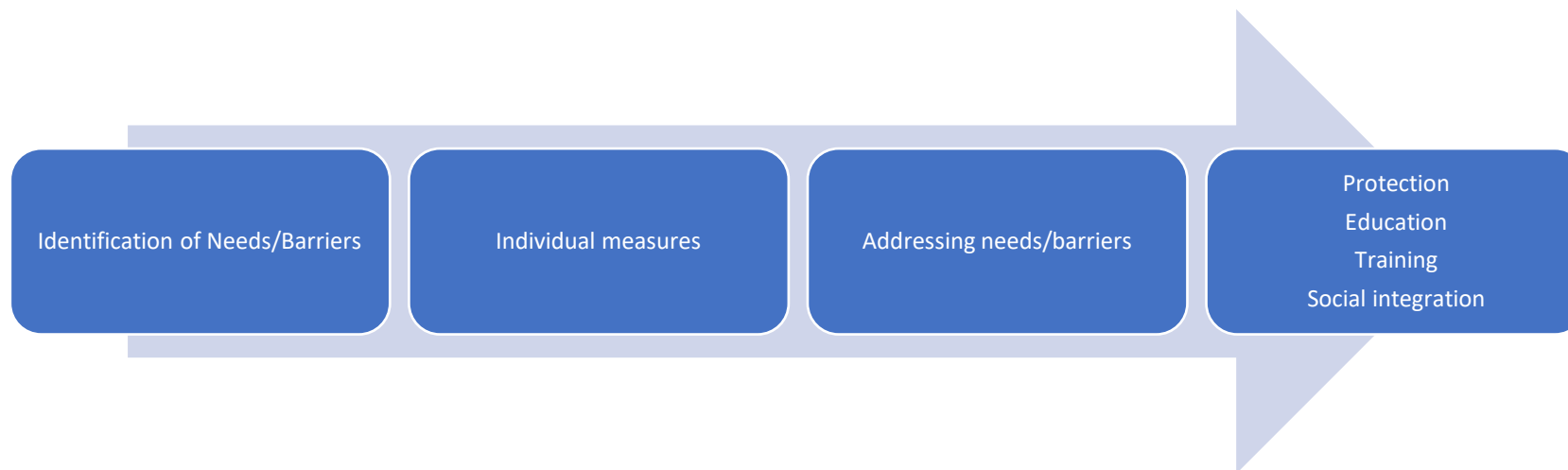
The Directive establishes procedural safeguards to ensure procedural safeguards, meaning persons under the age of 18 who are suspects or accused persons in criminal proceedings, are able (1) to understand and follow those proceedings and (2) to exercise their right to a fair trial. The Directive also aims (3) to prevent children from re-offending and (4) to foster their social integration<sup>11</sup>.

The Directive places Member States under an obligation, when pursuing these aims, to follow an individual assessment process. Individual assessment should be primarily be used as a tool for identifying the psycho-social, protection and educational needs of a child and the means to provide for them. Accordingly, Article 7 para. 4 establishes different decisions, with separate goals, which an individual assessment of a child with intellectual and/or psychosocial disabilities may support. These are:

- a) determining whether any specific measure for the benefit of the child is to be taken;
- b) assessing the appropriateness and effectiveness of any precautionary measure in respect of the child;
- c) taking any decision or course of action in criminal proceedings, including sentencing.

It is noteworthy that these goals are not necessarily compatible with each other. Particularly, the same information collected to determine beneficial supportive, protective, educational and financial measures (a) may be used against the child during sentencing (c). This is because relevant risk factors such as lack of financial means, education, supportive social and family network on the one hand may justify the need for intervention of specialised services, on the other hand, it may use to justify harsher sentencing if national criminal law embraces a strict prevention of recidivism philosophy. Therefore to ensure participation goals, an individual assessment should be characterized as an instrument for identifying the needs of a child who is a suspect or an accused person in criminal proceedings; and also as a means of ensuring that those needs are met. Furthermore, it is important that a child is accompanied by a lawyer.

<sup>11</sup> Explanatory Article 1 of the Directive.



### What should be assessed

Above it is illustrated the interaction between the assessment goals. Individual assessment should be primarily a psycho-social process used by professionals to assess a child's personality, needs and barriers they may encounter in the justice system. There are a lot of special methodologies used by psychologists or other qualified professionals to conduct an individual assessment of a child. Each instrument has its own purpose and is designed to evaluate one characteristic or another.

