

# Barnahus and it's proliferation in Europe

Córdoba, 10th October 2021

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# The impact of the UN CRC:

## Development of convergence

- ✓ The paradigm shift generated by the UN CRC revolutionized our perception of the child as **holders of rights**
- ✓ The dynamic nature of the CRC, particularly as embodied in the crosscutting and overarching principles of “**the best interest of the child**” and the “**right to be heard**”, has created international consensus on priorities and strategies in child welfare and child justice
- ✓ The “**operationalization**” of the CRC into diverse contexts of children’s live experiences has contributed to convergence of child protection systems

# Premises of Barnahus

## reflected in international laws and practice

- ✓ The new knowledge from research, sharing of experiences and information has articulated the professional context fostering the Barnahus approach and promotes its growth
- ✓ Promoted by international NGO: Save the Children, UNICEF, ISPCAN
- ✓ Reflected in international laws and other instruments as well as the activities of the Council of Europe, the European Union, including in:
  - ✓ The Lanzarote Convention
  - ✓ EU Directives
- ✓ It is supported by the ruling of the European Court of Human Rights and the European Court of Justice as reflected in the case laws of these courts
- ✓ Articulated in Concluding Observations of the UN Committee on the Rights of the Child

# Barnahus a response to Child Abuse and Adult Justice

The adult justice system is designed to determine guilt or innocence and, in the case of guilty verdict, punish the perpetrator - rather than ensure the best interest of the child

- 1) **Multiple interviews** in different locations and the corresponding re-victimization of the child-victim
  - Repeated interrogation within the justice system, in police stations and court settings adds to the traumatic experience
- 2) The months, even years of **waiting for the trials**, with one or even more appeals, puts the life of the child victim at halt and constant distress
- 3) Hostile, intimidating and degrading **cross-examination** of the child-witness in an un-friendly environment
- 4) Lack of appropriate **medical** and **therapeutic services** for the child victim and his/her family

# Barnahus, evolving approach

- ✓ Barnahus, first established in Iceland in 1998, has assumed a key role in the Justice as well as Child Protection System of the Nordic Countries and beyond
- ✓ In short Barnahus, an Icelandic word meaning the House of the Children, is a child-friendly and multi-agency facility to respond to child abuse in all its manifestations
- ✓ Barnahus Iceland rooted in the principles of child-friendly, multiagency features of the CAC model in the US with the overt aim of integrating:
  - ✓ The US - longstanding tradition of investigative approach in child protection and criminal justice
  - ✓ The great legacy of the Nordic welfare model and the principles of the UN CRC

# Child Abuse - Uniqueness of the Crime

- ✓ The **vulnerability** of the child victim
  - ✓ Child victims do not normally bring charges against their offenders
  - ✓ The “silent” crime, secrecy of the abuse
  - ✓ Child victims difficulties in disclosures
- ✓ The Perpetrator most often in the **Circle of Trust**
- ✓ **Lack or absence of evidence** other than the child’s disclosure in child sexual abuse cases
  - ✓ Medical evidence in less than 10% of cases and only conclusive in less than 5% of all cases
  - ✓ Other hard evidence or witnesses other than the child victim’s rarely exist

# Uniqueness of the Intervention

- ✓ Addressing Child Sexual Abuse (CSA) is not only a judicial issue but requires multiagency intervention
- ✓ The child's victim's **disclosure** is the key for:
  - ✓ Ensuring the safety of the child
  - ✓ Providing assistance to the child victim with the aim of physical and psychohological recovery
  - ✓ Uncovering the crime in terms of criminal investigation, prosecution and sentencing
  - ✓ Preventing the perpetrator from reoffending

# Multiple interviews – Harmful to the Child Victim

- ✓ All the different agencies: the Child Protection Service, the Medical Profession, the Police, Prosecution etc. need to have the child's account
- ✓ Repetitive interviews by many professionals in different locations can have very harmful effect for the child victim
- ✓ **Secondary victimisation – Re-traumatisation**
  - ✓ Refers to painful/stressful re-experiencing of trauma as a consequence of sexual violence

Multiple interviews –

## Harmful for the Criminal Investigation

- ✓ Repetitive and unstructured interviews can **distort the child's narrative**
  - ✓ Suggestibility and leading and misleading questions
  - ✓ The child's disclosure becomes contaminated
  - ✓ Discrepancies in the child's story
  - ✓ The evidential value of the narrative diminishes
- ✓ Absence of a child-friendly facilities **exacerbates** the harmful experience of the child
  - ✓ High level of stress precludes optimal expression
  - ✓ Police stations or Hospitals: Wrong messages!

