



CZECH

MULTIDISCIPLINARY

COOPERATION

SYSTEM

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¹ More information about the project is available here: <https://validity.ngo/projects-2/linking-information-for-adaptive-and-accessible-child-friendly-courts/>

² In its most part this document elaborates on content from the LINK Model Multidisciplinary Cooperation Model, the authors of which are: Il Consiglio Nazionale delle Ricerche, Victim Support Europe, Terre des Hommes Hungary, Validity Foundation.

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Glossary

Augmentative and Alternative Communication – A set of communication methods used to supplement or replace speech or writing for individuals with impairments in spoken or written language. This includes gestures, sign language, picture boards, and electronic communication devices.

Case Management System – A digital system used to manage, store, and provide access to case-related data. In the context of Diana, it ensures the secure handling of case information for legal and administrative purposes.

Digital Information and Assistance Network Application – A platform designed to provide digital support, case management, and assistance to individuals, particularly those involved in legal or social service cases. It helps streamline communication and information sharing among relevant stakeholders.

EU Victims' Rights Directive – A European Union directive that establishes minimum rights and standards for victims of crime across EU member states. It ensures that victims receive appropriate support, protection, and access to justice.

General Data Protection Regulation – A comprehensive data protection law enacted by the European Union to regulate the collection, processing, and storage of personal data. It grants individuals greater control over their personal information and imposes strict compliance requirements on organisations handling such data.

Justice facilitator - enables individuals with a disability to participate equally and fairly in judicial procedures. Justice facilitators assist person with intellectual and psychosocial disabilities to participate in an optimal manner in the judicial process and maximise the ability of individuals to present their version of events, without directing or influencing the content of that version. The facilitator also recommends reasonable accommodations for the judicial procedures.

Multidisciplinary Team – A collaborative team of professionals from different fields, such as legal, medical, psychological, and social services, who work together to address complex cases. MDTs are commonly used in cases involving vulnerable individuals, such as victims of crime or persons with intellectual and psychosocial disabilities.

Secure File Transfer Protocol – A secure method for transferring files over a network, using encryption to protect data during transmission. It is commonly used for safely exchanging sensitive documents, such as legal or case-related files.

Acronyms and Abbreviations

ACRONYMS / ABBREVIATIONS	DESCRIPTION
PMS	Probation and Mediation Services
ETR	Easy-to-read

Introduction

Persons with intellectual and psychosocial disabilities often fail to be recognised and identified as a victim group, either by victim support organisations or those engaged at a central government policy level in dealing with victims' issues. This publication aims to describe potential use and adaptations for the Czech Republic of a Multidisciplinary Cooperation System³ to guarantee access to individual needs assessment and procedural accommodations for child victims with intellectual and psychosocial disabilities. As per International Principles and Guidelines on Access to Justice for Persons with Disabilities, a key element to ensure access to justice for children with intellectual and psychosocial disabilities is the creation of independent justice facilitators who assess and support children throughout the criminal proceedings. Their potential role and position in the system is described in the following pages. Such accommodation would also be line with Article 13 of the Convention on the Rights of Persons with Disabilities, which is not being implemented yet.

This publication provides a blueprint for better access to justice for children with intellectual and psychosocial disabilities the Czech Republic. It builds on the current situation, practices, legislation and plans to implement e-justice by 2030. The blueprint was consulted with several actors of the Justice system as well as children with and without disabilities.

The proposal includes three main adaptations:

1. Guidelines for the Police to help identify a particularly vulnerable victim with intellectual or psychosocial disabilities and provide a report to suggest that the victim may need reasonable adjustments. It is important to identify all vulnerabilities timely and not only because of the age of the victim.
2. The creation of a new job position: justice facilitator. The facilitator should be available for communication and support during court proceedings and with the police, to accompany and guarantee participation of the victim. The justice facilitator should also provide a report about communication and other needed reasonable adjustments to be able for the victim to participate throughout the court proceeding. This new position may be created within the Probation and

³ Available online at: <https://validity.ngo/projects-2/linking-information-for-adaptive-and-accessible-child-friendly-courts/>

Mediation Services which are available all over the country and combine social and legal expertise.

3. Include in the e-file system information and reports done by the Police and the justice facilitator to ensure that all actors of the justice have access to the information and can guarantee the full participation of the child. And make sure that alternative formats, including easy-to-read formats can be made available to facilitate their understanding and participation in the process.

To implement these measures, practice guidance and protocols will be necessary for the first and third points. With regards to the justice facilitator, a modification of the law of the Probation and Mediation Services would be needed. At the same time, they would benefit from the existing structure of the PMS, which would facilitate the implementation of this measure.

01

**PART 1
INDIVIDUAL NEEDS
ASSESSMENT AND
PROCEDURAL
ACCOMMODATIONS FOR
CHILD VICTIMS WITH
INTELLECTUAL AND
PSYCHOSOCIAL DISABILITIES
IN THE CZECH REPUBLIC**

1.1 Individual assessment

The first part of the publication focuses on improving assessment of the needs of children with intellectual and psychosocial disabilities in terms communication and procedural accommodations, support for participation in the proceedings and the continuity of that support throughout the process.

To begin with, there is a separate definition of ‘vulnerable victims’ (as separate from the main or generic definition of ‘victim’⁴). § 2, section 4 of the Law on Victims of Crime (No. 45/2013), stipulates that “particularly vulnerable victims are: children, persons with intellectual and psychosocial disabilities, victims of trafficking in human beings, victims of crime against human dignity with regard to sexuality, or crimes that included violence, if there is a danger of secondary victimisation with regard to the person’s age, sex, race, nationality, sexual orientation, religion, health status, intellectual maturity, ability to express him/herself, life situation or relationship to the suspected perpetrator.”

This gives a child with disabilities specific rights as vulnerable victim. If the victim (or his/her relatives) request not to be confronted with the perpetrator in criminal proceedings at any stage of the criminal proceedings, or even before they are initiated, the enforcement authorities must accommodate such a request by law ⁵. Similarly, the victim can ask to be interrogated or provided with interpretation by a person of a particular sex – this request must be accommodated⁶. Interrogation must be conducted in a sensitive manner, by persons who are specifically trained and in such a way as to make no repetition necessary. Particularly vulnerable victims are entitled to legal representation free of charge or for reduced rates. Last but not least, vulnerable victims, must receive professional assistance free of charge without undue delay. So, individual’s rights as a victim can be claimed or are enforceable.

No individual assessment is required for children and young people with intellectual and psychosocial disabilities, and while police officers are trained to talk to children,

⁴ According to the Law on Victims of Crime (No. 45/2013), § 2, section 2: “A victim of a crime is a natural person who has suffered (or allegedly suffered) injury to his or her health, damage to his or her property or non-proprietary loss, or to whose detriment the perpetrator has enriched him/herself.

