

# Barnahus: a European journey

Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states



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# **Barnahus: a European journey**

Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states

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dans les cas de violence à l'égard des enfants*

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# Executive Summary

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Since the establishment of Barnahus in Iceland in 1998, the idea of Barnahus has travelled and inspired a process of change in Europe, nationally within States and throughout the region. Today, 28 Council of Europe member States have established Barnahus and/or Barnahus-type services, and five more States are in the process of setting up Barnahus. In about half of the States that do not yet have Barnahus or Barnahus-type services, there is an ongoing public debate and/or State and civil society actors are advocating for Barnahus. These numbers are clear signs of the enthusiasm that surrounds the Barnahus model in Europe, and of the felt positive impact of the Barnahus model on child victims and witnesses, which has been increasingly evidenced and recognised.

■ The Barnahus model has not only brought change to national child protection and justice systems, it has also inspired Council of Europe standard-setting work. The principles of the Barnahus model are today reflected in a number of legal and policy instruments on the rights of the child, in observations of monitoring committees such as the UN Committee on the Rights of the Child and the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), as well as in the case law of the European Court of Human Rights.

■ Since the Lanzarote Committee identified the Icelandic Barnahus model as a promising practice in 2015, the Council of Europe, along with other organisations working for the advancement of children's rights, has taken the lead in supporting European Governments in setting up and/or strengthening and expanding Barnahus. In this European journey, Council of Europe human rights and child rights standards are leading the way.

■ It was against this background that the Council of Europe initiated this Barnahus Mapping Study in September 2022, with the support of the Government of Iceland, to assess the presence and scope of Barnahus, Barnahus-type and other multidisciplinary and interagency services in Europe. Informed by responses to a survey questionnaire administered among all 46 member States, the Study reveals progress within member States and in the region, and identifies a continued need to strengthen child-friendly justice and the protection of children from all forms of violence throughout the region. In fact, it is one of the objectives of the Council of Europe Strategy for the Rights of the Child (2022-2027) to continue promoting the Barnahus model, including through co-operation projects with member States, upon their request, and in partnership with other organisations.

■ The Study reveals how the Barnahus model is evolving during its journey through Europe. The data collected for this Study show that two of the initial principles of the Icelandic Barnahus – namely for Barnahus to be a public institution and for the set-up to be based on interagency co-operation – are indeed reflected in the European context, albeit not always in the same manner.

■ While NGOs and other civil society actors have an important role in advocating for Barnahus, Barnahus-type and other MD/IA services for children and their engagement has been critical for promoting new services in several member States, without the commitment of the State, at national, regional or local level, the Barnahus model is inconceivable as a sustainable *modus operandi*.

■ Multidisciplinary and interagency ways of operating, despite being indicated by several States as an initial challenge in the setting up of Barnahus and Barnahus-type services, have been established and are being continually strengthened. While multidisciplinary co-operation could still be expanded to include a broader set of professionals intervening in the services provided to child victims and witnesses, today, the persistent challenges in this regard tend to be more about ensuring that a sufficient number of professionals are specially trained and recruited for child-friendly multidisciplinary and interagency services than establishing an underlying framework for co-operation.

■ The Study reveals that the delimitation between Barnahus, Barnahus-type and other MD/IA services is fluid and that survey respondents exercised some level of discretion in their (self-) assessment of the services in place in member States. As the institutional set-up, also the target groups, scope and reach of these services vary and are in constant evolution. In the European context, therefore, the Barnahus model eludes a fixed definition.

■ In view of these findings and the continued collaboration of the Council of Europe and member States in this field, the idea of *Barnahus and other child-friendly justice services* could be described as referring to:

a public institution or entity where multidisciplinary and interagency services for children collaborate in the same safe and child-friendly premises to secure the right of the child to access to justice and, where applicable, to co-ordinate parallel criminal, civil and administrative proceedings. Barnahus and other child-friendly justice services provide a co-ordinated and effective response to the child, reducing the risk of secondary victimisation and re-traumatisation during case assessment and, where applicable, during investigations and proceedings, while ensuring full respect of principles of due process and the best interests of the child. The central aim is to gather evidence of high probative value through evidence-based forensic interviewing and examination of the child. The child also receives support and assistance, including medical and therapeutic assessment and treatment, or is referred to appropriate follow-up support and assistance.

■ Among the persisting challenges, the Study identified in particular the need for systematic training, including academic and vocational, as well as continuous and special training; joined-up multidisciplinary and interagency training to foster a multi-professional and child-centred service culture; research and evaluation, including consultations of children on their perspectives of the services they receive; consistent and sustainable budget allocation; as well as the collection and analysis of data and statistics, including disaggregated data.

■ The Study demonstrates that member States where Barnahus or Barnahus-type services are in place are able to implement child-friendly justice standards more reliably and systematically than member States where these services do not exist. The Study confirms this for specific standards concerning the right of child victims of violence and crime to be heard in criminal investigations and proceedings, such as the hearing of a child victim in a child-friendly environment, by a specially trained professional using an evidence-based interviewing protocol to ensure a high probative value of the child's statement, conducting video-recorded child interviews and admitting them as evidence in the related proceedings, and ensuring due process standards are upheld during the child interview. Based on these findings, the Study concludes that the establishment and continued strengthening of Barnahus or Barnahus-type services is a sensible investment for member States to enhance compliance with their investigative duties and procedural obligations towards child victims and witnesses of crime.

■ The journey of Barnahus will continue its course through Europe, as more and more States join the process of setting up Barnahus and Barnahus-type services as cutting edge structures providing children with access to child-friendly justice, be they victims or witnesses of crimes or children who, for other reasons, need to be interviewed or auditioned for the justice system.

# Note on methodology

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This European mapping study is based on data collected through a broad questionnaire shared across all 46 Council of Europe member States during the winter 2022-23. States were requested to fill in the questionnaire online or in Word format and send in their answers to the Council of Europe Children's Rights Division.

■ Twenty-six member States replied to the questionnaire.<sup>1</sup> Some of those States also provided additional supporting information. In order to ensure that data from all 46 member States could be collected and analysed, the Council of Europe proceeded to publish a call for applications for consultants, and appointed two service providers to fill in the missing data for the remaining countries. The member States were informed of this way of proceeding during a meeting of the Steering Committee for the Rights of the Child (CDENF) in November 2022, and given the renewed opportunity to provide their own information if they so wished.

■ Given that the data was collected and submitted not only by the States themselves, but also by consultants, the term used to refer to these actors jointly in the Study is “survey respondents”.

■ To complete the Study, complementary desk research was carried out, and follow-up questions were sent to a number of States to collect further details.

■ The analysis in this Study is primarily qualitative, with the addition of some quantitative data at a comparative transnational level. The quantitative analysis does not take into account local or regional differences within one country, since this would have made a comparative analysis and overview of the European States more difficult. Therefore, nuances or differences between regions within one country are accounted for in the qualitative parts of the analysis, where such data were available.

■ The survey took the form of a self-assessment, in which States were asked to assess their own services as consisting of “Barnahus”, “Barnahus-type services” or “other multidisciplinary and interagency services”. In order to enhance the coherence in the collected data and in the (self-) assessments made by the survey respondents, a set of definitions were provided as a basis. These definitions are not aimed to be formal or official definitions, but were drafted as working definitions to guide the survey respondents in their (self-) assessment. The following definitions were used:

- ▶ “Barnahus” refers to a public institution or entity where multidisciplinary and interagency services for child victims and witnesses of violence collaborate in the same safe and child-friendly premises to co-ordinate parallel criminal and child protection investigations. Barnahus provides a co-ordinated and effective response to the child, preventing secondary victimisation and re-traumatisation during investigations and proceedings, while ensuring full respect of principles of due process. The central aim is to gather evidence of high probative value through forensic interviewing and examination of the child. The child also receives support and assistance, including medical and therapeutic evaluation and treatment, or is referred to appropriate follow-up support and assistance.<sup>2</sup>
- ▶ “Barnahus-type services” refers to a diversity of multidisciplinary and interagency services for child victims and witnesses of crime that combine some, but not all, of the typical features and services of Barnahus. Barnahus-type services may be public, private or based on public-private co-operation. At a minimum, they provide a safe and child-friendly environment for forensic interviewing of children and aim at co-ordinating parallel criminal and child protection investigations. Barnahus-type services may not ensure respect for principles of due process during the forensic interview of the child, requiring the child to repeat his or her statement in court. Barnahus-type services may not provide the full range of services

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1. **Survey responses by state agencies or institutions:** Andorra, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta, Republic of Moldova, Norway, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Türkiye, United Kingdom, including a separate response by Scotland. **Survey responses by researchers:** Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Estonia, Georgia, Italy, Latvia, Liechtenstein, Monaco, Montenegro, Netherlands, North Macedonia, Poland, San Marino, Serbia, Ukraine. **Others:** In Germany, the NGO World Childhood Foundation responded to the survey, and additional information was provided by the State. Austria and Switzerland did not respond to the survey as such but provided separate information.
  2. Council of Europe, *Protection of children against sexual exploitation and abuse, Child-friendly, multidisciplinary and interagency response inspired by the Barnahus model*, Building a Europe for and with Children, undated, p. 2.



offered by Barnahus, in relation to child protection, criminal investigation, medical and therapeutic evaluation and treatment.

- ▶ “MD/IA services” refer to multidisciplinary and interagency services. Multidisciplinary refers to different professional disciplines such as child protection, social services, medical and health care services, child psychology, law enforcement, the judiciary, specialists in forensic interviewing, and other professions relevant to the case. Interagency refers to various state agencies or public entities. State agencies may collaborate with individual experts and private service providers, as appropriate in the local context and the circumstances of the case. MD/IA services are typically regulated by national or sub-national legislation, a co-operation agreement or protocol, or a memorandum of understanding, which set out the roles and responsibilities of each actor, how they will work together and with the child and the child’s family.

■ The questionnaire was composed of two parts, the first relating to Barnahus and Barnahus-type services and the second relating to child-friendly justice standards, including multidisciplinary and interagency services for children, in countries where Barnahus or Barnahus-type services are not in place. States were invited to reply to part one or part two, based on the nature of the services in place. They were asked to reply to part two only in case no Barnahus or Barnahus-type services existed in their country. As a result, the number of responses differs between part one and part two of the questionnaire and, although all questions had a very high response rate, there are minor differences in the total number of responses per question. To take account of these variations, data and figures are presented with the value N, indicating the number of responses to the specific question.

■ Throughout the Study, where no other source reference is provided, all country data come from the survey responses: Council of Europe, Implementation and development of Barnahus model in Europe: Mapping study questionnaire, Winter 2022-23, or from additional data provided directly by the States.

## Limitations

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- ▶ In some States, both Barnahus or Barnahus-type services and other MD/IA services coexist, and such information may not be reflected in this Study. Where this was the case, the survey intentionally prioritised the collection of information on Barnahus and Barnahus-type services.
- ▶ The survey was intended as a self-assessment, meaning that States were asked to assess themselves if their services constitute Barnahus or Barnahus-type services (based on the provided working definitions listed above) or if they rather constitute other MD/IA services. Nevertheless, since not all States replied to the survey, the consultants commissioned to collect data made an assessment based on the data they were able to retrieve. It is possible that some States would have self-assessed differently. It is also possible that some States are more self-critical than others and/or self-assess more or less generously. In some cases, this may lead to inconsistencies in the way countries are identified as having Barnahus, Barnahus-type or other MD/IA services in place.
- ▶ As not all States provided information, and data was therefore collected also by external researchers commissioned by the Council of Europe, there may be inconsistencies in the nature of data gathered and the relevant levels of detail. Moreover, it should be noted that for countries where States submitted data, unpublished data may also have been made available. This is not the case for States for which data was gathered by consultants, since they would only have had access to published data. There may also be variations in how the data was collected and assessed, depending on if it was the State or a consultant who replied to the questionnaire.
- ▶ Since the data and analysis presented in this Study are mainly based on the responses to the questionnaire, whether submitted by States or by consultants, it may differ from other sources. A verification or triangulation of the information provided by survey respondents was not within the scope of this study. Information provided by consultant was substantiated by relevant references.
- ▶ The survey was created by the Council of Europe and was composed of a number of quantitative and qualitative questions, aimed to be replied at a State level. Depending on the governmental structure and system of each Council of Europe member State, regional and local differences may not be fully represented in the Study. This is particularly the case in strongly decentralised States with high levels of regional autonomy. While such nuances were taken into account to the extent possible in the qualitative analysis, they are less visible in the quantitative analysis, which attempts to provide a European overview.
- ▶ As a mapping exercise, the Study’s objective was to identify relevant laws, policies, institutions, services and practices in Council of Europe member States. There was no intent to assess or evaluate the quality of implementation of these laws, policies and services. The Study aimed at giving an overview of the

information provided by survey respondents, illustrated by examples of practice, rather than an exhaustive overview of Barnahus, Barnahus-type and other MD/IA services for children in Council of Europe member States. The “examples of practice” identified in the report aim at presenting examples from member States, based on survey responses, and to illustrate thereby the scope of practice in Europe. An evaluation of these examples was not within the scope of the study, although evaluation findings have been included in the mapping exercise if and as shared by the survey respondents. Examples “in the making” are presented in view of sharing initiatives that were reported to be under development at the moment of the survey response.

- ▶ The study design was guided by international and Council of Europe standards on the rights of the child with a focus on the rights of child victims and witnesses of violence and crime to access justice and participate in proceedings concerning them. Conscious of the work requested of member States participating in the survey, a deliberate choice was made to narrow the survey thematically and focus on the child interview as a key stage of criminal investigations and proceedings, rather than collecting data on all relevant rights and procedural safeguards of children coming into contact with national justice systems.



# Definitions

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■ *“Child”* refers to any person under 18 years of age.

■ *“Multidisciplinary and interagency” (MD/IA):* *Multidisciplinary* refers to different professional disciplines such as child protection, social services, medical and health care services, child psychology, law enforcement, the judiciary, specialists in forensic interviewing, and other professions relevant to the case. *Interagency* refers to various state agencies or public entities. State agencies may collaborate with individual experts and private service providers, as appropriate in the local context and the circumstances of the case. MD/IA services are typically regulated by national or sub-national legislation, a co-operation agreement or protocol, or a memorandum of understanding, which set out the roles and responsibilities of each actor, how they will work together and with the child and the child’s family. At national and international levels, a range of concepts are in use to refer to different forms and settings of multi-professional collaboration. The Committee on the Rights of the Child, for instance, refers to “multiagency/multisectoral and child-friendly approaches”, recognising and emphasising thereby also the child-friendly approach of MD/IA services.

■ *“Secondary victimisation”* can be the result of the (wrongful) responses of individuals or institutions to the victim, such as victim-blaming and inappropriate language or handling by medical/legal personnel or by other organisations with which the victim has contact after suffering exploitation/abuse. It can also be the result of a treatment that does not correspond to the principles of child-friendly justice, such as repeated police/court hearings, repeated health controls, etc., by multiple persons during the judicial process.<sup>3</sup>

■ *“Sexual exploitation and sexual abuse of children”* is defined in accordance with Article 3 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, also referred to as “Lanzarote Convention”), as including behaviour referred to in Articles 18 to 23. Namely: “sexual abuse”, “offences concerning child prostitution”, “offences concerning child pornography”, “offences concerning the participation of a child in pornographic performances”, “corruption of children”, and “solicitation of children for sexual purposes”. The specific terms and definitions used in national legislation differ between member States. Since the perspectives on a child rights-based terminology have evolved since the adoption of the Lanzarote Convention, the Lanzarote Committee recommended<sup>4</sup> using the Terminology Guidelines for more guidance on terminology and definitions.<sup>5</sup>

■ *“Survey respondents”* refers to the actors that collected and submitted data on the 46 Council of Europe member States as part of this Study, and includes State representatives, non-state actors and consultants.

■ *“Violence”* against children includes acts such as physical, sexual or psychological violence, maltreatment and abuse, as well as omissions such as neglect and negligent treatment, which violate the rights of the child and result in actual or potential harm to the child’s health, physical, psychological and emotional integrity, survival or development. This includes disciplinary measures humiliating the child or inflicting pain, however light, as well as exploitation and harassment, exposure to domestic violence, and the witnessing of violence.<sup>6</sup>

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3. Interagency Working Group on Sexual Exploitation of Children, *Terminology guidelines for the protection of children from sexual exploitation and sexual abuse*, text prepared by Susanna Greijer and Japp Doek as approved by the Interagency Working Group in Luxembourg, ECPAT International, 28 January 2016.
  4. Lanzarote Committee [Implementation Report](#) on the Protection of Children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), adopted 10 March 2022, Recommendation II-1.
  5. Interagency Working Group on Sexual Exploitation of Children, *Terminology guidelines for the protection of children from sexual exploitation and sexual abuse*, text prepared by Susanna Greijer and Japp Doek as approved by the Interagency Working Group in Luxembourg, ECPAT International, 28 January 2016.
  6. Council of Europe, Recommendation CM/Rec(2023)8 of the Committee of Ministers to member States on strengthening reporting systems on violence against children, 6 September 2023.



# Acronyms

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CDENF	Council of Europe Steering Committee for the Rights of the Child
CFJG	Council of Europe Guidelines on child-friendly justice
COBs	Concluding observations of the UN Committee on the Rights of the Child
UNCRC	United Nations Convention on the Rights of the Child
CRC Committee	United Nations Committee on the Rights of the Child
ECHR	European Convention on the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EEA	European Economic Area
EU	European Union
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
LOI	List of issues to be reported to the CRC Committee
LOIPR	List of issues prior to reporting to the CRC Committee
MD/IA	Multidisciplinary and interagency
NCAC	National Children's Advocacy Centre (USA)
NICHHD	National Institute of Child Health and Human Development (USA)
NGO	Non-governmental organisation
UN	United Nations
UNICEF	United Nations Children's Fund



# 1. Introduction: The birth and expansion of the Barnahus model in Europe

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*The journey of a thousand miles begins with one step.*  
Lao Tzu

**A**s is by now widely known, the journey of the Barnahus began in the North-Western tip of Europe, in the island country of Iceland. Inspired by the American Child Advocacy Centers launched in the 1980s,<sup>7</sup> Iceland became a pioneer in the development and establishment of the Barnahus model in Europe.

■ The Icelandic Barnahus model picked up on the American idea of bringing professionals closer together to work jointly with the child at the centre – a so-called child-centred approach. But while the Child Advocacy Centers in the United States of America were set up as private entities, the Icelandic Barnahus which was established in Reykjavik in 1998 was integrated into government and provided as a public service. Hence, one of the first characteristics of the European Barnahus model was to be a *public institution*. This feature of institutionalisation is based on the conviction that meaningful and long-term results can only be ensured if the Barnahus is integrated into a broader State system.

■ Moreover, while the model of the Child Advocacy Centers placed a great focus on establishing multi-disciplinary teams which co-ordinate the interview of victims of child sexual abuse, the Icelandic Barnahus expanded this into a *multidisciplinary and interagency (MD/IA)* form of operating. This means not only that different professional groups such as law enforcement, criminal justice, child protective services, and medical and mental health workers should come together and work as a co-ordinated team, but also that broad governmental responsibility should be taken, involving State departments and agencies operating within different ministries, such as the Ministry of Justice, the Ministry of Health, and the Ministry of Children's and Family Affairs (or similar). This transversal responsibility anchors the Barnahus deeply within the government structure and to the child welfare and justice systems, ensuring a solid platform upon which to co-ordinate the work.

■ Importantly, and related to the previous two characteristics, is that the Icelandic Barnahus also worked towards an active connection to and involvement of the court system, ensuring that courts would allow the specialised staff of the Barnahus to collect evidence which would be admitted in judicial proceedings, without the need for the physical presence of the child victim during the trial. This could be done for instance by setting up specific child-friendly facilities for forensic interviews, which would not only be video-recorded but also guarantee due process and the rights of the defendant by facilitating the observation through closed-circuit video transmission of relevant parties such as the defendant's lawyer and allowing them to request the interviewer to ask specific questions (either during or after the interview). These steps were necessary to ensure the full protection of the human rights of the child victim in criminal investigations and proceedings, while guaranteeing the fundamental principles of due process and fair trial, and respecting the rights of the defendant in accordance with fundamental rules of criminal law.

■ From Iceland, the journey continued southwards and eastwards, reaching the Scandinavian peninsula (Sweden in 2005, Norway in 2007, Denmark in 2013 and Finland in 2019), before continuing further into the heart of Europe. Every time the Barnahus journey took a step forward, and reached a new destination, the ideas around it also evolved and adapted. It was not really the Barnahus, in the form of a fixed model to export or import and copy, that travelled, but rather the *idea* around it. The diffusion and implementation of the Barnahus

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7. See: <https://www.nationalcac.org/history/>



model may hence be seen as “a continuous transformation of ideas rather than simple copying or imitation”<sup>8</sup> Every time the idea landed in a new country, it was seen through the lens of the history, legal tradition and socio-political climate of the people and the country it had arrived to, hence taking a different shape.

■ In many countries, this has meant expanding the scope of the Barnahus to provide services not only to victims of child sexual abuse, which represented the initial target group, but also of other forms of violence. In some countries, it has meant to lean on NGO initiatives or public-private partnerships rather than on public institutions. To some countries, it has meant incorporating Barnahus services into public hospitals,<sup>9</sup> while others have built their Barnahus as a separately standing place. Still to others, where – for varying reasons – no Barnahus could be set up, it has meant being creative on how to set up Barnahus-type services or how to integrate at least some of the fundamental principles of a multidisciplinary, interagency and child-friendly way of working into existing processes to handle child victims.

■ More recently, the Barnahus model has started to gain traction also in other fields of child protection and family law, including regarding children in conflict with the law, high conflict parental separation cases, or children in migration. Such initiatives are important to address, because they do not come only with benefits but may also pose new risks which must be acknowledged and addressed.

■ This European mapping study aims to provide an overview from the European continent of the current state of the art of the Barnahus, to assess how the idea of this “House for children” has travelled and mutated over time and space, but also to map how the core ideas and spirit of the Barnahus system have persisted over time and how they have been put into practice.

■ In this sense, the Study takes the approach of examining the Barnahus more as a concept than as a specific institution. This allows for a broad notion and understanding of the Barnahus, without compromising the fundamental underlying ideas of working together in an integrated and informed manner towards more child-friendly and child-sensitive services for children and avoiding the secondary victimisation of child victims. It also allows for a context-sensitive analysis, which accounts for and is respectful of the varying legal, judicial and procedural traditions of the Council of Europe member States.

■ The Study is based on a broad questionnaire which was shared across all 46 Council of Europe member States during the winter 2022-23.<sup>10</sup> For most countries, Government representatives replied to the questionnaire, and for a few countries national researchers were asked to fill in the information. The analysis of the data collected from this survey serves as the core of the Study, with additional research supporting and completing the information. The analysis is primarily qualitative, with the addition of some quantitative data at a comparative national level (i.e. the latter does not take into account local or regional differences within one country).

■ The mapping Study focuses particularly on different types of multidisciplinary and interagency (MD/IA) mechanisms to respond to violence against children – whether these are labelled “Barnahus”, “Barnahus-type services” or “other MD/IA services” – and takes stock of progress and challenges at the European level. In addressing the progress made, specific attention is granted to the links between such services and international and Council of Europe standards for the rights of the child and child-friendly services.

■ Different countries on the European continent have taken different steps to enable co-operation across different sectors involved in preventing and responding to violence against children. Co-operation and co-ordination mechanisms are in place, for instance, as high-level and inter-ministerial groups, referral mechanisms, operational models at the local level or case-specific assessment and planning groups. These forms of co-operation and co-ordination may be organised *ad hoc*, informally or be institutionalised by law, policy or agreements. In some cases, co-operation models are limited to actors involved in specific service provision, such as social services, the health care sector, victim assistance and counselling services.

■ Moreover, European countries have taken different steps to develop more child-friendly and child-sensitive procedures when working with children who are victims or witnesses of violence or crime. These may span over different child-interviewing techniques and modalities, procedures to avoid children having to appear in court and/or be confronted with offenders, and procedures aimed at better informing children of their rights and of the procedures and decisions that affect them, as well as enabling children to participate more actively in such procedures and decision-making processes by enhancing the child’s right to be heard.

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8. Johansson, S., Stefansen, K., Bakketeig, E., Kaldal A. (Eds), *Collaborating Against Child Abuse: Exploring the Nordic Barnahus Model*, Palgrave-Macmillan, 2017, Introduction.

9. For instance in Finland.

10. For more detail, see the methodology note above.

■ Ultimately, the Study aims to show, through information gathered from 46 European countries, how the Barnahus idea and concept have travelled across Europe and how the many different paths chosen by them can all lead, step by step, each and every one in their own pace, towards one same goal: improving the systems and services for child victims of violence.

■ Since the identification of the Icelandic Barnahus model as a promising practice by the Lanzarote Committee in 2015<sup>11</sup>, the Council of Europe, along with other organisations working for the advancement of children's rights, (such as the European Commission,<sup>12</sup> the Council of Baltic Sea States and its Promise Network, UNICEF and Save the Children), has taken the lead in supporting European Governments to set up and/or strengthen and expand Barnahus in a way that complies with international and Council of Europe standards while still being respectful of the legal and social traditions of each country, to ensure that child-friendly and child-sensitive services reach all children across the continent, no matter where they are born or live.

*Let us accept all the different paths as different  
rivers running toward the same ocean.  
Swami Satchidananda*

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11. Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, *1<sup>st</sup> Implementation Report, Protection of children against sexual abuse in the circle of trust, The framework*, Adopted by the Lanzarote Committee on 4 December 2015, 8 January 2016.
  12. The EU Strategy on the Rights of the Child specifies that the Commission will further support the establishment of Children's Houses in the EU.



## 2. International and Council of Europe standards

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### a) The right of the child to protection from all forms of violence

■ The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) protects the right of the child to: life (Article 2), freedom from torture or inhuman or degrading treatment (Article 3), freedom from slavery and forced labour (Article 4), liberty and security (Article 5), private and family life (Article 8).

■ The UN Convention on the Rights of the Child (UNCRC) reaffirms these rights and obliges States under Article 19 to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”. Violence against children “includes acts such as physical, sexual or psychological violence, maltreatment and abuse, as well as omissions such as neglect and negligent treatment, which violate the rights of the child and result in actual or potential harm to the child’s health, physical, psychological and emotional integrity, survival or development. This includes disciplinary measures humiliating the child or inflicting pain, however light, as well as exploitation and harassment, exposure to domestic violence, and the witnessing of violence”.<sup>13</sup>

■ States Parties to the UNCRC are responsible for establishing effective procedures for “identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment ... , and, as appropriate, for judicial involvement”. Articles 32-37 complement Article 19 by prohibiting specific forms of violence and exploitation of children. Under Article 39, States are required to take all appropriate measures to promote the physical and psychological recovery and social integration of a child victim.

■ Implementing this comprehensive prohibition of all forms of violence and exploitation of children and securing the associated rights of the child requires concerted action of state agencies at national and local level, civil society and private actors. To address this challenging task, standardised procedures can help relevant justice, child protection, social and health care actors to work together in synergy while being flexible enough to adapt to the individual needs and vulnerabilities of the child and the circumstances of the case.<sup>14</sup> In light of these considerations, ensuring the co-ordinated implementation of relevant legal and policy provisions for child victims of violence in each case, always in accordance with the best interests of the child, is a real challenge.

■ This chapter gives a summary overview of international and Council of Europe standards that Barnahus so skilfully combines into a unified service model and facility. It identifies principles of legally binding standards, policy instruments and guidelines of the United Nations and the Council of Europe, as well as case law of the European Court of Human Rights (ECtHR), that guide a co-ordinated multidisciplinary and interagency response to child victims of violence. The main Council of Europe standards relevant for Barnahus and other child-friendly justice services are listed in Box 1. A more detailed list of standards is enclosed in the Annex.

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13. Council of Europe, Recommendation [CM/Rec\(2023\)8](#) of the Committee of Ministers to member States on strengthening reporting systems on violence against children, 6 September 2023

14. Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation [CM/Rec\(2009\)10](#) of the Committee of Ministers and Appendices).

### Box 1: Council of Europe standards with particular relevance for Barnahus and other child-friendly justice services

#### Conventions:

- ▶ Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), ETS No. 5, 1950 and Protocols
- ▶ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), CETS No. 201, 2007
- ▶ Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), CETS No. 210, 2011
- ▶ Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 2005
- ▶ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, CETS No. 108, 1981, and Protocols and the Modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data 2018 (Convention 108+)
- ▶ Convention on Cybercrime (Budapest Convention), ETS No. 185, 2001 and Protocols

#### Child-friendly justice standards:

- ▶ [Guidelines on child-friendly justice](#) (2010)

#### Guidelines and Recommendations:

- ▶ Guidelines on electronic evidence in civil and administrative proceedings ([CM\(2018\)169](#))
- ▶ Recommendation [CM/Rec\(2018\)7](#) on Guidelines to respect, protect and fulfil the rights of the child in the digital environment
- ▶ Recommendation [CM/Rec\(2012\)2](#) on the participation of children and young people under the age of 18
- ▶ Recommendation [CM/Rec\(2011\)12](#) on children's rights and social services friendly to children and families
- ▶ [Guidelines on child-friendly health care](#) (2011)
- ▶ Recommendation [CM/Rec\(2009\)10](#) on Policy guidelines on integrated national strategies for the protection of children from violence
- ▶ Recommendation [CM/Rec\(2008\)11](#) on the European Rules for juvenile offenders subject to sanctions or measures
- ▶ Recommendation on children's participation in family and social life ([R\(98\)8](#))

#### Strategies:

- ▶ Council of Europe [Strategies for the Rights of the Child](#), in particular the Strategy for 2022 to 2027.

## b) Rule of law principles: balancing the rights of defendant and victim

■ The *United Nations* define the rule of law as a “principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>15</sup>

■ The *European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*, as the main treaty setting out principles of rule of law for Council of Europe member States, provides for the right to a fair and impartial trial held in public and sets out the procedural rights of persons charged with a criminal offence, such as the right to examine or have examined witnesses against them (Article 6). In addition, Article 13 provides for the right to access to justice and an effective remedy.

■ The *Council of Europe Guidelines on child-friendly justice* underline that the rule of law principle applies fully to children as it does to adults.<sup>16</sup> Making justice sensitive to the rights and needs of the child requires a careful and well-balanced process of adaptation to ensure that proceedings, in all their phases, give due

15. United Nations, *Guidance Note of the Secretary General UN Approach to Rule of Law Assistance*, 2008, p. 1.

16. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, III.E.

consideration to the rights and the best interests of the child, taking into account the child's individual needs and any vulnerabilities, in substantive and procedural terms, while upholding general principles of rule of law.

■ Furthermore, the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)** provides in Article 30.4 that, where children are involved in investigations, prosecution and proceedings, any adaptation made to ensure that measures are sensitive to their rights and needs cannot be prejudicial to the rights of the defence.

■ The **Council of Europe Guidelines on electronic evidence in civil and administrative proceedings**<sup>17</sup> (2018) set out rules regarding the use of electronic evidence while upholding principles of rule of law. The overall purpose of the Guidelines is to strengthen the efficiency and quality of justice. While limited to civil and administrative proceedings, the Guidelines may be relevant to cases handled by Barnahus or other child-friendly justice services in so far as these services do have a role in taking evidence from children that may subsequently be transferred to courts handling parallel civil or administrative proceedings concerning child victims of crime, for instance family law proceedings, or civil proceedings concerning compensation for harm suffered, or where evidence is taken for civil or administrative proceedings without any involvement of the penal law system. Considering the risk of secondary victimisation for child victims of crime participating in legal proceedings, the taking and use of electronic evidence holds opportunities for reducing harm resulting from the child's participation in proceedings, such as repeated interviews or having to face the defendant in the court room.

■ The Guidelines define electronic evidence as "any evidence derived from data contained in or produced by any device, the functioning of which depends on a software program or data stored on or transmitted over a computer system or network". They aim to facilitate the use and management of electronic evidence within legal systems and in court practices and deal with oral evidence taken by a remote link; use of electronic evidence; the collection, seizure and transmission of evidence; relevance, reliability, storage and preservation and archiving of evidence, as well as awareness-raising, review, training and education of professionals.<sup>18</sup>

### c) Child-friendly justice principles

■ The **Lanzarote Convention** requires States to "ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child", (Article 30).

■ The **Guidelines on child-friendly justice** provide for a comprehensive set of principles that guide the process of adaptation to ensure legal proceedings give due consideration to the rights and best interests of the child. With regard to criminal law proceedings where the victim is a child and the suspect or accused person is an adult, they set out principles to safeguard the rights of the child victim while upholding the rights of the adult defendant, in accordance with rule of law principles. In cases where the suspect or accused person is a child, the Guidelines apply equally to the child who is under investigation or charged with a criminal offence.

■ Further to the principle of rule of law, the Guidelines set out the following principles and elements of child-friendly justice:

#### Participation

■ Under the **UN Convention on the Rights of the Child**, Article 12, a child who is capable of forming his or her views has the right to express those views freely in all matters affecting the child, including in judicial and administrative proceedings; the views of the child shall be given due weight in accordance with the child's age and maturity. The right to be heard is a general principle of the UNCRC, which should be considered in the implementation and interpretation of all other rights. Where it is not respected, the right to be heard can be claimed and enforced.<sup>19</sup>

■ The **Guidelines on child-friendly justice** reiterate the right of children to be consulted and heard in proceedings involving or affecting them. This includes giving due weight to the child's views bearing in mind his or her maturity and any communication difficulties the child may have in order to make participation

17. Guidelines of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings, [CM\(2018\)169](#).

18. Guidelines of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings, [CM\(2018\)169](#), [Purpose and scope, definitions](#).

19. United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, Fully Revised Edition, 2002, p. 159. Committee on the Rights of the Child, General Comment No. 12 (2009), The right of the child to be heard, CRC/C/GC/12, 1 July 2009, para. 2.

meaningful. Children should be considered and treated as full bearers of rights and should be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views.<sup>20</sup>

■ While the hearing of a child is a key element of participation, the scope of child participation in legal proceedings extends beyond this. In fact, the *Recommendation on the participation of children and young people under the age of 18* underlines on a more general note that, for participation to be effective, meaningful and sustainable, it needs to be understood as a process and not a one-off event and requires ongoing commitment in terms of time and resources.<sup>21</sup>

■ To enable the child's effective and meaningful participation in legal proceedings, the child requires access to child-friendly information and legal counsel and representation (see Box 2); officials and professionals should be trained in hearing children, using appropriate means and a child-friendly environment. The Lanzarote Convention and other Council of Europe standards, in particular the Guidelines on child-friendly justice, provide principles and detailed guidance on the child hearing or interview in proceedings.

### **Box 2: Enabling the child's meaningful participation: right to information and representation**

#### *Information:*

Children should be promptly and adequately informed about their rights, from the first involvement with the justice system and throughout the proceedings. Information and advice should be provided in a manner adapted to the child's age and maturity, in a language the child can understand and which is gender- and culture-sensitive.<sup>22</sup>

#### *Legal counsel and representation:*

Children have the right to their own legal counsel and representation, in their own name, and adequate representation should be guaranteed, especially in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties or where the parents, members of the family or caregivers are the alleged offenders.<sup>23</sup>

## **Best interests of the child**

■ The *Guidelines on child-friendly justice* reiterate the principle of the best interests of the child, in accordance with UNCRC Article 3.1.<sup>24</sup> The *Lanzarote Convention* entails an obligation on States Parties to take the necessary legislative or other measures to ensure investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child (Article 30.1).

■ As explained by the *Committee on the Rights of the Child*, the best interests principle is a substantive right of the child, a fundamental, legal interpretive principle and a rule of procedure. As a *substantive right*, UNCRC Article 3.1 is considered self-executing and directly applicable and can be invoked before a court: it is the right of every child to have his or her best interests assessed and made a primary consideration in all actions concerning the child. As a *fundamental, interpretive legal principle*, the best interests of the child guide the application of laws: when there is room for interpretation and discretion in applying a specific law, the interpretation which most effectively serves the best interests of the child should be applied. As a *rule of procedure*, the principle implies that in all decisions concerning children an evaluation of the possible positive or negative impact on the child, or a group of children, has to be made.<sup>25</sup> In view of this interpretation of Article 3.1, all administrative and judicial proceedings involving children need to ensure that the best interests of the child are a primary consideration, in matters of substance and procedure.

■ In Europe, the status of the best interests principle is still subject to debate. Despite the clarity of the Committee's guidance, not all Council of Europe member States recognise the best interests of the child as a

20. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, III.A.

21. Council of Europe Recommendation on the participation of children and young people under the age of 18 (CM/Rec(2012)2), II.

22. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Article 31 para. 1, a, 2 and 6, CETS No. 201, 2007. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.A.1.1 and 2.

23. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Article 31 para. 3 and 4, CETS No. 201, 2007. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.D.37, IV.D.43.

24. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, III.B.