# Multiagency collaboration- Under one roof

- ✓ The Gov. Agency for Child Protection
- ✓ The State Police
- ✓ The State Prosecution
- ✓ The Police Dep. in Reykjavik
- ✓ The University Hospital – Dep. of Pediatric and Dep. of child Psychiatry
- ✓ Association of the Directors of Local Social Services
- ✓ The Child Protection Services in Reykjavik



# The five dimensions of Barnahus

- ✓ **Child Protection**
  - To ensure the protective needs of the child
- ✓ **Criminal investigation and proceedings**
  - To enhance the evidential value of the child's narrative and strengthen the court proceeding
- ✓ **Medical evaluation and treatment**
  - To identify possible injuries for healing as well as evidence for investigative purposes
- ✓ **Trauma focused assessment and therapy** for child victims and counselling to non-offending family members
- ✓ **Interagency collaboration**
  - To ensure comprehensive, effective and professional intervention, evidence based and without undue delay in the best interest of the child

# The Barnahus in Reykjavik



# On arrival at Barnahus



# Child-friendly waiting rooms



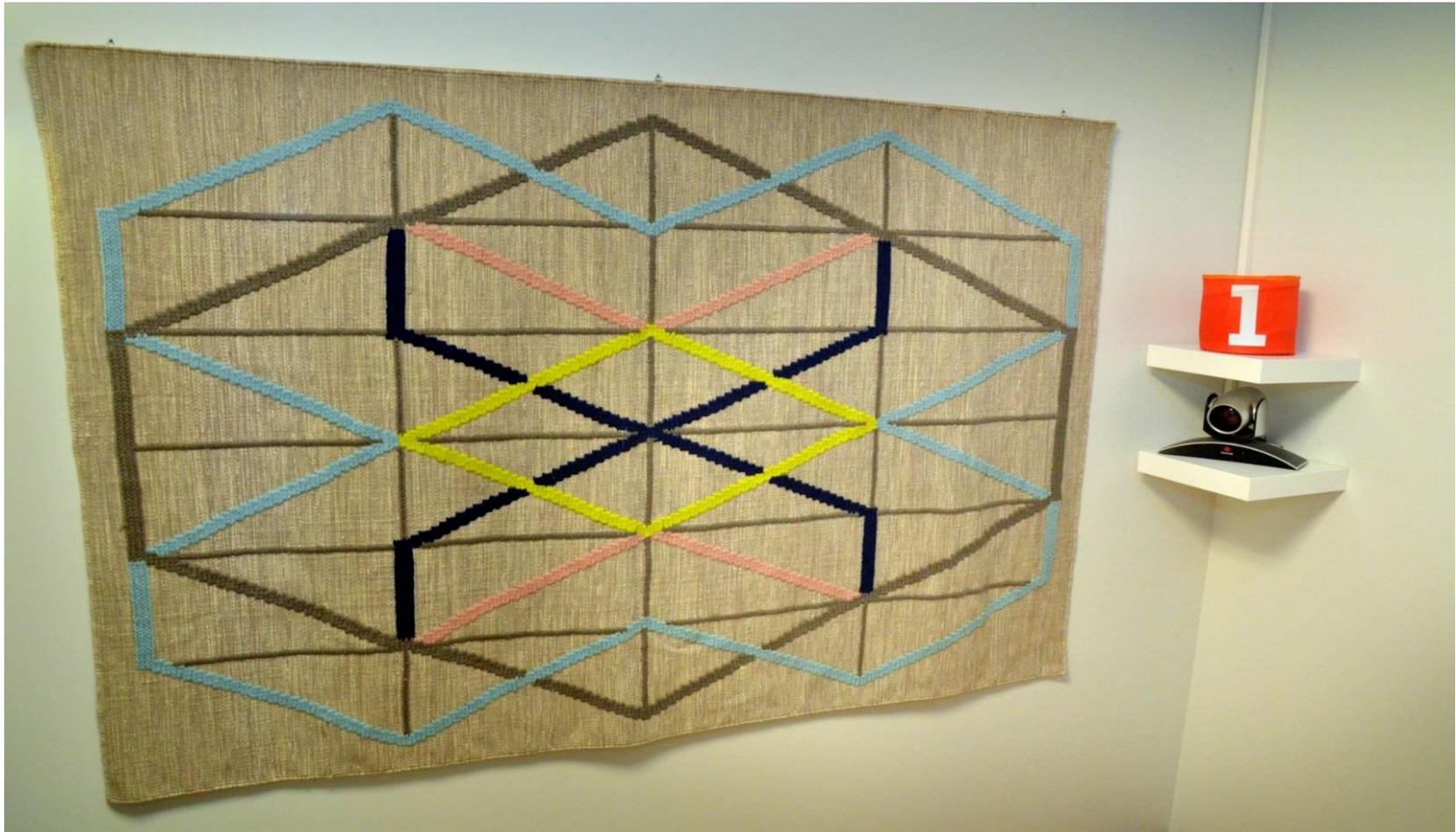
# Barnahus

|                                   |   |                                     |
|-----------------------------------|---|-------------------------------------|
| Medical Exams<br>and Evaluation   | Joint Invest.<br>Interviews:<br>court statements/<br>CPS interviews | Victim<br>Therapy                   |
| Family<br>Counselling/<br>Support | Consultation<br>and advice to<br>local CPS                          | Education, training<br>and research |

# Interviewing room



# Camera in the interviewing room



# The monitoring room



# Court session via IT - technology



During the pre-trial stage – without undue delay

# Testimonies for court hearings

- ✓ The Court Judge ( prosecutor or police) is in charge of the procedure – the “due process”
- ✓ The Defence – cross examination
- ✓ The Prosecution
- ✓ The Police
- ✓ The CPS representative
- ✓ The Child’s Legal Advocate
- ✓ The child’s disclosure is elicited by trained forensic interviewer according to evidence based interview protocol and videotaped