⁵ See art. 17 and art 19 of the Law on Victims of Crime

⁶ The request of a particularly vulnerable victim must be granted unless important reasons prevent it. The reasons which led to the refusal of the request shall be noted in the file case.

they have no specific training or material to conduct an assessment at the complaint level, when a child lodges a complaint⁷. Because they are in most cases by the first person to talk to child, we suggest creating a set of questions and an orientation table (in the form of a checklist) that can be used by the police to help identify a particularly vulnerable victim with intellectual, psychosocial disability or other specific needs right at the first contact. The content of these guidelines for Police (set of questions and checklist are described in the following box).

Guidelines to help identify possible intellectual or developmental disability

The guidelines will not aim to give a diagnosis. The purpose of these guidelines is to help identify in which areas the person needs support and to put in place the necessary procedural adjustments. First of all, it helps to find out if the person already has a recognised disability. There will be a couple of questions – in a form of a semi-structured questionnaire with prompts - to help get to know the person a little better regarding their school, and work experiences (see how he/she communication and what skills he/she has: reading, writing, money management, comprehension). There are some suggestions about what to observe (communication, vocabulary, expression). At the end of the document there will be a checklist with categories giving indications of a possible disability (if more than one category is relevant, there may be an indication).

It is very important to emphasise that having difficulties in these items does not necessarily imply that there is an intellectual disability but would indicate the need for a formal psychological assessment and appropriate diagnostic testing.

In any case, the inkling of an intellectual disability should be noted by the person taking the complaint in the e-file, so that all other actors will have access to this information, and he/she should communicate it to the people who will be dealing with the person, to guarantee that special accommodations are provided.

⁷ See the National Briefing Report on page 45: According to the information of the police officer, the police have a simple laminated chart on duty, according to which they identify a particularly vulnerable victim in general.

This would reduce the potential negative attitudes of police, given that this profession occupies a gatekeeping position in the criminal justice system⁸. The guidelines would allow the Police Officers or another law enforcement representative to look at objective criteria and to follow clear steps to identify a vulnerability. Although it will be based on their interpretation, it gives a framework for it, and it does not rely on the opinion or sensitivity to disability.

As step 1, the check-list would allow to summarise and assess whether the person might have an intellectual disability or other specific needs (indicators of intellectual disabilities), and thus have not only the status of a particularly vulnerable victim but also the right to special arrangements according to Act No. 45/2013 Coll., on victims of crime and on amendments to certain acts, as amended. It should be noted that the law states that if there is any doubt as to whether a victim is particularly vulnerable, then the justice actors (Police, judges and prosecutors) are to treat them as vulnerable until proven otherwise (section 3(1) of the victims of crime Act). The checklist marking the indicators should be included in the e-file, to make sure that the information is shared and that the child with intellectual disabilities will be treated with respect due to his/her disability.

1.1.1 Timing of individual assessments and the notion of criminal proceedings

Generally, the source of information about children with intellectual and psychosocial disabilities is an expert, usually a forensic psychiatrist. Child psychiatrists are asked to confirm the diagnosis, as a health professional, and are asked an expert opinion on the ability of the child to testify and the reliability of his/her testimonia. This procedure occurs when there are doubts as to whether the witness is properly able to perceive, remember the perceived event, testify, etc., in view of his or her (either permanent or negatively developing) mental state, and his or her testimony is particularly important for the decision. These two conditions must be satisfied cumulatively. This examination should be carried out by one expert in the field of health (branch of psychiatry),

⁸ Hayes Susan, People with intellectual disabilities as victims of crime—the police and judicial Response, Paper presented at the 39th Annual Conference of the Australasian Society for the Study of Intellectual Disability, 9-12 November 2004, Adelaide SA, January 2004.

however, if a particularly important fact needs to be clarified, it may be two psychiatric experts or one psychiatrist and one psychologist.

We would recommend extending this practice as a measure of access to justice for children and young people with intellectual and psychosocial disabilities, for children without verbal communication, multiple disabilities or other specific circumstances that requires a second opinion. That means, there should always be a second expert, for example a psychologist or a communication expert (e.g.: a specialist of AAC), to guarantee that the communication needs and competences of the non-verbal child are taken into account (which does not fall under the competences of a psychiatrist). The second assessor should include questions and recommendations about special measures and measures of procedural accommodations, especially in relation to communication needs.

But there is critical shortage of experts, especially in the field of psychiatry and psychology, especially child specialists. As a consequence, the capacity of existing experts is overstretched and the deadlines for the production of expert reports are significantly extended; it is now common for expert reports to take several months to be produced. Therefore, the list of experts who can provide reports should be extended to other professions, which can provide an expert opinion on persons with intellectual and psychosocial disabilities.

At the same time, confirmation of a diagnosis by a General Practitioner should be allowed (at it was recently introduced for civil procedures) to simplify and accelerate the process.

However, the only way to guarantee a timely and appropriate assessment, it is necessary to introduce "justice facilitator or intermediary" as a major procedural adjustment for persons with intellectual and psychosocial disabilities. The facilitator should conduct an assessment and be available for communication and support during court proceedings and with the police. He or she should be able to introduce persons with intellectual or psychosocial disabilities to the court environment in a clear and helpful way and explain the court proceedings. We should develop the prerequisites for the work of the facilitator and the methodology of work.

The involvement of a justice facilitator would guarantee

1. timely assessment – the facilitator should be attributed to the victim immediately after detection that there may be an intellectual disability to prepare the report on communication needs and reasonable accommodation as early as possible.
2. at the earliest opportunity after the submission of a complaint of a crime to the Police and the inkling of intellectual disabilities, such that
3. minimisation of the victim's exposure to secondary and repeat victimisation, to intimidation and to retaliation.
4. maximum likelihood that victims who need special measures receive them in time to avoid or mitigate harm,
5. this includes measures of procedural accommodations that must be age-, gender- and disability- appropriate, as a first report about communication needs and accommodations should be submitted as soon as possible after the first meeting between the facilitator and the child (as well as his or her closest family members or carers).

Detection and rapid recognition of a person's vulnerability are essential in criminal proceedings. This first detection process – which will need to be confirmed by a medical expert- should be carried out by police officers, law enforcement or judicial authorities. This guarantees that the child with intellectual disabilities at the earliest possible has access to the support he/she is entitled to right from the beginning of the process– at complaint stage through the attribution of a dedicated justice facilitator, who will conduct a detailed assessment and accompany the child throughout the process.

This would not replace the psychiatric expert report, but it would provide a first detection assessment and proposal for procedural accommodation, a judicial facilitator, who should be nominated by the prosecutor immediately after the Police first contact with the victim.