25. Committee on the Rights of the Child, *General Comment No. 14 (2003) on the right of the child to have his or her best interests taken as a primary consideration*, CRC/C/GC/14, 29 May 2013, para. 6.

substantive right or as directly applicable. In the European Union, there is currently no consensus on the role of Article 24 of the **EU Fundamental Rights Charter**, which reiterates the best interests principle, using an even stronger wording compared to the UNCRC, as to whether it is setting out principles to be interpreted and taken into account by courts of law or whether it defines a substantive right that could be invoked by individuals.<sup>26</sup>

■ The case law of the **European Court of Human Rights**, however, affirms the interpretation of the best interests of the child as a substantive right, a fundamental, interpretive legal principle and a rule of procedure.<sup>27</sup> In referring to the General Comment No. 14 of the Committee on the Rights of the Child in its case law, the ECtHR affirms the authoritative value of the guidance it provides to States. It underlines that States should put in place formal processes for the assessment and determination of the best interests of the child with practical and effective procedural safeguards. These processes should be transparent and objective and guide decisions made by legislators, judges, and administrative authorities, which directly affect a child or children.<sup>28</sup> Regarding cases of suspected sexual offences against a child, the Court noted that “compliance with the positive obligations arising out of Article 3 requires, in the context of the domestic proceedings, the effective implementation of children’s right to have their best interests as a primary consideration and to have the child’s particular vulnerability and corresponding needs adequately addressed”.<sup>29</sup>

## Dignity

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■ The **UN Convention on the Rights of the Child** recognises in its Preamble that the inherent dignity and the equal and inalienable rights of persons applies equally to children as to adults. The **Guidelines on child-friendly justice** set forth that children should be treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity.<sup>30</sup>

■ Respect for the child’s dignity is closely linked to the prohibition of cruel and degrading treatment and punishment, including while in the care of the state or when participating in proceedings (ECHR Article 3, UNCRC Article 37.a), and the right to protection of private and family life (ECHR Article 8, UNCRC Article 16, CFJG III.C.2. and IV.A.2.).

■ The **Lanzarote Convention** introduces a general requirement for State Parties to take a protective approach towards victims in investigations and criminal proceedings to avoid aggravating or re-traumatising the child. The Convention sets out a detailed list of minimum protections that should be put in place to protect the rights and needs of victims including their special needs as witnesses. These include providing the victim with information about their rights, informing them prior to the release of the perpetrator, enabling the victim to be heard and to provide evidence in various ways both at the stage of investigations and proceedings, providing support services, protecting their privacy, protecting the physical safety of the victim and their family where appropriate and avoiding contact between victims and perpetrators within court and law enforcement premises. The Lanzarote Convention requires States to ensure that those in charge of investigations are specialised in this field and sets out detailed safeguards to protect and uphold the rights of the child during interviews with the authorities.<sup>31</sup>

■ The **Policy guidelines on integrated national strategies for the protection of children from violence** call upon States to provide for special protection, procedures and facilities to ensure child victims and witnesses of violence are fully supported. In particular, judicial proceedings should not aggravate the trauma experienced by the child and, where necessary, appropriate security measures should be taken to avoid intimidation, retaliation or repeat victimisation of child victims and witnesses of violence and of their families. Where appropriate, the justice response should be followed swiftly by adequate support services.<sup>32</sup>

■ The **Guidelines on child-friendly justice** set out principles for the child’s participation in proceedings in accordance with data protection standards and the right to respect for private and family life: the limitation of

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26. Council of Europe, *Report on the Protection of Children’s Rights, International standards and domestic constitutions*, European Commission for Democracy through Law (Venice Commission), Adopted by the Venice Commission at its 98<sup>th</sup> Plenary Session, Venice, 21-22 March 2014, pp. 11-13.

27. Strand Lobben and others v. Norway, No. 37283/13, 10 September 2019, para. 134-136, 207. R.B. v. Estonia, no. 22597/16, 22 September 2021, para. 87, 99.

28. Strand Lobben and others v. Norway, no. 37283/13, 10 September 2019, para. 136, 207.

29. X. and others v. Bulgaria, no. 22457/16, para. 192. M.M.B. v. Slovakia, no. 6318/17, 26 November 2019 para. 61; M.G.C. v. Romania, no. 61495/11, 15 June 2016, para. 70, 73.

30. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, III.C.

31. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Articles 30 para. 2, 31, 34, 35 and 36.

32. Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10 of the Committee of Ministers and Appendices), p. 27, 6.7.5.



access to case files and records containing personal and sensitive data of children; data transfer in accordance with data protection legislation; the hearing of the child in camera or otherwise without the presence of the public; confidentiality rules for professionals, and the prevention of violations of privacy rights by the media.<sup>33</sup>

■ The **Recommendation on children's rights and social services friendly to children and families** provide that "rules on confidentiality should facilitate multidisciplinary co-operation by setting up a common framework for respecting the right to privacy. This entails allowing the sharing of information with persons bound by professional secrecy, and only if it is in the best interest of the child. Sharing information should be limited to what is strictly necessary to achieve this end and should generally be subject to the approval of the child and her or his parents."<sup>34</sup>

■ In relation to child victims of violence, the **ECtHR** observed that the "right to human dignity and psychological integrity requires particular attention". The Court emphasises that this has implications for the manner in which investigations and prosecution are conducted and how the child's involvement is organised: States are required under Articles 3 and 8 (ECHR) to enact provisions criminalising sexual violence against children and to apply them in practice through effective investigation and prosecution, bearing in mind the particular vulnerability of children, their dignity and their rights as children and as victims.<sup>35</sup> The Court noted that competent authorities are responsible for protecting the personal integrity of a child victim and to balance the rights of the child victim against the rights of the defence. This may require measures to reduce the number of interviews and provide for video-recorded testimonies of child victims, which are admissible as evidence in proceedings, and other measures suitable to prevent secondary victimisation as a result of the child's participation in investigations and proceedings, in accordance with applicable international and Council of Europe standards.<sup>36</sup>

## Protection from discrimination

■ The right to non-discrimination is a fundamental human right, a general child rights principle and a principle of child-friendly justice (ECHR Article 14, Protocol No. 12 to the ECHR, UNCRC Article 2, CFJG III.D). In consequence, the rights set forth by the **UN Convention on the Rights of the Child** apply without discrimination to every child within a State's jurisdiction (Article 2).

■ In addition to the prohibition of discrimination by law and remedying measures for protecting children who experience discrimination, the **Guidelines on child-friendly justice** underline that affirmative action, such as specific protection and assistance, may be required to prevent discrimination of children who are considered to be more vulnerable. This concerns particularly migrant children, refugee and asylum-seeking children, unaccompanied children, children with disabilities, children living or working on the streets or homeless children, Roma children and children in residential institutions. Children deprived of liberty are also considered a vulnerable group.<sup>37</sup> The **ECtHR** has recognised children deprived of parental care and unaccompanied children, as well as very young children, as highly vulnerable.<sup>38</sup>

■ The Lanzarote Convention recalls that the rights and protections contained therein shall be secured without discrimination of any kind and requires States to protect children from sexual abuse of any kind, "where abuse is made of a particularly vulnerable situation of the child, notably because of mental or physical disability or a situation of dependence".<sup>39</sup> The Lanzarote Committee has subsequently highlighted that migrant and asylum seeking children are particularly exposed to the risk of becoming victims of sexual violence,<sup>40</sup> as well as children in out-of-home care settings.<sup>41</sup>

33. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.A.2.

34. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.H.d.

35. R.B. v. Estonia, no. 22597/16, 22 September 2021, para. 83, 84. X and Others v. Bulgaria [GC], no. 22457/16, 2 February 2021, para. 179, 192. M.M.B. v. Slovakia, no. 6318/17, 26 November 2019, para. 61. A and B v. Croatia, no. 7144/15, 20 June 2019, para. 111. C.A.S. and C.S. v. Romania, no. 26692/05, 20 March 2012, para. 82. G.U. v. Türkiye, no. 16143/10, 18 January 2017, para. 73.

36. B v. Russia, no. 36328/20, para. 56-72.

37. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, III.D.2. and IV.A.6.21.

38. Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, 12 January 2007, para. 55. Rahimi v. Greece, no. 8687/08, 5 July 2011, para. 6, 8, 29, 49, 58, 62. H.A. and others vs Greece, no. 19951/16, 28 May 2019, para. 136, 144, 171. O'Keefe v. Ireland [GC], no. 35810/09, 28 January 2014, para. 144-146. Nencheva and Others v. Bulgaria, no. 48609/06, 19 September 2013, para. 106, 119. X and Others v. Bulgaria, no. 22457/16, 2 February 2021, para. 177, 193. R.B. v. Estonia, no. 22597/16, 22 September 2021, para. 78, 84, 87, 103.

39. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Articles 2 and 18.1.b.

40. Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, *Special Report, Urgent monitoring round on Protecting Children affected by the refugee crisis from sexual exploitation and sexual abuse*, Adopted by the Lanzarote Committee on 3 March 2017, part II.1

41. Lanzarote Committee, *Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse*, adopted at 25<sup>th</sup> meeting (15-18 October 2019).

## Urgency and exceptional diligence

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■ The *Guidelines on child-friendly justice* set out the principles of timeliness, urgency and exceptional diligence in all proceedings involving children. These principles aim at guaranteeing a speedy response and protecting the best interests of the child, while respecting the rule of law.<sup>42</sup>

■ The *Lanzarote Convention* entails an obligation on States parties to ensure that investigations and criminal proceedings in cases within its scope are treated as a priority and carried out without any unjustified delay (Article 30.3).

■ The *ECtHR* observed on several occasions that, regardless of the final outcome of the proceedings, the protection mechanisms available under domestic law should operate in practice in a manner allowing for the examination of the merits of a particular case with exceptional diligence and within a reasonable time.<sup>43</sup>

## Multidisciplinary and interagency approach

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■ As an element of child-friendly justice, a multidisciplinary approach is indispensable for ensuring justice systems operate in accordance with the rights and best interests of the child, while taking due account of the needs and any vulnerabilities of the individual child. In practice, this requires the close co-operation between different professionals and a common assessment framework to obtain a comprehensive understanding of the child, and his or her legal, psychological, social, emotional, physical and cognitive situation.<sup>44</sup>

■ The *Lanzarote Convention* requires State Parties to ensure co-ordination on a national or local level between relevant agencies including education sector, health sector, social services, law enforcement and judicial authorities (Article 10). The Lanzarote Committee has also emphasised the importance of co-ordination and collaboration between relevant agencies especially in cases of sexual exploitation or sexual abuse of a child by a person in the child's circle of trust.<sup>45</sup>

■ Inspired by the good practice of Barnahus, the *Guidelines on child-friendly justice* recommend that States should "set up child-friendly, multi-agency and interdisciplinary centres for child victims and witnesses where children could be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals".<sup>46</sup>

■ In view of its importance, other Council of Europe standards consistently reiterate the multidisciplinary approach as a principle: the *Recommendation on children's rights and social services friendly to children and families*, for instance, provides that "children and families with complex and multiple needs should benefit from co-ordinated services by professionals co-operating across different sectors including education, health and social services, and law enforcement agencies. The competencies and responsibilities of each service should be made visible and clarified to beneficiaries. The need for facilitation (case management) should be considered."<sup>47</sup>

■ The *Policy guidelines on integrated national strategies for the protection of children from violence* (2009) underline that responses to violence require an integrated systemic and holistic approach involving multiple stakeholders within state-controlled bodies and services, at the central and local level of the State, as well as non-governmental organisations, professionals, the media, families and children.<sup>48</sup> With regard to victim support, States Parties to the *Lanzarote Convention* are required to establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care (Article 11).

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42. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.D.4.50.

43. R.B. v. Estonia, no. 22597/16, 22 September 2021, para. 81. W. v. Slovenia, no. 24125/06, 23 January 2014, para. 65. *Ebcin v. Türkiye*, no. 19506/05, 1 May 2011, para. 40.

44. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.A.5.

45. See also Lanzarote Committee, *1st implementation report: Protection of children against sexual abuse in the circle of trust: the framework*, adopted by the Committee on 4 December 2015, R24 and R25.

46. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, V.j. and p. 66.

47. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.E.1.

48. Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10 of the Committee of Ministers and Appendices), p. 11, 2.3.

## Training of professionals and an institutional culture of learning

■ The training of officials and professionals working in contact with children in justice systems is an important precondition for enabling national justice systems to embark on the journey towards a child-sensitive approach and a multidisciplinary, interagency and child-centred service culture. The **Guidelines on child-friendly justice** advise that officials and professionals should receive appropriate support and training, as well as practical guidance, in order to guarantee and implement adequately the rights of children, in particular while assessing the child's best interests, and irrespective of the type of procedure in which a child is involved. Training should preferably be interdisciplinary.<sup>49</sup>

■ The **Lanzarote Convention** sets down a general requirement for State Parties to ensure that persons having regular contact with children are aware of and have adequate knowledge of the protection and rights of the child in general and of the means to identify and report sexual abuse and exploitation of a child. This applies to persons (professionals and volunteers) in the education, health, social services, judicial and law-enforcement sectors (Article 5). Furthermore, in the context of investigation and prosecution, the **Lanzarote Convention** requires States Parties to ensure, through legislative or other appropriate measures, "that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers". (Article 36.1)

■ Officials and professionals who work in direct contact with children should be trained in child-sensitive communication, taking due account of the child's age and evolving capacities, as well as special needs and vulnerabilities of the individual child.<sup>50</sup> To succeed in this challenging task, officials and professionals should receive training in methods for engaging children and families to ensure they feel heard and taken seriously and for building a working relationship based on trust, respect, confidentiality and friendliness.<sup>51</sup>

■ The **Policy guidelines on integrated national strategies for the protection of children from violence** underline the need for supervision for officials and professionals working with children and call upon States to ensure sufficient resources allocated to this end, "bearing in mind the often difficult physical and psychological environment surrounding services assisting children affected by violence". In addition to supervision, other forms of support are considered important, such as counselling, complementary training and the possibility of setting up professional interest groups.<sup>52</sup> Supervision should be provided individually and for groups of professionals working together.<sup>53</sup>

■ The **Recommendation on children's rights and social services friendly to children and families** underlines that the provision of training, support, guidance and supervision should go hand in hand with measures for strengthening professional accountability. Clearly defined mandates, work procedures and codes of ethics are needed as a precondition for enabling and strengthening professional accountability.<sup>54</sup> Where professionals collaborate in the context of multidisciplinary and interagency service models, these elements need to be provided within each professional group and they should be shared and integrated into a joined-up multi-professional compendium of mandates, procedures and ethics. Engaging the relevant officials and professionals in a transparent, consultative process to achieve this, and training them subsequently together to apply and fulfil their shared mandates, procedures and ethics, helps to create a multidisciplinary service culture.

■ The **Guidelines on child-friendly health care** recall that it is "essential to integrate a culture of learning and improvement into service delivery. Each agency should have a similar approach to the choice of evidence-based interventions, priority setting, maintaining staff competence, working in teams and continuous quality improvement."<sup>55</sup>

49. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.A.4.14. and V.I. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.F.4 and V.F.1.

50. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.A.4.15.

51. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.F.3.

52. Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10 of the Committee of Ministers and Appendices).

53. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.F.5., V.G.a.

54. Council of Europe Recommendation on children's rights and social services friendly to children and families (CM/Rec(2011)12), V.F.5.

55. *Guidelines on child-friendly health care* (2011), V.53.

## d) Investigative duties and procedural obligations

Under international and Council of Europe standards, States' obligations towards children who are victims of violence concern not only the development of a legislative framework for child protection and measures for its implementation, but also duties concerning the manner in which investigations and proceedings are conducted.

Chapter VII of the *Lanzarote Convention* provides detailed principles and standards to ensure that procedures take due account of the particular vulnerability of children facing investigations and judicial proceedings as victims and witnesses. It requires States Parties to "adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate" (Article 30.2.). It provides further that States "shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation" (Article 31.1.f.). The Lanzarote Committee has provided further guidance for the practical implementation of these standards.<sup>56</sup>

The *Committee on the Rights of the Child* explains, in interpreting UNCRC Article 19, that investigations "must be undertaken by qualified professionals who have received role-specific and comprehensive training, and require a child rights-based and child-sensitive approach. Rigorous but child-sensitive investigation procedures will help to ensure that violence is correctly identified and help provide evidence for administrative, civil, child-protection and criminal proceedings. Extreme care must be taken to avoid subjecting the child to further harm through the process of the investigation. Towards this end, all parties are obliged to invite and give due weight to the child's views."<sup>57</sup>

With reference to the *Council of Europe Guidelines on child-friendly justice* and the *United Nations Guidelines on justice in matters involving child victims and child witnesses of crime*, the *Committee on the Rights of the Child* explains further in General Comment No. 13 that child victims of violence "should be treated in a child-friendly and sensitive manner throughout the justice process, taking into account their personal situation, needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity".<sup>58</sup>

In its jurisprudence, the *European Court of Human Rights* examines the compliance with relevant framework and investigative duties in cases involving child victims of crime and has, in this context, clarified the positive obligations of States in substantive and procedural matters (see *Box 3*).<sup>59</sup> With regard to serious criminal acts, such as sexual offences against children, the Court observed that States hold positive obligations under Article 3 and 8 ECHR to ensure not only that efficient criminal law provisions are in place but also that criminal investigations are carried out in an effective manner.<sup>60</sup>

The Court held on several occasions that "an effective investigation should in principle be capable of leading to the establishment of the facts of the case and to the identification and, if appropriate, punishment of those responsible. This is not an obligation of result, but one of means. The authorities must take the reasonable steps available to them to secure the evidence concerning the incident, such as witness testimony and forensic evidence."<sup>61</sup>

In examining the cases before it, the Court takes into account the criteria laid down in international instruments. In particular, it noted that the *Lanzarote Convention*, the *Guidelines on child-friendly justice* and the relevant EU Directives lay down a number of requirements relating to the collection and preservation of evidence from children.<sup>62</sup>

In *X and Others v. Bulgaria*, the Court established that there had been a violation of Article 3 ECHR, not in substantive terms but in view of the procedural obligations it entails specifically for the investigation phase.

56. See also Lanzarote Committee, *1st implementation report: Protection of children against sexual abuse in the circle of trust: the framework*, adopted by the Committee on 4 December 2015, R38 – R54.

57. Committee on the Rights of the Child, General comment No. 13, The right of the child to freedom from all forms of violence, *CRC/C/GC/13*, 18 April 2011, para. 51.

58. Committee on the Rights of the Child, General comment No. 13, The right of the child to freedom from all forms of violence, *CRC/C/GC/13*, 18 April 2011, para. 54(b).

59. European Court of Human Rights, *Relevant case law of the ECHR on the protection of children against sexual violence*, Exchange of views with the Lanzarote Committee, *Speech by Robert Spano*, 4 October 2021, p. 2.

60. *R.B. v. Estonia*, no. *22597/16*, 22 September 2021, para. 79. *Söderman v. Sweden*, no. *5786/08*, 12 November 2013, para. 82-83. *X and Others v. Bulgaria [GC]*, no. *22457/16*, 2 February 2021, para. 178. *M.G.C. v. Romania*, no. *61495/11*, 15 June 2016, para. 70-75.

61. *R.B. v. Estonia*, no. *22597/16*, 22 September 2021, para. 80. *X and Others v. Bulgaria [GC]*, no. *22457/16*, 2 February 2021, para. 178, 186, 210. *Z. v. Bulgaria*, no. *39257/17*, 12 October 2020, para. 65.

62. *R.B. v. Estonia*, no. *22597/16*, 22 September 2021, para. 88.

In its judgment, the Court identifies positive obligations of States to put in place an appropriate legislative and regulatory framework, carry out an effective investigation and take operational protective measures.

■ Regarding the appropriate legislative and regulatory framework, the Court reiterated that the European Convention on Human Rights “must be applied in accordance with the principles of international law, in particular with those relating to the international protection of human rights”. It explained further that this obligation stems also from the Lanzarote Convention, Articles 18-24.<sup>63</sup>

■ Regarding the procedural obligation to carry out an effective investigation, the Court reiterated that national authorities are required to conduct an effective official investigation to establish the facts of the case and identify and, if appropriate, punish those responsible, however, this is an obligation of means and not of result. To be effective, an investigation must be sufficiently thorough, the institutions and persons responsible for carrying it out must be independent from those targeted by it, there is a requirement of promptness and reasonable expedition; and the victim should be able to participate effectively in the investigation. In some circumstances, the requirement of effectiveness includes an obligation for the investigating authorities to co-operate with the authorities of another State, implying an obligation to seek or to afford assistance.<sup>64</sup>

■ In cases where children may have been victims of sexual offences, compliance with the positive obligations arising out of Article 3 ECHR requires the effective implementation of the right of the child to have their best interests made a primary consideration and to have the child’s particular vulnerability and corresponding needs adequately addressed. These requirements are also set out in other international instruments and need to be interpreted in this light, such as the UN Convention on the Rights of the Child, the Lanzarote Convention and relevant EU law.<sup>65</sup>

■ The Court’s assessment of the case referred specifically to the Lanzarote Convention, in particular the requirement for investigations to be carried out in the best interests of the child, as a priority and without unjustified delays (Article 30); the obligation to inform child victims of their rights, the progress of the proceedings and the services at their disposal (Article 31.1 (a), (c) and (d)); the obligation to limit the number of interviews of child victims as possible and to ensure child interviews are video-recorded and that audio-visual recordings are admitted as evidence during the court proceedings (Article 35.1 and 2); and the possibility of recourse to international co-operation for the purpose of investigating sexual offences against children (Article 38).<sup>66</sup>

■ The Court emphasised the positive obligation of States to adopt procedural rules guaranteeing and safeguarding children’s testimony also in a number of other cases.<sup>67</sup>

■ In the case *R.B. v Estonia*, a case concerning alleged sexual violence by a father against his four-year-old daughter, the investigating authorities failed to inform the child of her duty to tell the truth and her right not to testify against her father. Due to this omission, the child’s testimony was not admitted as evidence in the criminal proceedings and her father was acquitted. In its judgement, the ECtHR ruled on the case in light of international instruments and in particular standards concerning the collection and preservation of evidence from children, notably the Lanzarote Convention, the Guidelines on child-friendly justice and relevant EU Directives. The Court found “that there were significant flaws in the domestic authorities’ procedural response to the applicant’s allegation of rape and sexual abuse by her father, which did not sufficiently take into account her particular vulnerability and corresponding needs as a young child so as to afford her effective protection as the alleged victim of sexual crimes. Accordingly, the Court, without expressing an opinion on the guilt of the accused, concludes that the manner in which the criminal-law mechanisms as a whole were implemented in the present case, resulting in the disposal of the case on procedural grounds, was defective to the point of constituting a violation of the respondent State’s positive obligations under Articles 3 and 8 of the Convention.”<sup>68</sup>

■ The Court underlined that positive obligations under Article 3 ECHR apply also specifically to the participation of child victims in different phases of proceedings: “in so far as the investigation leads to charges being brought before the national courts, the procedural obligations in relation to the alleged ill-treatment extend to the trial stage of the proceedings. In such cases the proceedings as a whole, including the trial stage, must satisfy the requirements of the prohibition of ill-treatment.”<sup>69</sup>

63. *X and Others v. Bulgaria* [GC], no. 22457/16, 2 February 2021, para. 179.

64. *X and Others v. Bulgaria* [GC], no. 22457/16, 2 February 2021, para. 184-191.

65. *X and Others v. Bulgaria* [GC], no. 22457/16, 2 February 2021, para. 192.

66. *X and Others v. Bulgaria* [GC], no. 22457/16, 2 February 2021, para. 129, 208, 211, 214, 217. See further: European Court of Human Rights, *Relevant case law of the ECHR on the protection of children against sexual violence*, Exchange of views with the Lanzarote Committee, *Speech by Robert Spano*, 4 October 2021, pp. 2-3.

67. *RB. v. Estonia*, no. 22597/16, 22 September 2021, para. 83, 99. *G.U. v. Türkiye*, no. 16143/10, 18 October 2016, para. 73.

68. *RB. v. Estonia*, no. 22597/16, 22 September 2021, para. 103. See further: European Court of Human Rights, *Relevant case law of the ECHR on the protection of children against sexual violence*, Exchange of views with the Lanzarote Committee, *Speech by Robert Spano*, 4 October 2021, p. 3.

69. *R.B. v. Estonia*, no. 22597/16, 22 September 2021, para. 81.

## The findings of the UN Committee on the Rights of the Child on multiagency/multisectoral and child-friendly approaches to violence against children with special focus on Barnahus as reflected in the monitoring work of the Committee on Council of Europe member States. By Bragi Guðbrandsson, member of the UN Committee on the Rights of the Child

■ This section aims at reviewing the jurisprudence of the UN Committee on the Rights of the Child (the CRC Committee) with regard to its recommendations to the State Parties on multiagency/multisectoral and child-friendly approaches<sup>70</sup> to violence against children with special focus on the Barnahus model. It is based on an analysis of the documents produced in the monitoring activities of the CRC Committee, mainly the concluding observations from the State reports of the implementation of the UNCRC.<sup>71</sup>

### The working methodology of the UN Committee for the Rights of the Child

■ The main role of the CRC Committee is to monitor the implementation of the UN Convention on the Rights of the Child in accordance with Article 44 of the Convention. States Parties are obliged to submit an initial report on the implementation within two years of the entry into force of the Convention for the State Party concerned and thereafter periodic reports at the invitation of the Committee, usually every 5 years. Following an examination of each report, the Committee submits a *List of Issues* (LOI) to the State Party or, in the case of a simplified procedure, a *List of Issues Prior to Reporting* (LOIPR). These contain a number of substantive topics or issues that the CRC Committee requests further information on and are of particular interest in the context of the State concerned. The written replies by the States Parties to the LOI or the LOIPR determine the substantive framework for the discussions during the dialogue with a State Party. Following the dialogue with the delegation of a State Party, the CRC Committee addresses its concerns and recommendations in a document referred to as the **Concluding observations (COBs)**, the outcome document of the monitoring round.<sup>72</sup>

■ Importantly, the COBs are not limited by the information submitted by the State Party. The reports of the CRC Committee benefit from a broad-based consultation and constructive engagement. States Parties should encourage and facilitate the involvement of specialised civil society organisations, and other civil society actors in the preparation of their reports. Furthermore, during the process of review, the CRC Committee invites international, regional, national and local organisations to submit written reports on how the Convention is being implemented in a country, and greatly welcomes submissions by children. This implies that the COBs are based not only on state reports but on multiple sources of information which may complement, and/or contradict, the States Parties' reports.

■ The COBs are structured in “clusters of rights”, upon which the State Party should indicate progress made and challenges encountered in achieving full respect for the provisions of the Convention relevant to each cluster. In particular, the State Party should provide specific information on actions taken to implement the recommendations in the CRC Committee's previous COBs as they relate to each cluster of rights.

### The first mention of Barnahus and child-friendly/multiagency response to violence against children by the CRC Committee

■ The proliferation of Barnahus in Europe began in the first decade of this century. Hence, the examination of the COBs on Barnahus or child-friendly and multiagency response to abuse or violence against children covers the last two decades. Two general remarks need to be made from the outset. First, that the relevant recommendations of child-friendly and multiagency interventions or explicit reference to Barnahus were almost exclusively found in the COBs under cluster 5 on violence (mainly Arts. 19, 34, and 39) with one exception,

70. Wording used by the CRC Committee.

71. The review also includes reference to the LOI and LOIPR submitted by the Committee to those States Parties that have not yet completed the review process but can provide additional information in relation to the jurisprudence of the Committee. This is particularly important given the delay in the monitoring process and increased backlog of States reviews due to the Covid-19 situation.

72. Concluding observations of States Parties to the UNCRC are available from the website of the [UN Committee on the Rights of the Child](#) and the [United Nations Treaty Body Database](#).

where they were addressed under cluster 10 on special protection measures (Art. 39).<sup>73</sup> Second, it should be noted that the examination of the COBs from the first mentioning of Barnahus in 2003 until the session of the CRC Committee in January/February 2023 shows that there is a paradigm shift in the jurisprudence of the CRC Committee with regard to this topic in the June session of 2019 when, for the first time, a reference to Barnahus is included in the COBs of a State that had not established such a structure domestically. Since then, the CRC Committee addresses the topic consistently.

■ Not surprisingly, the first explicit reference of the CRC Committee to Barnahus is to be found in the COBs for the 2<sup>nd</sup> periodic report of Iceland from the 32<sup>nd</sup> session in 2003. At that point in time, Barnahus had been operational in Iceland for over four years. The COBs state that the CRC Committee “notes the establishment of Children’s House to treat sexually abused children”. Furthermore, it recommends to the State Party to “continue to strengthen and expand the coverage of the Children’s House concept throughout the State party” (para. 28-29).

■ The second reference on Barnahus is to be found in the COBs for the 4<sup>th</sup> periodic report of Norway from 2010. The Barnahus in Norway became operational in 2007. In the COBs the CRC Committee “notes with appreciation the existence of “children’s houses” which provide support for children who experience abuse, including sexual abuse” (para. 55) and the following recommendation is made: “Establish more Children’s Houses in all counties and provide them with adequate human and financial resources” (para. 56). Interestingly, no reference or recommendation is made to Barnahus in the COBs for Norway following the next State review in 2018 but, at that point in time, Barnahus had reached national coverage in at least 10 locations.

■ The third reference is again from Iceland in the combined 3<sup>rd</sup> to 4<sup>th</sup> periodic report 2011 in which the COBs state that the CRC Committee “recommends the State party to encourage courts to make use of the Children’s House for obtaining testimonies from children” (para. 58). Given the reluctance of some court judges to obtain children’s testimony in Barnahus at that time, this was an important recommendation.

■ In Denmark, the first Barnahus opened in 2013. This is reflected in the COBs to the 5<sup>th</sup> periodic report for Denmark in 2017 where the fourth mention of Barnahus by the CRC Committee is to be found. The recommendation of the COBs is the following: “Continue the development of programmes and policies for the prevention, recovery and social reintegration of child victims by, inter alia, further increasing the number of children’s houses, which constitute a very successful initiative” (para. 21b).

■ The first Barnahus outside Iceland was established in Sweden in 2005. Domestic proliferation followed as Barnahus were set up in multiple locations for the next few years all over Sweden. In this context, it is somewhat surprising that no reference was made to Barnahus in the COBs for Sweden from the State reviews of 2009 and 2015. The first reference in the COBs for Sweden was not until February 2023. This may be explained by the fact that the path of the development of Swedish Barnahus was from the onset highly decentralised, and contrary to the other Nordic States, with limited direct interference of the national government.

■ The four mentions of Barnahus of the COBs referred to above, two from Iceland and one from Denmark and Norway each, are country specific, i.e. they address issues in relation to the implementation of Barnahus in these particular States. The COBs have in common that they include encouragements to the State Parties to continue to expand, improve and develop Barnahus and identify elements that need to be addressed in the national context.

■ An examination of COBs from other States Parties under review during this 15-year period does not indicate that the CRC Committee had drawn any general conclusions with regard to the feasibility of the child-friendly and multiagency approach per se, or saw Barnahus as a “good practice” model to be recommend to other States Parties. An examination of the COBs during this period leads to the conclusion that the findings of the CRC Committee relates to a range of issues such as awareness raising, plans of actions, reporting, data collection, research, etc., but does not pertain to structural or systemic interventions. The only exception can be found in the COBs for the 3<sup>rd</sup> to 4<sup>th</sup> periodic report of Croatia from 2014 in which it is recommended that adequate training should be provided for “police personnel, members of the judiciary and professionals working with and for children, with the aim of preventing re-victimization”. Furthermore, it is recommended that the State Party “strengthen co-ordination between all actors in the protection system”. These emphases in the COBs for Croatia were most likely inspired by the multidisciplinary Zagreb Child Protection Centre which is based on some of the same principles as the Barnahus model. Again, this must be seen as a country specific recommendation rather than part of a general jurisprudence of the Committee.

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73. COBs Norway, 2010.

## The paradigm shift by the Committee in 2019

It can be argued that the CRC Committee's 89<sup>th</sup> session in May/June 2019 marks the beginning of a new jurisprudence with an emphasis on a child-friendly and multiagency approach to violence against children in general and Barnahus in particular, especially with regard to European States.<sup>74</sup> This is reflected in the COBs by systematic recommendations to States Parties to set up child-friendly and intersectoral/multiagency structures to address violence and/or sexual abuse of children. References in the COBs in this context often also include avoiding secondary victimisation of child victims, forensic interviews and/or other components or standards of the Barnahus model. Furthermore, direct references and explicit recommendations of the Barnahus model become increasingly visible. However, it is important to emphasise that the CRC Committee does only apply the term Barnahus or Children's House in the COBs if a) the States Parties themselves have a priori introduced the concept in their State periodic report or in the replies to the LOI/LOIPR; or b) the NGOs, national human rights institutions and/or Ombudspersons have identified Barnahus in their alternative reports and provided information on work in progress aimed at promoting Barnahus or establishing such structure.

From the first recommendation of the CRC Committee to a State Party that had not established Barnahus prior to the time of the review (Malta, May/June 2019) until the end of the session of the Committee of February 2023, a total of 20 member States of the Council of Europe had been reviewed. An examination of the COBs of all these States clearly demonstrates a paradigm shift compared to the cluster on violence in previous COBs. Only one of the COBs from the review of these 20 States does not include a recommendation that identifies Barnahus and/or child-friendly and multiagency structures. The only exception is the COBs for Switzerland which, however, recommend "multisectoral" measures for intervention on violence against children (para. 28, 2021).

During the period under consideration, more than half of the COBs from the review of the 20 States, contain an explicit reference to the concept "Barnahus" or "Children's House" (Malta, Hungary, Luxembourg, Poland, Iceland, Greece, Cyprus, Ukraine, Germany, Sweden, Ireland). Additional COBs of eight States recommend that child-friendly and intersectoral/multiagency structures should be established to respond to violence against children and/or sexual abuse (Portugal, Bosnia-Herzegovina, Austria, Czech Republic, Netherlands, Croatia, North Macedonia, Azerbaijan). In almost half of the COBs the references are to be found under the chapeau of sexual abuse and exploitation. As one would expect, the COBs are tailored to the specific States under observation. The recommendations are therefore elaborated by identifying particular elements or standards of the Barnahus model that are of significance in the State specific context.

One of the most important components of the Barnahus model is the forensic interview carried out by joint multiagency arrangements with the aim of avoiding secondary victimisation or re-traumatisation of child victims and witnesses of violence. Forensic interviews are referred to in combination with other key concepts in at least 14 of the COBs (Malta, Bosnia-Herzegovina, Hungary, Austria, Poland, Czech Republic, Netherlands, Greece, Cyprus, Ukraine, North-Macedonia, Germany, Sweden, Ireland). Furthermore, reference to secondary victimisation or re-traumatisation is mentioned in almost half of the COBs in context of Barnahus or child-friendly multisectoral interventions (Portugal, Austria, Poland, Czech Republic, Netherlands, Iceland, Greece, Croatia, Sweden).

The services that the COBs mention most often concurrent to Barnahus or child-friendly and intersectoral approach are trauma-focused therapy or psychological interventions, rehabilitation and reintegration. This is highlighted in two thirds of the COBs (Malta, Portugal, Bosnia-Herzegovina, Hungary, Austria, Poland, Czech Republic, Netherlands, Greece, Croatia, Ukraine, North-Macedonia, Germany, Sweden).

Other issues addressed in conjunction with the child-friendly and intersectoral services include concerns or recommendations to strengthen medical evaluation (Ukraine, Sweden, the Czech Republic); the availability and access of Barnahus services including for children with disabilities (Hungary, Poland, Iceland, Greece, Ireland); recommendations to strengthen Barnahus by adopting or reinforcing legal measures to that effect (Hungary, Cyprus, Sweden) and encouragement to operationalise Barnahus where it was not yet functional (Malta, Luxembourg, Greece).

74. This review does not analyse the COBs from States outside Europe. Suffice it to say that the same general trend is increasingly to be found for non-European States. The recommendations in the COBs to set up a child-friendly and intersectoral system to respond to sexual abuse or violence against children has become the rule with few exceptions in the last two years. However, these recommendations vary in terms of detail, depending on how developed child protection infrastructures are.