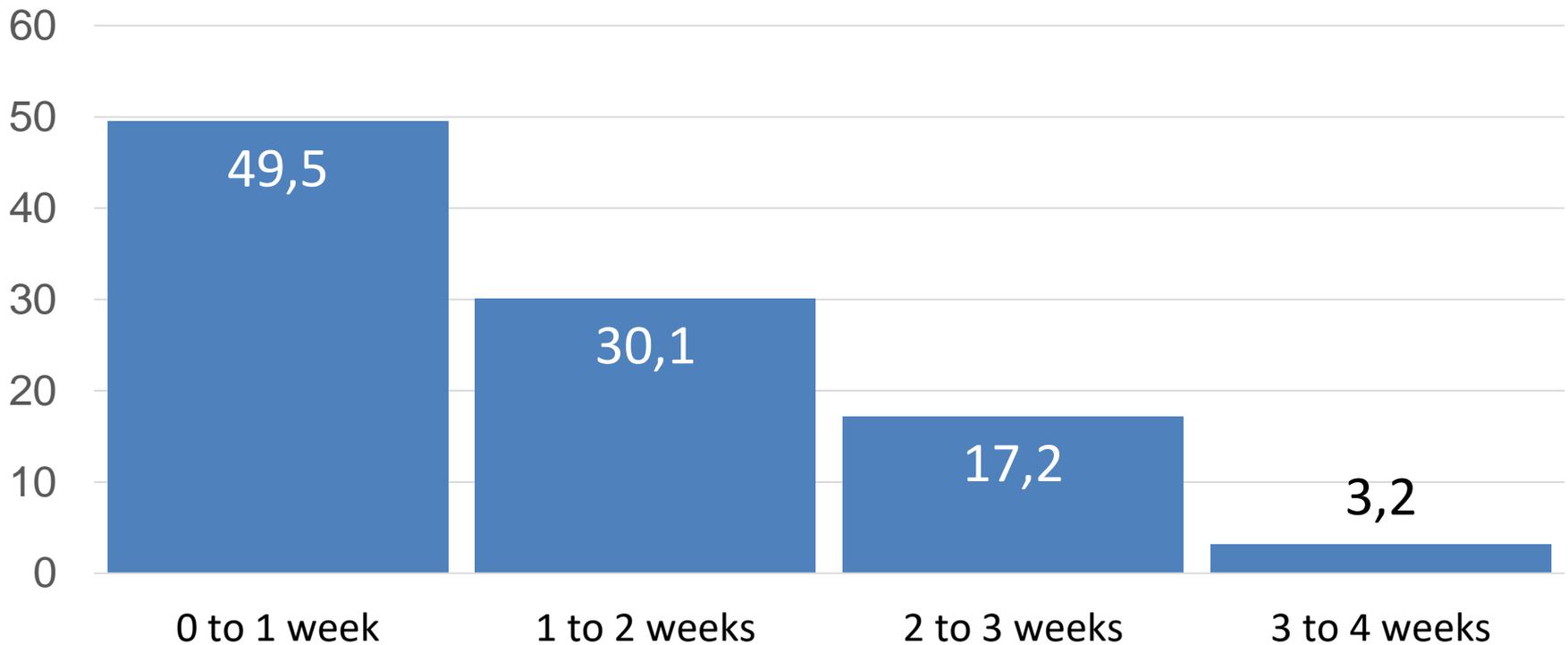


# Barnahus -

## Addressing the judicial adversities for children

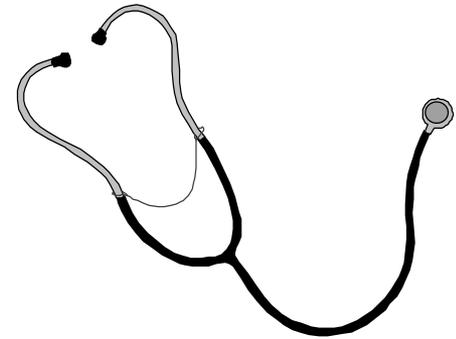
- ✓ Harmonize the principles embodied in the **UN CRC** on the one hand and the Human rights principle of a “**fair trial**” on the other
- ✓ A child friendly arrangement for eliciting the child narrative at the **pre-trial stage**, enhancing **the evidential value** of the child’s testimony by avoiding **unduly delay** and applying evidence-based **interview protocol**
- ✓ By **audio-visual recording** the child’s testimony with the aim of avoiding repeated questioning during court hearings
- ✓ Under conditions required to ensure fair trial, i.e. by representation of **the defence** and allowing for **cross-examination**

## Iceland: duration from the time a request is made for court testimony until it takes place



# Medical examinations – historical sexual abuse

- ✓ At the request of the Police, the CPS, the Child or the Parents
- ✓ Implemented by experienced paediatrician, a gynaecologist and a trained nurse
- ✓ A child friendly examination room
- ✓ The use of “video-colposcope” and it’s therapeutic value by active participation of the child
- ✓ Anaesthesia exceptional
- ✓ Acute forensic medicals performed at UH



# The Medical room



# Victim therapy - family counselling

- ✓ The child and the non-offending parent(s) receive (legal) counselling after the investigative interview
- ✓ Victim therapy can start soon after
- ✓ The dual role of interviewer/therapist excluded in individual cases
- ✓ The videotaped child's disclosure is used for initial assessment and treatment plan
- ✓ **TFCBT** (Trauma Focused Cognitive-behavioural) therapy – group therapy under way
- ✓ The therapists are generally required to submit reports and testify in court proceedings

