



IA CHILD



The project is funded by the Justice Programme of the European Union (2014-2020)

2nd WORKSHOP, VILNIUS,
12th March 2020

«Implementation of individual
assessment in accordance with
Directive 2016/800. Legal and
practical issues»

Presentation of the
process/aims of individual
assessment in Greece

*Assit Prof. Dr. Georgios
Nouskalis
Supreme Court Lawyer*

*Ms Nadia Romanidou
Head of Juvenile
Probation Service of
Thessaloniki-city,*

- **1. Juvenile justice system and legal regulation of individual assessment**

- The juvenile probation officers conduct a social research on the personality and the social background of the young person and they prepare the social inquiry report in various stages of the criminal proceedings and in particular:

- **A)Obligatorily for any child accused**
- **B)Possibly during the main investigation, after criminal charges have been pressed.**

- **C) In the stage of diversion of criminal procedure prior to initiation of prosecution after an order issued by the public prosecutor, in order to decide on the refraining from the prosecution and on the imposition of educational measures**

- **D) In cases where the social inquiry report needs to be updated**
- **E) In order the court to decide whether to provide leave from a reformatory institution, when the child is implementing the custodial reformatory measure imposed by the juvenile court**

- **F) For conditional release from an institution for young offenders, where the child is serving the sentence of detention in a young offender's institution.**



2. The juvenile probation officers role

- **collect information** on the child's physical, intellectual, emotional, moral and social development, his/her background, social and family status, living conditions, his/her previous and current delinquent behaviour.

- The social inquiry includes **meetings and interviews** with the minors and their families as well as **contacts with other people** who are related to them

- **factors that caused the delinquent behaviour and for the protective factors**
- In this way we can make an assessment of the personal, family and social situation and of the special needs of the child and the family. Therefore we can consider if and what kind of intervention is needed and which treatment should be imposed by the court

- behavioural problems and **expert evaluation**, (for instance a psychiatric diagnosis)
- **immediate interventions and referrals to experts** based on the best interest of the young person, with his or her consent.

The report to the juvenile judge or to the public prosecutor or to the investigating judge

- includes all the necessary information as well as a proposal on the measures that should be taken for the most suitable treatment of each juvenile. This enables the judicial authorities to form a clear view of the situation and decide properly on the child's case.

3. The structure of the report

- has not a common specific structure in all Juvenile Probation Services. **in general it contains personal data** of the accused person:

- information on the composition and the structure of the family, socio-economic characteristics, the educational and occupational status as well as the health status and also describes the child's personality, abilities and skills, interests and hobbies, vulnerabilities and specific difficulties.

factors and conditions that led the child to commit the offence

- Often the assessment of the young people entails the involvement of **various professionals and experts**, apart from the Juvenile Probation Officers and in that case the social report conducted by us is a combination of multiple assessments concerning different aspects of the minor's status

A special assessment instrument does not exist in our work, not even a framework of regulations for assessing minors

- Greece is nowadays in the process of incorporating the European Directive 2016/800 into Greek law. According to the relevant Draft Bill, access to the report is granted only to the judicial authorities and the offender upon request.

4. The role of juvenile judge

read and take into account the social inquiry report submitted by the juvenile probation officer. Thus, the judge can form an opinion on the juvenile's personality and family and social background and he/she can decide what kind of intervention shall be the most appropriate for each juvenile

individual assessment and the child's personality

- **Respect of the child's personality, his/her sense of dignity and worth, they should focus on the individualised approach to young person and his/her needs and should take into account the promotion of the child`s best interest and the protection of his/her rights**

- **The basic aim** is to identify the child's special needs so that the most effective measure/sanction/intervention can be applied and the child's social integration can be achieved through his/her personal and social development and the prevention of stigmatization and recidivism

conclusions

- The adoption of specific guidelines,
the usage of a relevant protocol.
-

The adoption of specific guidelines, the usage of a relevant protocol

- The use of a tool serving as a guide for individual assessment would be very helpful for the professionals as well for the young people. Because a reliable assessment ensures the protection of the rights of the child and it can lead to the successful rehabilitation and welfare of young people.