In our view, the practice of using individual assessment to justify the application of measures restricting a child's liberty (especially by imprisonment) would manifestly deny the principle of giving priority to safeguarding the best interests of the child. An individual assessment may reveal certain characteristics that would indeed indicate certain risks to public safety, etc., but it should be borne in mind here that the purpose of an individual assessment is to meet the needs of the child, and support decision-makers in definition of measures to adjust criminal proceedings and overcome address participation barriers.

## Who conducts the assessment

An individual assessment may be seen as a hybrid instrument pursues the aim of (1) social integration and address the child's needs/barriers in criminal proceedings and (2) the legal objectives of effective criminal justice. Qualified professionals (e.g. psychologists, psychiatrists, etc.) and the psycho-social instruments they use play a key role in achieving the first aim. In order to achieve the second aim, the function of decision-makers in criminal proceedings (judges, prosecutors, pretrial investigation officers) is important, as they have to make decisions based on the child's identified needs. In terms of the implementation process, individual assessment includes: 1) assessment of the child's needs by applying special tools by qualified professionals; 2) summarising the evaluation data and integrating it into the form of a legal document (e.g. social inquiry report).

## VI. Guidance on how an Individual Assessment should be conducted for both child victims and child suspects

Principles of a developmental approach to the assessment of children can be translated into the following practices to ensure that:

- Assessments are undertaken by a multi-disciplinary team.<sup>12</sup> For a child with disabilities in foster care this multi-disciplinary team will also include the foster parent/maternal assistant. If an external social worker is involved in the case, which is most likely for children placed in placement centres and family-type homes, it is essential that she/he is part of this multi-disciplinary team.
- Assessments are child-centred, strengths-based, holistic (including health, social behaviour, education/ learning and hobbies) and appropriate to the child's culture, language, disability and development stage.
- Assessments ensure the child's participation and, as far as reasonably possible, the child's family.
- Assessments are informed by multiple sources of information and multiple methods of collecting information. A single source or method of gathering information is likely to give either a limited, biased or unbalanced view.
- Assessments are thoughtful, intentional and accountable to the client population being served through the process (i.e. the child and their family).
- Assessments result in a development and review of different plans for the child in alternative care.
- It is necessary to adapt all material in easy-to-read format for children with intellectual or psychosocial disabilities.
- Information collected should be based on informed consent, in language understandable to them (simple or plain language, age-sensitive), and enable the exercise of their rights to fair trial – children with disabilities must be able to: fully understand why the information is being collected, their purpose and how it may be used or not against them; receive understandable information about their case and proceedings.

<sup>12</sup> While the assessment of a child in alternative care is the responsibility of the multi-disciplinary team, one person needs to take responsibility for coordinating the assessment process and writing the report. - social worker managing the case

## VII. Checklist for communication with children with disabilities

- Use concrete terms and simple sentences.
- Ask open-ended questions – and introduce as little information into the conversation as possible – to ensure that the child's account remains authentic (*'Tell me about what happened...'*).
- Check whether the child has correctly understood what has been said to her or him.
- Encourage the child to admit when she or he does not understand something.
- If the child displays signs of stress or trauma during the conversation (such as bursting into tears or being highly agitated) then acknowledge and accept those emotions (*'I can see that it makes you sad.'*) and reassure the child that it is all right to feel that way and show feelings.
- You can change the focus of the conversation to something less distressing until the child is ready to return to it; this may be on the same day or another time altogether depending on the intensity of the emotions.
- Ask concrete questions beginning with who/what/where.
- Do not assume that a word holds the same meaning for the child as for adults.
- Be clear when formulating questions, and repeat them as few times as possible.
- Ask the child about one event at a time.
- React positively to the child's answers: encouragement and praise can encourage openness.
- Sit at the same level as the child.
- For older children, refer to them as young people rather than children and emphasise the value and importance of their participation (provided that this is in their best interests).
- Encourage the child to ask you any question she or he may have before terminating the conversation.
- At the end of the conversation, thank the child for participating in the proceedings.

A practitioner can also seek adaptations to meetings/hearings to help a child feel safe and comfortable. These could include:

- having frequent breaks;
- ensuring hearings are held in private;
- having separate waiting rooms for child victims and witnesses;
- requesting the removal of the formalities of court clothing (robes and so on);
- requesting that a child give evidence via CCTV where available;
- agreeing restrictions on the nature and manner of questions put to the child, for example agreeing to use short, simple questions, not to use aggressive questioning techniques, setting some time limits and using visual aids such as maps;
- seeking permission to allow a child to sit next to or close to a supportive adult and to have all the parties seated at the same level as the child;

- having short hearings that accommodate the child's capacity for concentration and attention;
- limiting unwarranted interruptions or distractions in proceedings, such as people coming in and out of the courtroom;
- restricting those present in the room to persons directly involved in the proceedings;
- ensuring that the child is accompanied by a trusted person;
- checking with the child if it is appropriate to have family members present during proceedings;
- being vigilant with judges, prosecutors and other lawyers to ensure that they interact with the child in a respectful and sensitive manner. This could be also ensured by a series of training for legal professionals on communication with children with disabilities.
- ensuring the presence of an interpreter where needed.