■ The most interesting evolution of the observations of the CRC Committee concerns the testimonies of child victims and witnesses in the judicial process during the pre-trial stage in the context of Barnahus and child-friendly and multiagency set-up. At the 90<sup>th</sup> session of the Committee in May/June 2022, a new theme in the jurisprudence of the Committee emerged for the first time. This can be seen in the COBs for the three Council of Europe member States under review, Cyprus, Croatia and Greece, at that session. In the context of Barnahus and child-friendly and intersectoral response to child abuse and violence against children, the States are recommended to take measures to avoid the child having to testify in courts by accepting recorded interviews taken at the pre-trial stage, followed by cross-examination without delay, as the main evidence in court proceedings. This recommendation is to be found in seven COBs out of the nine Council of Europe member States under review since the 90<sup>th</sup> session as well as several States outside Europe.<sup>75</sup>

■ Although the formulations are not exactly the same in all COBs, the main message from the 90<sup>th</sup> session onwards is however clear. States Parties should accept “audio-visual recordings of the child’s testimony as the main evidence, followed by cross-examination without delay in child-friendly facilities” (Croatia, para. 25 h.). In another version the state is recommended to: “ensure that audio-visual recordings are made of children’s testimonies without delay and allowed as evidence-in-chief during court proceedings, followed by child-sensitive cross examination” (Cyprus, para. 24 d.). And in the third example the formulation is “encouraging courts to use it [Barnahus] to collect testimony from children, avoid repetitive questioning and allow audio-visual recordings of testimonies as evidence in the court procedures” (Greece, para. 27 g.).

■ An examination of the COBs from the 91<sup>st</sup> session in September 2022 and 92<sup>nd</sup> session from February 2023, the same recommendations are to be found in the following Council of Europe member States: Ukraine (para. 23 b.), North Macedonia (para. 25 e.) and Ireland (para 24 g.). In fact, from the mid-2022 session this recommendation is only absent in the COBs of two of the nine Council of Europe member States: Sweden (where child victims’ statements are already taken in Barnahus during the pre-trial stage and accepted as the main evidence in court proceeding) and Germany.

■ The landmark judgements from the ECtHR in 2021<sup>76</sup> have undoubtedly impacted the new trend in the jurisprudence of the CRC Committee regarding the States’ obligations in mitigating the adverse impact of the judicial process on children in the context of child sexual abuse. These judgements underline that, in interpreting the States’ obligations, regard will have to be made to relevant rules and principles of international law, such as the UNCRC and the Lanzarote Convention as well as the “soft law” or non-binding instruments such as the Guidelines on child-friendly justice. This supports the view that respecting the right of the child to effective protection implies applying less strict procedural rules for obtaining their testimony.

## LOIs and LOIPRs pending review by the Committee

■ An examination of the LOI and LOIPR which are pending review by the CRC Committee further exhibits strong predictability that these developments of the jurisprudence of the Committee will be strengthened. The nine Council of Europe member States that are coming up for review have all without exception been requested by the CRC Committee to submit information pertaining to child-friendly and multiagency structures. In addition, a number of States have been requested to provide information on measures to allow children to give evidence at the pre-trial stage of the proceedings alleviating children’s distress and trauma in testifying during the court process.

75. Recommendations in the COBs from outside Europe from the 90<sup>th</sup> session and onwards on the same matter include the following States: Canada (para 28 b.); Chile (para 20 f.), from the 91<sup>st</sup> session Uzbekistan (para 28 g.), from the 92<sup>nd</sup> session Azerbaijan (para 25 f.) and Bolivia (para 26 e.)

76. X. and others v. Bulgaria, [GC], no. 22457/16, 2 February 2021; and R.B. v. Estonia, no. 22597/16, 22 September 2021.

## e) Barnahus as driver of change towards child-friendly justice: dynamic circularity of innovative practice, standard setting and jurisprudence

When Barnahus was first created in 1998, the UN Convention on the Rights of the Child provided the main international legal framework of reference for this innovative child-friendly justice centre. Barnahus pioneered the delicate process of aligning justice systems with the principle of the best interests of the child while upholding the principles of rule of law, such as the right to access to justice and to a fair trial. The success of this challenging endeavour was increasingly recognised, first in Iceland, then in the European Nordic countries and subsequently throughout the European region and beyond.

As the model expanded in the Nordic countries, it started gaining more attention of state and non-state actors in other parts of Europe, as well as of intergovernmental organisations, such as the Council of Europe. The recognition of Barnahus as an innovative good practice example was substantiated by a growing body of evidence and consolidated over the years by the knowledge and experience of practitioners, policy makers, advocates, programming staff and researchers who increasingly promoted it.<sup>77</sup>

Today, many of the principles of Barnahus are reflected in the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the Council of Europe Guidelines on child-friendly justice (2010) and the Recommendation on children's rights and social services friendly to children and families (2011).

The Lanzarote Convention builds on more than 15 years of Council of Europe action to help member States to fight sexual exploitation and sexual abuse of children. The negotiators bore in mind existing commitments and international standards that address sexual exploitation and sexual abuse of children, and sought to identify good practices and to expand them.<sup>78</sup> The Convention was open for signature on 25 October 2007 and entered into force on 1 July 2010.

The Council of Europe also supports member States in implementing legal standards by providing detailed guidance through the elaboration and adoption of various Recommendations and Guidelines. These legally binding standards and policy instruments are developed in a collaborative drafting process with the participation of member States, experts and key stakeholders and draw on good practice examples identified in member States.

The standard-setting activities have a direct bearing on other spheres of work of the Council of Europe, such as co-operation programmes with national governments of member States as well as monitoring of the national implementation of standards. In addition, the European Court of Human Rights uses the standards, once adopted, in the examination of cases before it.

The ECtHR operates according to the principle of subsidiarity: while domestic courts are primarily responsible for the assessment of the facts and evidence in a specific case, the ECtHR examines whether a decision made by a domestic court complies with the European Convention on Human Rights in substantive and procedural matters. The ECtHR case law demonstrates that, in interpreting the European Convention on Human Rights, the Court draws inspiration from other international standards, particularly legally binding instruments such as the UN Convention on the Rights of the Child and the Lanzarote Convention, as well as Council of Europe recommendations and guidelines and, occasionally, the general comments or concluding observations of the Committee on the Rights of the Child.<sup>79</sup>

77. See for instance: United Nations General Assembly, Joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary General on Violence against Children, Human Rights Council, Sixteenth session, A/HRC/16/56, 7 March 2011, par. 68. United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Office of the High Commissioner for Human Rights, Geneva, Iceland's third periodic report, Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, par. 195. The Crime Victim Compensation and Support Authority, *Child victims in the Union – Rights and empowerment, A report of the CURE project 2009-2010*, Umeå, 2010, p. 7. Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, *1st Implementation Report, Protection of children against sexual abuse in the circle of trust, The framework*, Adopted by the Lanzarote Committee on 4 December 2015, 8 January 2016. UNICEF Innocenti Research Centre, *Child trafficking in the Nordic countries: Rethinking Strategies and National Responses, Technical Report, Innocenti Insight*, 2012. Wenke, D., *Enabling child-friendly justice, The success story of the Barnahus model and its expansion in Europe*, Promise Project Series, Council of the Baltic Sea States, 2016.

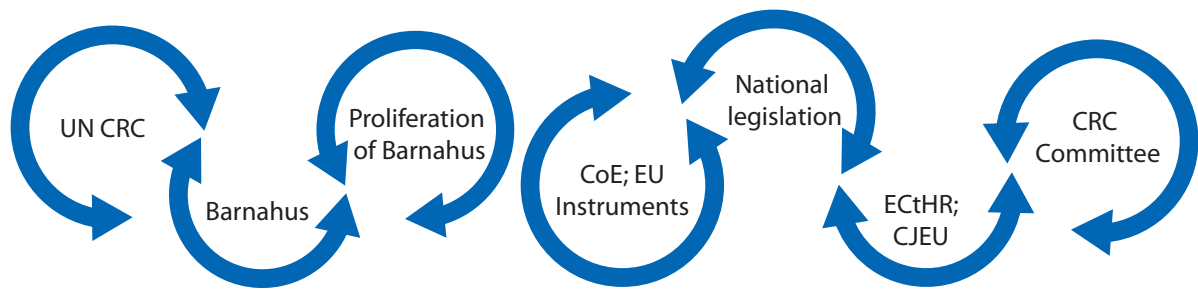
78. [Explanatory Report](#) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS 201, Lanzarote 25.10.2007.

79. ECtHR case law referring to concluding observations of the Committee on the Rights of the Child, see: *Wallová and Walla v. the Czech Republic*, No. 23848/04, 26 October 2006. ECtHR case law referring to General Comments of the Committee on the Rights of the Child, see: *X and Others v. Bulgaria [GC]*, no. [22457/16](#), 2 February 2021, para. 125-126. *Strand Lobben and others v. Norway*, no. [37283/13](#), 10 September 2019, para. 136.

■ In fact, the ECtHR considers the ECHR and the UNCRC as “living instruments” to be interpreted in light of the evolving role of children in society and the changing composition of families, as well as the growing body of guidelines and recommendations adopted by the Council of Europe Committee of Ministers.<sup>80</sup>

■ As will be shown by the data analysed in the context of this mapping study, these dynamic developments, in which standard setting, innovative good practice examples of member States, ECtHR case law, programming and monitoring inform and inspire each other mutually, are driving a significant process of change towards child-sensitive justice (see *Figure 1*).

**Figure 1: Progress in child-friendly justice: dynamic circularity of innovative practice, standard setting, monitoring and jurisprudence**



Source: Guðbrandsson, 2022.<sup>81</sup>

80. X. and others v. Bulgaria, no. 22457/16, 2 February 2021. Demir and Baykara v. Türkiye [GC], no. 34503/97, 12 November 2008, para. 69 and 74. Council of Europe, *Report on the Protection of Children's Rights, International standards and domestic constitutions*, European Commission for Democracy through Law (Venice Commission), Adopted by the Venice Commission at its 98<sup>th</sup> Plenary Session, Venice, 21-22 March 2014, pp. 13-14. Justice Xenia Turkovic, Presentation of the Case Law of the European Court of Human Rights relevant to the best interests of the child in domestic law proceedings concerning parental separation, the limitation of parental responsibility and the placement of a child in care, Second Meeting of the Committee of Experts CJ/ENF-ISE, 14 December 2020. 4 October 2021, 4 October 2021, p. 2.

81. Guðbrandsson, B., The ECtHR case law and the (potential) impact on the UN CRC monitoring role, Keynote speech, *Safeguarding child victims of crime: the case law of the ECtHR as an inspiration and call to action*, High-level international seminar, Defence for Children International – Italy, E-PROTECT II, 14 June 2022.

## Council of Europe projects in member States on Barnahus by the Children's Rights Division of the Council of Europe

■ The Council of Europe has been promoting the Barnahus model since 2015. Direct co-operation with countries started as a result of specific requests by member States. In 2017, for example, the Ukrainian General Prosecutor's office and the Ministry of Internal Affairs showed interest in the model and in knowing how procedures could be improved, in terms of increasing the rates of convictions (as prosecutors were having difficulties in ensuring successful prosecution of cases of sexual violence against children).

■ In Slovenia, the Ministry of Justice, which is the co-ordinating body of the Lanzarote Convention in the country, together with the EU DG Reform, approached the Council of Europe in 2018 to support the process of setting up Barnahus. The process had already started in the country, but there was a need for guidance on co-ordination of the different stakeholders, identification of the suitable best practices from other countries and their adaptation to the Slovenian context. Hands-on experts from Iceland, Netherlands, Norway and Sweden, participated in the process, which was particularly successful: learning-by-doing and peer-review approaches were much appreciated by the state authorities.

■ In all its projects, the Council of Europe Children's Rights Division seeks to ensure that technical support provided to member States is adapted to the specific context by facilitating negotiations between all relevant State structures to identify and adapt the best solutions for their specific context.

■ The first fully-fledged co-operation project on Barnahus was implemented in **Slovenia** between 2017 and 2019, followed by a phase II of the project between 2019 and 2022<sup>82</sup>. They were both joint European Union-Council of Europe projects, funded under the EU DG Reform's Technical Support Instrument and implemented in partnership with the Slovenian Ministry of Justice. The main results were the opening of the first Barnahus in Ljubljana in May 2022 and the drafting and unanimous adoption of the Barnahus Law, a unique legal instrument in Europe in the way it comprehensively regulates the Barnahus services. Other policy documents on the functioning of Barnahus were also developed, including a Forensic Interviewing Protocol based on the National Institute of Child Health and Human Development (NICHD) Protocol and adapted to the Slovenian context, a child participation and safeguarding policy for Barnahus, medical examination training materials, and a Communication Strategy to inform both professionals and the general public about Barnahus, its role, functioning and potential benefits.

■ There are currently four on-going projects on Barnahus in Croatia, Finland, Ireland, and Spain, all of them developed jointly with the European Union DG Reform. The project in **Finland**,<sup>83</sup> developed in partnership with the Finnish Institute of Health and Welfare (THL) from 2021 to 2024 is expected to improve the functioning of the existing Barnahus system and its 5 university hospital expert units specialising in forensic psychology and psychiatry (Barnahus units). At the time of writing, the Council of Europe has conducted a legal and policy review analysis, a cost analysis, focus group discussions with Barnahus units on further development of the Barnahus service in the country, and a training gap analysis which is the basis of training programmes being designed and implemented also in the framework of the project. A survey on perceptions on child sexual abuse has been conducted among a diverse group of the general population through qualitative and quantitative research, which will inform the contents of the upcoming Communication Strategy for Barnahus in Finland.

■ When it comes to the project in **Ireland** (2021-2024),<sup>84</sup> the goal of the project is to address the challenges encountered during the national pilot project "Barnahus West", which was launched in Galway in 2019 and to open two additional centres: Barnahus South in Cork and Barnahus East in Dublin. The project is implemented in close partnership with the Irish Department of Children, Equality, Disability, Integration and Youth (DCEDIY). The project was kicked off at a meeting in January 2023 and legal and training gap analyses have already been initiated to assess the training needs of different professional groups.

■ As per the Barnahus project in **Spain**<sup>85</sup> (2022-2024), the Council of Europe is, in partnership with the Ministry of Social Rights and Agenda 2030, currently carrying out a legal and policy mapping for the implementation of Barnahus in all autonomous regions of Spain and will afterwards develop a Strategy and Action Plan on scaling up Barnahus services in Spain, including capacity building for professionals working within the Barnahus

82. Website of the project [Barnahus in Slovenia](#).

83. Website of the project [Barnahus in Finland](#).

84. Website of the project [Barnahus in Ireland](#).

85. Website of the project [Barnahus in Spain](#).

interagency model. The project kicked off in October 2022 and a “Barnahus Conference” took place in Madrid in February 2023 to raise awareness and share experiences amongst key stakeholders.

■ Finally, the recently launched project in **Croatia** (2023-2026) aims to establish a legal, policy and institutional framework for the sustainable operation of Barnahus, in partnership with the Ministry of Justice and Public Administration. Other outputs will include capacity-building for professionals working with and for children to respond to child sexual abuse and raising awareness among professionals and the wider public on the situation of child sexual abuse in Croatia.

■ The Council of Europe has also undertaken a feasibility study on the establishment of Barnahus in **Montenegro**, in co-operation with UNICEF. The feasibility study was presented at a roundtable in May 2023 and a Barnahus Conference will be organised in Podgorica later in 2023.

■ Other co-operation projects in **Georgia**,<sup>86</sup> **Republic of Moldova**<sup>87</sup> and **Ukraine**,<sup>88</sup> on preventing and protecting children from violence, including online, cover a number of Barnahus-related activities and contribute to strengthening multidisciplinary and interagency co-operation in cases of violence against children.

■ The Children’s Rights Division also has an advisory role in a number of Norway / EEA Grants funded projects, and provides technical expertise on relevant Council of Europe and international standards to the project “Implementing the Barnahus model in Latvia”, which aims to open the first Barnahus of the country in Riga and to train professionals working with and for children, implemented in close collaboration with the Ministry of Interior.

■ The Organisation is currently in discussions to implement additional co-operation projects on Barnahus with other Council of Europe member States.

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86. Project website – [Georgia](#).

87. Project website - [Moldova](#).

88. Project website - [Ukraine](#).





# 3. Mapping the implementation of international and Council of Europe standards through Barnahus and Barnahus-type structures and MD/IA services across Europe

## a) Establishing a Barnahus: Structure and location

Article 4 of the UN Convention on the Rights of the Child expressly requires States Parties to undertake “all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention”. Accordingly, there is no single way to implement the Convention and States Parties have taken a variety of approaches to the realisation of its provisions.<sup>89</sup> The Committee on the Rights of the Child has made it clear that implementation must include both legal and non-legal measures.<sup>90</sup>



### CHILD RIGHTS STANDARDS

#### UN Convention on the Rights of the Child, Article 4:

*“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”*

The emphasis on a child-friendly, multidisciplinary and interagency collaboration is a common theme throughout the Lanzarote Convention, including provisions covering co-ordination (Article 10); investigation (Articles 30; 31; 34); interviews with the child (Article 35); protected measures and assistance to victims (Articles 11; 14; 31).

The Barnahus model can be viewed as an outcome of a conscious attempt to translate or “operationalise” the principles of the CRC to ensure the best interests of child victims and witnesses of abuse while respecting the rule of law.<sup>91</sup>

Barnahus structures are designated to co-ordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Its unique multidisciplinary and interagency approach brings together all relevant services to avoid the secondary victimisation of the child and provide every child with a co-ordinated and effective response.<sup>92</sup>

In the survey launched in November 2022 to collect data for this Study, 22 of the 46 respondents for the Council of Europe member States indicated that they have at least one Barnahus in their countries (including pilot projects). For 10 States, the survey respondents indicated that they have “Barnahus-type services” in place,

89. Kilkelly, U., The UN convention on the rights of the child: incremental and transformative approaches to legal implementation, in: *The International Journal of Human Rights*, 2019.

90. Committee on the Rights of the Child, General Comment No 5, General Measures of Implementation of the Convention on the Rights of the Child CRC/GC/2003/5, 2003.

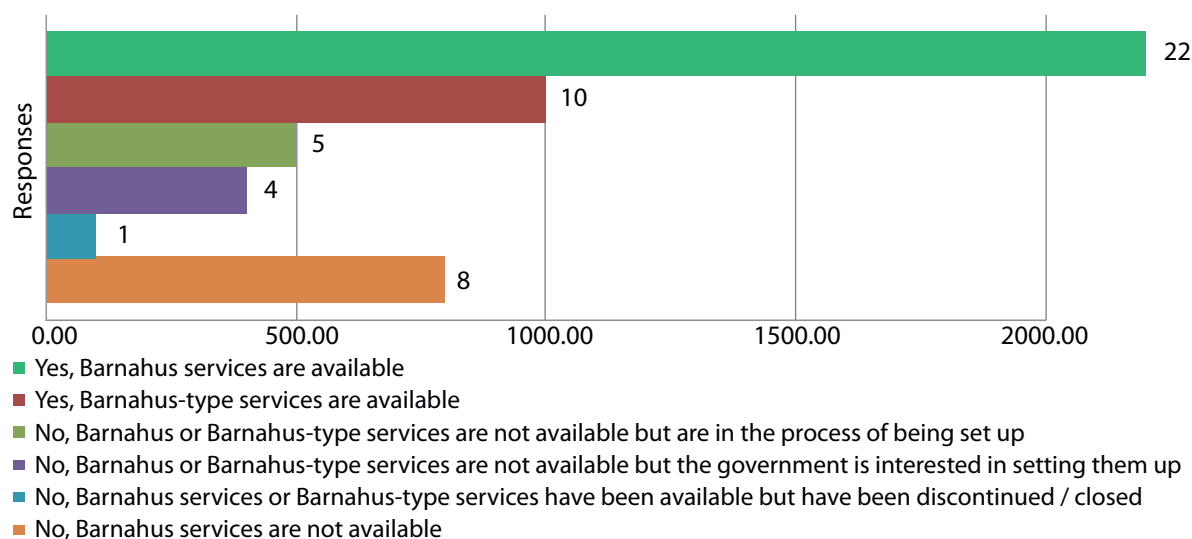
91. Johansson, S., Stefansen, K., Bakketeig, E., Kaldal A. (Eds), *Collaborating Against Child Abuse: Exploring the Nordic Barnahus Model*, Palgrave-Macmillan, 2017. Foreword by Bragi Guðbrandsson.

92. Council of Europe, *European judicial systems CEPEJ Evaluation Report*, 2020-22, p.106.



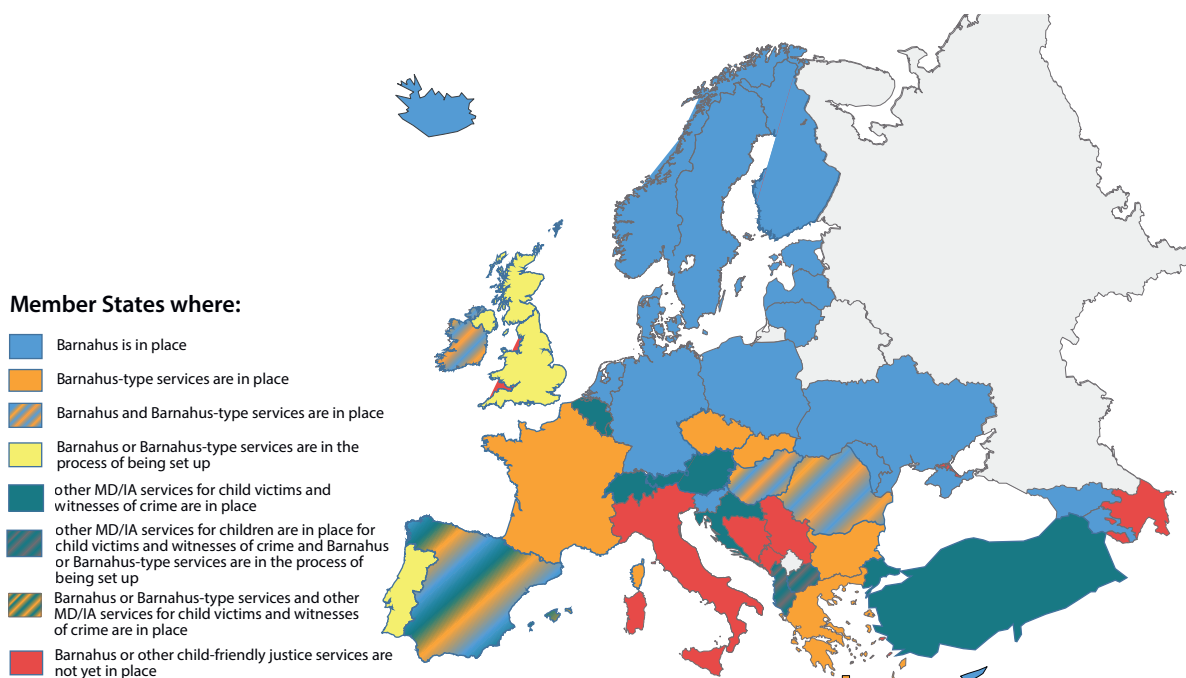
of which four also have Barnahus and six do not. This means that, by January 2023, a total of 28 Council of Europe member States has Barnahus and/or Barnahus-type services in place, i.e. 61%. Of the remaining 18 States, five are in the process of setting up such services, and 11 States have at least some other multidisciplinary and interagency services for child victims in place.<sup>93</sup> For an overview of Barnahus, Barnahus-type services and other MD/IA services in place in member States, see Figure 2, Maps 1-3 and Table 1 below.

**Figure 2: Are Barnahus or Barnahus-type services available in your country?**



N=44 (Austria and Switzerland are the only CoE member States not included.)

**Map 1: Council of Europe member States where Barnahus, Barnahus-type services and other MD/IA services for child victims of crime are in place**



The map is for illustration only and does not reflect a position of the authors or the Council of Europe on the legal status of any country or territory or the delimitation of any frontiers. Source: Data and analysis by Council of Europe, Children's Rights Division, Barnahus Mapping Study, 2023.

93. It can be noted that Spain has Barnahus, Barnahus-type services and other MD/IA services depending on the region. The presence of other MD/IA services was affirmed by nine survey respondents and, in addition, Austria and Switzerland. The Permanent Representation of the UK to the Council of Europe informed the Children's Rights Division on 16 November 2023 that the Lighthouse was in fact operational. See pages 91-92.



**Table 1: Barnahus and Barnahus-type services in Council of Europe member States: overview and year of establishment**

Member State	Barnahus and year of establishment		Barnahus-type services and year of establishment		Barnahus or Barnahus-type services are not yet available but in the process of being set up	Barnahus or Barnahus-type services are not yet available but the government is interested in setting them up	Member States without Barnahus or Barnahus-type services but where other MD/IA services for child victims and witnesses of crime are in place
	✓	Year	✓	Year			
Albania					✓		✓
Andorra			✓	2018			
Armenia	✓	2022					
Azerbaijan							
Austria							✓
Belgique						✓	✓
Bosnia and Herzegovina							
Bulgaria			✓	2009			
Croatia							✓
Cyprus	✓	2017					
Czech Republic			✓	2022			
Denmark	✓	2013					
Estonia	✓	2018					
Finland	✓	2019					
France			✓	1999			
Georgia	✓	2020					
Germany	✓	2018					
Greece			✓	2021			
Hungary	✓	2016	✓	2016			
Iceland	✓	1998					
Ireland	✓	2019	✓	2019			
Italy							
Latvia	✓	2017					
Liechtenstein							✓
Lithuania	✓	2016					
Luxembourg							✓
Malta	✓	2020					
Republic of Moldova	✓	2022					
Monaco							✓
Montenegro						✓	
Netherlands	✓	2011					
North Macedonia					✓	✓	✓
Norway	✓	2007					
Poland	✓	2018					
Portugal					✓		
Romania	✓	2022	✓	2021			
San Marino					✓		
Serbia							
Slovak Republic			✓	2017			
Slovenia	✓	2022					
Spain	✓	2020	✓	2008			✓
Sweden	✓	2006					
Switzerland							✓
Türkiye						✓	✓
Ukraine	✓	2022					
United Kingdom (incl. Scotland)					✓		

**Note:** Data and analysis by Council of Europe, Children’s Rights Division, Barnahus Mapping Study, 2023, based on responses to survey questionnaire: Barnahus and Barnahus-type services are in place or in the process of being set up: question 1 (N=44); other MD/IA services for children: Part 2, question 2.15, with regard to children who are victims or witnesses (N=18), as well as separate information provided by Austria and Switzerland. The presence of Barnahus, Barnahus-type services and other MD/IA services indicated in Table 1 and Maps 1-3 can refer to a country-wide presence of the respective service, or a local or regional presence. Spain has Barnahus and Barnahus-type services and other MD/IA services in place in different regions, which are accounted for in the table, as separate survey responses were handed in for the regions. The table and maps reflect the situation as reported by January 2023. Some States had Barnahus-type or other MD/IA services in place before establishing Barnahus, for instance Finland; these services are not reflected in the table or maps. The Permanent Representation of the UK to the Council of Europe informed the Children’s Rights Division on 16 November 2023 that the Lighthouse was in fact operational.

■ This section addresses how States have established their Barnahus, Barnahus-type, or other MD/IA services, and looks specifically at what type of shape and structure these services take on, as well as where they are located.

■ Considering all the human rights of child victims as closely interrelated, and safeguarding these rights in practice requires co-ordinated measures to enable children to access justice in a child-friendly and child-sensitive way.<sup>94</sup> Exactly how the Council of Europe member States have gone about setting up and co-ordinating such services differs quite broadly, but the data do show certain recurrent trends and tendencies.

■ Following the early beginnings in Iceland and the other four Nordic countries, where child-friendly justice measures such as video recorded child testimonies had already been put in place before the Barnahus were developed, most Barnahus and Barnahus-type services have developed in Europe after 2016. Some pilot projects were launched before that, for instance in Poland in 2004 and in Spain in 2008, but a fully-fledged version of the Barnahus has come along more gradually and a significant increase can be observed in the past five or six years.



#### EXAMPLES OF PRACTICE

An early example of multidisciplinary work can be found in **France**, where the Pediatric Medical-Judicial Reception Units (*Unités d'Accueil Médico-Judiciaires Pédiatriques* – UAMJP) were established already in 1999 and brought together judges, doctors, social workers, lawyers and representatives of associations to work jointly for child victims. While the initial structure is somewhat different to that of the Icelandic Barnahus – mainly because it was not built as a public institution – it involved judicial actors and built bridges between the justice system and the social and medical services, in the same vein as the Barnahus. The French system, today renamed Pediatric Children at Risk Reception Units (*Unités d'Accueil Pédiatrique Enfants en Danger* – UAPED) for child victims can be seen as constituting Barnahus-type services.

Another early initiative started in **the Netherlands** in 1998, when the first step towards the establishment of Barnahus was taken through the “Child and Youth Trauma Centre” (*Kinder- en Jeugdtraumacentrum - KJTC*), a specialised centre for traumatised children and their parents, located in Haarlem. This was followed up by the establishment of an inter-sectoral Child Abuse and Neglect Team in Haarlem in 2010, with the support of Vrije Universiteit van Amsterdam. Finally, the multidisciplinary centre (MDCK), which is Barnahus proper, was launched in 2011 as a pilot and in 2015 as a fully-fledged Barnahus hub. MDCK also functions as part of a wider model, which comprises MDCK, Family Justice Centres and Sexual Assault Centres. This is a highly innovative approach aimed to better address the needs of vulnerable victims/survivors of sexual violence.

In **Italy**, the Juvenile Prosecution Office of the City of Naples launched an initiative in 2021 for the development of a local multidisciplinary and interagency network for the protection of child victims of crime. Together with the Italian Ministry of Justice and the Region of Campania, as well as Defence for Children International – Italy, the activity aims at strengthening the collaboration among all relevant state and civil society actors in the parallel criminal law and child protection proceedings. This process has encouraged the gradual involvement and active participation of all relevant state and civil society actors and culminated in the elaboration of an operative protocol of intervention to improve their co-ordination in cases involving child victims of crime. Building on existing services and resources, the protocol sets out step by step the relevant procedures under criminal and civil law, clarifies existing regulations concerning information sharing in view of the needs of the investigative activities and in compliance with principles of investigative secrecy and data protection. The protocol aims at enhancing the systematic use of a child-friendly interviewing space available at the premises of the Police Headquarters in Naples where specialised forensic interviewers conduct interviews of child victims as part of the criminal investigations and proceedings. In addition, the protocol strengthens the co-ordination role of the Judicial Social Services of the Ministry of Justice who are specialised in social work and child protection in the context of criminal proceedings and have access, as part of their specific mandate, to relevant information in the case to draw up a child protection plan, are bearers of the investigative secrecy and are well-placed, therefore, to act as an intermediary between the judiciary and the local service providers. This central role enables the Judicial Social Services to ensure the continuity of

94. Wenke, D., *Enabling Child-Sensitive Justice: The Success Story of the Barnahus Model and its Expansion in Europe*, Promise Project Series, Council of the Baltic Sea States Secretariat, 2017, p.9.

assessments and service provision before, during and after the criminal proceedings. In parallel to the elaboration of the protocol, a regional law proposal for the prevention of child maltreatment has been presented to the regional parliament. The local actors have conducted this process of analysis, development and reform at the local and regional level of Naples with a view to preparing a foundation for continued reform towards Barnahus or similar child-friendly services for children in contact with the justice system.

■ Pilot projects have often proven a positive step towards the fully-fledged establishment of Barnahus and Barnahus-type services. The positive experiences of such projects have led to the conviction that it is of the utmost importance to maintain integrated and child-friendly services for child victims and to render them sustainable.



#### EXAMPLES OF PRACTICE

In the **Czech Republic**, the first Barnahus centre in Prague is currently in pilot operation. A legislative change is being prepared to anchor a new type of service based on the principle of Barnahus in the Czech Social and Legal Protection of Children Act, which will be established on a mandatory basis in all 14 regions of the Czech Republic.

In **Latvia**, a pilot Barnahus hub (*Center Dardedze*) was launched in 2017. In 2023, a fully standard-compliant Barnahus hub is set to open in the capital city of Riga and serve children nationwide.

■ It is also noteworthy that some Council of Europe member States that do not self-assess as having Barnahus or Barnahus-type services in place have gone a long way to establish elaborate models of multidisciplinary and interagency services which – except for the wording used – could be seen as corresponding in terms of scope and service offer to Barnahus-type services. One such example is Croatia.



#### EXAMPLE OF PRACTICE

The Zagreb Child Protection Centre in **Croatia** was founded in 2002 and operates integrated services for children victims of abuse. It is based upon three core principles of 1) a multidisciplinary approach, 2) interagency co-operation and 3) a child-friendly environment. The Centre combines services to victims through assessment and treatment, with scientific research, education and forensics. Child victims from all over the country can receive help at the Zagreb Child Protection Centre.

■ Among the States that do not have Barnahus or Barnahus-type services in place, eight survey respondents replied that civil society actors are advocating for such services, eight indicated that state actors are advocating for it, and in six States there is an ongoing public or political debate on Barnahus.<sup>95</sup> The main incentives for States to establish such services are: a more effective protection of child victims or witnesses (11 States); and a more effective implementation of international and Council of Europe standards (10 States). Eight States also indicated a more effective prosecution in criminal proceedings involving children as victims or witnesses and a better prevention of violence against children as reasons for advocating in favour of Barnahus or Barnahus-type services.

■ In several States, a challenge in the process of setting up Barnahus is or has been related to the difficulty of finding a suitable premise for the Barnahus.<sup>96</sup> This may be coupled with another frequently mentioned challenge, namely the difficulty to convey a full understanding of the Barnahus concept among relevant stakeholders and decision-makers.<sup>97</sup> Indeed, one of the reasons why some States with well-developed MD/IA services in place for child victims have not yet taken the full step towards establishing one or more Barnahus appears to lie in the difficulty of agreeing where and what type of facility it should be. Would it be located in a hospital, where medical examinations can be carried out easily? Or rather within or close to the police premises, or the court house, to ensure easy access for professionals to interview children involved in judicial proceedings? Opinions differ, as do the legal frameworks making child-friendly premises

95. It should be noted that Spain is among these countries, since some autonomous regions in Spain that do not yet have Barnahus or Barnahus-type services in place are advocating for it.

96. This was indicated by survey respondents for five States.

97. Mentioned with regard to six States.

possible. And yet, maybe the most important aspect of Barnahus has little to do with which professionals in which service should host the Barnahus facilities, and everything to do with the children who will be coming there, and their sense of safety.

■ During an evaluation of the Norwegian Barnahus, Kari Stefansen pointed out the following:

*“While the premises differed somewhat in size, layout and design, we were struck by the general welcoming feel of all the Barnahus. We could sense that great care had been taken to soften the impression of a formal and “adult” space. [...] The nice interiors of the Barnahus are the institutional settings for children’s testimony about difficult and possibly traumatising experiences of violence and sexual abuse, which sometimes involve close family members as the perpetrators. Prior to the establishment of Barnahus in Norway, children were summoned to such interviews either at the local police station or courthouse, and few if any special measures were taken to reduce the stress and possibly re-traumatising effect of participating in the legal process. The Barnahus premises clearly represent a very different physical environment for children’s testimony.”<sup>98</sup>*

■ In that sense, it can be argued that child-friendly premises, such as those of Barnahus, are intimately linked to the institutional setting of services aimed to protect child victims. Creating a child-friendly atmosphere hence includes creating a safe and welcoming space where children are seen as children and not only as victims of violence or sexual abuse. Through the Barnahus, the idea of child-friendliness has thus evolved to encompass elements like the quality and layout of the premises, including how they are decorated and furnished.<sup>99</sup>

■ In places where it has not been possible to have all services under one roof – for instance due to remote locations – child-friendly aspects can still be central features of the services provided in different locations. While an ideal scenario might be to provide a full set of high-quality services as swiftly as possible to every child in one single place, the quality (including the child-friendly aspects) and the timing of services, i.e. ensuring swift interventions, may sometimes take precedence over the wish to host all services under one roof, especially if that would mean that the child victim has to wait several days before being heard and, if relevant, medically examined. From a child witness perspective, the timing of the hearing and other interventions should balance the principle of urgency with the individual needs and best interests of the child.



#### IN THE MAKING

In **Scotland**, the *Bairns’ Hoose* – based on the Icelandic model “Barnahus” – is currently being rolled out and will bring together services in a ‘four rooms’ approach with child protection, health, justice and recovery services all made available in one setting. A key element is the child-friendly setting and the whole team around the child. Scotland aims to ensure that all eligible children who are victims or witnesses of abuse or violence will have access to a *Bairns’ Hoose* by 2025.

## Barnahus – number and location

■ The survey data collected for this Study show that most countries with Barnahus in place have one such operational facility.<sup>100</sup> Sweden and the Netherlands are exceptions, with 33 and 24 Barnahus respectively. France also stands out with its 135 Pediatric Children at Risk Reception Units. Spain is in the process of setting up 16 Barnahus in addition to the one currently operating, and also has 11 Barnahus-type services operating and eight additional ones being set up.<sup>101</sup>

■ The location of the Barnahus and Barnahus-type services also differ. While Iceland and the Scandinavian countries (Sweden, Norway, Denmark) tend to have their Barnahus in a separate and specifically dedicated house – as the name Barnahus / Children’s House indeed seems to indicate – other countries have proceeded to set up their services within other existing structures. For instance, in Finland the Barnahus are located inside hospitals, as is the case with the Barnahus-type services in France.<sup>102</sup>

98. Stefansen, K., “Staging a Caring Atmosphere: Child-Friendliness in Barnahus as a Multidimensional Phenomenon”, in: Johansson S., Stefansen, K., Bakketeig, E., Kaldal A., (Eds), *Collaborating against child abuse, Exploring the Nordic Barnahus Model*, Palgrave Macmillan 2017.