1.1.2 Identifying risks, vulnerabilities and barriers

The factors that confirm the vulnerability or need for procedural accommodations for the child victim, include the following categories:

- 1) personal circumstances of the victim, including especially **gender, disability, especially challenging behaviours, age, living situation** (if at home, in foster care or in a child orphanage or institution for persons with intellectual and psychosocial disabilities), **ethnic background** or foreign nationality as well as surrounding socio-economic, family/guardian support, education,
- 2) type and nature of the crime (especially hate crime and sexual and domestic violence);
- 3) circumstances of the crime;
- 4) any external barriers to the court, such as social, gender, economic, communication and procedural, architectural, systemic and educational barriers.⁹

From the recent studies on hate crime in the Czech Republic, it follows that the risk of violent victimisation is increased in the case of women with disabilities, trans* and non-binary persons with intellectual and psychosocial disabilities, or challenging behaviours and persons with combined disabilities. However, it is important to note that high prevalence rates are observed among persons with disabilities in general¹⁰.

In addition, a particular factor of victimisation is when the child lives in institutions. Although there are no statistics (underreporting and no detailed statistics by the Police)

⁹ See more here: <https://validity.ngo/wp-content/uploads/2022/08/Pathways-for-Inclusive-Individual-Assessment-for-EU.pdf> p. 25-26

¹⁰ Walach V., Petruželka B, a Kalibová K., *Postižení násilím Zkušenosti lidí se zdravotním postižením s násilím a předsudečným násilím Zpráva z kvantitativního výzkumu*, In IUSTITIA, o.p.s. v Praze, únor 2024, available at: https://in-ius.cz/wp-content/uploads/2024/07/KVANT_Postizeni-nasilim-Zkusenosti-lidi-se-zdravotnim-postizenim-s-nasilim-a-predsudecnym-nasilim-FINAL-1.pdf

literature and studies around institutionalisation have proved since long ago that institutionalisation is a particular factor of victimisation¹¹.

In the recent above-mentioned study by In-lustitia, almost three-quarters (72%) of respondents had experienced a as a victim of violence in their lifetime. In the case of people who completed the baseline questionnaire, 61% have been violently victimised in the last 5 years and 40% in the last 12 months.

For comparison, in the population of the Czech Republic in 2017, the number of people victims of violence in the last 3 years was 34%¹² of the cohort. These are methodologically differently designed surveys, so the above comparison should be taken as indicative only. But it gives a strong evidence-based argument in favour of the introduction of the justice facilitator to facilitate access to justice to persons with intellectual and psychosocial disabilities who fail to be recognised and identified as a victim group in the criminal proceedings.

1.1.3 Workflow for assessing and addressing needs and barriers

Assessment should be done as early as possible following the criminal complaint.

Step 1: the Police officer identifies specific and/or additional vulnerabilities of the victim. A child because of the age will be immediately identified as a vulnerable victim but communication barriers and accessibility needs, his/her history, will help to find out how he/she communicates and what his/her skills are (reading, writing, comprehension) as well as key contacts (carers, family members and professionals).

The Police detection report conclusions should be added in the victim e-file and the information should be transmitted to the prosecutor and the judge, to allow the immediate nomination of a justice facilitator.

¹¹ See for example: <https://www.hrw.org/news/2017/03/07/children-disabilities-deprivation-liberty-name-care-and-treatment>; Violence against children with disabilities: legislation, policies and programmes in the EU, European Union Agency for Fundamental Rights, 2015 or Children and disability in transition in CEE/CIS and the Baltic States, [UNICEF Innocenti Research Centre](#), 2005 or Georgette Mulheir, Deinstitutionalisation – A Human Rights Priority for Children with Disabilities, The Equal Rights Review, Vol. Nine (2012).

¹² Roubalová, M., Holas, J., Kostelníková, Z., & Pešková, M. 2019. Oběti kriminality: Poznatky z viktimizační studie. Praha: Institut pro kriminologii a sociální prevenci.

Step 2: The identification that the victim has special needs (the disability will be confirmed from a medical report, asked by the judge ideally to the paediatrician or general practitioner ¹³) gives automatic right to a justice facilitator who conducts an individual assessment and describes required procedural accommodations and communication needs. The report should include a detailed description of the communication needs and limitations of the child as well as recommendations for procedural accommodations.

The diagnosis statement by the paediatrician (which should include any other medical information that a diagnosis confirmation) and the assessment reports must be added in the e-file as the expert's opinion is.

The profile of the facilitator would be that of a trained professional with knowledge in the field of intellectual disability; someone who studied forensic psychology, because they should know what the forensic tools are and how to adapt them to the needs of persons with intellectual and psychosocial disabilities.

- Emotional preparation of the victim for the process he or she is about to face they must be provided with information about the process itself, duration, phases etc. This knowledge can help the victim to decide whether or not he/she wants to face the process.
- Assessment of testimonial skills, analysis and issuing of a report.
- Accompaniment during the police and judicial process (complaint, investigation, trial),
- Ensuring the victim's right to information in a way that is understandable to the victim, so that they can exercise their other rights and participate in the process.
- Support in communication.
- Obtaining testimony.
- Designing the individualised support needed during the process.

Step 3: Based on the acquired knowledge, the facilitator accompanies the child with intellectual or psychosocial disabilities during the whole proceedings, thus guaranteeing the continuity and the quality of the support.

¹³ Psychiatric expert report is required by the judge and is part of the victim's file. Key element and proof for the trial. See National Briefing Report page 51-53.

Given the specific need (especially communication), we believe that the justice facilitator should assess and support the child throughout the process to avoid having administrative burden passing a case to another professional, thus bringing even more people into an already long list of people who the child meets, effective work as it takes time to understand and communicate with a child, needs trust – having one person makes sense. It ensures continuity and sustainability of this coordination throughout the entire span of criminal proceedings. In the case of a complex situation, the facilitator could ask for advice and additional expertise (speech therapist, behavioural analyst, clinical psychologist, health professional...).

Each of the three steps is described in detailed in the following three chapters, according to the table summarising the main aspects:

Reporting	Investigation	Trial
Identification of victims with intellectual and psychosocial disabilities by the Police of the Czech Republic With a semi-structured questionnaire and checklist for the Police – to indicate that there is an inkling that the victim may have an intellectual or psychosocial disability. The Police includes this information in e-file (see part 2). A referral to the prosecutor / judge is made: • To nominate a judicial facilitator for the victim (immediately available to the victim) • To ask a diagnosis confirmation to a paediatrist • To commission an expert report (as this is already the case)	Judicial Facilitator • Evaluates and assesses support needs for communication between the victim with disabilities • Suggests communication and other procedural adjustments • Accompanies the victim with disabilities throughout the process In the e-file: (see part 2) will be included: • The report of the justice facilitator • Doctor's diagnosis confirmation • Expert opinion from a psychiatrist (and in specific case also a psychologist)	The justice facilitator accompanies the victim with disabilities at all times • During the police and judicial process (complaint, investigation, trial), • Ensuring the victim's right to information in a way that is understandable to her and that she can understand to the victim, so that they can exercise their other rights and participate in the process.