Legal professionals often need to take additional steps to enable the participation of children with disabilities. These include:

- developing a positive and non-discriminatory attitude and encouraging other professionals to do the same;
- working hard to build trust and rapport;
- and advocating for hearings to be child-friendly and accessible.

Depending on the children's needs, adjustments for the trial / hearing might include:

- Adjusting the timing, length or number of breaks and the length of the day.
- Adjusting the order in which evidence is heard / the timing of the person with disability's evidence.
- Avoiding the temptation to extend hours or to cut needed breaks in order to finish within the allotted time.
- Accommodating a carer.
- Facilitating representation in a form which might not otherwise have been permitted.
- Depending on the nature of the disability, it may be necessary for the judge, advocates and other court staff to adjust their communication style. Ideally the subject of communication style would have been discussed at a ground rules or case management preliminary hearing, so that advocates are fore-warned.
- Proceeding at a slower pace.
- Speaking to the child through a signer or an interpreter.
- Having a friend, representative or professional interpreter read out document extracts to a child.

## VIII. Roadmap for multidisciplinary and inter-institutional intervention on children with intellectual and psychosocial disabilities - Role and responsibilities of professionals in multidisciplinary teams.

This section is going to briefly show how each authority should act in relation to a child victim or suspect when faced in a court trial.

| Institution/Organisation   | Professionals   | Responsibilities at the identification stage in criminal Proceedings  | Law applicable   |
|--|---|---|--|
| DGASPC (General Directorate of Social Assistance and Child Protection) / NGO (non-governmental organisation) | (All) performed by the social worker or, in his absence, by the staff with competences in the field of social assistance within the public social assistance service subordinated to the local public administration authorities. | <ul style="list-style-type: none"> <li>i. Initial evaluation</li> <li>ii. The intervention plan</li> <li>iii. Complex evaluation</li> <li>iv. Individualized care and assistance plan</li> </ul> <p>This agency/organization would conduct individual assessment and include all the information from the different persons/stakeholders mentioned below.</p> | <p>Law 292/2011 on social assistance services</p> <p>Article 46</p> <p>The process of providing social services has the following mandatory steps:</p> <ul style="list-style-type: none"> <li>a) initial evaluation;</li> <li>b) elaboration of the intervention plan;</li> <li>c) complex evaluation;</li> <li>d) elaboration of the individualized assistance and care plan;</li> <li>e) implementation of the measures provided in the intervention plan and in the individualized plan;</li> </ul> |
|  |   | <ul style="list-style-type: none"> <li>b. Identifying the individual and family needs, based on which the intervention plan is elaborated.</li> <li>c. Includes the social assistance measures, respectively the recommended services for solving the identified situations of need or social risk, as well as the social assistance</li> </ul>               |  |

|  |  |  |   |
|--|--|--|---|
|  |  | <p>benefits to which the person is entitled.</p> <p>d. the purpose is to identify in detail the needs of the person and to elaborate a strictly individualized support program that contains the set of measures and social, educational, medical, recovery and adaptation / rehabilitation services to be granted to the person to facilitate his / her social integration / reintegration.</p> <p>e. must take into account aspects regarding:</p> <p>b) the motivation of the person or his / her legal representative to request the assistance and care of the state authorities;</p> <p>c) the person's motivation to actively participate in the recommended programs, intervention measures and social services;</p> <p>d) the negative consequences on the person in case of not providing the necessary social services;</p> <p>e) own perception regarding the functional capacity, performances and resources;</p> <p>f) the capacity of the informal network constituted by the persons provided in art. 52 para. (2) lit. b) to provide social services;</p> <p>g) the support needs of the formal and informal assistance and care staff;</p> <p>h) g) the existence of social services in the community, the way in which they can respond to the needs of the person, as well</p> | <p>f) monitoring and evaluation of the provision of services.</p> |
|--|--|--|---|