99. Ibid.

100. Nine States indicated that they currently have one Barnahus in place.

101. According to the survey responses received from 12 out of 19 Spanish regions: 1 Barnahus operating in Catalunya, 16 Barnahus in the process of being set up (12 in Catalunya, 3 in Valencia, 1 in Cantabria); 11 Barnahus-type services operating (8 in Andalusia, 3 in Valencia), 8 Barnahus-type services in the process of being set up in Andalusia.

102. In Finland, child psychiatry units in five University hospitals provided assessment and services for child victims of violence since 2001. These services started to collaborate with the police on forensic investigations in cases of sexual violence against children and gradually developed into Barnahus-type services. In 2019, the first Barnahus was set up.



## IN THE MAKING

In the framework of an EU/Council of Europe joint project, **Spain** is in the process of establishing 16 new Barnahus and eight new Barnahus-type services across the country. The Project “Barnahus in Spain – Strengthening child-friendly justice through effective co-operation and co-ordination among different Barnahus-type services in the regions of Spain” aims to ensure that all children who are victims of violence, including sexual exploitation and sexual abuse, benefit from a child-friendly access to justice and from strengthened and timely child protection services in Spain and its regions (Autonomous Communities).

The **Czech Republic** is working towards making it mandatory for Barnahus-type centres to be established in all 14 regions of the country from 2024.

Nevertheless, although it can facilitate effective access for child victims, the absolute number of Barnahus or Barnahus-type services in a country is not necessarily the only or the most relevant factor. Indeed, despite many States having only one Barnahus, half of the States with Barnahus or Barnahus-type services indicate that they manage to be present throughout the country and serve children nationwide. The remaining countries state that they currently serve children only in certain cities or regions, and even Sweden, with 33 Barnahus nationwide, indicates that they serve 85% of the territory.<sup>103</sup> Beside the number and territorial reach of Barnahus and Barnahus-type services, what is most important is the quality of the services provided.<sup>104</sup>

This raises the important question as to the need for, and right to, equal access and adequate treatment for all child victims, and the risk that not all child victims of violence are granted their full rights to protection and child-friendly justice.



## CHILD RIGHTS STANDARDS

### UN Convention on the Rights of the Child, Article 2.1:

*“States Parties shall respect and ensure the rights set forth in the present Convention to **each child within their jurisdiction** without discrimination of any kind [...]”*

## Institutional set-up and framework

With 28 Council of Europe member States having Barnahus and/or Barnahus-type services in place and continuing to develop them further, it is relevant to look into *how* such services have been set up. The survey data collected for this Study shows that there are a variety of ways to go about establishing a Barnahus.

In 19 Council of Europe member States, Barnahus and Barnahus-type services are anchored in the **legal framework**, having either adopted specific national laws to set up such services (e.g. Denmark and Slovenia), or basing the creation of such services upon existing national laws. In some cases, where Barnahus was initially based on policy agreements or other non-legal decisions, specific laws have been adopted or amended later on to incorporate Barnahus into the legal framework and make it a legal obligation (e.g. Iceland).



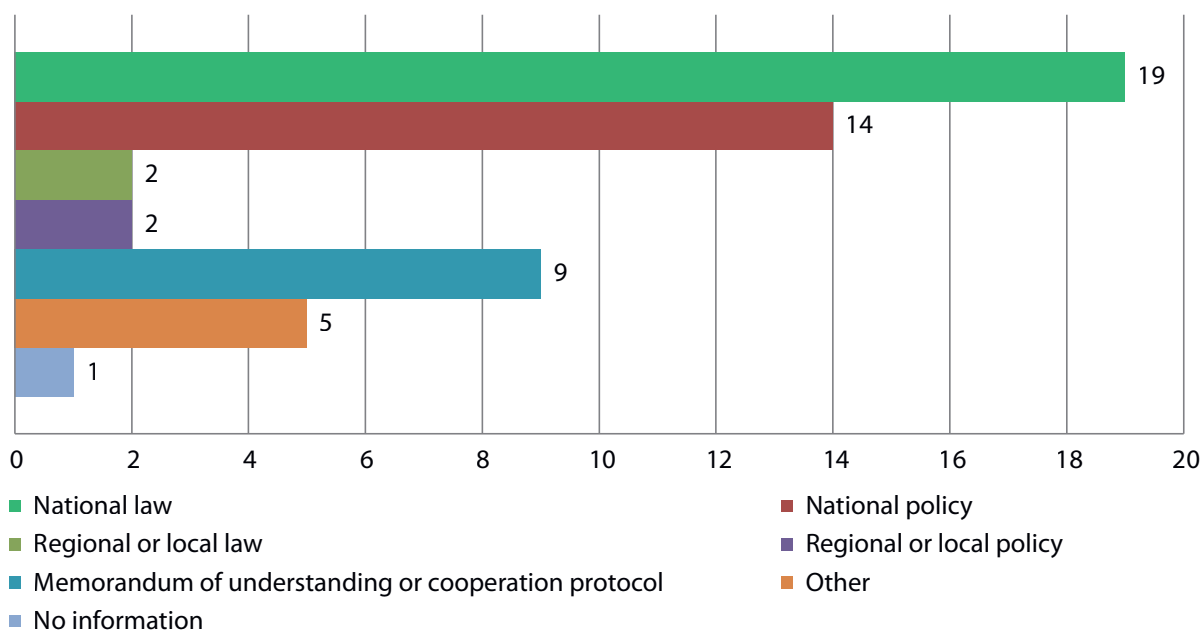
## EXAMPLE OF PRACTICE

In **Iceland**, despite being the very birthplace of the Barnahus in Europe, until 2022 Barnahus was not specifically mentioned in Icelandic legislation. According to recent amendments to the Child Protection Act, No. 80/2002 (article 22), child protection services are now required by law to use the services provided by Barnahus in certain cases.

103. 247 out of 290 municipalities are covered by Barnahus services in Sweden.

104. The training and expertise of professionals are addressed further down in this study.

**Figure 3: Information about the law and policy framework relevant for the setting up and operation of Barnahus or Barnahus-type services**



N=27

14 States have national policy in place, in the form of for instance national strategies (Cyprus, Slovak Republic) or national guidelines (Sweden), and Spain and Germany have adopted regional laws and policies governing Barnahus and Barnahus-type services at a more de-centralised level.

In addition to legal and policy frameworks, nine States mentioned Memorandums of Understanding (MoU) as the basis for Barnahus and Barnahus-type services, while others mentioned internal rules (Bulgaria), a draft interagency agreement (Ireland) and an operational manual (Republic of Moldova).

While this illustrates the variety of ways that Barnahus and Barnahus-type services can be set up, it also shows that a majority (68%) of States have preferred establishing a legal foundation for such services. In some cases, such as in Slovenia, States have adopted a special law aimed specifically at the establishment of Barnahus. This has the advantage of representing a solid base upon which to build services and of increasing the chances of a sustainable solution, independent of potential political or other changes.

In their replies to the survey, Denmark and Norway also pointed out that the legal framework underpinning their Barnahus services is, in their view, part of the main successes with their respective systems, making the use of Barnahus mandatory for all child abuse cases and ensuring the implementation of the model.



#### EXAMPLES OF PRACTICE

In **Slovenia**, an EU DG REFORM/Council of Europe joint project to develop the Barnahus model led to the adoption by the government of the “Child protection in criminal proceedings and comprehensive treatment of children in the children’s house act”<sup>105</sup> (ZZOKPOHO) in 2021, following which the first Barnahus was opened in Ljubljana in 2022. The objective of this joint EU DG REFORM/Council of Europe project was to support Slovenia in establishing and operating their first Barnahus for child victims of sexual abuse in line with international standards and promising European practices.

On 4 June 2021, **Spain** approved the Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence<sup>106</sup> (LOPIVI). The law is unique in Europe for its comprehensive and holistic approach to protection, which encompasses awareness raising, prevention, early detection and reparation and places great importance on capacity building for professionals working with and for children, as well as child participation. The EU/CoE Joint Project “Barnahus in Spain” goes

105. Slovenia, *Zakon o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi v hiši za otroke* (ZZOKPOHO) (bilingual version).

106. Spain, *Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia*, a summary in English is available [here](#).



hand in hand with the practical implementation of the LOPIVI and will contribute in particular to the introduction and development of the Barnahus model.

In **Denmark**, the establishment of the Barnahus was part of a governmental political agreement (*Overgreppspakken*) and is established through a stand-alone law which regulates the multidisciplinary and interagency co-operation and procedures in the Barnahus. Since 2013, Danish municipalities have been legally obliged to use the Barnahus in cases where there is knowledge of or suspicion that a child or young person aged 0-17 has been the victim of sexual violence and abuse.

■ In other States, existing laws on child protection, which foresee multidisciplinary and interagency services for child victims, may underpin initiatives to set up Barnahus and Barnahus-type services.



#### IN THE MAKING

In **Lithuania**, the “Order on the Approval of Recommendations for the Provision of Complex Assistance for Children Potentially Victims of Sexual Violence at the Support Center” and the “Law on the Fundamentals of the Protection of the Rights of the Child of the Republic of Lithuania” underpin Barnahus services. There is a plan to make Barnahus part of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour in 2023, and to amend the abovementioned law to more specifically describe operations related to the Lithuanian Barnahus.

In **Romania**, the State has adopted Law no. 18/2017, which introduced and regulated the principles, standards and measures provided for in the Lanzarote Convention and the Convention on the Rights of the Child. Upon this basis, State and non-state actors collaborate to discuss and advocate for the protection of children from violence, for specialised services for the protection of children from violence and abuse, and for the role of local government in the establishment and strengthening of the local system of child protection. One Barnahus and one Barnahus-type service, funded by UNICEF, are currently in the process of being set up.

In **Bulgaria**, the Barnahus model is not regulated in the legislation of the country. However, since 2009 there are “Blue rooms”; similar multidisciplinary and interagency services which have internal procedural rules. They overlap with the Barnahus model in terms of child-friendly interviewing requirements, including in cases of sexual abuse and exploitation. There are currently more than 40 Blue Rooms across the country. Since 2015, three Child Advocacy and Support Centres (CaCs) “Zona ZaKmila”, which are similar to Barnahus, have also been created.

■ In States with highly decentralised systems and high levels of regional autonomy, the institutional set-up of Barnahus, Barnahus-type services and other MD/IA services sometimes fall under the responsibility of local or regional governments. In Switzerland’s federal system, for example, responsibility for the protection of children from violence lies primarily with the cantons, and services can therefore differ quite substantially across the country.

## Psycho-social support and other assistance for children participating in criminal proceedings as victims or witnesses

■ Some States have established other forms of MD/IA services to prevent the secondary victimisation of child victims and witnesses of crime. Several countries provide support services that accompany and assist child victims and witnesses of crime. These support services are reported primarily from countries where Barnahus is not in place or not yet operational, to systematically prevent secondary victimisation of child victims and witnesses as a result of their participation in criminal investigations and proceedings. The scope of support services varies and may be focused on the hearing of the child in court or be provided throughout the duration of the proceedings.



#### EXAMPLES OF PRACTICE

In **Andorra**, the child is always summoned to a hearing in the pre-trial stage. In the pre-trial phase and court procedure, when considered necessary, the Specialised Service of Attention to Childhood and Adolescence provides a professional to accompany and support the child, including younger children and adolescents, to minimise the risk of secondary victimisation. This professional support person assists the child during any attendance of a court hearing, accompanies the child to the

courtroom, explains the proceedings and hearing and responds to any questions or doubts that the child may have. On the day of the judgment, the professional co-ordinates the support to the child with the members of the judicial body to reduce the waiting time.

In **Albania**, the Code of Criminal Justice for Minors adopted in 2017 foresees the mandatory presence of a child psychologist at all stages of criminal proceedings involving child victims and witnesses of crime, including during questioning of the child, irrespective of the child's age (Article 18).

In **France**, the Criminal Procedure Code sets out a special support person who remains by the side of the child victim of crime during the interview or hearing and offers support and assistance throughout the proceedings (Article 706-53). This support function can be assigned to an adult whom the child chooses as support person or who is identified upon request by the child's legal representative; a representative of an approved victim support association; or a specifically qualified professional, such as a paediatric doctor, a child psychologist, or an *ad hoc* administrator. The public prosecutor or judge is competent to appoint a professional as support person. Should they refuse the appointment of the person the child chooses as accompanying adult, they must provide transparent reasoning.

In **Austria**, a special programme offers psycho-social support, legal counsel and representation for adults and children who are victims of crime. As part of a broader victim assistance programme, this service is provided throughout all stages of criminal proceedings, from legal counsel prior to reporting a criminal offence to the police, during investigations and through to the conclusion of the criminal proceedings. Professionals providing psycho-social support work in close consultation with the child's lawyer and support the child in his or her participation in the proceedings, for instance by preparing the child for each step in the proceedings, accompanying the child to any police interviews, hearings or other official appointments related to the proceedings, and helping the child cope with emotions during the proceedings. They provide child-friendly information for child victims, as well as information for non-offending parents and relevant family members or the child's guardian. Information is provided on the legal framework, the consequences of reporting a criminal offence to the police, the steps of the proceedings and different professionals involved, the role of the child victim and his or her rights during investigations and proceedings. The overall aim is to reduce risks of secondary victimisation as a result of the child's participation in investigations and proceedings. The service is provided free of charge and is available also to the child's parents or other relevant persons of trust. The service can be extended also to civil proceedings that are directly related to the criminal proceedings, such as family law proceedings on parental responsibility or contact, or proceedings regarding compensation. National law sets out the eligibility criteria for receiving psycho-social support. Children under 14 years of age who are victims of a crime against sexual integrity, or where such an offence is suspected, are generally eligible.

The psycho-social support service for victims of crime was developed on the basis of a pilot project initiated in Vienna between 1998 and 2000, which has subsequently continued to evolve and led to the setting up of specialised service providers and quality standards. The Federal Ministry of Justice commissioned specialised service providers throughout the country, such as local or regional child protection centres or specialised counselling centres for victims of crime, as well as specialised lawyers, to ensure the service is available country-wide. In 2021, a total of 48 specialised service providers assisted 9,105 persons and the number rose to 9,933 in 2022, of which less than a fourth were children under 18 (2,183 in 2021 and 2,360 in 2022). The annual budget was 8.47 million Euro in 2021 and 10.25 million Euro in 2022. Per child, the costs for the service amounted to 1,270 Euro in 2022.

In 2006, the psychosocial and legal assistance in criminal proceedings was enshrined in the Austrian Code of Criminal Procedure (§66b para. 1 and 2 CCP), extended in 2009 to psycho-social assistance in civil proceedings (§73b of the Austrian Code of Civil Proceedings). Amendments made in 2016 to transpose the EU Victims' Rights Directive 2012/29/EU and the adoption of the Violence Protection Act in 2019 ("*Gewaltschutzgesetz*"), have strengthened and clarified the rights of victims of crime, for instance the right to information, as well as specific procedural rights.

In **Croatia**, the Institute for Social Work will assess the need to provide counselling and assistance services and psychosocial support, in accordance with the Social Welfare Act. Furthermore, it can refer the child to appropriate forms of psychological and therapeutic assistance, rehabilitation programmes and other types of professional help and support provided in the community.

## International standards in the Barnahus framework

■ Barnahus and other child-friendly justice and social services are anchored in a number of international legal and soft law standards, as described in chapter 2 of this Study. Despite this being the case, the data collected for this Study shows that not all States refer to international standards in their legal and policy frameworks underpinning such services.

■ 18 States indicate that they refer to the UNCRC, whereas 14 refer to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and six to the European Convention on Human Rights (ECHR).

■ In addition, seven States refer to the Council of Europe Guidelines on child-friendly justice: Bulgaria, Estonia, Germany, Greece, Norway, Slovenia, and Spain. This is of particular interest for two reasons: first, it shows how important non-binding (or so-called “soft law”) standards can be in the legal and policy frameworks of States, and second, because the Guidelines on child-friendly justice represent the broadest and most comprehensive existing instrument to guide States towards a justice system which is truly adapted to children. As explained in Chapter 2 of this report, the Guidelines set out comprehensive principles to safeguard the rights of the child victim while upholding the rights of the adult defendant, in accordance with rule of law principles. In cases where the suspect or accused person is also a child, the Guidelines apply equally to the child who is under investigation or charged with an offence. The Guidelines reiterate the right of children to be consulted and heard in proceedings involving or affecting them, the right to information and to representation. Children should be considered and treated as full bearers of rights and should be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views.

■ Seven States also refer to the Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation CM/Rec(2009)10): Andorra, Bulgaria, Germany, Norway, Slovak Republic, Slovenia, and Spain, whereas five States make reference to the Recommendation Rec(2011)12 on children’s rights and social services friendly to children and families: Bulgaria, Germany, Greece, Norway, and Spain.



### EXAMPLE OF PRACTICE

In addition to referencing legally binding instruments in their domestic legal and/or policy frameworks for Barnahus and Barnahus-type services, **Bulgaria, Germany, Norway, Slovenia and Spain** also make reference to both the Council of Europe Guidelines on child-friendly justice and the Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence.

■ Norway and Germany are the only two States to also make reference to the Committee of Ministers Guidelines on child-friendly health care (2011) and the Recommendation Rec(2012)2 on the participation of children and young people under the age of 18. Bulgaria and Norway are the only two countries referring to case law from the European Court of Human Rights (ECtHR).

■ The absence of references to international or Council of Europe standards does not necessarily imply that States are not complying with such instruments. At least as far as international treaties go, these instruments impose legally binding obligations upon the States parties independent of whether or not they are also referred to nationally. Nevertheless, research indicates that legal incorporation does matter. For instance, in the States Parties where the UNCRC has been incorporated into the national legal system (Belgium, Norway and Spain), children are more commonly perceived as rights-holders, within a broader context of respect for children’s rights. This means that, where the UNCRC has formal standing in the domestic system, it becomes an influential touchstone at national level, for law and policy makers, for advocates and those who work with and for children. The process of bringing the Convention down to the domestic level, or translating UNCRC provisions into the domestic legal framework, enables those who work with and for children to ‘own’ its provisions.<sup>107</sup>

■ To assess whether States comply better with international standards because they incorporate them explicitly in their legal and policy frameworks goes beyond the scope of this Study. Nevertheless, it could be argued that the ways in which States incorporate international standards into their national laws and policies influences both the knowledge about such instruments at national level and their implementation.<sup>108</sup>

107. Kilkelly, U., The UN convention on the rights of the child: incremental and transformative approaches to legal implementation, in: *The International Journal of Human Rights*, 2019.

108. It has for instance been argued that “the enduring implementation of human rights norms requires political systems to establish the rule of law. Stable improvements in human rights conditions usually require some measure of political transformation and can be regarded as one aspect of liberalization processes. Enduring human rights changes, therefore, go hand in hand with domestic structural changes.” See: Risse, T., Ropp, S.C., Sikkink, K. (Eds.), *The Power of Human Rights International Norms and Domestic Change*, p.3-4.

In this regard, it is noteworthy that 10 States (or regions within States) that do not have Barnahus or Barnahus-type services in place believe that establishing such services would lead to better implementation of international and Council of Europe standards.



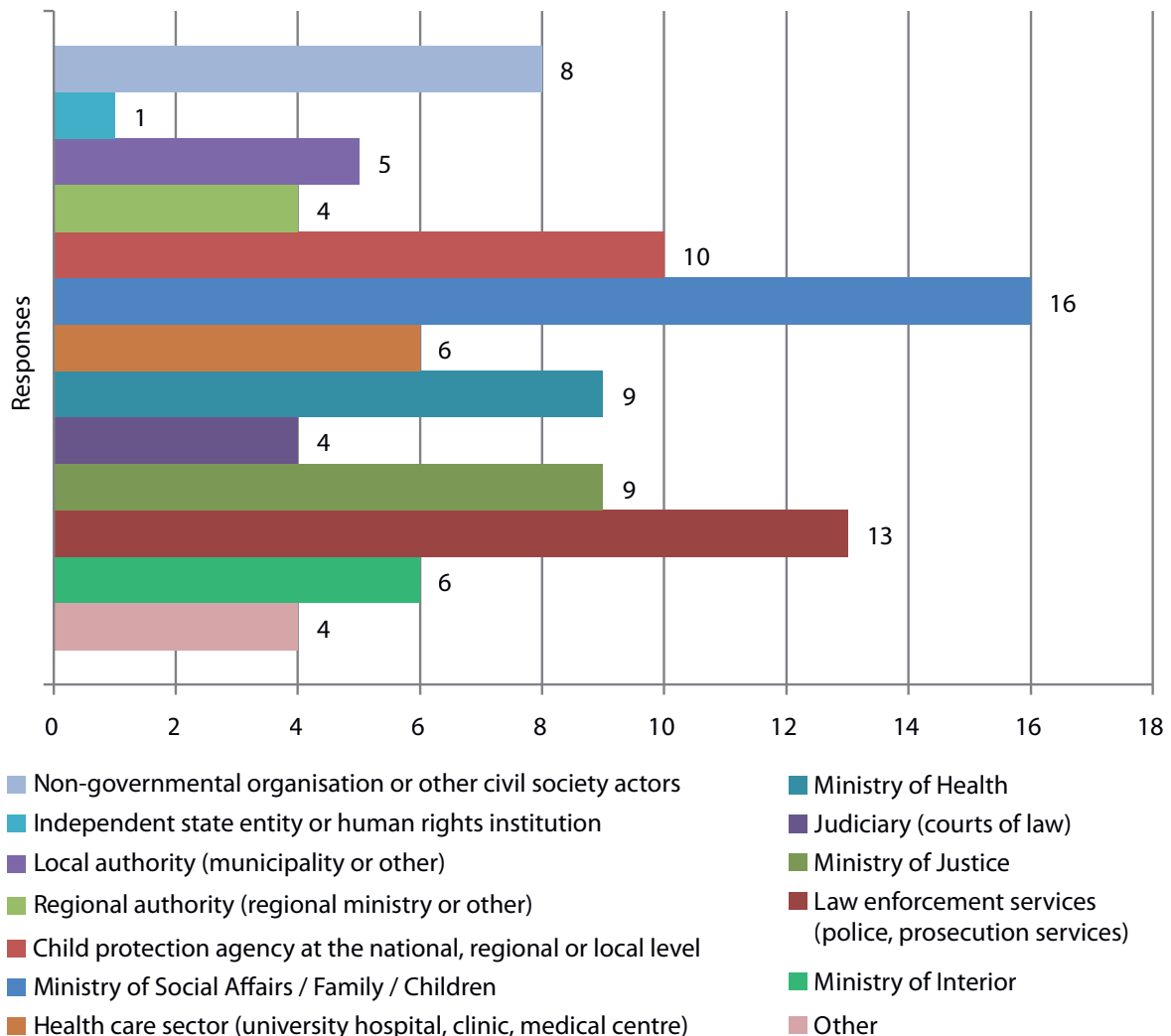
**EXAMPLE OF PRACTICE**

In **Iceland**, although the UNCRC, the ECHR and the Lanzarote Convention are not mentioned explicitly in the Child Protection Act, they should, according to Icelandic legislation, be considered in every case. The UNCRC and the ECHR have been incorporated into Icelandic legislation (Act. No. 19/2013 and Act. No. 62/1994) and are therefore equally important as the Child Protection Act and other national legislation. The Lanzarote Convention is explicitly referenced in the General Penal Code, Act No. 19/1940 (article 6).

**Interagency co-ordination**

Moving on to “how” Barnahus and Barnahus-type services work, one important element to look at is the institutional (or other) lead, meaning who is in charge of such services. The data collected for the present Study show that interagency co-operation really has become something of a trend for Council of Europe member States.

**Figure 4: Information about the institution(s) that have the lead role in operating Barnahus or Barnahus-type services**



N=28

■ Indeed, 15 States have at least three or more agencies in charge and/or involved in the co-ordination of their Barnahus or Barnahus-type services.

■ The most frequently mentioned agency in charge or having the lead role in operating Barnahus and Barnahus-type services is the State department with children in its portfolio, for instance the Ministry of Social Affairs / Family / Children. 16 States mention this as the lead agency. The second most frequent is the law enforcement services (i.e. police or prosecution services) (13 States), followed by the Child Protection Agency at national, regional or local level, indicated for 10 States, and the Ministry of Justice, the Ministry of Health, both mentioned for 9 States.



#### EXAMPLE OF PRACTICE

In **Estonia**, beside the national legal framework, Barnahus is also regulated by the *National Inter-Agency Agreement* signed by the Head of the Social Insurance Board, Head of the Police and Border Guard Board, Head of the State Prosecutor's office and Head of the Estonian Forensic Science Institute on 13<sup>th</sup> of June 2018.

■ No States indicated that a private entity has a lead role, but in eight States NGOs are involved. However, even where there is NGO involvement in operating Barnahus or Barnahus-type services, it is noteworthy that only one single State, Romania, indicated that the services are entirely and solely in the hands of an NGO. In all other cases, involved NGOs operate in co-operation with, or under the lead of, government institutions. In some cases, like for Poland, it was an NGO that launched the first pilot project for Barnahus, which then expanded into a project in which local authorities also got involved.

■ This appears to indicate that two of the initial principles of the Icelandic Barnahus – namely for the Barnahus to be a public institution and for the set up to be based on interagency co-operation – are reflected in the European context, albeit not always in the same manner.

■ It is also noteworthy that a lack of interagency co-ordination and difficulty setting this up was indicated by several States and other survey respondents as having been – or as still being – a main obstacle to setting up Barnahus or Barnahus-type services.<sup>109</sup>



#### EXAMPLES OF PRACTICE

In **Ireland**, the Department for Children, Equality, Disability, Integration & Youth leads on the development of the Barnahus model, in partnership with the Department of Health and the Department of Justice, who are co-signatories on a three Department agreement to provide a long-term basis for the establishment and development of the Irish 'Barnahus' model of service, and to embed long-term support for Barnahus in the three departments. There are also high levels of commitment at both national and regional agency level in support of the model's implementation.

In **Georgia**, Barnahus services are regulated by the Ordinance of the Government of Georgia establishing an interagency working group on the concept of a Centre for Psychological and Social Services for Children.

## Multidisciplinary teams

■ Moving on to another of the fundamental principles, namely that of a multidisciplinary approach, the data collected for this Study shows that several States indeed have multidisciplinary teams of professionals working directly or indirectly with Barnahus or Barnahus-type services. The most frequently mentioned groups of professionals are child psychologists, indicated by survey respondents for 15 States, and social workers, indicated for 13 States. Law enforcement professionals, forensic interviewers and medical staff were less frequently mentioned, by five, six, and eight survey respondents respectively. This may be indicative of a certain persisting difficulty to expand multidisciplinary teams and ways of working to include all relevant professional groups intervening at some stage in the provision of services to child victims and witnesses. The reasons for some professional groups not being included in multidisciplinary co-operation methods or approaches may vary, and may be linked to for instance a lack of specially trained personnel in some domains, a lack of sufficient resources, or organisational and methodological difficulties working together.

<sup>109</sup>. See further down in Chapter 4 related to challenges and opportunities.

■ For 12 States, survey respondents indicate that the staff working in the Barnahus or Barnahus-type services are directly employed by this service, whereas 10 indicate that they are not, but are allocated by their agency/employer to the service. In several countries, more in-depth information showed that part of the staff, such as social workers, psychologists or administrative staff are more likely to be employed by the Barnahus service directly, whereas medical staff and legal professionals more often tend to come in on a needs basis.

■ It is noteworthy that almost half the States with Barnahus or Barnahus-type services in place (46%) indicated organising multidisciplinary and interagency co-operation as the main difficulty in setting up such services.



#### EXAMPLES OF PRACTICE

In **Denmark**, social workers, psychologists, management and administrative staff, and other professionals are directly employed by the Barnahus. Law enforcement officers, forensic doctors, and paediatricians are employed by their own agency/organisation and by the hospitals. In accordance with national law, all the Barnahus have formalised co-operation agreements with all police teams in the region, as well as with a forensic institute and a department at the hospital.

In 2008, at the initiative of Save the Children **Sweden**, the country set up a national network of Barnahus. Meetings have been held twice a year since the start and give employees at Sweden's Barnahus the opportunity to attend lectures, discuss development issues and share different experiences, routines and practices between the Barnahus. The network consists of all Swedish Children's Centres (33) and their multi-professional staff such as police, prosecutors, doctors, social workers, therapists and others.<sup>110</sup>

In several cantons of **Switzerland**, child protection services work in a multidisciplinary manner, including the various actors and professionals involved, and there are multidisciplinary teams or groups of specialised professionals responsible for the assessment and care of child victims of violence or abuse.

## Budget

■ The overall budget for Barnahus or Barnahus-type services was difficult to collect data on, and survey respondents could provide relevant information to this question for only ten States.<sup>111</sup> While some States, like Sweden, could not provide an overall budget due to the decentralised set-up of Barnahus services, which depend on municipal and regional funding, others (e.g. Greece) depend on funding by a Ministry, which may depend on political decisions and be variable. For a few States (e.g. Latvia), the amount of international project funding allocated to set up a Barnahus facility was indicated, but no information on national funding. This is a problem related not only to Barnahus services, but to the implementation of children's rights more broadly. The UN Committee on the Rights of the Child has, in its reporting guidelines and in the consideration of States parties' reports, paid attention to the need for identification and analysis of resources for children in national and other budgets, and reminds States of this in its General Comment No. 5 on General Measures of Implementation of the Convention on the Rights of the Child.<sup>112</sup>

■ In addition, the Council of Europe has underlined that integrated national strategies for the protection of children from violence, which also represent a multidisciplinary approach towards child victims similar to and compatible with that of the Barnahus, must be supported by adequate human and financial resources.<sup>113</sup>

■ Of the ten States for which information on spending for Barnahus and Barnahus-type services was provided, Norway has, by far, the greatest amount of annual funds allocated to these services, with the equivalent of almost 23 million euros, followed by Finland with more than 7 million euros per year.

110. See: <https://liu.se/forskning/barnafrid/natverk/natverkbarnahus>

111. Cyprus, Denmark, Finland, France, Hungary, Lithuania, Republic of Moldova, Norway, Slovenia, and some regions of Spain.

112. Committee on the Rights of the Child, General Comment No 5, General Measures of Implementation of the Convention on the Rights of the Child CRC/GC/2003/5, 2003.

113. Council of Europe, Committee of Ministers Recommendation CM/Rec(2009)10, Policy guidelines on integrated national strategies for the protection of children from violence, chapter 3.

Several States for which budget and funding information was lacking indicated that budget and the uncertainty regarding sustainability are causes of concern. In some cases, like Poland, Barnahus is seen as a single standing project in need of project funding, and funding does not come from any public national institution but rather from EU and UNICEF financial support. In such cases, sustainability may be hard to guarantee, and services risk being more fragile in their set-up. In Portugal, the pilot project “4 children”, which aimed to promote bilateral partnerships for the implementation of the Barnahus model to contribute to the protection of children and young victims, to the promotion of a more child-friendly justice and to the development of specialised intervention in sexual abuse cases, was implemented in 2021. However, since the project depended on an EEA grant which has now expired, the sustainability of the initiative is uncertain, and continuation currently depends on a pending new EEA grant application.

It is also noteworthy that, among the States that do not yet have Barnahus or Barnahus-type services in place, the biggest obstacle to establishing such services is that of securing sufficient budget.<sup>114</sup> Also for States with Barnahus and Barnahus-type services in place a significant number of States mentioned securing budget (25%) and guaranteeing sustainability (29%) among the main difficulties in setting up such services.

## b) Reach and target groups of Barnahus and Barnahus-type services

As mentioned above, half of the States with Barnahus and Barnahus-type services in place indicated that they manage to be present throughout the country and serve children nationwide. The remaining countries state that they currently serve children only in certain cities or regions. But who are the children falling within the scope of the Barnahus or Barnahus-type service, what is their situation and how are they referred and received?

### Target groups

The most frequent target group for these services are child victims of sexual violence. In 96% of the States with Barnahus or Barnahus-type services in place this is a group that is catered for, and all States with other MD/IA services serve children who are victims or witnesses of crime, including sexual violence.<sup>115</sup> The second most frequent target group is that of child victims of any form of violence, which 71% of States with Barnahus or Barnahus-type services in place work with. Survey respondents also confirmed this as a target group for all States with other MD/IA services. 19 States (68%) assist, within Barnahus or Barnahus-type services, children who are victims of trafficking in human beings, and States with other MD/IA also cover this group of children. In 54% of States with Barnahus or Barnahus-type services in place, children who are *suspected* of having suffered any of these forms of violence are also entitled to the same services, as part of a child protection case assessment and independent of whether or not any criminal proceedings are initiated.<sup>116</sup>

In addition to providing services to children, 68% of States with Barnahus or Barnahus-type services in place provides assistance to non-offending parents of children assisted by the same services, i.e. as long as the parents are not the ones accused or convicted of having caused the harm their children have suffered. 54% provides support also to other non-offending family members, such as siblings or grandparents. This also appears to be the case for most States with other MD/IA services in place, with survey respondents for 9 States indicating that services are available to non-offending family members. Child victims of neglect, or children who are victims of any form of criminal offences more broadly represent other, less frequently mentioned target groups within Barnahus and Barnahus-type services,<sup>117</sup> although they remain frequently mentioned within other MD/IA services.<sup>118</sup> This is indicative of the still largely dominating focus on sexual violence against children in the context of Barnahus, whereas other forms of violence, in particular neglect, may be granted less attention. At a broader level, this may correspond to the tendency to pay less attention to “negative” forms of violence, i.e. omissions, rather than to positive acts.<sup>119</sup>

114. Eight States indicated this as the main obstacle.

115. Eleven States indicated that they have MD/IA services in place. Two of the States are not part of the survey and are not accounted for in this section. The survey responses for nine States indicates that they have such services in place for victims and witnesses of crime, and all included sexual violence as a target group. N.B. Austria and Switzerland also indicated separately that they have MD/IA services in place.

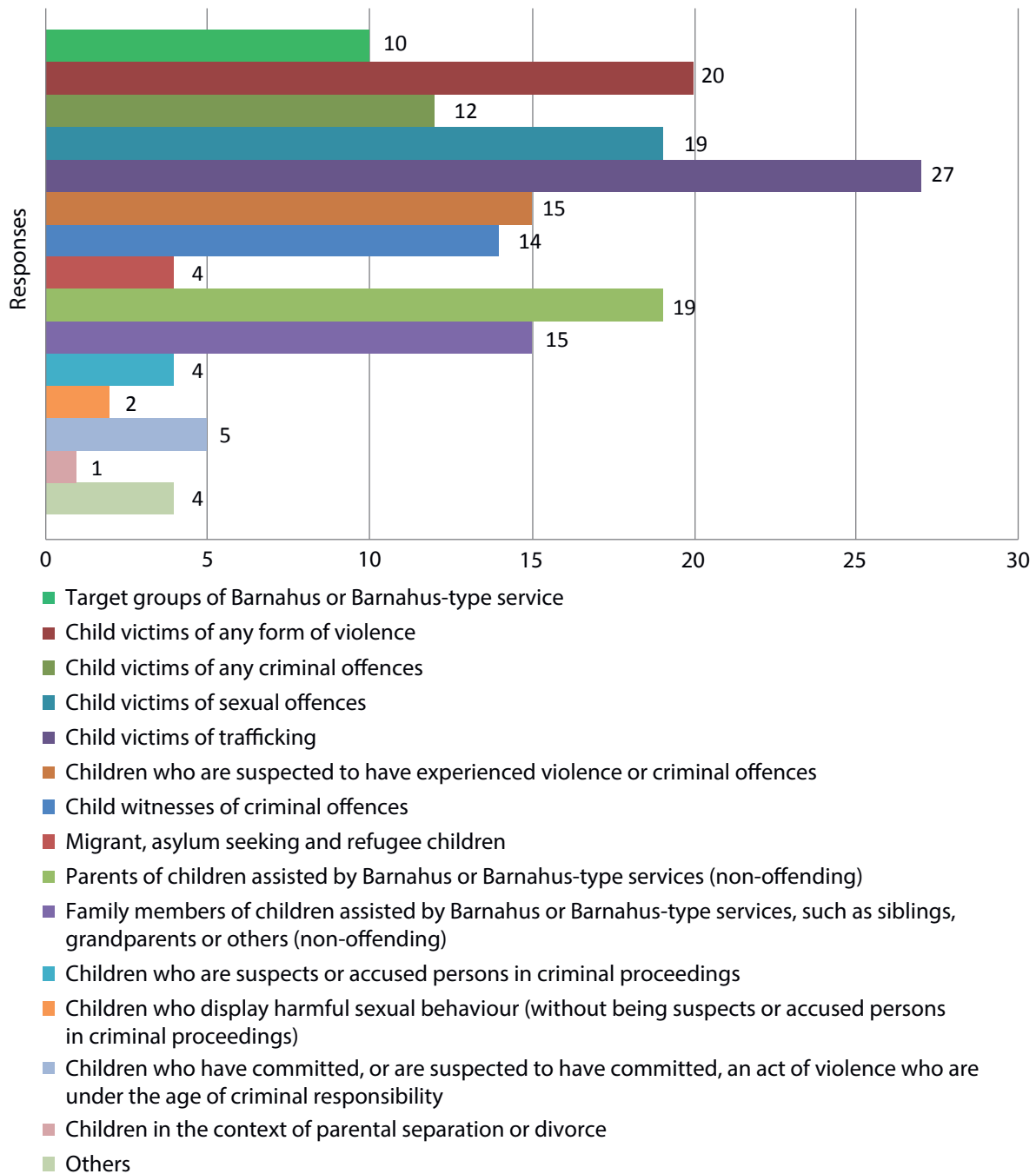
116. 15 States indicate that children suspected of having suffered violence can be referred to and receive assistance from Barnahus or Barnahus-type services.