Step 1 – Identifying risks, vulnerabilities and barriers

Initial assessment should be conducted by a specialised Police officer (currently Police Officers are trained to conduct interview with children), identifying that the victim may have a disability and may need specific accommodation. The first phase should allow to detect additional vulnerabilities. This should be conducted through a set of questions that every specialised Police officer should have at his/her disposal when meeting the child, before a statement is given by the child (a child, as a vulnerable victim, is allowed to a unique statement).

- identification of the child's age, gender and their disability.
 - o NOTE: on account of worry or concern or shame about disability, the child or their parent/carer may choose not to disclose disability. The focus of the assessment should not be on diagnosing disability but identifying overall needs or barriers.
- a brief overview of child history
- *prima facie* accessibility and communication needs (e.g. uses wheelchair, has difficulties verbalising etc.) and what are the child's basic skills (reading, writing, comprehension)
- identification of the primary support persons (family members and carers), and if possible, names of professionals that are known to the child and who might facilitate the assessment process (e.g. psychologists, teachers, speech therapists, doctors and others whose opinion might be relevant for the process)
- other elements that might be of note for the assessment, that can be discovered without disruption and while conducting other investigative actions.

The Police officer will use a set of questions and an orientation table (in the form of a checklist) to help identify a particularly vulnerable victim with an intellectual or psychosocial disability or other specific needs. The checklist will enable a summary and assessment of whether the person might have an intellectual disability or other specific needs.

This initial assessment will need to be included in the casefile as personal data to ensure protection of the child. This would guarantee that the details of the child's assessment will not be made available to the perpetrator and will be shared by other actors only on an as-needed basis (Police officers have electronic system of files, in which the document will be added). Pursuant to Section 65 of the Criminal Procedure Code, the victim (or his/her legal representatives (usually parents), guardian or attorney/defender) has the right to inspect the case file, make extracts, notes and copies of the case file from the beginning of the criminal proceedings. Others cannot access the personal data of witness pursuant to section 55(2).

Once the first step is made, a cognitive disability is detected, the Police should immediately contact the Prosecutor and the judge to obtain a justice facilitator to conduct the in-depth needs assessment and support the child throughout the judicial process. A medical confirmation of the General Practitioner should be enough to confirm the diagnosis.

Step 2 – In-depth assessment of the child

The second step – the in-depth assessment, where the specific needs of the child victim and barriers they might encounter are identified, listed and support measures agreed upon with the purpose of preventing retaliation, intimidation, repeat and secondary victimisation, as well as procedural accommodations that will be needed in the foreseeable procedural steps should be conducted by the **justice facilitator**.

Depending on the circumstances of the child, this may involve cooperation of multiple professionals (especially parents or carers, child attorney, child protection professionals, school or service staff). Given the fact, that this a new position cooperation is to be achieved, while respecting privacy and protection of data of the child. The use of single e-file for all actors would make easily available the contact to the justice facilitator (who should be informed of all steps to explain them to the child) and the report about the accommodations needed for the victim with intellectual disabilities, so that no one could ignore them nor the role of the facilitator.

Given the problem of availability of experts, their lack of competences on intellectual and psychosocial disabilities, we are advocating for the creation of the profession of justice facilitator to evaluate and accompany children and adults with intellectual and psychosocial disabilities throughout the justice system.

Currently there is no institution or organisation in charge of the process of assessing the needs of the child victim. Given the fact, that many actors are already involved in a judicial process, we want to create a unique position as justice facilitator to simplify the support and create one unique position dedicated to the child, with no potential of conflict of interest¹⁴ and proper training. A justice facilitator should be a speech therapist, a psychologist or a social worker trained in support victim issues to best combine expertise for supporting children with intellectual and psychosocial disabilities. In the same way as victims support services and mediators are accredited by the Ministry of Justice, justice facilitator should be officially accredited. One solid option to guarantee the accessibility of justice facilitator would be to add this position at the Probation and mediation services, who offers long-term free support for victims. The Probation and Mediation Services (hereinafter PMS) operates in all judicial districts of the Czech Republic. In total, there are 74 centres. PMS are part of the justice system – so they could provide facilitators for persons with intellectual and psychosocial disabilities – justice facilitators expert on victims, social workers – with competence in the field of persons with disabilities. Territorial coverage would guarantee the accessibility of justice facilitators. The justice facilitator should also be able to ask expertise – when he/she is facing complex issues.

Single contact points are being tested in pilot project in the Czech Republic – but so far there is no evidence of competence and knowledge on persons with intellectual and psychosocial disabilities. In addition, the single contact points model is available only in some places and is run by NGOs, which are often the first to face cost cutting issues. While PMS is part of the justice system, the issue of cutting costs is less likely.

Children have the legal right to an ex officio **attorney** (an attorney paid by the state), they can also choose a **trustee**, and they have a **guardian** for the proceedings (in the case of children, usually a representative of the OSPOD). The attorney of a particularly vulnerable victim can accompany the victim throughout the entire process, i.e. from the very first steps in the case, but we know from the National Report that only very few attorneys invest the time and energy needed. So, the justice facilitator should be competent to communicate with the team working in favour of the child.

¹⁴ Child protection authorities are not only overwhelmed with work, have no specific training on disabilities and may be in conflict of interest as they may intervene in the proceedings as the child's guardian.

Depending on the complexity of the child's needs and barriers, and the procedural accommodations identified, the necessary information should be shared thanks to a digital system of e-files (to be implemented by 2030), with the primary objective to ensure that all relevant experts are involved in putting into place and successfully implementing procedural accommodations.

The Facilitator should primarily identify and suggest accommodations in the environment, language and communication that will enable the person full and fair participation in the criminal procedure while maximising the child's ability to convey his/her version of events. This should not be contingent on a formal assessment or diagnosis of a disability. It is not the Facilitator's role to raise or relate to elements of the disability (including medical history) that are not directly connected to the person's participation in the given judicial procedure.