# Lessons to learn

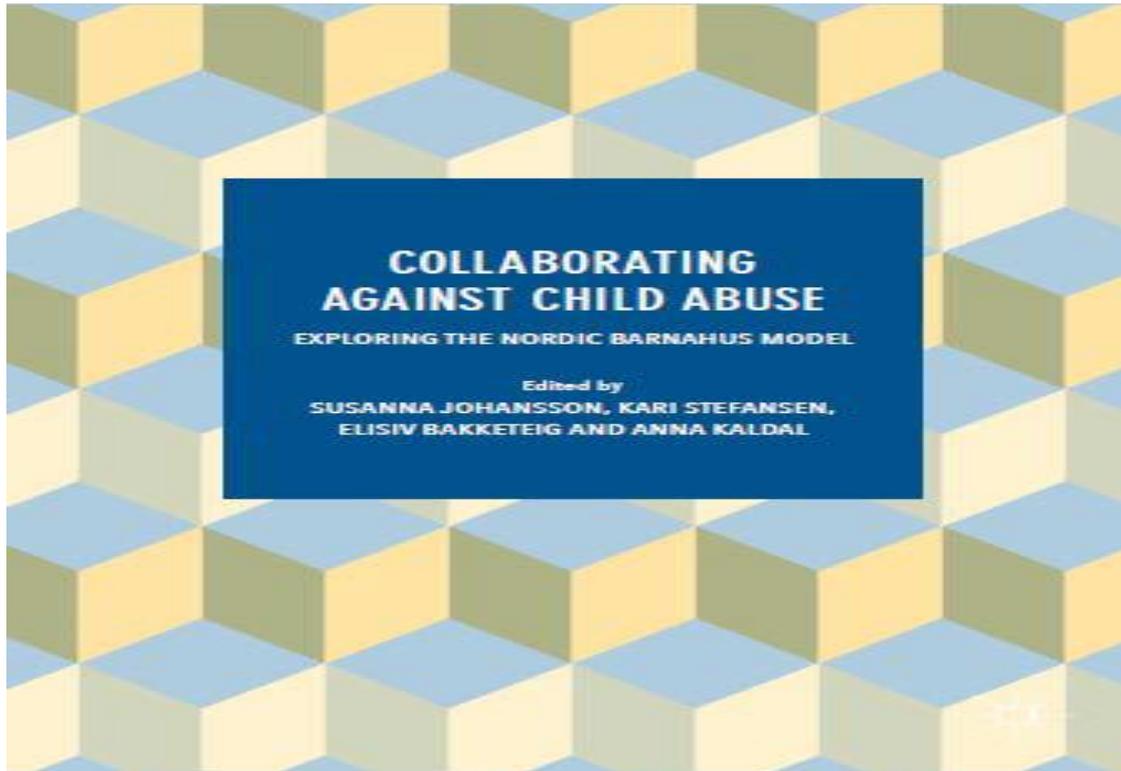
- ✓ Allowing for difficulties of definitions, Barnahus can be found in over 70 locations in Iceland, Sweden, Norway, Denmark, Finland in the Baltic Sea States, Hungary, Cyprus, England, Ireland, Germany, Spain and potentially more including Slovenia, Scotland, the Check Republic, Moldova, Georgia
- ✓ What we can learn from the proliferation of Barnahus:
  - ✓ Has proved to be **transferable across borders** and viable in different cultural, legal and social environments
  - ✓ Barnahus is less a recipe for the cook-shops of the future but rather **contains the ingredients** for your ingenuity to discover and create
  - ✓ More of a "**travelling idea**"

# Barnahus in the European context

## Diverse Implementation

- ✓ Paths of coming into being
- ✓ Jurisprudence: The legislative framework
- ✓ Responsibility: the role of the state, regional- and the local authorities
- ✓ Affiliations: social services/police
- ✓ Juxtaposition: responsibilities of partners
- ✓ Collaboration: from being structured to informal
- ✓ Target groups: victims sexual abuse or CAN generally
- ✓ Investigative interviews
- ✓ Medical examination
- ✓ Treatment strategies

# The first Scientific publication on Barnahus, A Comparative Analysis on Diverse Implementation



A comparative analysis on the different implementation of Barnahus among the Nordic countries at the initiative of NOVA, the Norwegian Research Institute.