117. Mentioned by 10 and 12 States respectively (out of 28 States with Barnahus or Barnahus-type services).

118. Mentioned by 11 and 12 States respectively (out of 18 respondents).

119. M. Stoltenborgh, M.J. Bakermans-Kranenburg, M.H. van IJzendoorn, “The neglect of child neglect: a meta-analytic review of the prevalence of neglect” in *Social psychiatry and psychiatric epidemiology*, 2013, Vol. 48(3), p 345-355.

**Figure 5: Target groups of Barnahus and Barnahus-type services**



N=28

Some States also provide Barnahus or Barnahus-type services to other groups of children than those classically referred to as “victims”. One of these groups are for instance children in migration contexts (migrant, asylum seeking and refugee children). Four States (Iceland, Slovenia, France and Slovak Republic) indicate this group as a target group for their services (14%). Such adaptations or extensions of Barnahus services may provide an important pathway to obtain the narrative and assess the needs for support of unaccompanied migrant children and asylum-seeking children, who often have suffered trauma,<sup>120</sup> and may in some cases be (undetected) victims of trafficking.

120. International Juvenile Justice Observatory, IJJO Interviews, “Bragi Guðbrandsson, Founder of the Barnahus Model, Member of the United Nations Committee on the Rights of the Child”, 14 April 2023.



Moreover, four States (Bulgaria, Hungary, Slovak Republic, Slovenia<sup>121</sup>) indicate children in conflict with the law as a target group. In specific cases, where it is deemed appropriate, children in conflict with the law can also be referred to Barnahus in Sweden.<sup>122</sup> This can be children who are suspects or accused persons in criminal proceedings, children who display harmful sexual behaviour (without being suspects or accused persons in criminal proceedings), or children who have committed, or are suspected to have committed, an act of violence who are under the age of criminal responsibility.

While these groups of children certainly have the same rights as all other children, working with very different target groups may present particular challenges. Children who act in violent ways or commit criminal offences often come from poor and/or marginalised families<sup>123</sup> and are often victims of different forms of violence or neglect themselves.<sup>124</sup> While needing protection and assistance, some of them may at the same time pose serious risks to other children and need particular interventions from specially trained professionals. Further, if the Barnahus facilities are the same for all children, it means that children in conflict with the law – such as children with harmful or risky sexual behaviour – may come into contact with child victims of sexual violence, exposing them to potential risks or making them feel unsafe. This does not mean that it is impossible or inappropriate to include a broader range of children as “target groups” for Barnahus and Barnahus-type services. It does mean, however, that specific considerations may need to be made in order to ensure that the professional expertise, quality standards and safety aspects of the services are fully upheld for all children referred there, taking into account their diverging situations and needs.

As stated by Bragi Guðbrandsson, “the child-friendly and multidisciplinary approach should be implemented [also] with regard to children in conflict with the law. The Council of Europe Guidelines on child-friendly justice contain principles that should be applied for children suspected of crime and these are the same principles as those of the Barnahus model [and] a child in conflict with the law has the same rights to quality services as any other child. However, I am not advocating that we should mix the two groups in the same facilities, as safety of vulnerable child victims is a priority.”<sup>125</sup>



#### EXAMPLE OF PRACTICE

In **Denmark**, the target group concerning children who display harmful sexual behaviour is offered support in separate institutions with a separate economy under the management of the Barnahus.

Lastly, Finland and Malta indicated that children in the context of parental separation or divorce also represent a target group for their Barnahus services. Again, given the very particular context of parental separation and child custody proceedings, in which there may be an increased risk of manipulation of the child, this type of services requires very specific expertise by the professionals working there. For example, co-operating with parents may prove more complicated in such cases. In that regard, it is interesting to note that for instance in the Slovak Republic, situations in which children are in the midst of parental conflict are excluded from Barnahus services, and instead other types of advice centres serve this particular target group.

In Finland, the police refer children involved in parental separation to Barnahus when physical or sexual abuse is suspected and when criminal investigations are initiated. In many of these cases (23- 30%) parents have been or are currently involved in a custody dispute. The parents often have severe mistrust against each other and communication between the parents is minimal or even absent, and the child is suffering in multiple ways. Barnahus does not provide any special measures or services in these cases, but the staff has received training on custody disputes and related themes, such as parental alienation behaviours or allegations.

121. For Slovenia, this is planned for the future, but is not yet the case.

122. Save the Children Sweden, *Gemensamma kriterier! Innehållet i ett Barnahus i tio punkter*, 2009.

123. F. Martin, and J. Parry-Williams, *The Right Not to Lose Hope: Children in Conflict with the Law - A Policy Analysis and Examples of Good Practice*, Save the Children, London, 2005.

124. Centre for youth and criminal justice, *The rights of children in conflict with the law*, 2020.

125. International Juvenile Justice Observatory, IJJO Interviews, “Bragi Guðbrandsson, Founder of the Barnahus Model, Member of the United Nations Committee on the Rights of the Child”, 14 April 2023. N.B. The quote has been slightly reformulated for the purpose of this Study.



## CHALLENGE

Barnahus and Barnahus-type services catering for a broader set of target groups than child victims of different forms of violence may be faced with additional challenges and require very specific expertise among their professionals.

One example of this is online sexual exploitation and abuse of children (OCSEA), where involved professionals may need specific understanding of online crime and possess IT skills, which are not necessarily the skills available among Barnahus professionals in general.

## Referrals to Barnahus or Barnahus-type services

■ The referral of a child victim to Barnahus or Barnahus-type services differs from country to country, and while some States indicate that all cases reported to the Social Welfare Services or Police are referred to Barnahus (Cyprus), others leave it to the discretion of specific officials or agencies to make a referral decision (Malta, France).

■ While 10 States guarantee a referral to Barnahus or Barnahus-type services for all children in the indicated target groups, some member States condition the referral to specific elements. Four States condition the referral to the initiation of a criminal investigation and/or judicial proceedings,<sup>126</sup> and six States limit referral to children in the indicated target groups who live in the area of reach of the Barnahus or Barnahus-type service.<sup>127</sup> In Denmark for example, it is the social welfare departments of the municipalities that refer children to the Barnahus. All children in the indicated target groups are guaranteed a referral on the condition that criminal investigations or proceedings are initiated, or in cases where the health care system is involved. For example, in Finland, the Police makes the referral to Barnahus.



## EXAMPLE OF PRACTICE

In **Estonia, Finland and France**, Barnahus or Barnahus-type services include mobile services that can travel around the country for better reach.

## Services provided within Barnahus or Barnahus-type services

■ The services provided within Barnahus and Barnahus-type services vary somewhat across States, but a key feature is the forensic interview, which is provided in 25 of the 28 States with Barnahus or Barnahus-type services in place (89%).<sup>128</sup> Beside the forensic interview, the most frequently provided services are: interagency and multidisciplinary case conference (23 States); crisis intervention assistance services for (non-offending) family members (23 States); crisis intervention assistance services for the child (22 States); and short-term psychological support and therapeutic services (22 States).

■ Interviews other than forensic interviews, for instance as part of a child protection case assessment (including exploratory interview) are provided by 21 States, and 20 States provide forensic medical examination aimed at securing evidence for administrative or judicial proceedings.

■ Ten States (36%) provide longer-term psychological support and therapeutic services for children, and five States even provide short-term accommodation for the child and a non-offending family member or support person for the duration of the examinations carried out at the Barnahus or Barnahus-type services.<sup>129</sup>



## EXAMPLE OF PRACTICE

In **Lithuania**, in addition to the regular services provided, the Barnahus also prepares recommendations for local specialists for further, long-term assistance and help for a child and his/her family.

126. Greece, Republic of Moldova, Norway, Slovak Republic.

127. Georgia, Greece, Ireland, Republic of Moldova, Sweden, Ukraine.

128. See section d) in this chapter for more information on the forensic interview.

129. Those five States are Hungary, Ireland, Lithuania, Norway and Ukraine.

## c) The professionals working with and for children

In the previous section b), the need for specific expertise of professionals working in Barnahus and Barnahus-type services was underscored. This raises the important questions as to who the professionals working in these services are, and if and how they are adequately trained.



### CHILD RIGHTS STANDARDS

#### UN Convention on the Rights of the Child, Article 42:

*"States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."*

#### Lanzarote Convention, Article 5:

*"1. Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.*

*2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1 [reporting of suspicion of sexual exploitation or sexual abuse].*

*3. Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children."*

## Training

Training and awareness of children's rights standards has its foundation in Article 42 of the UNCRC, and the CRC Committee has underscored that continuous and systematic training of professionals in the child justice system is crucial. Such professionals should be able to work in interdisciplinary teams, and should be well informed about the physical, psychological, mental and social development of children and adolescents, as well as about the special needs of the most marginalised children. All professionals involved should receive systematic and continuous multidisciplinary training that covers, but should not be limited to, information on the relevant national and international legal provisions.<sup>130</sup>

The Lanzarote Convention requires States Parties to raise awareness, train and screen persons who have regular contact with children about sexual exploitation and sexual abuse. This obligation is not limited to professionals working with children but also extends to persons who carry out activities in a voluntary capacity.<sup>131</sup> This obligation is particularly relevant if volunteers intervene in Barnahus or Barnahus type structures and includes education, health, social protection, judicial and law enforcement sectors as well as other areas such as sports, culture and leisure activities.

Moreover, the Council of Europe Guidelines for child-friendly justice set forth that *"All professionals working with and for children should receive necessary interdisciplinary training on the rights and needs of children of different age groups, and on proceedings that are adapted to them. Professionals having direct contact with children should also be trained in communicating with them at all ages and stages of development, and with children in situations of particular vulnerability."* (Chapter IV.A.4.)

Research has shown good examples of the impact of specialised children's rights training in furthering the implementation of the UNCRC, especially where this is directed at legal professionals. For instance, specific legal training for the legal profession and judiciary provided in Norway and Belgium has led to an increased citation of the UNCRC in the legal system.<sup>132</sup>

130. UN Committee on the Rights of the Child, General Comment No. 24 (2019) on children's rights in the child rights system, paragraphs 39 and 112.

131. [Explanatory Report](#) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS 201, Lanzarote 25.10.2007, paragraph 54.

132. U. Kilkelly, The UN convention on the rights of the child: incremental and transformative approaches to legal implementation, in: *The International Journal of Human Rights*, 2019.

Although training for professionals working with victims has increased considerably, this is less the case when it comes to trainings specifically focused on child victims.<sup>133</sup> According to the European Commission for the Efficiency of Justice (CEPEJ), progress would be necessary with regard to Article 36(1) of the Lanzarote Convention, according to which it should be ensured that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.<sup>134</sup>

As will be described in more detail in the section below relating to child interviews, the data collected for this Study show that, at least when it comes to the interviewing of child victims in Barnahus or Barnahus-type services, 20 States require professionals to have specific training to carry out the interview in a child-friendly manner. While this is a positive trend which should be lauded, the need for specialised training must be understood and acknowledged from a much broader perspective, encompassing all involved professional groups and not be limited to the child interview.



#### EXAMPLES OF PRACTICE

In **Greece**, it is considered very important that children and families facing matters of sexual abuse are treated in a child-friendly place by specialised professionals, providing substantial care for their psychological and social support.

In **Monaco**, article 46 of Law 1.382/2011 foresees mandatory training, both initial and continuous, for all professionals called upon to deal with violence, whether they belong to justice, to the police, the medical profession or that of social workers.<sup>135</sup> Also, the police investigators from the Minors and Social Protection Section regularly undergo training, particularly in interviewing techniques for child victims of sexual assault, and participate in so-called "immersion" courses in the French Police Services.

In **Germany**, the Independent Commissioner on Child Sexual Abuse (UBSKM) and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) convened the *National Council against Sexual Violence against Children and Adolescents* in 2019. Five working groups have been set up under the National Council to develop measures to help strengthen the fight against sexual violence and its consequences. In 2021-22, the working group on child-friendly justice developed practical guidelines for criminal and family law proceedings in order to make better use of the existing legal possibilities for child-friendly justice in practice and to enhance professional skills.

In **Austria**, psychosocial court assistants, as a rule and quality criterion, must be 'institutionally integrated' in a victim support organisation, thus, no freelance or self-employed psychosocial court assistance may be offered. In order to become a psychosocial court assistant for child victims, an adequate profession of origin (psychologist, sociologist, psychotherapist, etc.) is required, and professionals must pass a nine-day compulsory training for child victims. In addition, an on-the-job-training at the assistant's victim support organisation must be completed. The Federal Ministry of Justice, in co-operation with the Federal Chancellery, provide the nine-day compulsory training, whilst the victim support organisations organise the accompanying on-the-job-training of their employees.

In some countries, difficulties persist with regard to the training of professionals beyond their general academic or vocational training, but attempts are made to ensure at least some specialised training for professionals interviewing child victims. It is noteworthy that some survey respondents focused (almost) exclusively on professional training in relation to interviews (this is addressed in more detail in the section below on child interviews) and provided little or no information regarding special training for other professionals working with child victims and witnesses. This may be indicative of a potential gap in specialised training for child protection professionals more broadly. It is crucial to consider training from a broader perspective and acknowledge the need for each person working in or with Barnahus, Barnahus-type services or other MD/IA services catering to child victims and witnesses to receive specialised training on child-friendly and trauma-informed work methods and approaches.

133. Council of Europe, [European judicial systems CEPEJ Evaluation Report](#), 2020-22.

134. *Ibid.*

135. Available at: <https://journaldemonaco.gouv.mc/Journaux/2011/Journal-8027/Loi-n-1.382-du-20-juillet-2011-relative-a-la-prevention-et-a-la-repression-des-violences-particulieres>



## IN THE MAKING

In **North Macedonia**, a process has been underway since 2022 to develop the Barnahus model, but there is currently no legal requirement for specific training on interviewing children, and judges, prosecutors, and police officers are not systematically trained on how to interview children who are victims or witnesses of crime. Nevertheless, the Justice for Children Law (J4C Law) states that courts, public prosecutors, and police officers should have appropriate education and have special knowledge of children's rights and experience in the field of criminal protection of children. The J4C Law also states that a lawyer who provides legal aid to a child victim/witness of crime should have received specialised training in child justice.

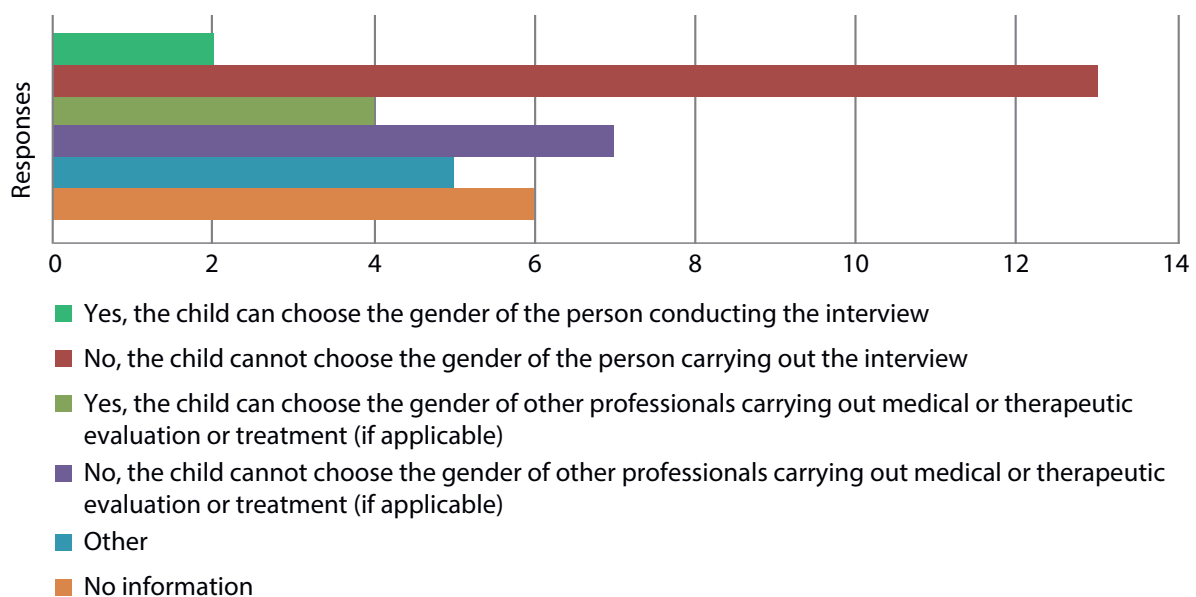
## Gender

One important issue that has come to the forefront in recent years is that of gender – both in terms of gender equality and of the importance of gender when working with child victims of violence and abuse. It has been argued that for the child to be allowed to choose the gender of the professionals working with them, in particular those conducting medical examinations, interviews, or therapeutic interventions would be an important element to reduce the risk of secondary victimisation.

The question may be raised as to whether it is important to child victims that the gender of the professional corresponds with their own gender, or whether it is more important that the gender of the professional differs from that of the (alleged) offender. While research may not yet have answered this question with sufficient clarity, there are some indications that girl victims of sexual abuse and exploitation find it important to be interviewed by female professionals.<sup>136</sup>

The data collected for this Study show that, among the Council of Europe member States, it is not common to let child victims who are received by Barnahus or Barnahus-type services choose the gender of the examining or interviewing professionals. Some States argue that their professionals in Barnahus or Barnahus-type services are all female, and that gender can therefore not be chosen (Iceland, Ireland, Comunidad Valenciana in Spain). Others argue that when it comes to police officers, they should be of the same gender as the child they are interacting with (Cyprus), while others indicate that (financial or human) resources are insufficient to guarantee this option (Montenegro, Norway, Slovak Republic).

**Figure 6: Is it possible for the child to choose the gender of the professionals conducting the interview, medical or other examinations, as applicable?**



N=27

<sup>136</sup>. See for instance ECPAT, INTERPOL and UNICEF, *Disrupting Harm in Uganda: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence against Children, 2021. P. 82.

Only two countries allow the child to choose the gender of the interviewing professional,<sup>137</sup> and four allow the child to choose the gender of professionals carrying out medical examinations or therapeutic interventions.<sup>138</sup> Nevertheless, even where this option is available, it is rarely if ever established formally. It is rather an internal decision by the relevant services to take into account the gender as part of the assessment of the best interests of the child (Republic of Moldova), or to attempt to match the child's and the professional's gender (Lithuania).

In States that do not have Barnahus or Barnahus-type services in place, two States indicated that measures have been taken to ensure that children can choose the gender of the person interviewing them (Luxembourg and North Macedonia).



#### IN THE MAKING

In **Lithuania** and the **Republic of Moldova**, even if it is not a formal requirement, children can choose the gender of the professionals conducting the interview, medical or other examinations.

In **Greece**, the possibility of choosing the gender of the interviewing professional is provided for by the law. Nevertheless, due to all employed psychologists conducting forensic interviews currently being females, this is not guaranteed in practice.

In **Scotland**, as part of the new Scottish Child Interview Model, attempts are made to offer some choice in gender, particularly in cases of sexual abuse. This is not always possible as interview teams are small teams, however it is being considered with work progressing to maximise options.

Lastly, some countries point out that professionals are not employed based on their gender, but rather on their level of expertise (Bulgaria, Hungary), and that gender is rarely a problem (Finland).

#### d) Child interviews

*"One of the defining characteristics of the Barnahus model is that the forensic interview can be carried out under conditions which meet the requirements of the principle of due process. This can be implemented by an arrangement that provides an opportunity for the defence to contest the child's narrative by submitting questions to the child via the forensic interviewer. This takes place without delay during the pre-trial stage. The child's disclosure as well as the cross examination is audio-visually recorded and can be submitted as evidence in the court hearing should the accused person be prosecuted. The benefits include heightened evidentiary validity of the child's narrative as well as the avoidance of further trauma to the child victim due to the long and exhaustive waiting and cross examinations in the court hearings."*

Bragi Guðbrandsson, 2023.

In all proceedings involving children, the child has a right to express his or her views freely and to have them given due weight. Where children are involved in proceedings as victims of crime, the child's statement is an important piece of evidence and, therefore, its accuracy and probative value are of particular importance.

The conditions under which children testify in court, however, are rarely child-friendly. The formal context and language, the environment and the demeanour of officials and professionals in the justice system can be intimidating for a child. Given the child's young age, trauma or other harm suffered as a result of the criminal offence, child-sensitive and evidence-based approaches are essential to enable the child to make an accurate and reliable statement.

A defence lawyer may attempt to convince the court of the reduced credibility of a child's testimony, a strategy that can easily succeed if the method used to elicit the child's statement was not appropriate to the child's age and level of development. Evidence shows, however, that children are generally able to remember events and emotions they have experienced, to express their memories, and to make accurate and reliable statements in legal proceedings; even young children and children who have suffered trauma, as long as favourable conditions are in place to support them (see Box 3).

Research findings further show that the child's willingness and ability to disclose what he or she remembers and to make an accurate and reliable statement depend on several factors, in particular:

- ▶ the child's age, level of maturity and evolving capacities;
- ▶ the child's experiences and any traumatic stress;
- ▶ the interviewer's preparedness and qualification to assess the child's evolving capacities and needs, and to adapt the style of the interview accordingly;

137. Lithuania and Republic of Moldova.

138. Cyprus, Lithuania, Republic of Moldova, and Norway.

- ▶ the availability of appropriate support for the child before, during and after the hearing;
- ▶ the use of an evidence-based interviewing protocol; and
- ▶ *a trusting working relation between the interviewer and the child and a child-friendly environment for the hearing.*<sup>139</sup>



## CHILD RIGHTS STANDARDS

### UN Convention on the Rights of the Child:

#### Article 12 – Right to be heard

*“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”*

### Lanzarote Convention:

#### Article 31, 1 c – General measures of protection

*“1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by: [...]*

*c) enabling them, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and to choose the means of having their views, needs and concerns presented, directly or through an intermediary, and considered;”*

#### Article 35 – Interviews with the child

*“1. Each Party shall take the necessary legislative or other measures to ensure that:*

*a) interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;*

*b) interviews with the child take place, where necessary, in premises designed or adapted for this purpose;*

*c) interviews with the child are carried out by professionals trained for this purpose;*

*d) the same persons, if possible and where appropriate, conduct all interviews with the child;*

*e) the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings; f) the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.*

*2. Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings, according to the rules provided by its internal law.*

*3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures established in paragraphs 1 and 2 shall be applied pending verification of his or her age.”*



## IN THE MAKING

In Las Palmas de Gran Canaria, **Spain**, a pilot court specialised on violence against children was established in 2021. This court has child-friendly premises, including interview rooms, and specialised protocols for legal professionals dealing with child victims are in place. Child-friendly

139. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231. Lamb, Brown, D.A., Hershkowitz, I., Orbach, Y., Esplin, P.W., *Tell me what happened : questioning children about abuse*, 2018.

and age-appropriate materials for child victims going to court are available. This pilot experience was set up following the adoption of Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence, which foresees the establishment of specialised judicial bodies for the investigation and prosecution of criminal cases involving child victims of crime and the specialisation of prosecutors in the area of violence against children.

**Box 3: The evolving capacities of child victims and witnesses of crime to make accurate and reliable statements in criminal proceedings**

Empirical research<sup>140</sup> has generated a solid body of evidence of children's ability to make accurate and reliable statements in proceedings concerning them. It shows that children are able to remember events and emotions and accurately recount their experiences from a young age. A child's ability to remember details, to recount their memories in free recall, and to resist leading or suggestive questions by an interviewer evolves considerably with age.

From the age of three, children are generally able to provide information about something they experienced. At this young age, however, the child's ability to share information in free narrative and in response to open-ended questions is still limited. From the age of five to six years, children are usually better able to respond to open-ended questions and share information in free recall.

Younger children are more susceptible to the way questions are phrased and are more likely than older children to respond incorrectly to leading and suggestive questions or when asked to choose between different options. Interviewers who are trained and experienced in the use of free recall questions and prompts are nevertheless able to elicit accurate responses from pre-school and young school-aged children. When interviewing young children, it is therefore particularly important that forensic interviewers have special training, skills and expertise to ensure the best possibilities for the child to make an accurate and reliable statement.

Stress and traumatic experiences have an impact on memory. The brain typically associates traumatic events with the emotions of the moment and stores these associations at a subconscious level. After the traumatic event, memories of it may be triggered by fragments of events, sensations or emotions similar to those experienced during the traumatic event. The stress associated with memories of traumatic events can make it difficult for the child to remember and to find the right words to express what he or she remembers. Chronic stress or prolonged exposure to traumatic stress is also likely to have a longer-term impact on the child's memory. While children react differently to stress and trauma, their personal resilience and the level of support they receive influence their ability to cope and to remember events. Providing a child-friendly, safe and reassuring space for the child interview, reducing stress and avoiding any direct or indirect exposure to the suspect or accused person is therefore essential to prevent secondary victimisation or re-traumatisation of the child in the course of the investigations and proceedings, and to support the child in recalling stressful or even traumatising events during the interview.<sup>141</sup>

The research shows that child-sensitive and evidence-based methods support professionals in communicating with and interviewing children. These methods take into account the child's age and evolving capacities and level of maturity, and reduce the risk for the interviewer to influence the accuracy and reliability of the child's statement through his or her demeanour or the way questions are phrased.<sup>142</sup>

140. For a summary and further references of research findings summarised in this box, see: Hershkowitz, Irit, Lamb, M.E., Orbach, Y., Katz, C., The Development of Communicative and Narrative Skills Among Preschoolers: Lessons from forensic interviews about child abuse, *Child Development*, December 2011, 83(2): 611-22. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231. Wenke, D., *Listen Up! Creating conditions for children to speak and be heard, Professional communication with children at risk of exploitation and trafficking – experiences and lessons learned from the Baltic Sea Region*, Council of the Baltic Sea States, 2019.

141. United Nations Children's Fund, *Let's Talk, Developing effective communication with child victims of abuse and human trafficking*, Practical handbook for social workers, police and other professionals, UNMIK, Government of Kosovo, Ministry of Labour and Social Welfare, by Barbara Mitchels, September 2004, p. 13, 18.

142. Hershkowitz, I., Lamb, M.E., Orbach, Y., Katz, C., The Development of Communicative and Narrative Skills Among Preschoolers: Lessons from forensic interviews about child abuse, *Child Development*, December 2011, 83(2): 611-22. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231.



## Professionals conducting the child interview

■ In Barnahus and Barnahus-type services operating in Council of Europe member States, the child interview is carried out by a range of professionals (see Figure 7). Child psychologists, professional forensic interviewers employed exclusively for conducting interviews, police officers and social or child protection workers stand out as the professionals most frequently indicated. In 13 member States (of 27 survey responses to this question), professional interviewers are employed exclusively for conducting child interviews.<sup>143</sup>

■ In 12 countries,<sup>144</sup> police officers lead the interview and are typically part of a specific law enforcement body, require specific training, or work in a team with other professionals such as social workers or child psychologists. In countries where the judge is conducting the interview, the judge is mentioned alongside other professions such as police officers, child psychologists or social workers participating in the interview (Germany, Malta, Romania).



### EXAMPLES OF PRACTICE

In **Finland**, forensic psychologists specialised in child interviewing carry out the forensic interview in Barnahus.

In **Armenia**, investigators conducting the child interview are part of a separate law enforcement body, whereas in **Cyprus**, forensic interviewers are police officers of a special team in the Police Headquarters. Also in **Norway**, child interviews are carried out by special interviewers of the police.

In **Ireland**, all the Specialist Interviewers employed for conducting the child interview in Barnahus are forensic interviewers trained to interview children in accordance with a Good Practice Guidance, which includes an interview protocol for police. Barnahus West aims at establishing, wherever possible, a joint interview of the child by a police officer and a social worker as a standard approach, as set out in the Criminal Evidence Act (1992) Section 16(1) (b). As Ireland reported a shortage of child interviewers, joint specialist interviewing training is provided in 2023 as a key priority.

Joint investigative interviewing of children by a police officer and a social worker is envisaged also in **Scotland**, where Barnahus is being established. In 2017, the National Joint Investigative Interviewing Project started to develop a model approach for the Scottish context, based on professional experience and research carried out since 2011. The project aimed to strengthen the child interview practice by providing non-suggestive social support to the child during the interview and to develop a rights-based and trauma-informed child interviewing model based on the NICHD protocol. Social support is understood as a “form of social interaction or communication that fosters a feeling of well-being”, in particular by applying principles of trauma-informed action during the interview – safety, choice, collaboration, trust and empowerment. This approach helps professionals to respond to the child’s needs, reduce stress and support the child in managing emotions and remaining able to engage throughout the interview. As outcome of this process, the Scottish Child Interview Model for Joint Investigative Interviews was adopted, “a five-component model of practice which is trauma-informed and aims to minimise the risk of further traumatisation, while seeking to achieve best evidence through improved planning and interview techniques”.<sup>145</sup>

■ In member States that do not have Barnahus or Barnahus-type services, the survey responses indicate a high number and diversity of professionals in charge of the child interview (see Figure 7). In some of these countries, the child interview is conducted by a specially trained professional forensic interviewer or arrangements have been made to ensure a child psychologist, educator or other professional trained specifically for working with children is present when a police officer or prosecutor interviews a child victim of crime.

143. Andorra, Cyprus, Denmark, Finland, Hungary, Ireland, Latvia, Malta, Netherlands, Republic of Moldova, Romania, Slovenia and Spain.

144. Cyprus, Czech Republic, Estonia, France, Georgia, Germany, Iceland, Ireland, Netherlands, Romania, Slovenia, Sweden.

145. Frier, C., Ingram, J., Nicol, L., *Joint investigative interviewing in Scotland, Provision of non-suggestive social support*, Iriss, Social Work Scotland, 2022, see in particular pp. 4, 6-7, 8.

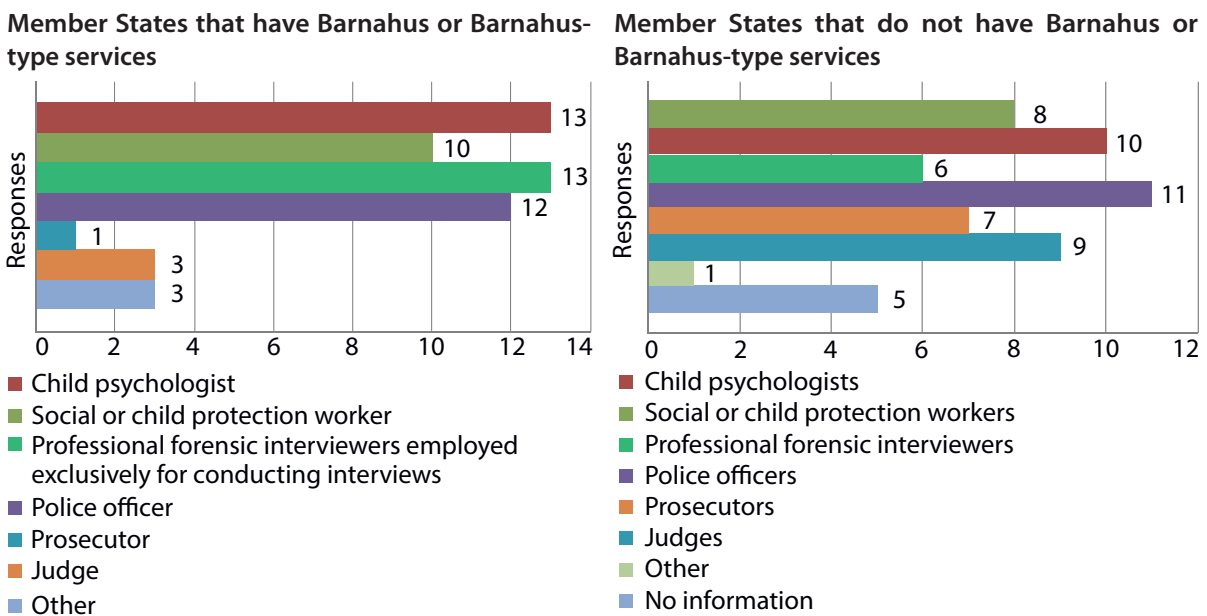


## EXAMPLES OF PRACTICE

In **Montenegro**, the interview is conducted by a professional interviewer who is a member of a special service under the State Prosecutor's Office. The prosecutor is overall in charge of the child interview but does not lead it personally. The prosecutor watches the interview from an adjacent room and communicates with the interviewer who is in the same room with the child and wearing a headset.

In **Belgium**, the Penal Code and Code of Criminal Procedure have been amended in 2000 and 2011 to standardise the audio-visual recording of the child interview in criminal cases of child victims or witnesses of sexual violence by adults in a relationship of authority. The practice is further regulated by a joint Circular of the Minister of Justice, the Minister of the Interior and the College of Public Prosecutors relating to the audio-visual recording of the hearing of children and vulnerable adults who are victims or witnesses of crime.<sup>146</sup> Depending on the stage of the proceedings, the video-recorded hearing is conducted by a magistrate of the Public Prosecutor's Office, the investigating judge or a specially trained police officer. While the law allows a magistrate to conduct a video-recorded hearing, it is recommended that the hearing be conducted by a police officer with relevant training.

**Figure 7: Professionals conducting the child interview**



N=26 / N=17<sup>147</sup>

The comparison of responses from member States that have Barnahus or Barnahus-type services and those where such services are not in place shows clearly a more prominent role of prosecutors, judges and police officers in the interview of child victims and witnesses of violence or criminal offences where Barnahus or Barnahus-type services are not in place. It also indicates a much stronger variation of practice in those countries.

Although the data gathered for this mapping study do not allow for an in-depth comparison, the data sample suggests that the presence of Barnahus or Barnahus-type services may lead to a clearer regulation of which professionals conduct child interviews and a stronger role for professional interviewers employed exclusively for child interviewing. This may be associated with a higher degree of standardisation of the child interview process. Nonetheless, the data from member States that do not have Barnahus or Barnahus-type services show that the presence of these services is not a precondition for countries to put in place specific regulations and practices for child interviews.

146. Collège des procureurs généraux [College of General Prosecutors], *Circulaire N° 03/2021 du Collège des Procureurs Généraux près les Cours d'Appel* [Circular No. 03/202 of the College of General Prosecutors of the Courts of Appeal], Brussels, 29 November 2022.

147. Countries that have Barnahus: The response "this differs from Barnahus to Barnahus" has not been ticked by any country but the individual responses indicate that there must be differentiation. Due to some biases and apparent inaccuracies of some data, the figure shows a slight over-representation of professionals in countries having Barnahus services in place.

## Specific training of professional child interviewers

■ In the vast majority of member States where Barnahus or Barnahus-type services are in place, professionals conducting the child interview require specific training for this task (81%, see Figure 8).<sup>148</sup> Where training is required, it appears to apply consistently throughout a country, as no regional differences were reported. In four member States, it is sufficient for professionals conducting the child interview to be trained as part of their general academic or vocational training (Armenia, Czech Republic, Poland, Ukraine).

■ Where training is not yet established as part of national systems because relevant reforms and the journey towards Barnahus have been initiated only recently, initial training is provided as part of projects, such as in the framework of Council of Europe country-specific projects, the PROMISE project co-ordinated by the Council of the Baltic Sea States<sup>149</sup> or, as in Latvia, a Norway Grants-funded project. Project-based training can be useful to gain experience while training requirements are developed and standardised in the context of establishing Barnahus or Barnahus-type services and in connection with standards for accreditation and licensing.

■ In some countries, the development phase of Barnahus is used to apply different training methods and tools, such as the avatar-based forensic interview training, developed by the Linnaeus University in Sweden and promoted internationally through the PROMISE project.<sup>150</sup> In Armenia, for instance, this method was used in a national training programme on forensic child interviewing in the process of setting up Barnahus.