For the in-depth individual needs assessment process, the following elements may be **relevant for the child's interaction with the criminal justice system and with the child's participation:**

- child's existing family carers and/ or professional care team and the possibility to include them in the process of identifying and responding to the needs, as a matter of preference; support may vary depending on if there is a conflict of interests between carer and a child and if there's a (need for a) special representative involved;
- child's communication needs and habits: this can include, what are the child's communication method(s), the need for information to be presented in a particular format (braille, easy to read documentation, simplified language, pictograms); as well, how to formulate questions when interrogating the child etc.;
- any sensory sensitivity (to light, sound, heat, smell, movement and touch) and physical conditions that needs to be taken into account to accommodate the child;
- any assistive technology used and the specific technical requirements in that regard, especially when the child uses alternative and augmentative communication;

- accessibility needs in general, and communication needs in particular, including the support arrangements in response to those needs;
- family situation and related vulnerabilities (for example, are parents going through a contentious divorce which might affect custody issues and the potential procedural implications – e.g. need to change the address for correspondence, but also practical, such as the primary support person; substance abuse by family members and related risks and implications etc.);
- does the child live in an institution or group home and has support from staff– is there a conflict of interests between staff and child;
- financial issues and their potential consequences;
- specific environmental needs/risks (e.g. living in rural area without easy access to transport, having been victimised by neighbours etc.);
- any challenging behaviour (potentially linked with a post traumatic situation or not)
- any gender specific needs (e.g. fear or different communication needs depending on the gender of the interlocutor – is it recommended to interact only or preferably with experts of a specific gender etc.);
- how does the child's daily/weekly routine look like;
- any information regarding the school attended by the child (as long as it is relevant to the case);
- any health or dietary information relevant for the purpose;
- any other issues of note that might be relevant for the child's interaction with the criminal justice, based on the judge decision to commission additional investigations or information.

The coordination of all of these professionals, including the justice facilitator, is the responsibility of the prosecutor during investigation stage and judge during trial stage. But a liaison Officer, appointed at each court, should coordinate requests and questions of accessibility and reasonable accommodations to make all request through

one specific channel. He should be contacted by colleagues or by the child or his relatives to help with accessibility issues. He should work in coordination with the justice facilitator.

Step 3 – Ensuring continued updates to the individual assessment throughout the criminal proceedings

Justice facilitators will assist child victims with a disability to participate in an optimal manner in the judicial process and maximise their ability to present their version of events, without directing or influencing the content of that version.

The Facilitator will mediate between person with disabilities and the judicial system, dismantling obstacles in language and communication, as well as in the physical and social environment, in order to enable them to understand the processes in which they are involved and to be understood by the other participants.

Accommodations will be provided during the criminal procedures, right after the first contact with the police, including during the unique statement by the child. Accommodations are also relevant in the interaction between a child and his/her lawyer or representatives of the child protection authorities – thus the facilitator should accompany and accommodate communication and languages needs of the child.

Because there is no common file system in the justice system yet, it is important to include information in the Court file, as it can be consulted by the victim (or his/her legal representatives (parents), guardian or attorney/defender). In addition to the justice facilitator, whose primary role is to dismantle obstacles in language and communication, as well as in the physical and social environment, accessibility issues are specific to each Police station or Court building. Essential would be a central point of contact (Liaison Officer) be appointed at each court, who could coordinate requests and questions of accessibility and reasonable accommodations, in case the child needs to go to Court. This officer could advise colleagues and ensure that accessibility issues are dealt with (physical accessibility of Court rooms and toilets and other places, hearing aids for children and young people with visual or auditory disabilities, relevance of trial outside Court room, specific lights arrangement for children and young people with epilepsy, or trial extended time to allow breaks and slower tempo). In most case, as there should be unique statement by the child, there may not need to go to Court but from practice we know that statements may have to be repeated.

1.1.4 Collaboration paths in a multi-stakeholder system

There is currently only one unique centre working according to the Barnahus model in the Czech Republic since 2024. Therefore, while the project is promising (see National Briefing Paper Czech Republic) it is not yet current practice and there may be several obstacles to build similar centres all over the countries.

As described in the National Report: *“The biggest obstacle to the system is that the support provided to children is not well systemised and coordinated. Thus, there is no single, coordinated procedure for when a child becomes a victim of crime. Since reporting the crime, the child has met an incredible number of people - thus unable to gain a sense of safety and insight. The legislation describes in detail the obligations of all actors, but the multiplicity of authorities with information obligations is, on the contrary, detrimental to the victim in some cases. It often happens that the victim just formally signs a leaflet which is filed in the case file. Instead of everyone instructing the victim in a way that he or she can understand, no one instructs the victim in this way, and everyone relies on the other person to do it. In addition, cooperation between actors depends on 'who you bump into' and thus there is no possibility of relying on a consistent and quality procedure - there is generally quite a distrust between actors, especially from NGOs and lawyers who deal with this issue. Accompanying a child is not guaranteed by law, but it is highly desirable.”*

This is why we have suggested to advocate for collaboration through the PMS service, which is low-threshold, free and available in every district and could accompany child victims throughout the proceedings and collaborate or directly employ justice facilitators for children with psychosocial and intellectual disabilities. If the child finds themselves in a region in the country where victim support services do not exist, PMS would be a good alternative.

To confirm that this model would work, it would of course essential, to run a stakeholder analysis and build a clear model to ensure cooperation of the PMS service with all relevant institutions, authorities, organisations and individual experts. This analysis needs to run in several phases, which should include:

- mapping – a step in which all relevant authorities, institutions, service providers and other relevant actors will be identified. Mapping should also aim to identify

any gaps in the ability to respond to the needs of child victims and suggest how the PMS role can provide solutions to overcome the gaps.

- categorising and cataloguing - understanding the roles that each of the stakeholders might play in responding to the needs of the child victim and building a catalogue of contacts that will be needed to build a multi-stakeholder database (including AAC experts, interpreters in sign language and others);
- building and maintaining communication and referral pathways - this can be done through memoranda of understanding, collaboration protocols or contractual arrangements. Such arrangements should, among other elements, ensure that different counterparts remain in regular contact with each other, regardless of any specific case, to ensure the flow of communication and good collaborative relationships between individuals.

The suggested model around PMS services should not block the development of more Barnahus centres and other collaborative projects. However, given the nature and the complexity of the situation of children (and adults) with intellectual and psychosocial disabilities we believe that the fact that PMS is part of the justice system would be a strong asset to guarantee a better and effective access to justice.

1.2. Setting procedural accommodations to adjust proceedings to child victims

In the Czech Republic, as stated by the Victims' Rights Directive, several procedural accommodations have been transposed in the legislation (**Act No 45/2013 on Victims of Rights**):

- a respectful, courteous, considerate and considerate approach on the part of the individual authorities and entities that come into contact with the victim during the criminal proceedings (§ 3- 2);
- the timely and comprehensible provision of basic information to the victim (§ 7 to § 13);
- significant limitations on the possibility of asking questions directed at the victim's intimate sphere, including the victim's right to object to the focus of the question at any time during the interrogation or explanation (§ 18);

- the possibility of arranging for the victim to be questioned by a person of the same or opposite sex during the pre-trial phase, including arranging for an interpreter of the same or opposite sex to interpret the victim's statement (§19);
- established rules for the interrogation and explanation of a particularly vulnerable victim, e.g. trained interrogator, specially adapted premises for the interrogation, striving for a non-repetitive interrogation (§ 20);

In practice: interviews are conducted in special interrogation rooms, which look like an apartment room, where the interrogation is recorded on a videotape, demonstrative aids - dolls or puppets can be used if the testimony is given by a person who is unable to describe the factual events.