|  |  |   |  |
|--|--|---|--|
|  |  | as the possibility of access of the beneficiary to the respective service.  |  |
| DGASPC (General Directorate of Social Assistance and Child Protection) | <ul style="list-style-type: none"> <li>• social worker</li> <li>• psychologist</li> <li>• child helpline counsellor</li> </ul> | <p>a) At DGASPC level:</p> <ul style="list-style-type: none"> <li>- Receives and registers the report form (Intake, Public Relations, Child Phone Service).</li> <li>- Visit sites where exploitation/violence/abused is suspected, together with the police officer and, where appropriate, the labour inspector in both the formal and informal sectors (EIL members or designated professionals from the relevant department).</li> <li>- Distribute the report form to the appropriate department (abuse, neglect, trafficking, migration and repatriation intervention department) and copy the DGASPC representative in EIL who keeps track of all reports.</li> </ul> <p>b) at the level of services provided by the DGASPC:</p> |  |
|  | <ul style="list-style-type: none"> <li>• lawyer</li> <li>• educator</li> </ul>   | - Fill in and send the report form to the DGASPC/   |  |

|   |  |   |  |
|---|--|---|--|
|   | <ul style="list-style-type: none"> <li>• civil servant</li> <li>• maternity assistant</li> <li>• others</li> </ul>                           | Refer the case to the DGASPC child helpline.  |  |
| School inspectorate and educational establishments in the territorial network | <ul style="list-style-type: none"> <li>• teaching staff</li> <li>• school counsellor</li> <li>• school mediator</li> <li>• others</li> </ul> | <ul style="list-style-type: none"> <li>- Report child-related emergency directly to the DGASPC child helpline.</li> <li>- Report emergency within school to the SPAS, which completes and sends the report form to the DGASPC.</li> </ul>   |  |
| Public health directorate and medical units in the territorial network        | <ul style="list-style-type: none"> <li>• family doctor</li> <li>• specialist doctor</li> <li>• nurse</li> <li>• other</li> </ul>             | <ul style="list-style-type: none"> <li>- Refer to the DGASPC if a medical examination establishes a causal link between the health condition and intolerable work, violence or abuse.</li> <li>- Notify SPAS if a medical examination establishes a causal link between the health condition and dangerous work/signs of abuse or violence.</li> </ul> <p>It could also include:</p> <ul style="list-style-type: none"> <li>- Filing complaint to the police</li> <li>- Supporting child in reporting to the police, in particular protection of the child if victim of violence by parent/guardian;;</li> <li>- Preparing report regarding health</li> </ul> |  |

|   |  |   |  |
|---|--|---|--|
|   |  | conditions and/or disability to inform criminal justice proceedings and IA.   |  |
| Public Social Assistance Service (SPAS) | <ul style="list-style-type: none"> <li>social worker/assistant or person in charge of social assistance</li> </ul> | <ul style="list-style-type: none"> <li>- Report intolerable work (emergency), abuse or violence directly to the DGASPC child helpline.</li> <li>- Complete and send the report form on the family, social and financial situation to the DGASPC.</li> <li>- They visit places where exploitation/abuse/violence is suspected, together with the police officer and, where appropriate, the labour inspector.</li> </ul>   |  |
| Territorial Labour Inspectorate         | <ul style="list-style-type: none"> <li>Inspector</li> </ul>  | <ul style="list-style-type: none"> <li>- Report intolerable work (emergency) directly to the DGASPC child helpline.</li> <li>- Report hazardous work to the SPAS, which completes and sends the report form to the DGASPC.</li> <li>- They visit workplaces as planned, where they can identify situations of child labour; these checks are usually carried out together with the police.</li> <li>- Visits places where exploitation is suspected together with the social worker of the DGASPC/SPAS.</li> <li>- Support the DGASPC in identifying</li> </ul> |  |

|                                |  |  |  |
|--------------------------------|--|--|--|
|                                |  | hazardous work in the information sector.  |  |
| Church                         | <ul style="list-style-type: none"> <li>• the priest</li> </ul>   | <ul style="list-style-type: none"> <li>- Report intolerable work (emergency), abuse or violence against children directly to the DGASPC child helpline.</li> <li>- Report hazardous work, abuse or violence to the SPAS, which completes and sends the report form to the DGASPC.</li> </ul> |  |
| Non-governmental organisations | <ul style="list-style-type: none"> <li>• social worker</li> <li>• psychologist</li> <li>• lawyer</li> <li>• educator</li> <li>• volunteers others</li> </ul> | <ul style="list-style-type: none"> <li>- Report intolerable work (emergency) directly to the DGASPC child helpline.</li> <li>- Report hazardous work to the SPAS, which completes and sends the report form to the DGASPC.</li> </ul>  |  |