### EXAMPLES OF PRACTICE

In **Finland**, child interviewers must undergo a special one-year training programme. The interview training is provided as a joint training of forensic psychologists and police officers interviewing children. It covers the interviewing protocols in use and numerous other topics, and includes supervision and feedback. Finland reports to have benefited strongly from the close co-operation between academia and the Barnahus-units in ensuring training of the professional interviewers.

In **Germany**, official training programmes on child interviewing are offered by the police and judges' academies. The Childhood-Haus staff and the country-wide Childhood-Haus Network of Barnahus-services also offer training and seminars for officials and professionals in law enforcement, judiciary, medical and health care services and psychology.

In **Ireland**, a training gap analysis was conducted in the context of the Joint EU-Council of Europe project to support the implementation of Barnahus. In view of the joint interviewing approach of police officers and social workers, the training is organised as a joined-up interdisciplinary programme. After a three-year pause, the training is provided again as of 2023 and involves 12 staff each of Tusla, the Child and Family Agency, and An Garda Síochána, Ireland's National Police and Security Services.

In **Norway**, the police officers performing the interview must have special training from the Police Academy and only certified officers are admitted as child interviewers. There are different levels of specialisation relating to age groups of children, as well as adults with mental disabilities.

In **Ukraine**, a specific certification or licensing scheme for psychologists involved in child interviews is not yet in place. While this is pending, the Interagency Council on Child-Friendly Justice has set up a roster of psychologists who are officially recommended as qualified for this task, which serves as a *de facto* accreditation mechanism.

In **Georgia**, the police investigators from the Juvenile Department are being trained on using the NICHD protocol in child interviews.<sup>151</sup> Since the number of trained investigators is not yet sufficient to take on all interviews of children, there is currently a prioritisation of cases involving sexual violence against children.

In the **Republic of Moldova**, the National Criminal Procedure Code sets out the requirements for professionals conducting child interviews. As a minimum, they need to have academic training in law or psychology and specific training for this task (art. 6 point 19/1).

148. 22 of 27 responses indicated that special training is required in all cases (Andorra, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Lithuania, Malta, Republic of Moldova, Netherlands, Norway, Romania, Spain), whereas 3 respondents indicated that special training is required in certain cases (Georgia, Slovenia, Sweden).

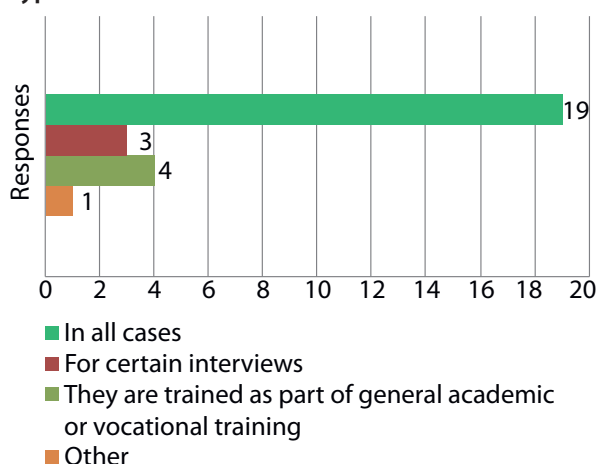
149. Council of the Baltic Sea States, PROMISE, <https://cbss.org/projects-cbss/promise/>.

150. See: PROMISE Barnahus Network, Forensic interview with avatar practice, 2021, <https://www.barnahus.eu/en/courses-support/forensic-interview-with-avatar-practice/>.

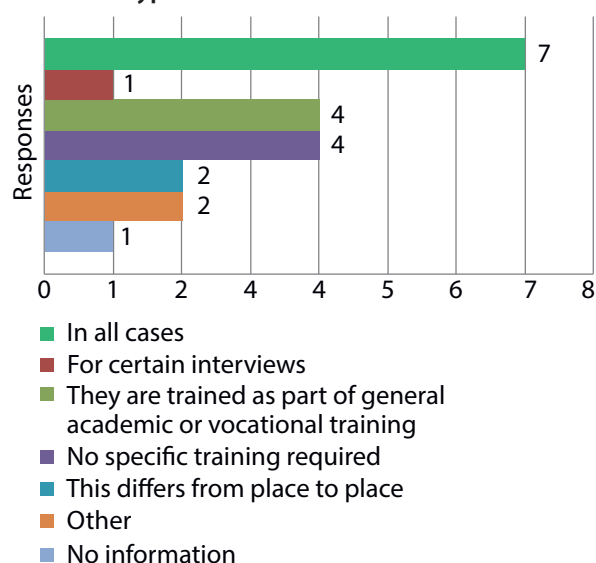
151. National Institute of Child Health and Human Development (NICHD), see Box 2.

**Figure 8: Training of professionals who interview child victims or witnesses of violence and criminal offences**

**Member States that have Barnahus or Barnahus-type services**



**Member States that do not have Barnahus or Barnahus-type services**



N=27 / N=16

Of the member States where Barnahus or Barnahus-type services are not in place, seven countries require specific training of professionals interviewing child victims or witnesses in all cases or in specific interview situations.<sup>152</sup> With 50% of all responses, this rate is lower than in countries that have Barnahus or Barnahus-type services (81%). In four of the countries that do not have Barnahus or Barnahus-type services, no specific child interview training is required; it may nonetheless be provided for officials and professionals working in this field.<sup>153</sup>



**EXAMPLES OF PRACTICE**

In **Monaco**, the law provides for regular training of professionals who are handling cases of violence in their work portfolio, in particular magistrates, health care professionals and criminal investigation police officers.<sup>154</sup> The police investigators of the Minors and Social Protection Section undergo regular training, particularly in techniques for interviewing child victims of sexual assault, as well as the so-called “immersion” courses in the French Police Services, a practice of cross-border joint training of law enforcement services.<sup>155</sup>

In **Liechtenstein**, children who are victims of sexual offences are interviewed by specially trained investigators of the National Police and/or by an expert appointed by the competent judge.<sup>156</sup>

In **Portugal**, the National Commission for the Promotion of the Rights and the Protection of Children and Young People developed practical guidance and training programmes for professionals hearing and interviewing children in contact with the justice system, as part of the EU co-funded project “Project 12 – Justice for Children”. The National Commission implemented the project in partnership with the University Institute of Lisbon (ISCTE) and Logframe and based all activities on the UNCRC and the Council of Europe Guidelines on child-friendly justice.<sup>157</sup>

152. Special training is required in all cases in Belgium, Croatia, Liechtenstein, Luxembourg, Monaco, Türkiye, and United Kingdom; while special training is required in certain cases in Albania (all cases involving child victims or witnesses of violence).

153. Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia.

154. Monaco, *Law No. 1.382 of 20 July 2011* on the prevention and punishment of specific forms of violence, Article 46.

155. Council of Europe, *Convention de Lanzarote, Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels, Réponses au questionnaire : aperçu général, Principauté de Monaco [Lanzarote Convention, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Replies to the questionnaire: general overview, Principality of Monaco], T-ES(2014)GEN-MC*, 2014, p. 57.

156. Liechtenstein, Criminal Procedure Code (StPO) § 115a(2). Liechtenstein, *Replies to the General Overview Questionnaire on the Implementation of the Lanzarote Convention, Report pursuant to Article 41 of the Council of Europe Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Vaduz, 6 September 2016, [RA 2016-1148](#), p. 44.

157. Portugal, Project 12, Justice for Children, <https://projeto12.pt>.

■ The data suggest that the presence of Barnahus or Barnahus-type services has a significant impact on making training more systematic and a requirement for interviewing child victims and witnesses in criminal proceedings. Nonetheless, the data from member States that do not have Barnahus or Barnahus-type services show that the presence of these services is not a precondition for countries to regulate training requirements for professional interviewers of child victims and witnesses.

## Evidence-based interview protocols

■ The use of an evidence-based interviewing protocol is essential to guarantee a high evidentiary and probative value of the child's statement, which is demonstrably free from undue influence by the interviewer (see Box 4). Professional interviewers in Barnahus work with such protocols and they are used also to some extent in countries where Barnahus or Barnahus-type services are not in place.

### Box 4: Benefits of evidence-based interview protocols

Research into the quality of child interviews in criminal proceedings revealed that children's statements were often of a rather low probative value, especially where interviewers were insufficiently trained and influenced the child's statement by asking leading or suggestive questions or communicating with the child in a manner that was not appropriate to the child's age and level of maturity. Even where professionals had undergone special training, research showed that they often had difficulties applying the acquired knowledge in their day-to-day work. The mere participation in training itself did not lead to a significant impact on the communication and interviewing practice of professionals and, therefore, on the accuracy and probative value of children's statements.<sup>158</sup>

In view of these findings, evidence-based interview protocols were developed for professionals to better support children in recounting their experiences and memories in an interview situation, and making accurate and reliable statements. These protocols are based on principles and rules for the child interview, which are informed by research; research has also demonstrated that the use of evidence-based interview protocols indeed does improve the quality of the child interview as it enables the interviewer to create supportive conditions for a child to make a statement with high probative value.<sup>159</sup> The protocols developed by the National Institute of Child Health and Human Development (NICHD) and the National Children's Advocacy Centre (NCAC) in the United States are used widely, also in Europe.<sup>160</sup>

The NICHD protocol was developed by a multidisciplinary team taking into account research on children's memory, their evolving linguistic and communication capabilities, social knowledge, suggestibility, the effects of stress and trauma, forensic needs, as well as the behaviour and communication of the interviewer.<sup>161</sup> Research has clearly evidenced the effectiveness of the NICHD protocol in improving the quality of forensic interviews with children.<sup>162</sup>

The protocol guides the interviewer in structuring the child interview in three main phases: the introduction, the narrative phase and the closure. The introduction phase serves to introduce the interviewer and child, to create a trusted working relation and to build rapport; during the narrative phase, the child recounts substantial issues and shares his or her memories and provides relevant evidence for criminal proceedings; the closing phase aims at summing up and returning to a neutral topic and at discussing a safety

158. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231.

159. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231. Ball, E., Ball, J., La Rooy, D., *The National Institute of Child Health and Human Development (NICHD) Protocol, Interview guide*, 2017.

160. NICHD Protocol, International Evidence-Based Investigative Interviewing of Children, <http://nichdprotocol.com/>. Ball, E., Ball, J., La Rooy, D., *The National Institute of Child Health and Human Development (NICHD) Protocol, Interview guide*, 2017. Also the NCAC protocol is widely used: National Children's Advocacy Centre, *The National Children's Advocacy Centre's Child Forensic Interview Structure*, 2019.

161. NICHD Protocol, International Evidence-Based Investigative Interviewing of Children, <http://nichdprotocol.com/>. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231.

162. Benia, L.R., Hauck-Filho, N., Dillenburg, M., Milnitsky Stein L., The NICHD Investigative Interview Protocol: a meta-analytic review, *Journal of Child Sexual Abuse*, 2015, 24(3), pp. 259-79.

plan with the child. The NICHD protocol gives examples of questions for each of these phases and guides the interviewer in using open-ended and non-leading questions, free-recall prompts and techniques for obtaining accurate and reliable information from the child with sufficient level of detail to be used as evidence in legal proceedings.<sup>163</sup>

The protocol is used also in interviewing children with special needs. An analysis of forensic interviews with children with intellectual disabilities, for instance, confirmed that the protocol enabled interviewers to obtain valuable forensic evidence from them and thereby supported the children's participation in criminal investigations or acting as witnesses.<sup>164</sup>

Although developed primarily for investigative and forensic interviews with child victims of crime, the value of evidence-based interview protocols has been recognised in other contexts where decision makers need to have sensitive conversations with children and hear a child's views in the context of legal proceedings or service provision, including in family law and child care proceedings, as well as immigration and asylum proceedings.<sup>165</sup> The protocol is available in the public domain, can be used free of charge, and has been translated into many languages.

■ In 50% of member States that have Barnahus or Barnahus-type services (13 out of 26 survey responses), an evidence-based interviewing protocol is used in every case when a child is interviewed in these services. Survey responses indicate that the NICHD protocol and the NCAC protocol are both used (seven and five countries respectively), and that other, national protocols are also in use (Denmark, Ireland). In some countries, the practice differs between the services operating in the country (Bulgaria, France, Spain).<sup>166</sup> (see Figure 9)



#### EXAMPLES OF PRACTICE

Some member States have developed national guidelines on interviewing children or adapted the international protocols to the national context. **Latvia** and **Slovenia**, for instance, reported that adaptation was important to align the international protocol with relevant terminology, including key concepts of the national criminal procedure laws, and local communication culture.

In **Latvia**, the adaptation process was led by experienced professionals and consisted in two steps, first the translation by specialised interpreters, followed by a substantive and linguistic review by a multidisciplinary team of professionals, including a legal psychologist of the State police with expertise in interviewing children, court experts, forensic and clinical psychologists, and police investigation specialists. Professional interviewers are trained in using the adapted protocol.

As part of the Council of Europe - EU joint project "Supporting the implementation of Barnahus in Slovenia", the Slovenian Police translated and adapted the NICHD Protocol to the national context with support from national and international experts and the Council of Europe. In a first step, two national experts, a prosecutor specialised on children's rights and a specialised clinical psychologist, reviewed and adapted the protocol. It was then translated to English and reviewed by an expert from the Icelandic Government Agency for Child Protection. The revised protocol was translated back to Slovenian and proofread one more time by the Slovenian Police. A training of trainers on forensic interviewing was organised in Ljubljana in April 2022 for professionals who had already received training under the PROMISE 3 project in Slovenia. An expert from the National Children's Advocacy Centre in the United States developed training of trainers materials based on the protocol and the Slovenian context, and delivered a three day training to 10 police officers in Slovenia.<sup>167</sup>

163. Lamb, Michael E., Orbach, Y., Hershkowitz, I., Esplin, P.W., Horowitz, D., A structured forensic interview protocol improves the quality and informativeness of investigative interviews with children: a review of research using the NICHD Investigative Interview Protocol, *Child Abuse and Neglect*, Vol. 31, Issue 11-12, November – December 2007, pp. 1201-1231.

164. Hershkowitz, I., NICHD-protocol investigations of individuals with intellectual disability: a descriptive analysis, *Psychology, Public Policy, and Law*, 2018, 24(3), pp. 393-403.

165. Wenke, D., *Service Providers as Champions for Non-Violent Childhoods*, Service provision for children and parents to end corporal punishment, Non-Violent Childhoods Project, Council of the Baltic Sea States, 2018.

166. The NICHD Protocol is in use in Bulgaria, Finland, Lithuania, Republic of Moldova, Romania, Slovenia, Sweden. The NCAC Protocol is in use in Cyprus, Greece, Iceland, Malta and Republic of Moldova. Note that the Republic of Moldova indicated that both protocols are in use in the country, the total number of countries where an evidence-based interviewing protocol is used is therefore 13. Other protocols are in use in Denmark and Ireland. In Bulgaria, France and Spain, the interview protocol in use differs between different services present in the country.

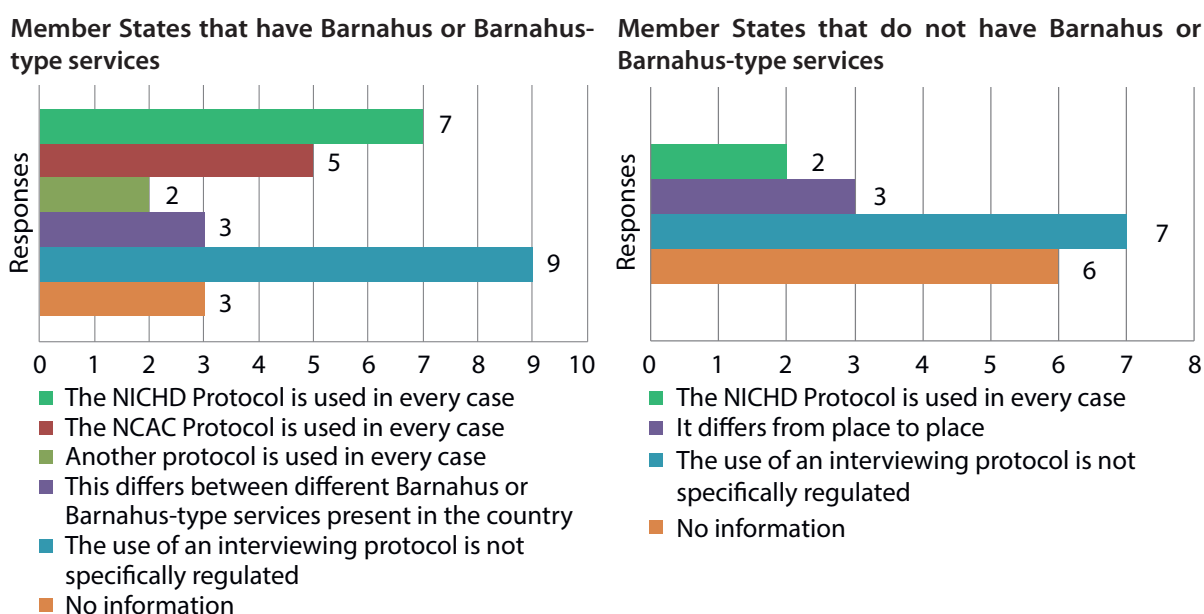
167. Council of Europe, [Slovenian police officers are trained on forensic interviewing of child victims of abuse](#), *Newsroom on Children's Rights*, 5 April 2022.

In **Denmark**, the “SAKA-model” is used in all police interviews, including interviews of children and young people in the Children’s Houses. The interview model is adapted to specific types of cases and cognitive principles. It guides the police interviewer in assessing the cognitive capacities of the person and adapting the interview style accordingly, irrespective of the circumstances of the case, or the age of the child or adult who is interviewed.

In **Ukraine**, while there is no regulation requiring the Barnahus facilities to use a particular interviewing protocol, the Council of Europe, under its “Combating violence against children in Ukraine” project, developed detailed methodological guidance for child forensic interviewers based on the NICHD protocol. The guidance has been well-received by the authorities, is being operationalised and may eventually be adopted formally.

■ In nine member States,<sup>168</sup> the use of an interviewing protocol is not specifically regulated. In Lithuania, for instance, the NICHD protocol is the basis of training of professional interviewers so they typically use it in their work practice. In Sweden, the national guidelines on child interviews state that the NICHD protocol should be used in interviews of child victims, but whether or not this is followed in practice is not monitored.

**Figure 9: Use of evidence-based interviewing protocols in Barnahus and Barnahus-type services**



N=26 / N=16

■ In countries that do not have Barnahus or Barnahus-type services, the use of evidence-based interviewing protocols in child interviews is less regulated. In only two countries, the consistent use of the NICHD Protocol in every case is affirmed (Belgium and Luxembourg), whereas the NCAC or other protocols are not reported to be in use consistently. There is a higher rate of countries where the use of such protocols is left to the discretion of local or regional actors or where information is not available.<sup>169</sup>



**EXAMPLE OF PRACTICE**

In **Montenegro**, the use of a specific investigative interviewing protocol has not been formally regulated. The Professionalised Service under the system of the State Prosecutor’s Office, however, has informally adopted a structured protocol based on the NICHD and ABE protocols.

168. Andorra, Armenia, Georgia, Germany, Latvia, Lithuania, Netherlands, Poland, Ukraine.

169. The use of evidence-based interviewing protocols differs from place to place in Spain, Türkiye and the United Kingdom. The use of an interviewing protocol is not specifically regulated in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Spain and the United Kingdom. No information is available on Azerbaijan, Croatia, Italy, Liechtenstein, Monaco and San Marino.

■ The data suggest that the presence of Barnahus or Barnahus-type services leads to clearer regulation of the use of evidence-based interviewing protocols and the definition of a national standard. Where a State decides to regulate the use of an interview protocol, there may be stronger incentives to invest in the adaptation of an international protocol to the national context than in countries where the use of an interview protocol is left to the discretion of local or regional actors. Nonetheless, data from member States that do not have Barnahus or Barnahus-type services show that the presence of these services is not a precondition for countries to regulate and standardise the use of evidence-based interviewing protocols.

## Child-friendly environment

■ Barnahus and Barnahus-type services provide child-friendly spaces for receiving and interviewing children who participate in legal proceedings. In member States where Barnahus or Barnahus-type services are not in place, different practices are used to provide a child-friendly environment for children in contact with the justice system.

■ Child-friendly interview rooms are available mainly in police stations (six countries out of 18 survey responses), in the premises of social service providers (six countries), and in courts (four countries).<sup>170</sup> In several countries, where this is regulated at the decentralised level, child-friendly rooms are sometimes available in two, three or more of these premises, depending on local practice. Where child-friendly spaces are not available, arrangements are made to interview children in specialised centres, at the prosecutor's office or even in the child's home. Child victims of trafficking have been interviewed in a child-friendly space in a shelter where they are accommodated, an example of this was given in North Macedonia. (see Figure 10)



### EXAMPLES OF PRACTICE

**Belgium** reports that a protocol regulates the layout of the room where child victims or vulnerable adults are interviewed: the hearing should preferably take place in a room closest to the place of residence of the person who is interviewed, and the police areas concerned collaborate to provide an appropriate room. The room should be equipped for video-recording and approved by the public prosecutor. It must be soundproof, welcoming, neutral and devoid of objects that could distract the attention of the person who is interviewed, such as telephones or toys, and ensure privacy.<sup>171</sup>

In **Liechtenstein**, the National Police has set up an interviewing room for "gentle questioning", including of children, equipped with video-recording technology and a one-way mirror. The Court and the Office of Social Services also have child-friendly interviewing rooms where children can be heard. The room on the premises of the social services is used when child psychologists carry out an interview on behalf of the police.<sup>172</sup>

■ The survey results show that information on child-friendly interviewing rooms is not always readily available for member States where the use of such rooms is not clearly regulated or provided for by law. In the absence of a national regulation or standard, initiatives may be taken at the local level to set up such rooms. In Italy, for instance, the police headquarters of Naples are operating a child-friendly interviewing room for child victims of crime. In Croatia, the Child Protection Centre based in Zagreb is providing a special interviewing room in the child-friendly environment of a broader MD/IA service centre for children.

■ In these member States, the existing child-friendly rooms are not accessible or available to all children throughout the national territory. A consistent reach is reported only for Belgium. The United Kingdom reports that the establishment and consistent use of interviewing rooms is encouraged across the country to ensure that proceedings are carried out in accordance with the principle of the best interests of the child and that children receive appropriate support. Thus far, however, this is not mandatory by law or statutory guidance.

170. Child-friendly rooms for the child interview are available a) in police stations: Liechtenstein, Monaco, Montenegro, North Macedonia, Spain, United Kingdom (in addition, Luxembourg and Portugal did not identify police stations as premises offering child-friendly rooms but Portugal explained that the Portuguese Criminal Police has child-friendly rooms adapted to different ages of children, and Luxembourg explained that children could be interviewed in a child-friendly place in the judicial police); b) in social service premises: Liechtenstein, North Macedonia, Serbia, Spain, Türkiye, United Kingdom; c) in courts; Liechtenstein, Montenegro, Spain, United Kingdom.

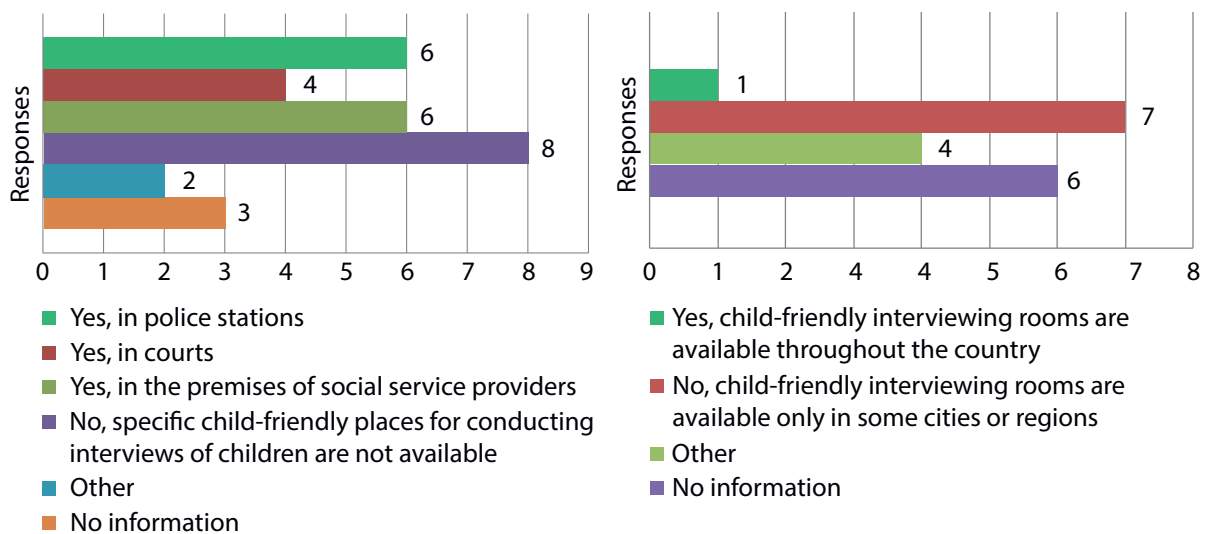
171. Protocol of the Department responsible for strategy (GWSC/TAM) of the Central Directorate of the Technical and Scientific Police of the Federal Police with regard to audiovisual interview techniques in accordance with point 4.2. Cited in: Council of Europe, *Implementation and development of Barnahus model in Europe: Mapping study questionnaire*, Belgium, Winter 2022-23.

172. Liechtenstein, Criminal Procedure Code (StPO) § 115a(2). Liechtenstein, *Replies to the General Overview Questionnaire on the Implementation of the Lanzarote Convention, Report pursuant to Article 41 of the Council of Europe Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse*, Vaduz, 6 September 2016, RA 2016-1148, p. 43.



These data suggest that the presence of Barnahus or Barnahus-type services may lead to a higher level of awareness and information about child-friendly interviewing premises and where they are located, and a more consistent referral of child victims and witnesses to such premises. Nonetheless, and in view of the findings presented in chapter 3.b, the presence of Barnahus or Barnahus-type services by itself does not guarantee that children have access to a child-friendly interviewing room in all regions of the country, as access depends on the number of services available in a country and their reach. The data from member States that do not have Barnahus or Barnahus-type services show, however, that the presence of these services may contribute to a higher level of regulation and, in consequence, a more reliable referral and use of child-friendly interviewing rooms.

**Figure 10: Availability and reach of child-friendly interviewing rooms in member States that do not have Barnahus or Barnahus-type services: different hosting premises and solutions**



N=17/ N=16

### Timing of the child interview in legal proceedings

In Barnahus and Barnahus-type services, it is common practice to interview child victims or witnesses of crime in the case assessment or investigation phase of judicial proceedings. This was affirmed for 21 of 25 member States. In addition, children may be interviewed in the pre-trial phase (15 member States) or during court proceedings (8 member States).<sup>173</sup> In two countries, the practice differs from place to place (Bulgaria and Spain). The data show clearly that despite the presence of Barnahus or Barnahus-type services, child victims and witnesses of crime participating in judicial proceedings may still be interviewed and heard repeatedly at the various stages of proceedings.

A clear limitation of the child hearing is affirmed for 10 member States out of 25 survey responses (40%): a hearing only in the case assessment or investigation phase is affirmed for Denmark, Hungary, Iceland, Ireland, Sweden, as well as Malta where children are at times heard again in the pre-trial phase. In Iceland, the judge has the possibility to hear the child again during the court proceedings. In France, the child is heard typically in the case assessment and investigation phase and then again during court proceedings. In Finland and the Republic of Moldova, the hearing is limited to the pre-trial phase.

173. Child interview in case assessment or investigation phase: Andorra, Armenia, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Lithuania, Malta, Netherlands, Romania, Slovenia, Sweden, Ukraine. Child interview in pre-trial phase: Andorra, Armenia, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Georgia, Greece, Lithuania, Republic of Moldova, Netherlands, Romania, Slovenia, Ukraine. Child interview during court proceedings: Bulgaria, Cyprus, Czech Republic, France, Iceland, Lithuania, Slovenia, Ukraine.

While reducing the number of hearings or interviews of child victims and witnesses of crime is a principle set out by the Lanzarote Convention and the Council of Europe Guidelines on child-friendly justice,<sup>174</sup> research shows that a repeated hearing can be in the best interests of the child, under certain circumstances. With regard to children with intellectual disabilities, for instance, research demonstrated that a second interview can help them to further develop the information they shared in the first interview and even to share new information, under the condition, however, that interviews are conducted by specially trained forensic interviewers.<sup>175</sup>



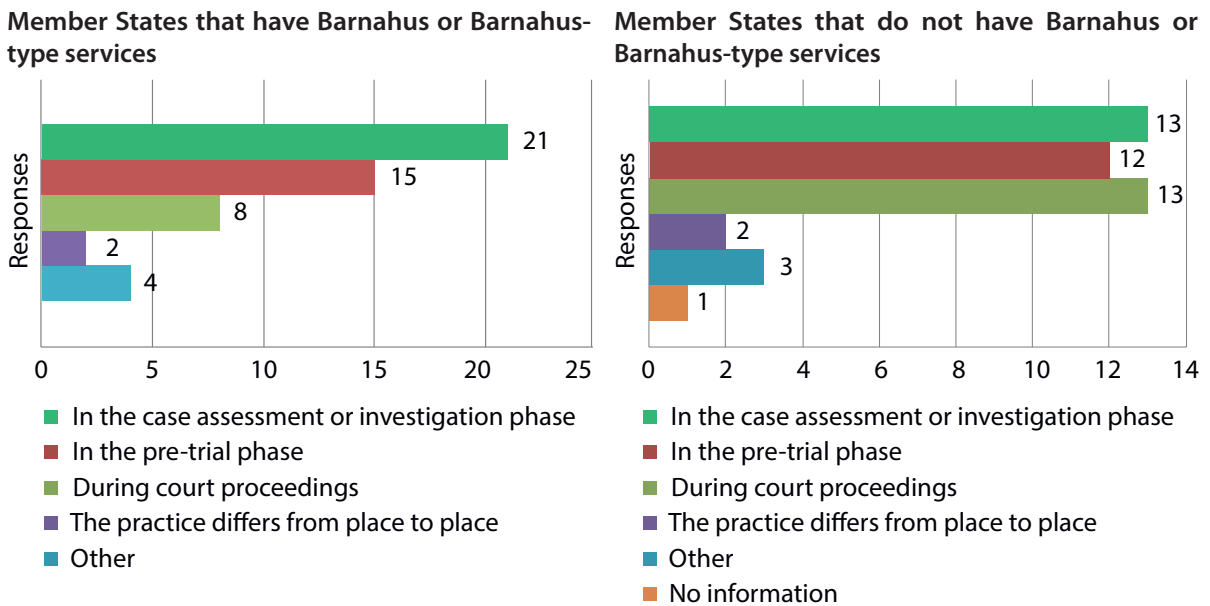
EXAMPLES OF PRACTICE

In **Germany**, where Barnahus is promoted strongly by local or regional actors in collaboration with the NGO Childhood Foundation Germany, the practice differs from place to place. Only where a case is referred to a Childhood-Haus, is there a possibility of carrying out a video-recorded police interview in the investigation phase and/or a hearing by the judge during the pre-trial investigation phase, which can be used in the court proceedings.

In the Nordic tradition, as confirmed by **Norway**, the purpose of Barnahus is to avoid that the child has to testify in court and, therefore, the child interview takes place as an extrajudicial questioning on the Barnahus premises with due respect of fair trial principles. The video-recording of the hearing is reproduced during the trial in the court room.

In **Ukraine**, Barnahus offers child-friendly solutions to a range of situations where the child's participation is required in the investigation phase such as identification line-up of suspects and crime scene reconstruction. Organising these measures in Barnahus aims to reduce risks of secondary victimisation. If a child must testify in court, the hearing can be conducted by video-link between Barnahus and the courtroom.

**Figure 11: Timing of the child interview in criminal proceedings**



N=25 / N=17

In member States where Barnahus or Barnahus-type services are not in place, it is more common practice for child victims or witnesses of criminal offences to be heard repeatedly at the case assessment or investigation phase, at the pre-trial phase and during court proceedings. The data affirm that this is possible in 10 States out of 16 survey responses (63%), although the survey results indicate that the practice varies depending on the

174. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), CETS No. 201, 2007, Article 35.1.e. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, IV.D.6.67.

175. Cederborg, A.C., Lamb, M.E., La Rooy, D.J., Repeated Interviews with Children Who have Intellectual Disabilities, *Journal of Applied Research in Intellectual Disabilities*, 21(2), March 2008.

circumstances of the case so that children are not necessarily heard at all the stages of proceedings.<sup>176</sup> Where children are heard in court, survey respondents inform about accommodations that can be made to make the procedure more child-friendly, such as hearing the child in camera, excluding the public, the presence of a support person to accompany the child, or the use of communication technology.

■ In at least 12 member States (75%) where Barnahus or Barnahus-type services are not in place, measures have been taken to reduce the number of interviews of a child victim or witness of crime.<sup>177</sup> In some countries, such measures are set out in law, regulating, for instance: the number of hearings and under what circumstances a child may be heard again; regulating the preparation, sharing and use of a video-recorded statement and its inclusion in the child's case file with appropriately limited access; admitting video-recorded statements as evidence in relevant proceedings; and providing that repeated hearings must be taken by the same professional.

■ The data suggest that the presence of Barnahus or Barnahus-type services leads more reliably to a reduction in the number of interviews or hearings of child victims or witnesses in criminal investigations and proceedings. While the data show that member States where Barnahus or Barnahus-type services do not exist have taken measures to reduce the number of child interviews, these measures remain to some extent discretionary and therefore are less systematic and effective.

## Video-recording of the child interview

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■ The Lanzarote Convention and the Guidelines on child-friendly justice provide for the video-recording of statements from child victims or witnesses. State Parties to the Lanzarote Convention commit to taking the necessary legislative or other measures to ensure that the video-recorded interviews may be accepted as evidence during relevant court proceedings.<sup>178</sup>

■ The use of video-recorded interviews is considered good practice in child-sensitive justice as it helps to reduce the number of interviews or hearings of the child, prevent cross-examination in court and makes it possible to obtain the child's statement at the earliest appropriate moment of time. Securing the child's statement as soon as possible will also enable the child to initiate therapy as appropriate in the circumstances of the case and a process of recovery and rehabilitation. As noted by France, video-recordings make it possible to show non-verbal elements of the child's statement as well as the method of questioning used to elicit the child's statement. In accordance with data protection regulations, the child has a right to be informed about the video-recording and how the recording will be used, shared and stored.

■ Video-recording of the child interview is common practice in countries where Barnahus or Barnahus-type services are in place. In 12 countries, out of 26 survey responses (46%), the interview is video-recorded in all cases.<sup>179</sup> In all these countries, the recording is admitted as evidence in criminal proceedings.

■ Among the remaining 14 States where the child interview is not video-recorded in all cases, it was confirmed for 11 States that the interview is video-recorded if conducted as part of criminal proceedings.<sup>180</sup> Only eight of them, however, ensure it is admissible as evidence in these proceedings.<sup>181</sup> For Armenia, Poland and Ukraine, this was not confirmed.

■ Admitting the video-recorded child interview as evidence in court is in fact most common with regard to statements of child victims and witnesses of crime participating in criminal proceedings. For 23 member States, this was confirmed.<sup>182</sup> (see Figure 12)

■ In four member States, the video-recorded interview is admitted as evidence in civil proceedings (Estonia, France, Malta, Slovenia), and three of them admit it also in administrative proceedings (Estonia, France, Slovenia). (see Figure 13)

■ In addition, some responses confirmed that the video-recorded statement is admitted as evidence in civil or administrative proceedings (see Figure 13).

176. Albania, Azerbaijan, Bosnia and Herzegovina, Italy, Liechtenstein, Monaco, Montenegro, North Macedonia, Spain, Türkiye.

177. Albania, Belgium, Bosnia and Herzegovina, Croatia, Italy, Liechtenstein, Luxembourg, Monaco, North Macedonia, Portugal, Serbia, United Kingdom.

178. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Article 35.2. Council of Europe Guidelines on child-friendly justice, IV.D.6.65.

179. The interview is video-recorded in all cases in Bulgaria, Cyprus, Finland, Hungary, Iceland, Latvia, Lithuania, Malta, Netherlands, Norway, Romania, Slovenia. No information was available for Georgia.

180. The interview is video-recorded if conducted as part of criminal proceedings in Andorra, Armenia, Czech Republic, Denmark, Germany, Greece, Ireland, Republic of Moldova, Poland, Sweden, Ukraine.

181. Andorra, Czech Republic, Denmark, Germany, Greece, Ireland, Republic of Moldova, Sweden.

182. Andorra, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Malta, Republic of Moldova, Netherlands, Norway, Romania, Slovenia, Spain, Sweden. No information is available on the practice in Armenia, Georgia and Poland.