- the right to prevent contact between the victim and the perpetrator (§ 17(2)) preventing visual contact between a particularly vulnerable victim and the suspect (§ 20);
- the possibility for the victim to be accompanied by his/her confidant for the individual acts of the criminal proceedings and for giving explanations (§21), the possibility at any stage of the criminal proceedings to make a statement about the impact of the offence on her life to date (§22) ;
- measures allowing a hearing to take place without the presence of the public¹⁵;
- The police of the Czech Republic must also inform the victim, without request, of the fact where and under what conditions to seek professional assistance, under what conditions he/she has the right to free professional assistance, including the provision of contacts to such entities (§8(1)(b)), the nearest shelters, intervention centres or other social service establishments providing residential services (§ 8(1)(h))¹⁶, and the nearest health service provider to whom you can turn in case of need (§ 8(1)(i)).

In addition, we would recommend including the justice facilitator as a specific procedural accommodation for children and young people with intellectual and psychosocial disabilities, according to art. 13 CRPD.

¹⁵ This is possible under certain circumstances see art. 200 of the Code of Criminal Procedure.

¹⁶ This does not include residential services for children with disabilities but specialised services for victims.

1.2.1 Accessibility and procedural accommodations

In the following paragraphs we are suggesting procedural accommodations in terms of accessibility drawing from, among others, International Principles and Guidelines on Access to Justice (Principle 2 and 3). Those could be included in a form of a Code of Conduct and Guidelines for the work of the justice facilitator:

- Accommodations will be provided only with the consent of the child.
- The Facilitator will identify and suggest accommodations in the environment, language and communication that will enable the child full and fair participation in the procedures while maximising the person's ability to convey his/her version of events. This can include:
 - The use of simplified language;
 - Alerting the police investigator or court to overly open or complex questions that are not suited to the cognitive skills of the person and suggest ways of simplifying the questions;
 - Modifications to the method of questioning in appropriate circumstances, such as simplified questions, finding alternatives to hypothetical questions
 - Providing extra time to answer, permitting breaks as needed;
 - Modifying the pace of proceedings.
- The Facilitator will not recommend accommodations if a child or a young people is able to give optimal testimony without their use.
- The Facilitator is a neutral party, with no interest in the proceedings other than ensuring the right of a person to full and fair participation in the process.

- Accommodations relating to communication or language differ on the extent to which they direct the person. The least directive accommodation is one that enables a person to express him/herself using unlimited vocabulary or symbols and to construct sentences on one's own.
- The facilitator assists a child with intellectual or psychosocial disabilities to overcome anxiety by advance preparation, including a visit to a courtroom and observation of a court hearing.
- Interviews with the victim being carried out in accessible premises designed or adapted for that purpose; If need to, this can be done in a victims' home;
- Interviews by a person whose disability affects his/her attention will take place in a calm environment to keep distractions to a minimum and suggesting regular breaks during the interview;
- Interviews will be done the use of appropriate communication technology, such as video-link or videoconferencing systems;
- All forms of communication are valid, and the child should be able to use his/her usual communication mean. The use of AAC in criminal proceedings should not be denied on account that a child's will is being expressed through an assistive technology device; Nor should a testimony from a child that uses AAC should be seen as less credible.¹⁷ The court should be accommodative to the device that the child uses, and should not impose AAC devices that the child is not used to.

¹⁷ There are findings in some countries, such as the US, where testimony of a child with AAC that spoke little or not at all was denied because they were using a device that spoke for them. Since it could not be established if what was coming out of the device was what the child actually means to say. Or generally there is misunderstand or mistrust or what the devices actually.

In addition to the code of conduct and guidelines for the justice facilitators, a decree on accessibility of justice proceedings and venues should be adopted with the following content:

- Adopting procedures for hearings that ensure the fair treatment and full participation of persons with intellectual and psychosocial disabilities, including children and young people with intellectual and psychosocial disabilities, during proceedings, as appropriate, such as:
 - Adaptation of the venue;
 - Appropriate waiting spaces;
 - Removal of cloaks and wigs;
 - Separate building entrances and waiting rooms and protective screens to separate persons with intellectual and psychosocial disabilities from others if necessary due to physical or emotional distress;
 - Use of pretrial video recording of evidence and testimony, as both a form of accommodation and protection of the child.
- Guarantee the provision of communication support by ensuring that all processes in the justice system provide the technical and other support necessary for parties, witnesses, claimants, defendants and jurors to use any form of communication as necessary for their full participation, including:
 - Assistive listening systems and devices;
 - Open, closed and real-time captioning, and closed caption decoders and devices;
 - Voice, text and video-based telecommunications products;
 - Videotext displays;

- Computer-assisted real-time transcription;
 - Screen reader software, magnification software and optical readers;
 - Video description and secondary auditory programming devices that pick up audio feeds for television programmes;
- Supporting communication, in addition to facilitators or facilitators, through the use of third parties, including:
 - Note-takers;
 - Relay services;
 - Tactile interpreters;

02

PART 2 DIGITAL INFORMATION SYSTEM FOR THE MODEL MULTIDISCIPLINARY COOPERATION SYSTEM

ADAPTATION TO THE CZECH REPUBLIC NATIONAL CONTEXT

2.1 Proof of concepts: new solutions for victims with disabilities' participation in criminal justice

In the following sections, we looked at the potential adaptation of the proposed design of the blueprint of the Digital Information System for victim support in the Czech Republic. The designed system, called Diana, has been envisioned as a multi-function, multi-role application for victim data collection, procedural accommodation identification, risk assessment, data management, expert system information through an AI chatbot, and for the provision of a secure chat for operators.

2.1.1. Diana: Data Gathering

As described in the National Briefing Report, the Czech Republic does not have an electronic file, the individual levels keep their own electronic records, but no other files are connected to them.

As far as the file management is concerned, the Police of the Czech Republic uses its own electronic file management system, which it also develops itself, the Information System of Criminal Procedure Records (the so-called ETR). This system is not public. The supervising prosecutor then has access to secure remote access in a particular case. However, the Information System of Criminal Procedure Records should be the basis for a so-called electronic case file based on the export of relevant data between the police and the prosecutor's office.

A more significant shift in the area of the electronisation of justice which would be of great benefit to all, is the work on a single digital system currently in the pre-completion phase according to the representative of the Ministry of Justice of the Czech Republic. This would mean a huge simplification and accessibility of the whole system for persons with intellectual and psychosocial disabilities, including children, as the need to physically visit the office would largely be eliminated.

In particular, it should offer remote viewing of the file by the authorised subjects of court proceedings or the possibility of electronic communication with the authority, ideally via a single self-service portal, which would also include the possibility of adapting to clients with specific needs (e.g. enlarging the font). This would also increase the convenience for justice workers themselves, given the possibility of sharing data.

As detailed later in this chapter, the vision is ambitious, and some partial steps are already beginning to be implemented.