## IX. Correspondence<sup>13</sup> between forms of violence against children and domestic violence and the Criminal Code and other national laws

| Form of violence   | May constitute the offence of:  | Incriminating text                      |
|--|---------------------------------|---|
| Physical child abuse/<br>Physical violence in the family | Murder                          | Article 188 of the <b>Criminal Code</b> |
|  | Serious homicide                | Article 189 of the <b>Criminal Code</b> |
|  | Manslaughter                    | Article 192 of the <b>Criminal Code</b> |
|  | Hitting or other violence       | Article 193 of the <b>Criminal Code</b> |
|  | Bodily injury                   | Article 194 of the <b>Criminal Code</b> |
|  | Assault or injury causing death | Article 195 of the <b>Criminal Code</b> |
|  | Bodily injury by negligence     | Article 196 of the <b>Criminal Code</b> |
|  | Ill-treatment of a minor        | Article 197 of the <b>Criminal Code</b> |

<sup>13</sup> Excerpt from GD 49/2011 FRAMEWORK METHODOLOGY of 19 January 2011 on prevention and intervention in multidisciplinary and network teams in situations of violence against children and domestic violence

|   |  |   |
|---|--|---|
| Exclusively physical child abuse                          | Torture                                  | Article 282 of the <b>Criminal Code</b> |
| Emotional child abuse/<br>Psychological domestic violence | Determining or facilitating suicide      | Article 191 of the <b>Criminal Code</b> |
|   | Threat                                   | Article 206 of the <b>Criminal Code</b> |
|   | Blackmail                                | Article 207 of the <b>Criminal Code</b> |
|   | Breach of the secrecy of correspondence  | Article 302 of the <b>Criminal Code</b> |
|   | Ill-treatment of a minor                 | Article 197 of the <b>Criminal Code</b> |
|   | Non-compliance with custody arrangements | Article 379 of the <b>Criminal Code</b> |
| Exclusively emotional child abuse                         | Unlawful deprivation of liberty          | Article 205 of the <b>Criminal Code</b> |
|   | Family abandonment                       | Article 378 of the <b>Criminal Code</b> |
| Child sexual abuse/<br>Sexual violence in the family      | Rape                                     | Article 218 of the <b>Criminal Code</b> |
|   | Sexual act with a minor                  | Article 220 of the <b>Criminal Code</b> |
|   | Sexual aggression                        | Article 219 of the <b>Criminal Code</b> |
|   | Sexual corruption of minors              | Article 221 of the <b>Criminal Code</b> |

|  |   |   |
|--|---|---|
|  | Recruitment of minors for sexual purposes                                     | Article 222 of the <b>Criminal Code</b> |
|  | Incest  | Article 377 of the <b>Criminal Code</b> |
|  | Venereal contamination and transmission of acquired immunodeficiency syndrome | Article 354 of the <b>Criminal Code</b> |
| Child Neglect/ Violence through Deprivation/Neglect in the Family                    | Family abandonment  | Article 378 of the <b>Criminal Code</b> |
|  | Ill-treatment of a minor  | Article 197 of the <b>Criminal Code</b> |
|  | Leaving a person in need without help   | Article 203 of the <b>Criminal Code</b> |
| Exclusively violence by deprivation/neglect in the family against the adult          | Unlawful deprivation of liberty   | Article 205 of the <b>Criminal Code</b> |
|  | Slavery   | Article 209 of the <b>Criminal Code</b> |
|  | Forced or compulsory labour   | Article 212 of the <b>Criminal Code</b> |
| Child labour exploitation, including sexual exploitation and trafficking of children | Human trafficking   | Article 210 of the <b>Criminal Code</b> |
|  | Child trafficking   | Article 211 of the <b>Criminal Code</b> |
|  | Slavery   | Article 209 of the <b>Criminal Code</b> |
|  | Forced or compulsory labour   | Article 212 of the                      |



|  |  |   |
|--|--|---|
|  |  | <b>Criminal Code</b>                    |
| Child prostitution                               | Pimping  | Article 213 of the <b>Criminal Code</b> |
|  | Child pornography  | Article 374 of the <b>Criminal Code</b> |
|  | Using a minor for Begging  | Article 215 of the <b>Criminal Code</b> |
| Work without a contractual form regulated by law | Violation of the labour regime of minors, foreigners, victims of human trafficking | Article 265 of the <b>Labour Code</b>   |