Published by Palgrave Oct. 2017

Can be downloaded for free:  
<https://link.springer.com/book/10.1007%2F978-3-319-58388-4?page=1#toc>

Challenges:

## Different legal systems

- ✓ The diversity of legal systems: adversarial vs. inquisitorial
- ✓ Most states **have not made** any significant legal amendment before implementing Barnahus
- ✓ Some have made **few minor legal** changes and in one instance, **Denmark**, a significant legal reform was made
- ✓ **Slovenia: Draft Barnahus Act**; could be a role model for others to follow

## Challenges:

# Responsibility, accountability

- ✓ In most states the **Central Authorities**, mainly State Child/Social protection Agencies, are responsible for the operation of Barnahus
  - ✓ Iceland, Norway, Estonia, Lithuania, Ireland, Finland, Catalonia
- ✓ There are examples of this responsibilities are assumed by **local- or regional** authorities
  - ✓ Sweden, Denmark, England, Hungary
- ✓ Finally, in some states **NGO's** have been entrusted for the services
  - ✓ Cyprus, Latvia, Poland

# Affiliation to existing agencies

- ✓ Existing infrastructure may play a crucial role in determining **the leading sector** in the establishment of Barnahus
- ✓ **Child Protection**
  - ✓ Iceland, Denmark, Sweden, Ireland, Estonia, Hungary, Catalonia
- ✓ **Law enforcement**
  - ✓ Norway
- ✓ **The Health sector**
  - ✓ England, Finland

# Flexibility vis-à-vis fidelity

## Diverse arrangements

- (i) forensic interviews; **police** or **child experts**
- (ii) **court interviews** or **explorative** interviews
- (iii) medical evaluation: **acute** or **historic** abuse
- (iv) therapy: **crisis therapy** or **long term**

# Diverse jurisprudence

## ✓ The one interview model

- ✓ The interview is carried out under the auspice of a court judge
- ✓ Observed by the multi-agency team, the defence and the legal advocate for the child
- ✓ **Cross-examination** following the investigative interview

## ✓ The two interviews model

- ✓ Under the auspice of the prosecution
- ✓ The first interview with the multi-agency team without the defence
- ✓ **Supplimentary interview** following the interrrogation of the accused, including the defence and **cross-examination**

# Pros and Cons

## ✓ One interview

- ✓ **Pros:** a) only one interview for the child; b) presence of the judge
- ✓ **Cons:** a) police and the defence get the evidence at the same time; b) increased workload for judges

## ✓ Two interviews

- ✓ **Pros:** Accommodates better investigation because a) more information and b) more effective interrogation of the accused
- ✓ **Cons:** a) the child needs to give two interviews; b) lack of evidential immediacy due to absence of the judge

# Interagency collaboration

- ✓ **Informal arrangement** of collaboration
- ✓ **Formal agreements** or Memorandum of understanding (in most instances)
- ✓ **Legal provision** (Denmark, Slovenia)
- ✓ Challenge: unequal commitment of the different partners
  - ✓ Importance of elaborated **work procedures** and defined **inter-agency** meetings
  - ✓ Education and **joint training** (Promise Project)

# Few recommendation based on some good practice

- ✓ **Awareness raising** among the public and professional alike is a crucial factor
  - ✓ Regular dissemination data from Barnahus on prevalence of child abuse
- ✓ Defined **reporting mechanism**, preferably mandatory reporting
- ✓ Clear **routs of referrals** to Barnahus
- ✓ Transition period: limit to **sexual abuse**

# Challenges ahead

- ✓ Establishing well functioning Barnahus is not a short distance run but a **marathon**
- ✓ Financial **sustainability**
- ✓ There will be **obstacles** to overcome, eg. reluctancy of certain professions, conflicts, mistakes
- ✓ There will also be **positive experiences**, new friendships and happiness in achieving your goals
- ✓ In the end, and most importantly, this will be a **victory for vulnerable children** who need you help