In case of maximum interoperability, we would have the best adaptation of Diana to the reference context, with the aim to have a single digital system in time. With reference to interoperability, there are 3 options (Optional Requirement No. 1, see Section 7.2.1, Part II of the “D3.3 - Model Multidisciplinary Cooperation System”).):

1. Full interoperability with the systems already in use by the various operators (especially criminal justice and child protection): in this case, the app will ensure the automatic transmission to the database of the application Diana of the data stored through the systems already in use. This solution requires long implementation times and is characterised by a high complexity due mainly to the internal technologies of the judicial system, whose modification necessarily also requires a modification of the legislative framework.

By 2031 the project e-spis (e-file) should effectively provide electronic court file and its access to all actors involved, as they have the right to access the paper file at the moment. Access of all files will be done by the e-justice portal that every citizen can access from the main government portal for citizens. Diana could be connected to the justice portal on a mid-term basis because the e-justice portal is not an app, and files could be accessed through Diana app.

2. No interoperability: in this case, the operators will use their own system and the Diana application in parallel.

As mentioned earlier, the Police of the Czech Republic uses its own electronic system of the case file service, which it develops itself, the Information System of Criminal Proceedings Records. The supervising prosecutor then has access to secure remote access in a particular case, but at the end of the investigation the police prepare and hand over the criminal file to the prosecutor in analogue form. The file then remains digital in the police electronic filing system. However, the system should be the basis for a so-called electronic case file based on the export of relevant data between the police and the prosecutor's office.

So, for the moment, until completed electronisation of the electronic file, Diana could work as a separate application.

Another adaptation based on the national legislative framework, regards the type of data that the system can acquire (optional Requirement No. 2, see Section 7.2.1, Part II of the “D3.3 - Model Multidisciplinary Cooperation System”). The various categories of data can therefore be supplemented:

- Contact details;
- Type of crime suffered;
- Include information about Hate crime (LGBTQI+, disability, ethnic origin);
- Gender, age, disability data;
- Family status;
- Education data; school where the child goes + class (1,2...);
- Risk assessment factors;
- Phase of the proceedings.
- Communication: Czech as first language or not, alternative communication needed
- Foreigners;
- If the victim is a particularly vulnerable victim – so entitled to specific procedural rights and adaptations (see National Briefing report pages 29-30);
- Police check-list showing that there may be a disability;
- Report of the Justice facilitator on communication and procedural accommodations.

2.1.2 Diana: Case Management System

This section describes the methods of accessing and storing the data acquired by Diana.

With regard to data accessibility, users (judicial and external actors and victims) will be able to access the above data following their authentication and identification. The method of obtaining access credentials based on roles can be established by the individual country analysed, also based on the available digital infrastructure.

The partner will have to identify roles and methods for obtaining access credentials for these users will be possible for every citizen who uses electronic identification (through The National Identity Authority (NIA), a government institution that provides electronic identification of users for government portals – it works for both Czech citizens and foreigners registered in the Czech Republic):

- Victims of crime, including children from 16 years old who have any ID card and a mobile phone. Before 16 an ID card is not an obligation and under 15 children have no access to electronic ID¹⁸.
- Police;
- Courts officials
- Prosecutor's office;
- Child Protection services/agencies;
- Lawyers authorised by the victim;
- Perpetrator's authorised lawyers.

In addition, the judge will be able to create access to the e-file to all persons directly involved in the file, if justified, so that include for example:

- Support services, like disability and gender- appropriate services and Anti-violence centres and other specialised victim support services; the relevant staff member would be authorised to access as a representative of a social services - identification will be given by the Ministry of Social Affairs (soc. Services are registered) or by the Ministry of Justice who maintains a list of victim's support organisations
- Forensic experts such as psychologists and psychiatrists
- Justice facilitator
- Confident (this may be a family member, an acquaintance chosen for emotional support primarily)

¹⁸ Until 18 children can be limited in the use of E-ID – they may not be authorized to access the application. In addition, parents of children with intellectual disabilities may be reluctant to activate e-ID card because of the risk of abuse once they are 18.

Any other relevant party may ask the judge to access the e-file, and the judge will decide if yes or no. It is worth to note here, that anyone can fill in a complaint through the Filing portal via a web form that is directly connected to court. It is possible through the Citizen's portal, where anyone can log in even without having a e-identity. So, it is accessible to all.

2.1.3 Diana: Risk and Procedural Accommodation Assessment – Red Flags

Diana should also be used for two purposes: on the one hand, the evaluation necessary for the activation of any procedural accommodations; on the other hand, the risk assessment related to repeat victimisation (including intimidation and retaliation).

For the risk assessment, the following categories of risks should be included:

- Measure of protection of vulnerable adults (guardianship, supporter, representative of a household)
- Residence if institutions or social service (living situation)
- Hate crime (sexual orientation, gender, gender identity, race, disability)
- History as victim (previously in life – in another place for example – re-trauma)
- Non-verbal communication

With the introduction of the electronic file system, information flow should be much more efficient.

Police officer would include in the file information the checklist from its first inkling of an intellectual and/or developmental disability. This information would be of utmost importance until the report of the justice facilitator would be available, as it would signal the vulnerability and/or the disability of the person and therefore the victim should be treated as a vulnerable one (in addition to his/her age), until this information is confirmed.

If the justice facilitator position would be part of the Probation and Mediation Services, then access to the e-file could be set automatic, as they are part of the justice system. Therefore, the facilitator report would be included in the e-file and information about the communication needs and other accommodations could not be missed.

2.1.4 Diana: Expert System and Chatbot

The e-file system will be accompanied by a chatbot function to help victims, or another person who is entitled to access the file to help with the function of the e-file system and how it works. Videos should also be accessible (and provided in different formats, including sign language, easy Czech) to support the user in navigating the e-file.

Specific information for the victims, including information in easy-to-read and child-friendly format, could be easily available in Diana for everyone, as they are not file specific. An icon representing ETR placed on the main menu should allow immediate access to easy-to-read information (ideally containing text and videos)

Similarly, a map including disability or victim support's services could be available in the app.

2.1.5 Diana: Internal Encrypted Secure Chat

For the moment, the e-file system does not count with internal secure chat and does not count with the possibility to directly contact professionals working on the case. However, the already existing Polpoint system allows encrypted video communication from every district court and most Police stations. POL POINT is a technical system that enables communication between citizens and the police via videoconferencing equipment and therefore does not require going to the police station. In particular, it is used to report crimes, as it offers an alternative and more gentle option for those who would otherwise be unable to report crimes in person for whatever reason – it can be used at the premises of a victim support organisation. It also allows communication between the victim and the Court from a local Police station (avoid difficulties and human or economic barriers with transportation and/or assistance during transport), including Court hearings, interrogations and other procedures. The Polpoint system should be compatible with a system like Diana as it is possible to use the Polpoint system from any computer/device.