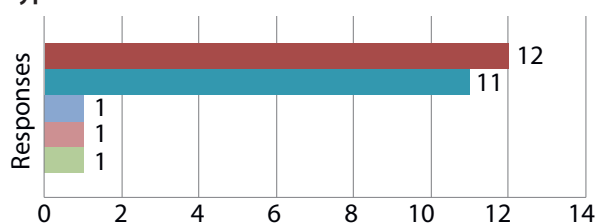
## EXAMPLES OF PRACTICE

**Bulgaria** and **Slovenia** report that the video-recording of the child interview is admitted as evidence in all types of proceedings, administrative, civil and criminal. In **Malta**, the video-recording is admitted in criminal and civil proceedings.

In **Ukraine**, the video-recording is not admitted as evidence in administrative or judicial proceedings. The Criminal Procedure Code, however, allows for a court session to be convened at the pre-trial investigation stage to prevent repeated interviews or hearings of the child. In this pre-trial session, the investigative judge has the possibility to hear the child via video-link; the recording is admissible as evidence in the trial if court proceedings are initiated.

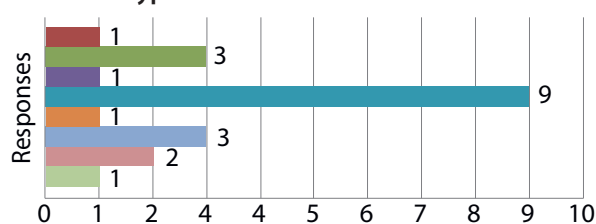
### Figure 12: Video-recording of child interviews

#### Member States that have Barnahus or Barnahus-type services



- The interview is video-recorded in all cases
- The interview is video-recorded if conducted as part of criminal proceedings
- This differs between different Barnahus or Barnahus-type services present in the country
- Other
- No information

#### Member States that do not have Barnahus or Barnahus-type services

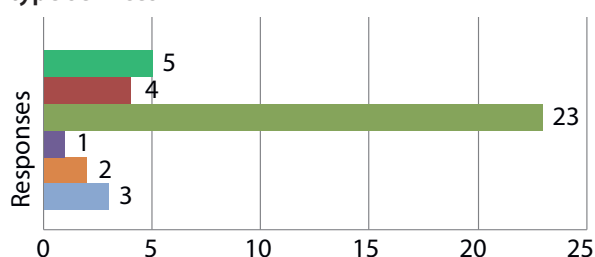


- The interview is video-recorded in all cases
- The interview is video-recorded if conducted as part of civil proceedings (for instance, in child protection cases)
- The interview is video-recorded if conducted as part of administrative proceedings (for instance, asylum or migration cases)
- The interview is video-recorded if conducted as part of criminal proceedings
- The interview is never video-recorded
- This differs from place to place
- Other
- No information

N=26 / N=16

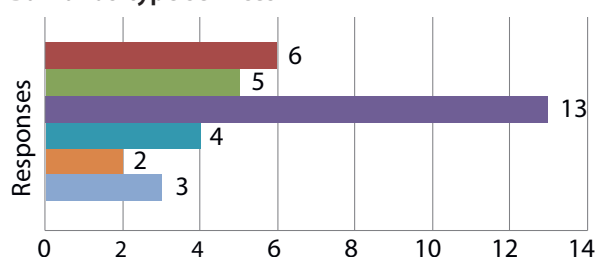
### Figure 13: Admission of video-recorded child interviews in proceedings

#### Member States that have Barnahus or Barnahus-type services



- The video-recording is admitted as evidence in civil proceedings
- The video-recording is admitted as evidence in administrative proceedings
- The video-recording is admitted as evidence in criminal proceedings
- The video-recording is not admitted as evidence in administrative or judicial proceedings
- Other
- No information

#### Member States that do not have Barnahus or Barnahus-type services



- The video-recording is admitted as evidence in civil proceedings
- The video-recording is admitted as evidence in administrative proceedings
- The video-recording is admitted as evidence in criminal proceedings
- This differs from place to place
- Other
- No information

N=27 / N=27

■ Among member States where Barnahus or Barnahus-type services are not in place, the United Kingdom confirmed that the child interview is video-recorded in all proceedings, administrative, civil and criminal, although the practice differs from place to place. Nine countries provide for the video-recording in criminal proceedings.<sup>183</sup> In Italy, Monaco and Türkiye, the child interview is video-recorded in civil proceedings, whereas it was reported for Italy that it could be video-recorded also as part of administrative proceedings.

■ In Albania, Italy, Türkiye and United Kingdom, the video-recorded statement is admitted as evidence in criminal, civil and administrative proceedings. In Spain, the practice differs as the video-recorded child statement can be admitted as evidence in different proceedings at the regional level. An additional eight countries confirm that the video-recorded child interview is admitted as evidence in criminal proceedings.<sup>184</sup>



#### EXAMPLES OF PRACTICE

In **Portugal**, recourse to videoconferencing or teleconferencing is regulated by the Victim Statute (Article 23): statements and declarations of particularly vulnerable victims, including children, when they imply the presence of the accused, shall be provided through video- or teleconferencing. The Public Prosecution Service is competent to determine this *ex-officio* or at the request of the victim, during the enquiry stage. In addition, the court may decide *ex-officio* or at the request of the Public Prosecution Service or of the victim, during the enquiry or trial stages, if this is necessary to guarantee the provision of statements or testimony without intimidation.

In **North Macedonia**, the Law on Criminal Procedure sets out the right of child victims to special measures of procedural protection when giving a statement in any phase of the criminal procedure. The court is competent to determine what these measures are, for instance, the recording of the child's statements before the prosecutor and the possibility for this recording to be used as evidence in the court procedure. According to the Justice for Children J4C Law, the court may ask the child victim to testify again and before the court, using communication technology and only in exceptional cases where new circumstances arise. Where hearing the child in the court is considered to lead to harmful consequences for the child's mental or physical health, the child will be supported by a psychologist, teacher, social worker or another competent person during the hearing. In practice, however, the judges still mostly summon child victims to testify in court, even if only to confirm their previous, recorded statement given in the investigation phase.

■ The data suggest that the presence of Barnahus or Barnahus-type services leads to a clearer regulation of video-recorded statements of children who participate in legal proceedings and a more consistent recourse to this practice in all types of proceedings: civil, criminal and administrative. Providing for video-recorded child interviews and their admissibility in legal proceedings even in the absence of Barnahus or Barnahus-type services is however possible, as demonstrated by some member States.

### Professionals observing the child interview

■ The multidisciplinary and interagency approach of Barnahus makes it possible for a single child interview to inform all relevant decisions and services of different actors. In criminal proceedings, the presence and appropriate participation of the judge, the prosecutor, the child's lawyer and the defence lawyer helps to ensure respect for principles of due process and fair trial. In practice, this means that the child interview is followed by several officials and professionals relevant to the case, some of whom have the possibility to interact with the interviewer in real time.

■ Observers may be present with different levels of engagement: procedural law may require some observers to attend the interview, others may have a right to observe; some may pose questions or otherwise interact during the interview, and still others may have the right to observe without interaction. The way this is regulated varies differs between countries and is also significantly determined by the nature of the interview and the type of proceedings.

183. The child interview is video-recorded in criminal proceedings: Belgium, Croatia, Italy, Liechtenstein, Luxembourg, Monaco, Montenegro, North Macedonia, Serbia. The practice differs from place to place: North Macedonia, Spain, United Kingdom. The child interview is never video-recorded: Azerbaijan. No information: Bosnia and Herzegovina.

184. Video-recorded child interview admitted as evidence in criminal proceedings: Albania, Belgium, Croatia, Italy, Liechtenstein, Monaco, Montenegro, North Macedonia, Portugal, Serbia, Spain, Türkiye, United Kingdom.

■ The child has a right to be informed about the presence of any observers, and who and where they are. As pointed out by Norway, this information is provided in accordance with the age and level of maturity of the child.

■ In member States that have Barnahus or Barnahus-type services in place, it is common practice that the child interview is attended by observers if conducted as part of criminal proceedings. In 20 countries, this is the case.<sup>185</sup> In Bulgaria, the interview is also observed if conducted as part of civil proceedings, and in Bulgaria and the Republic of Moldova in the case of administrative proceedings. In Cyprus, Iceland, the Netherlands, Malta and Romania, the interview is attended in all cases, irrespective of whether legal proceedings are initiated or not.

■ Persons observing the interview are present in another room and watching the interview in real time, either through a closed-circuit video transmission, which is by far the more wide-spread practice in place in 20 countries, or through a dual mirror, which is used in four countries.<sup>186</sup> In Andorra and Spain both practices are used, whereas the practice differs from place to place in Sweden. Ukraine reports that the observation through closed-circuit video transmission is used not only during the child interview but also in other investigative action, such as identification line-ups.



#### EXAMPLES OF PRACTICE

In **Norway**, the actors present during the interview or observing include the police lawyer and assistant lawyer, the child's guardian, the interviewer, the investigator, the advisor or psychologist from Barnahus, a technician, as well as, if necessary, a representative from Child Welfare Services and the defence lawyer. Although the rules foresee that observers are following the interview in Barnahus from a room adjoining the child interview room, it is considered good practice today that the observers are watching from a distance to shield the child from too many adults present on the premises of Barnahus.

In **France**, the judicial authority can authorise medical staff or a psychologist to observe the interview without participating directly in it, to inform their own assessment and examination of the case.

In **Ireland**, in Barnahus West, two forensic interviewers are in charge of the child interview; one of them is interviewing the child, whereas the other is observing the interview and has the possibility to pose questions to the lead interviewer who is wearing an earpiece. Other observers are not permitted. The video-recording of the child interview, however, is viewed by a social worker as part of the child protection assessment.

In **Andorra**, the child hearing in the context of criminal investigations and proceedings is regulated by a protocol that determines timing and the presence of participants and observers. In cases where no or little information is available in the case and the child expresses the wish to make a statement or the investigating judge requests it, the forensic interviewer can take an initial statement of the child in the early stage of proceedings without any observers present.

■ There are five groups of professionals typically observing the child interview in Barnahus or Barnahus-type services, but not all of them are permitted to pose questions to the child through the professional interviewer. Table 2 and Figure 14 indicate the rights of the relevant officials and professionals to observe or pose questions during the interview.

185. Andorra, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, Georgia, Greece, Hungary, Ireland, Latvia, Lithuania, Netherlands, Norway, Poland, Romania, Slovenia, Spain, Sweden, Ukraine. In addition, Iceland and Malta, as well as Cyprus, Netherlands and Romania, responded that the child interview is observed in all cases. No information available for Armenia and Estonia.

186. Observation through a closed-circuit video transmission: Andorra, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Malta, Republic of Moldova, Netherlands, Poland, Romania, Slovenia, Spain, Ukraine. Observation through a dual mirror: Andorra, Bulgaria, France, Spain.

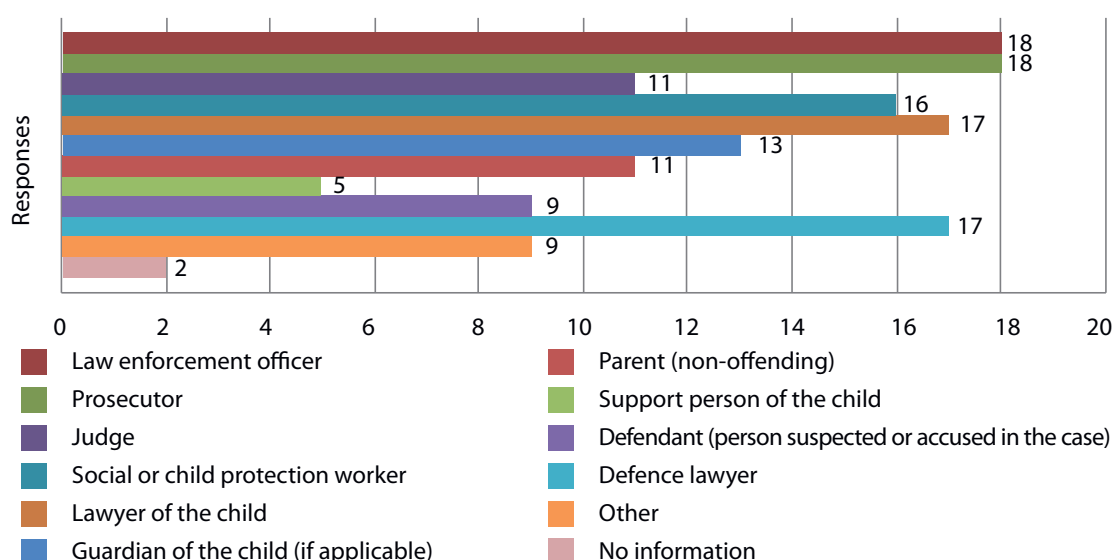
**Table 2: Persons observing the child interview and rights of interaction**

Officials, professionals or other persons observing the child interview in Barnahus or Barnahus-type services	Number of countries where these individuals have the right to ...	
	observe the child interview	pose questions during the child interview
Prosecutor	18	17
Law enforcement officer	18	14
Defence lawyer	17	15
Lawyer of the child	17	13
Social worker or child protection worker	16	8
Guardian of the child	13	4
Judge	11	10
Parent of the child (non-offending)	11	2
Defendant (person suspected or accused in the case)	9	3
Support person of the child	5	1

For professionals who have a procedural role in the ongoing criminal investigations and proceedings, the observation role is almost invariably connected with being able to pose questions to the child through the professional interviewer. Notably, these are prosecutors (18/17 countries), judges (11/10 countries), as well as the lawyers and law enforcement officers. As a necessity to ensure respect of principles of due process and fair trial, 17 countries affirm that the judge, prosecutor, defence lawyer and the child’s lawyer are present and can pose questions during the interview.<sup>187</sup> Nine countries allow the presence of the defendant to observe the interview; that is, the suspect or accused person in the criminal proceedings.<sup>188</sup> The examples of practice from member States illustrate that countries take different approaches in organising the hearing and ensuring respect for principles of due process and fair trial.

Other professionals allowed to observe the interview, who do not have a procedural role in the investigations or proceedings, have fewer opportunities to interact with the interviewer and pose questions to the child during the interview. The observation allows them to gather information and develop a deeper understanding of the case without having to interview the child themselves yet again. This is relevant for social workers or child protection workers, among others, preparing a care and support plan for the child, or guardians and non-offending parents in view of their role in complementing the limited legal capacity of the child. In five countries, a support person for the child is permitted to observe the interview.<sup>189</sup> (see Figure 14)

**Figure 14: Professionals observing and interacting with the interviewer during the child interview in Barnahus or Barnahus-type services**

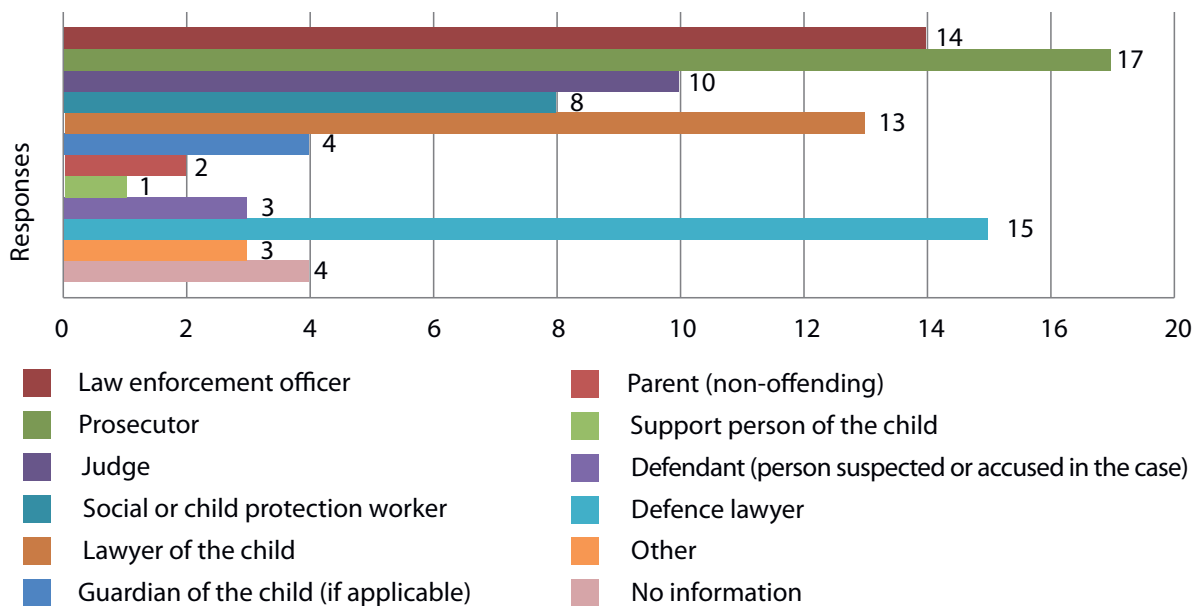


**Persons present to observe the interview**

187. Child interview conducted in full respect of principles of due process: Andorra, Bulgaria, Denmark, Finland, Germany, Greece, Hungary, Iceland, Latvia, Republic of Moldova, Malta, Norway, Poland, Romania, Slovenia, Spain, Ukraine. In Lithuania and Sweden, this is guaranteed only under certain circumstances, depending on the circumstances of the case and the phase of the proceedings. In Germany, the survey response indicates that this is not part of the mandate. No information for Armenia.

188. Andorra, Germany, Iceland, Latvia, Lithuania, Malta, Poland, Slovenia, Spain.

189. Denmark, Germany, France, Republic of Moldova, Romania.



N=26; N=27

### Persons observing the interview having the possibility to pose questions to the child through the professional conducting the interview



#### EXAMPLES OF PRACTICE

In **Denmark**, a video-recorded child interview is only admitted as evidence in criminal proceedings if the defence lawyer is present during the interview. The defence lawyer and the child's lawyer may pose questions to the child via the interviewer. The defendant is not allowed to be present during the interview, but is given the possibility of viewing the video-recording in the presence of the defence lawyer as soon as possible after the interview and may request a second interview of the child to address additional questions.

In the **Norwegian** Barnahus model, the prosecution services and police are allowed to pose questions to the child during the interview. The prosecutor is in charge of deciding which questions will be asked, and the interviewer prepares the interview guide accordingly. At approximately two thirds of the way through the interview session, the interviewer leaves the child interview room and joins the observers in their room to see if they have additional questions, for instance to elicit further details from the child on a specific matter.

A similar practice is followed also in other Nordic Barnahus models.<sup>190</sup> In **Denmark**, for instance, the interviewer takes a break at the end of the interview to consult the observers and discuss the need for posing further questions to the child. At this stage, requests by the defence lawyer for further questions or details may be accepted.

**Norway** reports that the defence lawyer is not permitted to observe the first interview of the child. If the child discloses information that leads to or corroborates criminal charges against a person or against the suspect in the case, the defence lawyer will receive the video-recorded interview and can request an additional interview to address further questions. For this request to be admitted, the questions of the defence must be relevant and new.

Norway reports further that Barnahus staff have an important role in preparing the interview and informing the forensic interviewer about any needs of the child, including specific needs, such as any mental health issues or diagnoses that could have an impact on the timing or duration of the hearing.

**Ireland** explains that, in view of the Irish common law system, persons accused of a crime are entitled to question witnesses in a process of cross examination. While this practice is upheld in criminal proceedings involving child victims and witnesses of crime, certain protections are afforded to children and other witnesses who are considered vulnerable, for instance by allowing remote

190. For further details on the practice in Finland, see: Korkman, J., Pakkanen, T., Laajasalo, T., Child forensic interviewing in Finland: investigating suspected child abuse at the forensic psychology unit for children and adolescents, *Collaborating against child abuse*, 2017, pp. 145, 164.



testimony and pre-recorded testimony, or conducting the cross examination of the victim or witness in another location than the court room or building. The Irish Barnahus, therefore, does not provide the conditions for a judge to conduct a full hearing in its premises, or for the prosecution service or defence lawyers to be present and pose questions to the child through the interviewer.

In **Georgia**, the investigator's consent is required for any person to pose a question during the interview. In **Lithuania**, all persons observing the interview are generally allowed to ask questions, but it is upon the presiding judge to decide whether these questions will be passed to the interviewer.

In **Germany**, a judge presiding over civil proceedings in a case that is also the subject of criminal proceedings could observe the child hearing being undertaken by the judge presiding over the criminal proceedings. In practice however, this possibility appears to be rarely used due to different time-frames of the proceedings.

## Co-ordination of criminal and civil proceedings

■ The appropriate co-ordination between criminal and civil law proceedings concerning child victims and witnesses of crime is an important feature of child-sensitive justice. It is considered in the best interests of the child to reduce the number of hearings and interviews of the child and ensure that information given by the child informs decisions and services across all relevant sectors. Such information sharing must take due account of the rights of the child to protection of personal data, the right to respect for private and family life of the child, the family and other relevant persons involved in the case, in accordance with applicable law. Where the information disclosed during a child interview necessitates follow-up by social, child protection or health care services, the direct involvement of relevant service providers from the first interview or hearing helps preventing unnecessary delays and facilitates timely referral and follow-up.

■ In member States where Barnahus or Barnahus-type services are in place, the interview of child victims of crime typically informs social welfare and child protection measures for the child and family. In 21 of 27 countries, survey responses affirmed this as a general practice, and it is guaranteed under certain circumstances in another four countries.<sup>191</sup> For 20 out of 26 countries, the survey data indicates that care proceedings are automatically initiated should a child disclose violence, neglect or exploitation by a parent or other holder of parental responsibility.<sup>192</sup>

■ The member States for which responses to these questions were affirmative do not coincide, however. The available data suggest that this is related to the scope of the mandate of Barnahus or Barnahus-type services, as well as different practices with regard to the presence of social and child protection services observing the child interview, the practice of multidisciplinary and interagency case conferences and other matters concerning data sharing and referral. Several countries noted that reporting obligations are in place to regulate the sharing of information between different professionals and officials involved in a child's case. To prevent any gaps in the referral of children and the co-ordination of proceedings, a specific regulation may be required to ensure not only data sharing but also the initiation of proceedings under civil and family law, in accordance with the best interests of the child.



### EXAMPLES OF PRACTICE

In **Germany**, it is part of the mandate of a Childhood-Haus to ensure the child interview informs not only the criminal proceedings but also parallel measures by child protection or social services. Police and prosecution services and judges, in the case of criminal proceedings, are authorised and obliged by law to inform child protection services and/or family judges in cases of risks to the child. Where necessary in the circumstances of the case, this would lead to the provision of services or initiation of family law proceedings. In fact, care proceedings are always initiated where, during the interview, the child discloses an act of violence, neglect or exploitation by a person with parental responsibility. The staff at the Childhood-Haus – social workers, psychologists and medical

191. Andorra, Bulgaria, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Latvia, Malta, Republic of Moldova, Netherlands, Poland, Romania, Slovenia, Spain, Sweden, Ukraine. In some situations: Czech Republic, France, Lithuania, Norway. No information available for Armenia.

192. Andorra, Bulgaria, Cyprus, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Romania, Spain, Sweden, Ukraine. This is not part of the mandate in the Czech Republic and Republic of Moldova. No information available for Armenia and Estonia.

professionals – would inform the child and the child’s guardian or non-offending parent about such measures and co-ordinate the next steps in the case.

In the traditional Barnahus model of the Nordic countries, child protection services are involved in a case from the beginning. In **Denmark**, the social welfare departments of the municipalities refer children to the Children’s House. The child interview with all relevant information is part of the social service case assessment, and all cases must be individually assessed. On this basis, the competent municipal authorities make decisions about any child protection measures for the child and social services for the family. If the police are involved in the case, the trained professionals in the Children’s Houses have the possibility to interview the child to inform further law enforcement measures.

When a child arrives in Barnahus or Barnahus-type services, the child protection or social services are usually notified automatically. In **Lithuania**, for instance, the State Child Rights Protection and Adoption Service and law enforcement services are informed in all cases. When a psychological assessment of the child is made in the case, the State Child Rights Protection and Adoption Service always receives the assessment report. Data from forensic interviews, however, are confidential in accordance with national law.

In **Finland**, the police refer children involved in parental separation proceedings to Barnahus when physical or sexual abuse is suspected and when criminal investigations are initiated. In these cases, the district courts handle both, criminal proceedings and parental separation proceedings, which may be going on simultaneously. The Barnahus staff are conducting the child interview and gathering other evidence in the context of the criminal proceedings, and they communicate the results of the assessment to the professionals in charge of the custody assessment as part of the civil proceedings so that they can take the findings into account when making decisions. Occasionally, Barnahus staff might be called to testify in court in the custody proceedings.

**Ireland** reports that information obtained from the child interview in Barnahus is shared with relevant professionals and services participating in the Multi-Disciplinary Team (MDT) meetings and the Child Protection Case Conferences. In this way, the child’s statement informs follow-up assessments and services for the child and family, as relevant in the case.

## e) Data, research and evaluation

■ Data and research have an important role in documenting the work of Barnahus and Barnahus-type services. The availability of disaggregated data, which are comparable over the years, as well as high quality research, are essential to establish baseline data and enable monitoring and evaluation of outcomes and processes. Data collection, research and evaluation should always be guided by the rights of the child to generate solid and accurate evidence that can inform the continued development of the service in accordance with international and Council of Europe standards.



### CHILD RIGHTS STANDARDS

#### Lanzarote Convention, Article 10, 2:

“2. Each Party shall take the necessary legislative or other measures to set up or designate:

*b) mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection.”*

The Guidelines on child-friendly justice encourage member States to promote and monitor the implementation of the Guidelines, to periodically review and evaluate their working methods within the child-friendly justice setting, and to review domestic legislation, policies and practices to ensure necessary reforms to implement the guidelines.<sup>193</sup>

193. Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, 2010, VI.

## Data and statistics on cases assisted at Barnahus or Barnahus-type services

In response to the survey, 15 member States shared official data on children assisted by Barnahus or Barnahus-type services in the years 2019 to 2022 (see Table 3).<sup>194</sup> In most of the countries where data are available, they show an increase of the caseload over this four-year period; the increase is only light in some countries and more clearly notable in others. As some countries have established Barnahus or Barnahus-type services only recently, the expansion of the service may be a relevant factor contributing to the increase of cases.

Most of the member States affirm that data are disaggregated by age and gender.<sup>195</sup> The data disaggregated by gender show, as a general trend, that the number of girls assisted by these services is disproportionately higher than the number of boys. In some countries, this trend is less pronounced, as for instance in Denmark. Finland reports that although data were not disaggregated by gender, the number of boys and girls assisted by Barnahus were close to equal and that an increasing number of non-binary children had been referred to Barnahus in the past years. Iceland and Spain (Comunidad Valenciana) are the only countries that report disaggregated data on non-binary children assisted by Barnahus or Barnahus-type services as of 2021.

**Table 3: Children assisted by Barnahus or Barnahus-type services: official data**

Member State	2019			2020			2021				2022			
	Children assisted	boys	girls	Children assisted	boys	girls	Children assisted	boys	girls	non-binary children	Children assisted	boys	girls	non-binary children
Andorra	8	2	6	9	3	6	28	6	22					
Cyprus	295	93	191	324	97	221	483	118	346		390	63	293	
Czech Republic											6	3	3	
Denmark	1,819	939	980	1,959	908	1,051	1,868	855	1,013					
Finland	1,156			956			1,220							
Greece							2		2		22	6	16	
Hungary	29	7	22	38	12	26	81	17	64		310	141	169	
Iceland	257	82	175	334	125	209	424	133	291	1				
Ireland				21	7	14	116	29	87		109	15	94	
Lithuania	344	119	225	317	97	220	332	99	233		265	81	184	
Malta				1			18				30			
Republic of Moldova											78	20	58	
Norway	5,123 / 385			5,128 / 404			5,003 / 316							
Romania											20	4	16	
Spain	1,300	299	1001	1,694	406	1,288	2,130	472	1,654	4	2,099	146	422	1

**Source:** Council of Europe, Children's Rights Division, Barnahus Mapping Study 2023. **Note:** Some countries do not or not yet have data for each of the years; in some countries, the data reflect cases dealt with by local or regional Barnahus or Barnahus-type services. Data for Norway reflect the total number of child interviews arranged in Barnahus, including exploratory interviews / and the number of police interviews. In Spain, the data represent a compilation of data reported by the regions Andalusia, Comunidad Valenciana and Catalunya, data disaggregation by gender for the year 2022 was not yet available from Andalusia, which explains the inconsistency between the total and disaggregated figures for Spain in 2022. Iceland reported data on the exploratory interviews carried out in Barnahus; these numbers differ from the child testimonies for court judges taken at Barnahus.

194. Andorra, Cyprus, Czech Republic, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Malta, Republic of Moldova, Norway, Romania, Spain. In some of the countries, data were available not for the entire period 2019-2022, as either Barnahus was established only recently or the data from 2022 were not yet available at the time of the survey response. In Spain, data reflects the work of Barnahus or Barnahus-type services at the regional, rather than the national level. The caseloads are therefore not comparable.

195. Data disaggregated by gender were provided by: Andorra, Cyprus, Czech Republic, Denmark, Greece, Hungary, Iceland, Ireland, Lithuania, Republic of Moldova, Romania, Spain. Data are disaggregated by age in: Andorra, Czech Republic, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Republic of Moldova, Norway, Romania, Spain.



## EXAMPLES OF PRACTICE

The data shared by **Iceland** show the number of girls, boys and non-binary children who have been received in Barnahus in each year. The data indicate the number of exploratory interviews carried out, as well as the number of child testimonies for court judges, evaluations and therapy, as well as medical examinations. Whereas Barnahus is known as a MD/IA child-friendly justice service that provides all relevant services in the same premises, the data from Iceland reveal that the full spectrum of services is not provided in each case. The testimonies for judges are the most frequent service provided. Medical examination, on the other side, is provided only in a fraction of cases. In 2022, for instance, Barnahus Iceland took child testimonies for court judges in 280 cases, did exploratory interviews in 145 cases; evaluation and therapy in 142 cases and medical examinations in only seven cases. Whereas these services are typically provided to boys and girls and, in 2021, also a non-binary child, the data indicate that medical examinations were carried out exclusively in cases concerning girls; this is a fact across the four-year period for which the study requested data (2019-2022).

The **Republic of Moldova** shared data on the number of boys and girls assisted by Barnahus, as well as non-offending parents. With a caseload of 78 children in 2022, 20 boys and 58 girls, Barnahus provided services also to 58 non-offending parents.

Some member States shared age-disaggregated data, which reveal that their Barnahus and Barnahus-type services are assisting children across all ages, from under three to 17 years old. Typically, the services assist higher numbers of school-aged children between five or six and 14 years old.<sup>196</sup> The distribution of cases across all age groups in the data samples received for this survey shows that it is essential to ensure Barnahus and Barnahus-type services are prepared to assist boys, girls and non-binary children of all ages, including young and very young children, as well as adolescents and 17 year olds who may reach the age of majority while they are involved in civil or criminal proceedings or receive services.

Six member States report that data on children assisted by Barnahus or Barnahus-type services are disaggregated by forms of violence against children, for instance different forms of physical and sexual violence against children as defined in national law.<sup>197</sup> Denmark, for instance, collects disaggregated data on physical, psychological and sexual violence against children and various combinations of these forms of violence, which may overlap. Andorra and the Republic of Moldova report that data are disaggregated according to the criminal offences investigated or prosecuted.



## IN THE MAKING

**France** reported that the national monitoring committee for the UAPEDs identified as one of the priorities for its work during 2023 the development of a more structured national monitoring system, including a review of the indicators used for data collection. Data on the caseload of 2021 indicates that 30 UAPEDs held 5,654 child hearings during the year, of which 3,475 children and adolescents were interviewed for acts of sexual violence, and 2,034 for physical violence.

In **Germany**, the first *Childhood Haus* was established in 2018, and additional houses have been set up in the following years. Depending on the available staff, resources and geographic reach, a house can assist between 120 and 300 children per year. The services provided to children assisted in the *Childhood Haus* differ from case to case, and criminal proceedings are initiated only in about 10-25% of the cases. As each *Childhood Haus* is managing its own data collection and case documentation, World Childhood Foundation is developing a standardised documentation system to gather disaggregated data from all operating *Childhood Haus* services, including data disaggregated by age and forms of violence, as well as data on criminal proceedings in cases assisted by the houses, such as conviction and duration of proceedings.

The survey responses for Cyprus and the Republic of Moldova contain data on convictions in cases in which Barnahus services provided assistance. In 2022, the first year of operation of Barnahus in the Republic of Moldova, out of the 78 cases assisted, six resulted in the conviction of perpetrators. In other member States, data on convictions in cases assisted in Barnahus or Barnahus-type services are not yet available as the service

<sup>196</sup>. Denmark, Greece, Iceland, Ireland, Lithuania.

<sup>197</sup>. Cyprus, Denmark, Finland, Greece, Iceland, Spain.

is still rather recent. France, Germany and Ukraine affirmed that this was the case. Twenty member States reported that data on convictions were not available.<sup>198</sup>

■ Only few survey respondents provided information on the average length of criminal proceedings conducted with the support of Barnahus or Barnahus-type services. Length refers to the time that passes from the referral to the service to the conviction of the perpetrator, if applicable, in the first instance court. Data shared by member States show that the length of proceedings varies widely and that delays and waiting times, sometimes over many years, are perceived as a problem. Where Barnahus or Barnahus-type services have been set up only recently, and are designed to be involved systematically in criminal investigations and proceedings, they are expected to help reduce the length of proceedings.

■ A more consistent collection of disaggregated data on the length and outcomes of proceedings conducted with the involvement of Barnahus or Barnahus-type services would be helpful to create baseline data to assess and monitor the impact these services have on the prosecution of criminal offences against children.



#### EXAMPLES OF PRACTICE

In **Cyprus**, criminal proceedings in cases of violence against children typically take two and a half years.

In the **Czech Republic**, proceedings in cases of violence against children take an average of four years. After the recent opening of Barnahus in the country, the length is expected to be reduced.

**Finland** reports delays in criminal proceedings concerning cases assisted by Barnahus. Proceedings in cases of sexual offences against children typically take two years, from reporting the offence to the sentencing by the court. This length is perceived as a delay and a widespread problem.

**France** notes that statistics on the average duration of criminal proceedings in cases of violence against children exist, but the data do not indicate whether UAPED services were involved in a case. Depending on the nature of the criminal offence against a child and the circumstances of the case, proceedings can take between 25 and 109 months (between two and nine years), from the notification of the crime to the public prosecutor to the conviction. In 2021, the average length of proceedings was between 25 and 34 months in criminal offences of intentional violence against a child under 15 years. In the case of rape of a child, the proceedings took 109 months on average (over nine years); in other cases of sexual offences against children, proceedings have an average duration of 34 months; in the case of aggravating circumstances, this rises to 38 months.

In **Iceland**, the duration of criminal proceedings ranges between one to two and a half years.

**Ireland** reports that the criminal proceedings could take about two to three weeks in court, but children are typically waiting between two and nine years for the court proceedings to be initiated.

The **Republic of Moldova** reports that the minimum duration of criminal proceedings, from the notification of Barnahus to the conviction of the perpetrator, is 44 days and the maximum duration is 117 days.

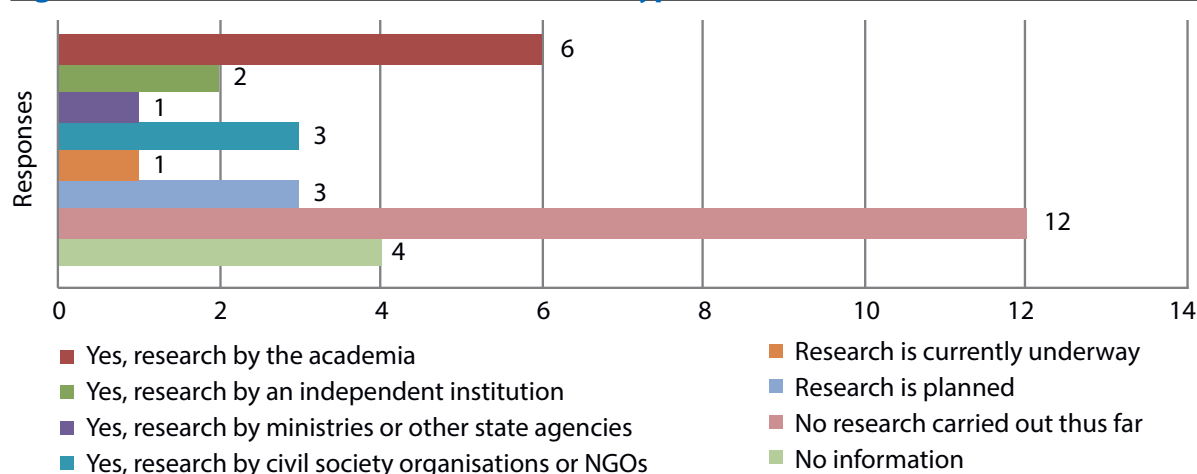
198. Armenia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Malta, Netherlands, Poland, Romania, Slovenia, Spain, Sweden.