# A milestone in evolution of Barnahus: The Promise Barnahus Network

- The first systemic attempt to bring together European states for the purpose implementing Barnahus
- **The European Barnahus Standards**
- The project has brought together professionals who have been generous in sharing their experience, wisdom and knowledge to develop strategy for the has enriched the conceptualization of Barnahus and deepened our understanding of how to ensure the transferability of the model accross cultures
- Created a professional network into the future
- Website: [www.barnahus.eu](http://www.barnahus.eu)



# PROMISE Barnahus quality standards

|  |   |  |   |   |
|--|---|--|---|---|
| <p><b>STANDARD 1: KEY PRINCIPLES AND CROSS-CUTTING ACTIVITIES</b></p> <p>1.1 BEST INTERESTS OF THE CHILD<br/>1.2 RIGHT TO BE HEARD AND RECEIVE INFORMATION<br/>1.3 AVOIDING UNDUE DELAY</p>  | <p><b>STANDARD 2: MULTIDISCIPLINARY AND INTERAGENCY COLLABORATION IN THE BARNAHUS</b></p> <p>2.1 FORMAL STATUS<br/>2.2 ORGANISATION<br/>2.3 PROCESS AND PRACTICE</p>                        | <p><b>STANDARD 3: INCLUSIVE TARGET GROUP</b></p> <p>3.1 INCLUSIVE AND BROAD DEFINITION OF TARGET GROUP<br/>3.2 NON-DISCRIMINATION</p>  | <p><b>STANDARD 4: CHILD FRIENDLY ENVIRONMENT</b></p> <p>4.1 PLACE AND ACCESSIBILITY<br/>4.2 INTERIOR ENVIRONMENT<br/>4.3 PRIVACY<br/>4.4 PREVENTING CONTACT WITH THE PERPETRATOR<br/>4.5 INTERVIEW ROOM</p> | <p><b>STANDARD 5: INTERAGENCY CASE MANAGEMENT</b></p> <p>5.1 FORMAL PROCEDURES AND ROUTINES<br/>5.2 CONTINUOUS CASE PLANNING AND REVIEW<br/>5.3 CONTINUOUS CASE TRACKING<br/>5.4 SUPPORT PERSON</p> |
| <p><b>STANDARD 6: FORENSIC INTERVIEW</b></p> <p>6.1 EVIDENCE-BASED PRACTICE AND PROTOCOLS<br/>6.2 SPECIALISED STAFF<br/>6.3 LOCATION AND RECORDING<br/>6.4 MULTIDISCIPLINARY AND INTERAGENCY PRESENCE<br/>6.5 RESPECTING DEFENDANT'S RIGHT TO A FAIR TRIAL AND EQUALITY OF ARMS<br/>6.6 ADAPTED TO CHILD</p> | <p><b>STANDARD 7: MEDICAL EVALUATION</b></p> <p>7.1 EVALUATION<br/>7.2 TREATMENT<br/>7.3 SPECIALISED STAFF<br/>7.4 CASE REVIEW AND PLANNING<br/>7.5 INFORMATION AND CHILD PARTICIPATION</p> | <p><b>STANDARD 8: THERAPEUTIC SERVICES</b></p> <p>8.1 ASSESSMENT AND TREATMENT<br/>8.2 SPECIALISED STAFF<br/>8.3 INFORMATION AND CHILD PARTICIPATION<br/>8.4 CRISIS INTERVENTION</p> | <p><b>STANDARD 9: TRAINING OF PROFESSIONALS</b></p> <p>9.1 TRAINING<br/>9.2 GUIDANCE, SUPERVISION, COUNSELLING</p>  | <p><b>STANDARD 10: PREVENTION</b></p> <p>10.1 DATA COLLECTION, INFORMATION SHARING AND AWARENESS RAISING<br/>10.2 EXTERNAL COMPETENCE BUILDING</p>  |



# Words of Gratitude

Thank you warmly for this opportunity to take part in your historical journey to enhance the rights of children in Spain!