In terms of reporting, there is a portal for filling in a complaint. It works through a web form, and the complaint goes directly to court. The complaint system works both with identity authorisation and without. It means that every citizen can through the portal logged in a complaint, even without any registration – this means that it is accessible also for children under 16 (who do not have to possess an ID card).

2.1.6 Diana Inclusivity: Assistive technologies integrated to the system

This section describes different assistive technologies and inclusion methods that can be included in the system to guarantee the widest participation of all categories of users. These tools should be used according to the principles and guidelines on access to justice for persons with disabilities.

The e-file system should use all the accessibility standards as they are available in mainstream programs/browsers.

The app should therefore include:

- speech to text technology¹⁹
- speech recognition technology
- and use symbols and pictures alongside text – yes, if they exist !! this is the critical point: not all words are available in symbols and pictures. And there are many different sets of symbols which cannot be mixed – there should be check that the document can be fully supported with symbols or pics to avoid white spaces. Or it should be available for pre-checked texts (about complaints, about processes) where persons with intellectual and psychosocial disabilities have validated the content. To guarantee accessibility of easy-to-read texts, it should be checked by readers with intellectual and psychosocial disabilities, so specific individual document should not be translated with symbols because there is (so far) no guarantee that this is correct and completed.

¹⁹ For example, it is possible to use the program **Česky.AI** which provides quick and accurate transcription services: <https://cesky.ai/>.

2.1.7 Diana: Cybersecurity

This section illustrates the technologies that will allow the protection of the data used by the application. In particular, the stored data will be made secure by applying blockchain technology. Furthermore, Diana will involve a combination of technologies designed to protect integrity, confidentiality, authenticity, and availability of exchanges: among these, data encryption, secure file transfer protocols, content filtering, endpoint protection, virtual private networks (VPNs).

The justice e-file system will allow to download files and produce necessary documents that may be needed – like a confirmation that a document was added in the e-file system.

However, to avoid any risk of victimisation video of interrogation with children will not be made available online – only the transcript. There is a huge discussion about how to deal with risk of secondary victimisation – video could be misused on the net and the access to information.

Secondly, there is the question of when document needs to be available in the e-file – e.g. a letter or a request by the judge should appear in the app, once the person has received the request -this is especially important for the deadline and limits to answer and react.

2.2 Conclusions

The Czech justice system has a great potential for improving as several e-justice programmes, especially the e-file one, are being implemented in a coordinated and unified way as a single-entry point for all and a single place for storing information related to a case – thus avoiding that information may have not been transferred. Although this will take about 5 years, it will be beneficial for the victims and all the actors who support victims.

However, digitalisation is not enough to ensure accessibility of the justice system for children with intellectual disabilities. This is why we propose the introduction of three main new measures for the three stages of the proceedings, as described in this publication.

Our final recommendations would be:

- To integrate justice facilitators in the PMS system – as there are available all over the country and would benefit from an already existing structure of work. Therefore, the financial impact for the justice system would be relatively low while its efficiency could be potentially very high for this group of victims.
- To train and develop short explanatory videos about how victims with intellectual disabilities should be supported, so that all the actors understand the role of justice facilitators and collaborate with them in an appropriate manner.

Reporting	Investigation	Trial
Identification of victims with intellectual and psychosocial disabilities by the Police of the Czech Republic With a semi-structured questionnaire and checklist for the Police – to indicate that there is an inkling that the victim may have an intellectual or psychosocial disability. The Police includes this information in e-file (see part 2). A referral to the prosecutor / judge is made: • To nominate a judicial facilitator for the victim (immediately available to the victim) • To ask a diagnosis confirmation to a paediatrist • To commission an expert report (as this is already the case)	Judicial Facilitator • evaluates and assesses support needs for communication between the victim with disabilities • suggests communication and other procedural adjustments • accompanies the victim with disabilities throughout the process In the e-file: (see part 2) will be included: • The report of the justice facilitator • Doctor's diagnosis confirmation • Expert opinion from a psychiatrist (and in specific case also a psychologist)	The justice facilitator accompanies the victim with disabilities at all times • During the police and judicial process (complaint, investigation, trial), • Ensuring the victim's right to information in a way that is understandable to her and that she can understand to the victim, so that they can exercise their other rights and participate in the process.

03

PART 3 CASE STUDY

3.1 Case study n°1

3.1.1 Reporting the incident

A young girl called B. aged 16 with mild intellectual disabilities living in a residential institution has been sexually assaulted by a young boy called D. living in the same institution.

B. is shocked by what happened and because she is afraid D. may harass or assault her again, she talks to a social worker whose role is also to be a sexual confident in this residential service.

The social worker immediately takes steps to make sure that contact between D and B are avoided and to help her to lodge a complaint to the Police. Because the institution is located in a village, they decide to use the Polpoint contact place to lodge a complaint through videoconference.

3.1.2 Individual assessment

Once online in the video-conference, the Police officer notes that she is a minor and she may have a disability, so he ask her some specific questions to document his inkling (where she lives, where she goes to school etc....) and refers her immediately to a specialised Police Officer and a justice facilitator – for which he contacts the Prosecutor for approval and opens a e-file with the first information he collected. The Justice facilitator from the local branch of the PMS connects with the institution and sets up a time to visit and meet B. in order to set collaboration and provide a communication and accommodation report for the proceedings. The justice facilitator also plans a meeting with her case-manager to discuss her communication skills and better apprehend all the accommodations she may need. A lawyer is also nominated for her defence.

3.1.3 Legal proceedings

Two days later, her testimony/interrogation is organised at the Police station in the nearest town where there is a special interrogation room and also with Polpoint technology to allow child protection authorities, her lawyer, and the lawyer of D. to hear her testimony and ask questions through the specialised Police Officer. She is accompanied by her facilitator and an assistant from the residential service, who she has chosen for the proceedings. The interrogation with a specialist – in person-followed online by several professionals, took two hours with two breaks allowing B. to relax and get reassured by her facilitator and confident that all is going well.

After the interrogation, which has been recorded, B. can check her e-file online, including the transcript of her interrogation. When there is new information – her facilitator helps her to understand what this document is and means. She will also visit the forensic psychiatrist for the expert opinion, which has been added to the e-file. She asks her facilitator to explain what is in the report.

Otherwise, B. does not have to be in contact with other people than the facilitator and her lawyer.

3.1.4 Support after the trial

B. is getting psychological support by a victim support organisation – once a week for several months to help her go through this trauma.

Based on the report and recommendation by the facilitator, an easy-to-read summary version of the sentence is included in her e-file, together with the full sentence. After one and half year, B. could read that D. has been convicted for his crime. Her facilitator helped her understand all the consequences. Because D. appealed the decision, the facilitator will continue to work with B. to ensure that she is aware of what is happening during the appeal process.

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