## Research and evaluation for the continued development of Barnahus and Barnahus-type services

■ Barnahus and Barnahus-type services are studied and researched by state and non-state actors in Council of Europe member States. The academia has an important role in conducting research on Barnahus or Barnahus-type services in some member States (Denmark, Ireland, Finland, Norway, Spain, Sweden).<sup>199</sup> UNICEF, civil society actors or NGOs have carried out research on Barnahus or Barnahus-type services in Bulgaria, the Republic of Moldova and Spain.<sup>200</sup> Spain reports that additional research was being conducted at the time of the survey. In the Netherlands, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children carried out research on responses to sexual violence against children, including by the Barnahus service.<sup>201</sup> In Denmark, ministries and other state agencies conducted research on Barnahus.

■ In Germany, Ireland and Slovenia, research on Barnahus or Barnahus-type services is planned to be conducted between 2023 and 2025. In 12 States, no research has been carried out thus far on Barnahus or Barnahus-type services.<sup>202</sup>

**Figure 15: Research on Barnahus or Barnahus-type services conducted in member States**



(N=27)

■ Out of the 28 States that have Barnahus or Barnahus-type services in place, evaluations of these services were reported by only six States, mostly by the Nordic countries where Barnahus has been operational for many years (Denmark, Finland, Norway and Sweden) as well as Poland and Spain. In Spain, an evaluation of the service in the Barnahus unit of Tarragona (Catalunya) was ongoing at the time of the survey and the

199. See for instance: **Finland:** Korkman, J., Pakkanen, T., Laajasalo, T., *Child forensic interviewing in Finland: Investigating suspected child abuse at the Forensic Psychology Unit for Children and Adolescents, Collaborating Against Child Abuse*, 2017, pp- 145-164. Laajasalo, T., Korkman, J., Pakkanen, T., Oksanen, M., Tuulikki, L., Peltomaa, E., *Applying a research-based assessment model to child sexual abuse investigations: Model and case descriptions of an expert center, Journal of Forensic Psychology Research and Practice*, Vol. 18, 2018, pp. 177-197. **Sweden:** Göransson, L., Ekermann, S., Dovik, C., Klingberg, G., Ridell, K. & Laurell, L., (2022). Children's advocacy centre fails to respond to dental, mental and physical ill-health in abused children. *Acta Paediatrica*, 111(6): 1186-1193. doi: 10.1111/apa. Johansson, S. (2011) Rätt, makt och instituell förändring: en kritisk analys av myndigheters samverkan i barnahus. Lund: Mediatryck. Kläfverud, M. (2021) Iscensätta barnperspektivet. Före, under och efter Barnahusbesök. Lund: Lunds universitet. Landberg, Å., Eriksson, M. & Kaldal, A. (2019) Barnets väg genom Barnahus. En Barnahuslogg. Stockholms stad (i tryck). **Denmark:** Mapping of the mental health of children and young people seen in the Danish Children's Houses. A study of trauma-related symptoms and difficulties in children and young people investigated with standardized tests and screening tools in the Children's Houses between May 2018- December 2020 by Sille Schandorph Løkkegaard, Camilla Jeppesen, Maria Louison Vang, Amalie Thrane Dalby & Ask Elklit Knowledge Center for Psychotraumatology University of Southern Denmark 2021. Occupational well-being among Danish Child Protection Workers: Prevalence, Predictors and Prevention of Secondary Traumatization and Burnout by Maria Louison Vang, 2020. Investigating Polyvictimisation in Child Abuse Cases: A multi-method study within a Danish Child Protection Context by Ida Haahr-Pedersen 2020 Supervised by: Dr. Frédérique Vallières & Dr. Philip Hyland.

200. Bulgaria: UNICEF Bulgaria, *Zona ZaKrilam, Child Advocacy and Support Centres (CaCs)*, available from: <https://www.unicef.org/bulgaria/en/zona-zakrila>.

201. National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, [https://www.nationaalrapporteur.nl/binaries/nationaalrapporteur/documenten/rapporten/2016/05/25/on-solid-ground-tackling-sexual-violence-against-children-2014/dutch-rapporteur.on-solid-ground.tackling-sexual-violence-against-children.2014\\_tcm23-17647.pdf](https://www.nationaalrapporteur.nl/binaries/nationaalrapporteur/documenten/rapporten/2016/05/25/on-solid-ground-tackling-sexual-violence-against-children-2014/dutch-rapporteur.on-solid-ground.tackling-sexual-violence-against-children.2014_tcm23-17647.pdf), *Tackling sexual violence against children*, 2014.

202. Andorra, Armenia, Cyprus, Czech Republic, France, Greece, Iceland, Lithuania, Malta, Poland, Romania, Ukraine.

service in Andalusia had also received an inspection visit as part of the annual inspection plan for social services in the region. In Czech Republic, Ireland, Iceland, Germany, Malta and Slovenia, evaluations are planned or already scheduled to take place.



#### EXAMPLES OF PRACTICE

In **Denmark**, the evaluation conducted shortly after the establishment of the Children's Houses shows, among others, the following results:

- 98% of the municipalities state that they have used a Children's House for consultative assistance and/or the preparation of the paediatric examination and/or psychological treatment of a child.
- 84% of the municipalities have used the Children's House to make a child protection examination.
- 89% of the municipalities state that the Children's House has contributed to a great extent or to some extent to an improved response to children or young people who were a victim of assault or were suspected victims.
- 58% of the municipalities have experienced challenges in the use of the Children's House, for instance with regard to waiting times for the services offered by the Children's Houses, the opening hours of the service or the distance to where the child was.

In **Finland**, the work of the forensic child psychiatry units in five University hospitals was evaluated between 2009 and 2015. The evaluation revealed that the units had investigated an increasing number of cases over the years. This was attributed in part to a legislative reform of 2013, which had expanded the units' target groups. It showed further that the national government's share of financing compensations for child victims of crime had almost doubled. Interagency co-operation between the police, prosecution, child protection services and the forensic child psychiatry units had developed significantly and the activities of the forensic child psychiatry units were more harmonised after the service had been centralised in five University hospitals. Despite these positive results, the evaluation noted also a continued need to define the concepts of forensic psychology and child psychiatry and to further standardise the investigation of violent crimes against children.<sup>203</sup>

After the first Barnahus services had been established in Galway in **Ireland**, an appraisal of the 'One House Pilot Project' was carried out. The report and recommendations resulting from this appraisal informed a roadmap for the development of the Barnahus model nationally. The report and information provided by key stakeholders informed the application for financial and technical support under the Technical Support Instrument, which was implemented at the time of the survey under the European Union and Council of Europe Joint Project "Support the implementation of the Barnahus project in Ireland".

In **Norway**, Barnahus services have been evaluated repeatedly since their establishment in 2007. In 2021, the national evaluation by the University of Oslo reaffirmed the important role of Barnahus as a highly competent and well-co-ordinated service for children in cases where violence is reported to the police. It noted a predominance of cases dealt with under criminal law, in which Barnahus can offer valuable services, but which risks undermining the scope of work that Barnahus can do in child protection cases with a preventive and restorative approach outside the criminal justice system.<sup>204</sup> Previous evaluations carried out in 2012 had drawn positive conclusions noting that children were better cared for when interviewed in Barnahus as part of criminal investigations and proceedings, and the services they received after the interview were of a higher quality and better co-ordinated. Children who were asked to evaluate the services they received at Barnahus stated that they felt cared for and that they appreciated the friendly atmosphere. The evaluation identified some challenges, however, for instance with regard to the rapid increase in the number of child interviews conducted at Barnahus, which the staff in some centres perceived as a heavy workload. In criminal law cases, the casework is structured in three phases, the preparations, the forensic interview, and the follow-up. In some centres, the high number of cases created challenges in ensuring appropriate support for the child in the follow-up phase after the interview. The evaluation recommended that guidelines for

203. Julin, E., *Lapsiin kohdistuvien väkivaltarikosten selvittäminen terveydenhuollossa, Selvitys Lasten oikeuspsykiatrian yksiköiden toiminnasta [Health care services' investigations of violent crimes against children, Report on the activities of forensic child psychiatry units]*, Reports and Memorandums of the Ministry of Social Affairs and Health, 32/2018, 2018, p. 5.

204. Bakketeig, E., Stefansen, K., Andersen, L.C., Gundersen, T., *Evaluering av Statens barnehus 2021 [Evaluation of the State's Barnahus 2021]*, NOVA Rapport Nr. 12/21, Oslo Metropolitan University, 2021.

staff be developed to clarify their tasks in detail.<sup>205</sup> After the first evaluation findings had informed the continued development process of Barnahus, the model was evaluated again in 2021.

The **Swedish Barnahus** has been analysed and evaluated in several studies and by different actors between 2008 and 2019. In 2018, the Swedish Government commissioned *Barnafrid*, the national knowledge centre on violence against children at the University of Linköping, to evaluate the Barnahus services in the country with a particular focus on identifying synergies and differences between Barnahus services in the country and how these impacted children assisted in Barnahus. Regional differences were identified in relation to the treatment, support and protection offered to children, in particular with regard to crisis support and assessment of care needs, access to paediatric and psychiatric care, voluntary health checks and responding to the needs of siblings of child victims of crime with regard to support and treatment. The evaluation found that there were regions in Northern and South-East Sweden that were insufficiently covered by the Barnahus services. In addition, the evaluation noted that some groups of children were not consistently referred to Barnahus across the country, in particular child witnesses of violence, child victims of criminal offences in the digital environment, and child victims of honour-related crime, as well as generally adolescents between 15 and 17 years old. The evaluation found further that national laws on professional and official secrecy continued to pose obstacles to the multi-professional co-operation, despite Barnahus. To redress these and other challenges, the evaluation identified a need to review the national guidelines and ensure they are meaningful and adhered to throughout the country, as well as a national co-ordination mechanism of the services provided by Barnahus.<sup>206</sup>

## Child consultations



### CHILD RIGHTS STANDARDS

#### UN Convention on the Rights of the Child, Article 12.1:

*“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”*

■ Survey responses provided only limited information on the consultation of children for the purpose of developing or strengthening Barnahus or Barnahus-type services. Out of the 28 States that have Barnahus or Barnahus-type services in place, it was reported only for six member States that children had been consulted and asked to share their experiences with Barnahus or Barnahus-type services.<sup>207</sup> In some countries, child consultations were part of broader research projects analysing Barnahus or Barnahus-type services or of evaluations.

■ Survey responses for Germany and Spain report that consultations with children are currently underway, whereas they are planned in Czech Republic, Finland, Greece, Iceland and Slovenia. For six States, the survey responses affirmed that consultations with children on Barnahus or Barnahus-type services have not been conducted.<sup>208</sup>



### EXAMPLES OF PRACTICE

In **Cyprus**, Barnahus staff use a board game to support children in understanding the court proceedings and preparing for their own participation in the proceedings. The board game was created by Sheffield Hallam University with the co-operation of Hope For Children. Cyprus reports that children are

205. Stefansen, K., Gunderson, T., Bakketeig, E., *Barnehusvalueringen – 2012 [Barnahus evaluation – 2012]*, Delrapport 2, Oslo Metropolitan University – OsloMet: NOVA, NOVA Rapport 9/12, 2012. Norwegian Police Academy (Bakketeig et al., 2012)

206. Barnafrid Nationellt kunskapscentrum [Barnafrid National Knowledge Centre], *Slutrapport, Utvärdering av barnahus [Final report, Evaluation of Barnahus]*, S2018/00212/FST, Linköping: University of Linköping, 2019, p. 5. See further: Jonhed, A., *Utvärdering av Barnahus Skaraborg, Örebro; Örebro Universitet*, 2016. Kaldal, A., Diesen, C., Beije, J., Diesen, E.F., *Barnahusutredningen 2010, Juridiska institutionen, Stockholms universitet: Jure Förlag*, 2012. Landberg, Å., Svedin, C.G., *Inuti ett barnahus*, Stockholm: Rädda Barnen, 2013. Åström, K., Rejmer, A., *Det blir nog bättre för barnen...*, Slutrapport i utvärderingen av nationell försöksverksamhet med barnahus 2006-2007, Lund: Lund University, 2008.

207. Cyprus, Denmark, Republic of Moldova, Norway, Spain, Sweden.

208. Andorra, Ireland, France, Lithuania, Malta, Romania.



invited to fill in a feedback questionnaire after the services in Barnahus are completed. The feedback of children is mostly excellent and shows their high level of satisfaction with the services received.

In the **Spanish region of Andalusia**, children and family members are asked to participate in a satisfaction survey after they have been assisted by the Programme for the evaluation, diagnosis and treatment of children who are victims of sexual violence in Andalusia.

In **Ireland**, a panel of children was set up and consulted in the establishment of Barnahus West. The consultations continue with this panel on Barnahus-related issues. The child members of the panel, however, are not Barnahus service users. Child participation is also a focus of the European Union/ Council of Europe Joint Project “Support the implementation of the Barnahus project in Ireland” and this may include, for instance, child consultations to inform the development of relevant legal and policy instruments, and child participation and contribution to relevant events, such as conferences or roundtables. A Barnahus-specific Participation Strategy has been developed by Barnahus West by an interagency team from Tusla, Health Service Executive and An Garda Síochána. The Lundy Model<sup>209</sup> was adopted as the guiding practice model for development and implementation of the Strategy, applying the ‘space’, ‘voice’, ‘audience’, and ‘influence’ principles to all aspects of the Centre’s operation. A Barnahus Participation Strategy Reference Group was established to oversee and support the implementation of this strategy into Barnahus practices. Ireland has strong child participation mechanisms in place at the national and local levels, in particular the [National Strategy for the Participation of Children and Young People in Decision-Making 2015-2020](#), which sets out actions for all Government Departments and Agencies who provide or oversee services that have an impact on children and young people, to ensure that their voices are heard and influence decisions of relevance to their lives.

[Hub na nÓg](#) provides support to Government departments, State Agencies and Non-Governmental Organisations in giving children and young people a voice in decision-making. Hub na nÓg is the national centre for excellence and best practice on children’s participation and on the participation of seldom heard children and young people. It provides training, capacity building, collaborating on research and engaging with the third level sector to improve education to relevant sectors on children and young people’s participation in decision making.

■ While the abovementioned right of the child to be heard (article 12.1 UNCRC) is globally recognised, very few member States appear to have child participation modalities explicitly established in their legal frameworks. A noteworthy innovative approach is the recently adopted Spanish Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence (LOPVI), which clearly establishes child participation among its objectives and general criteria. The subsequent text of the law then sets forth, in a series of articles,<sup>210</sup> the participation of children in the elaboration of national strategies and actions to tackle violence against children, in intervention protocols, as well as in prevention efforts both in general and in specific environments such as the home or school setting.

209. Lundy, L., “Voice is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child”, in: *British Educational Research Journal*, 2007.

210. Notably in articles 3, 4, 21, 23, 26, and 34.





# 4. Challenges preventing Barnahus implementation and opportunities for further development

## a) Challenges preventing some countries from setting up Barnahus

■ The main reasons that appear to have prevented the establishment of Barnahus or Barnahus-type services in some States are: difficulties securing sufficient budget (eight States)<sup>211</sup> and difficulties organising the necessary multidisciplinary and interagency co-operation (seven States).<sup>212</sup> In addition, six States indicated difficulties to understand the concept of Barnahus or Barnahus-type services,<sup>213</sup> to adopt or revise relevant legislation to set up such services,<sup>214</sup> to share personal data of the child between relevant stakeholders,<sup>215</sup> as well as to guarantee sustainability of the service.<sup>216</sup> For five states, a lack of agreement on what would be the most suitable premises was also an issue.<sup>217</sup>

■ For example in Luxembourg, the Government made a pledge in 2019 to adapt national legislation and infrastructure in order to foster a child rights-based system in accordance with the Council of Europe Guidelines on child-friendly justice.<sup>218</sup> While a new National Strategy and Action Plan on the rights of the child have been adopted, there has been little progress to establish Barnahus or Barnahus-type services for child victims, and the bill currently proposed and pending adoption makes no mention of such services.

■ In Montenegro, the establishment of the first Barnahus was first envisaged by the National Strategy for the Prevention and Protection of Children from Violence (2017-2021). Under its Specific Objective 2: Improvement of the institutional framework for professional, quality and efficient childcare and protection, a commitment to establishing Barnahus for victims of violence was made. Nevertheless, the commitment has not yet led to any concrete development of Barnahus services. A lack of a streamlined understanding of the Barnahus concept by all key stakeholders concerned, coupled with a fragmented institutional landscape and a lack of an integrated national child protection system continue to pose barriers to the introduction of Barnahus services.

## b) Challenges leading to some countries shutting down existing Barnahus

■ For several reasons explained in this Study, ensuring sustainability can represent a significant challenge to the setting up of or maintaining Barnahus or Barnahus-type services. In a few instances, this has even led to the discontinuation of existing Barnahus services.

■ In 2015, National Health Service (NHS) England commissioned a review of the pathway of care for children in London following child sexual abuse. The review recommended the introduction of a Barnahus model in London as the most suitable long-term option for improving support for children and young people. In 2016, the Children's Commissioner for England also recommended that the Barnahus model be adapted and piloted in the UK to move towards a more child-centred criminal justice system. Responding to these recommendations, the Home Office, NHS England (London), the Mayor's Office for Policing and Crime (MOPAC), and the Department for Education provided funding for a concept pilot of the Barnahus model in north-central London. Approximately £7.5m were invested towards a pilot of the UK's first Barnahus, the "Lighthouse", in 2020 and the pilot phase ran until March 2022.

211. Belgium, Croatia, Montenegro, North Macedonia, Portugal, Spain (some regions), Türkiye, United Kingdom.

212. Belgium, Montenegro, North Macedonia, Luxembourg, Spain (some regions), Türkiye, United Kingdom.

213. Montenegro, North Macedonia, Luxembourg, Spain (some regions), Türkiye, United Kingdom.

214. Belgium, Croatia, North Macedonia, Luxembourg, Portugal, Türkiye.

215. Belgium, Croatia, Luxembourg, Spain (some regions), Portugal, Türkiye.

216. Montenegro, North Macedonia, Portugal, Spain (some regions), v, United Kingdom.

217. Luxembourg, Portugal, Spain (some regions), Türkiye, United Kingdom.

218. Available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/30Anniversary/Pledges/Luxembourg.pdf>

■ The UK Government recognised the merits of the Barnahus model of support, in which children affected by sexual abuse receive joined-up services in a single, child-friendly setting, and have indicated that they are committed to supporting other local commissioners, service providers, and charities to further develop the Barnahus model. In 2021, the Home Office published guidance for local partnerships seeking to adopt a Barnahus approach.<sup>219</sup>

■ After 10 years of existence, a Barnahus in Karlshamn, Sweden, was shut down in April 2021, following reports that the concept was not working properly.<sup>220</sup> The apparent reasons were that the involved actors had difficulties co-ordinating the work and that child psychologists and paediatricians could not always participate due to understaffing and lack of resources.<sup>221</sup> In Sweden, Barnahus are highly decentralised and locally run by one or several municipalities, and the decisions to open or shut a Barnahus down are also made at the municipal level. While this decentralisation may be the key to Sweden's many Barnahus (33 across the country), it may also make adequate staffing and resources more challenging in some municipalities.

■ The Barnahus model as such does not appear to have been questioned in the countries where these events occurred, but such experiences can serve as lessons for the future, illustrating some of the difficulties related to setting up Barnahus services and ensuring their sustainability.

### **c) Challenges overcome when setting up Barnahus**

■ When asked what the main difficulties had been (or continue to be) in setting up and expanding Barnahus and Barnahus-type services, the most frequent answer from States and other survey respondents was the challenge of organising multidisciplinary and interagency co-operation (MD/IA).<sup>222</sup> Other significant challenges were related to achieving the necessary law reforms, fully understanding the concept of Barnahus or Barnahus-type services, and ensuring the sustainability of such services.<sup>223</sup> Securing budget and solving issues around the sharing of personal data of the child in the MD/IA service represented common difficulties as well, as did concerns around procedural requirements in criminal proceedings.<sup>224</sup> Last but not least, several survey respondents also pointed to finding adequate premises as an obstacle to the setting up of Barnahus or Barnahus-type services.<sup>225</sup>

■ While some of these difficulties appear to have been solved at least partially as Barnahus or Barnahus-type services were set up, others tend to persist also afterwards. For instance, securing sufficient budget<sup>226</sup> and finding adequate professional structures to do interviews, evaluations and investigations<sup>227</sup> remain challenging in three countries.

■ In some countries, staffing represents an issue,<sup>228</sup> and the data showed that vacant professional positions and waiting lists for child victims are sometimes issues of concern.<sup>229</sup> Co-ordination issues and concerns relating to the roles and varying governance structures of different actors involved in interagency co-operation were also described by some survey respondents as challenging.<sup>230</sup>

■ A significant concern relates to the sharing of data between different actors,<sup>231</sup> which continues to represent a considerable hurdle according to four survey respondents. Information and documents concerning child victims are generally considered confidential. In terms of confidentiality obligations, other authorities are often considered third parties, and the grounds for confidentiality thus also limit the exchange of information between authorities as a main rule.<sup>232</sup> Confidential documents and information may be shared with another

219. See: <https://www.gov.uk/government/publications/child-sexual-abuse-child-house>. The Permanent Representation of the UK to the Council of Europe informed the Children's Rights Division on 16 November 2023 that the Lighthouse was in fact operational.

220. SVT Nyheter, "Utsatta barns fristad läggs ner – polisen och socialen slår larm" 4 February 2021, available at: <https://www.svt.se/nyheter/lokalt/blekinge/barnahus-laggs-ner>

221. SVT Nyheter, "Socialchefen: "Det är omöjligt att driva Barnahus"" 4 February 2021, available at: <https://www.svt.se/nyheter/lokalt/blekinge/karlshamns-kommun-darfor-lagger-vi-ner-barnahus>

222. 13 survey respondents indicated this as a difficulty.

223. Eight to nine survey respondents indicated these as challenges.

224. Seven survey respondents indicated these as challenges.

225. For six States, this has been or continues to be a challenge.

226. Germany, Republic of Moldova.

227. Greece, Germany.

228. Sweden.

229. Iceland, Ireland.

230. Finland, Ireland, Andorra.

231. Finland, Germany, Ireland, Sweden.

232. This is pointed out for instance in the Legal review analysis of Finnish legislation concerning child sexual exploitation and abuse cases, done by Inka Lilja and Miina Hiilloskivi for the Council of Europe in the framework of the Council of Europe – European Union joint project "Ensuring child-friendly justice through the effective operation of the Barnahus Units in Finland", 2022.

public authority either based on the relevant individual's consent, or when it has been explicitly laid down in law that such sharing is permissible under specific circumstances.

■ It is noteworthy that the challenge relating to the sharing of data is not limited only to the national level, but is also a cause for concern at the broader European scale, notably in the framework of international co-operation agreements.

■ For a child protection system to work adequately and ensure a seamless operational framework in which relevant actors can securely share and access relevant data concerning a child, certain parameters are necessary. Firstly, there should be legislation in place regulating *collection* of data, *transfer* of data, *keeping* and *usage* of data, and the roles and responsibilities of all relevant actors should be firmly established in the legal framework. Secondly, clear and concrete policies and procedures should be developed and adopted, setting forth how to ensure safe and secure data management, including data sharing protocols which cover how to share data securely to minimise potential harm to children.

■ To oversee the system and ensure effective co-ordination and data sharing between the different agencies involved in child protection services, a centralised co-ordination body should be created or selected.<sup>233</sup> This could serve not only to uphold the rules and ensure that data is handled in a safe manner, but also ensure that data, including research and evaluation reports, can be centralised and analysed, and in turn used for programme and policy design, and for the monitoring and evaluation of existing services.



#### EXAMPLE OF PRACTICE

In **Denmark**, the law regarding Barnahus makes it mandatory for Barnahus to register key information about all cases. This provides a unique opportunity to acquire data on cases of violence and sexual abuse against children. All the information recorded by the Barnahus is collected and centralised in a Barnahus database. This system makes it possible to obtain information on the national model and monitor its development.

### d) Opportunities to develop towards the creation of Barnahus services

■ As mentioned already in the introduction to this Study, the Barnahus idea and concept have travelled across Europe over the past two decades, and the path is not only one, but many. The data gathered in this Study shows how the different paths chosen by the Council of Europe member States can all lead, step by step, each and every one in their own pace, towards one same goal: improving the systems and services for child victims of violence.

■ Laying down the steppingstones for a more integrated child protection system can eventually lead to a fully-fledged system of Barnahus. An excellent example of this is Spain, which over years has developed multidisciplinary and interagency services for children who are victims of sexual abuse, and which is now in the process of building a nationwide network of Barnahus. This shows that even in States with decentralised systems, in which regions maintain large political and legal powers, it is possible to adopt one overarching federal law on Barnahus, under which the regions will thereafter operate at their own levels based on their regional powers.



#### IN THE MAKING

In **Catalunya, Spain**, a success of the current system is the Barnahus unit in Tarragona. Other regions have Barnahus-type services and MD/IA services, such as the Programme for the assessment, diagnosis and treatment of minors who are victims of sexual violence in Andalusia. As the Spanish national Barnahus project unfolds, each region in Spain should integrate the already existing successful initiatives and continue to build upon them towards the establishment of Barnahus.

■ Increasing and strengthening MD/IA services and extending such services more and more broadly to include interviewing practices, medical and psychosocial examinations and assessments, social and judicial services involved in adopting measures (whether voluntary or imposed) for children and families can, little by little, lead to a fully-fledged integrated system of child protection. At that point, as has happened for example in Spain and Slovenia, the benefits of consecrating a specific place – a Barnahus – to such services,

233. UNICEF, *Child Protection Systems Strengthening*, September 2021, p. 32.

putting the child at the centre and facilitating interconnected interventions from all involved professionals, may suddenly seem a logical step in the process, and could lead to a more effective use of resources and to more efficient services.

■ As relevant services are gradually brought closer to one another, the syndrome of “everyone ploughing their own furrow”<sup>234</sup> is more likely to fade, and multidisciplinary ways of working become more established. Not only can this lead to a more co-ordinated and coherent response to the needs of child victims, but it can also avoid overlaps and make the use of precious financial and other resources more efficient. In order to ensure a smooth transition towards a multidisciplinary approach, clear guidelines and codes of conduct for the communication and co-operation of different stakeholders are important, as is the fact of clarifying the roles and responsibilities of each relevant actor.

■ As indicated in previous sections, several States that do not yet have Barnahus and Barnahus-type services in place are advocating for it, and appear convinced that it would lead to more effective protection of child victims of violence and other criminal offences, more effective prosecution in criminal proceedings involving children as victims and/or witnesses of crime, and a better implementation of international and Council of Europe standards relative to the rights of the child and justice for children.

### **e) Opportunities to develop the international co-operation between Barnahus services**

■ The Lanzarote Convention provides for the bilateral co-operation of States Parties in investigations of cases within its scope. Under Article 38.1, the Convention puts an obligation on States Parties to co-operate with each other, to the widest extent possible, for the purpose of preventing and combating sexual exploitation and sexual abuse of children; protecting and assisting child victims; and investigating or prosecuting criminal offences involving violence against children. Their co-operation should be based on relevant international and regional instruments and arrangements and a growing body of uniform or reciprocal legislation and internal laws. State Parties to the Lanzarote Convention hold regular exchanges of good practice and look to mutually reinforce their responses to combat sexual exploitation and sexual abuse of children. The Lanzarote Committee has given detailed recommendations and guidance to States to improve the implementation of child-friendly criminal proceedings especially in terms of protecting children as victims and witnesses.<sup>235</sup>

■ The Policy guidelines on integrated national strategies for the protection of children from violence reiterate this principle and call upon member States to afford each other the widest measure of mutual assistance in proceedings on offences involving violence against children, such as child abductions, trafficking, sexual exploitation and sexual abuse of children. With a view to facilitating the implementation of the guidelines, member States should strengthen their co-operation within relevant intergovernmental bodies, transnational networks and other international organisations.<sup>236</sup>

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234. Everyone working in their own corner, isolated from others.

235. Lanzarote Committee 1<sup>st</sup> implementation report: Protection of children against sexual abuse in the circle of trust: the framework, adopted by the Committee on 4 December 2015.

236. Policy guidelines on integrated national strategies for the protection of children from violence (Recommendation [CM/Rec\(2009\)10](#) of the Committee of Ministers and Appendices), pp. 29-30, principle 8.







# 5. Conclusion:

## A look towards the future and strategic guidance

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### **a) Drawing on the data: Why the Barnahus model may represent a good model for child victims and witnesses of violence**

■ As this Study draws to an end, the journey of the Barnahus will continue its course through Europe, as more and more States join the process of setting up Barnahus and Barnahus-type services as cutting edge structures providing children with access to child-friendly justice, be they victims or witnesses of crimes or children who, for other reasons, need to be interviewed or auditioned for the justice system.

■ Intergovernmental organisations like the Council of Europe, the Council of Baltic Sea States and its Promise Network, the European Commission, UNICEF and other organisations, continue supporting States through projects aiming at developing and strengthening Barnahus as a model to better protect children across the continent. Mindful of the legal and social traditions of each country, Barnahus and Barnahus-type services will take on a slightly different form and shape in each destination, while at the same time ensuring a certain level of unity as the services are developed in accordance with international and Council of Europe human rights and child rights standards.

■ The data collected for this Study show how States have gradually increased and strengthened multidisciplinary and interagency services for children, extending such services more and more broadly to include evidence-based interviewing practices, medical and psychosocial examinations and assessments, social and judicial services involved in adopting measures (whether voluntary or imposed) for child victims and witnesses as well as their families. Little by little, each in their own way and pace, such progress is capable of leading towards a fully-fledged integrated system of child-friendly justice for the protection of children from violence.

■ Among the main achievements identified in this Study, the mere number of Council of Europe member States having established Barnahus and/or Barnahus-type services (28) is an impressive achievement, and five more States are currently in the process of setting up Barnahus. In about half of the States that do not yet have Barnahus or Barnahus-type services in place, there is an ongoing public debate and/or State and civil society actors advocating for Barnahus. These numbers are clear signs of the enthusiasm that surrounds the Barnahus model in Europe, and of the ongoing journey.

■ The data also showed several interesting examples of Barnahus having started as pilot projects in a limited geographical part of a country, which then gained traction and developed into a sustained model of work reaching children across the full territory of some States. This is indicative of the positive impact of the Barnahus model on child victims and witnesses, which has been increasingly evidenced and recognised.

### **Barnahus as a model for evidence-informed policy and practice**

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■ Research and evaluation are gradually contributing to better knowledge about the positive impact of ensuring timely and child-friendly services for children in one safe place, putting the child at the centre and facilitating interconnected interventions from all involved professionals.

■ Reducing the number of interviews, medical examinations and other relevant assessments of children, improving their timeliness and ensuring that highly skilled and trained professionals conduct them are steps that will not only contribute to reducing the risk of secondary victimisation of child victims and witnesses, but also have the potential to improve the evidence gathering process in criminal justice proceedings and to empower child victims and witnesses to participate in proceedings in a meaningful way. The Barnahus model, as a fully-fledged child-friendly justice approach, has demonstrated that this can be achieved while securing the rights of both the victim and the defendant.

■ Moreover, establishing child-friendly services which are co-ordinated across relevant agencies and conducted in a multidisciplinary manner can, in addition to being beneficial to the affected children, enhance the efficiency of interventions, resources, and streamline decision-making processes. Several States indicated

that ensuring sufficient budget and guaranteeing the sustainability of services for child victims and witnesses are part of their main concerns.

■ The existing evidence, coupled with member States' commitments under international and European standards, make a compelling case for Barnahus and other child-friendly justice models as a justified investment for the benefit of children, States, and societies at large.

## Barnahus as an evolving concept

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■ The data collected for this Study show that two of the initial principles of the Icelandic Barnahus – namely for Barnahus to be a public institution and for the set-up to be based on interagency co-operation – are indeed reflected in the European context, albeit not always in the same manner.

■ This Study shows that NGOs and other civil society actors have an important role in advocating for Barnahus, Barnahus-type services and other MD/IA services for children. Their engagement has been critical for promoting new services in several member States. Without the commitment of the State, at national, regional or local level, however, the Barnahus model is inconceivable as a sustainable *modus operandi*.

■ Multidisciplinary and interagency ways of operating, despite being indicated by several States as an initial challenge in the setting up of Barnahus and Barnahus-type services, have been established and are being continually strengthened. Multidisciplinary co-operation could still be expanded to include a broader set of professionals intervening in the services provided to child victims and witnesses. Persistent challenges identified in this regard tend to be linked to ensuring that a sufficient number of professionals are specially trained and recruited for child-friendly multidisciplinary and interagency services. Establishing an underlying framework for co-operation does not appear to be a significant challenge.

■ The Study reveals that the delimitation between Barnahus, Barnahus-type and other MD/IA services is fluid and that survey respondents exercised some level of discretion in their (self-) assessment of the services in place in member States. As the institutional set-up, target groups, scope and reach of these services vary and are in constant evolution. In the European context, therefore, the Barnahus model eludes a fixed definition.

■ The working definition proposed for the purpose of the survey appears to have been effective in describing Barnahus as a child-friendly justice service rooted in international and Council of Europe standards. In view of these findings and the continued collaboration of the Council of Europe and member States in this field, the idea of Barnahus and other child-friendly justice services could be described as follows:

A public institution or entity where multidisciplinary and interagency services for children collaborate in the same safe and child-friendly premises to secure the right of the child to access to justice and, where applicable, to co-ordinate parallel criminal, civil and administrative proceedings. Barnahus and other child-friendly justice services provide a co-ordinated and effective response to the child, reducing the risk of secondary victimisation and re-traumatisation during case assessment and, where applicable, during investigations and proceedings, while ensuring full respect of principles of due process and the best interests of the child. The central aim is to gather evidence of high probative value through evidence-based forensic interviewing and examination of the child. The child also receives support and assistance, including medical and therapeutic assessment and treatment, or is referred to appropriate follow-up support and assistance.

■ Despite the encouraging findings regarding the progress in implementing child-friendly justice standards, the future directions of the journey require continued investments. Among the principal weaknesses identified in this Study are resource allocation, monitoring and evaluation processes. The data showed that comprehensive budget information is rarely available, Barnahus funding is often project-based and not firmly anchored in the yearly government budget. In addition, very few countries have proceeded with evaluations of the services they put in place. This not only prevents a solid monitoring of Barnahus and an empirical base for its continued development but also makes it difficult to assess the actual impact on child victims and witnesses, the prosecution of defendants, as well as on the working conditions and professional development of staff.

■ Ensuring quality training, following evidence-based methods and anchoring them in formally adopted integrated work processes may ensure a better consistency and quality in interventions for child victims and witnesses. With regard to professional training, it is also crucial to acknowledge the need for each person working in or with Barnahus, Barnahus-type services or other MD/IA services catering for child victims and

witnesses to receive specialised training on child-friendly and trauma-informed work methods and approaches. This should not be limited to interviewing personnel.

■ For a child protection system to work adequately and ensure a seamless operational framework in which relevant actors can work together in a multidisciplinary and interagency manner, data sharing is essential. The data collected for this Study showed that data sharing often represents a challenge or even an obstacle to the development of Barnahus and Barnahus-type services. However, it also revealed that some States have found ways to overcome this obstacle through legislation, co-operation agreements and clear procedures regulating the collection, transfer, storage and usage of data in this context, in accordance with applicable Council of Europe standards and, where applicable, EU law.

## **Barnahus as a systemic method for the implementation of child-friendly justice standards**

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■ The data clearly show that member States where Barnahus or Barnahus-type services are in place are able to implement child-friendly justice standards more reliably and systematically than member States where these services do not exist. The Study confirmed this for specific standards concerning the right of child victims to be heard in criminal investigations and proceedings.

■ There is today solid evidence that child victims of violence and crime are generally able to make accurate and reliable statements when participating in proceedings, on the condition that they receive appropriate support in doing so. Support requires specially trained and qualified professional interviewers using an evidence-based interview protocol and recourse to video-recorded interviews to allow the child to testify in a child-friendly environment and reduce the number of interviews or hearings. Chapter 2 outlined how these safeguards for children were set out as legally binding standards in the Lanzarote Convention and reaffirmed by the Guidelines on child-friendly justice. The case law of the European Court of Human Rights demonstrates that the Court interprets the European Convention on Human Rights in light of these standards, which are indispensable for member States to comply with their investigative duties and procedural obligations under the Convention in cases involving child victims and witnesses of crime.

■ The Study findings show that, due to the variation of service models, the mere existence of Barnahus or Barnahus-type services is not a precondition for countries to succeed in implementing specific child-friendly justice standards, nor does the set-up of these services result automatically in the implementation of these standards. The data showed, for instance, that investigative methods used within Barnahus, Barnahus-type services and other MD/IA services are not always evidence-based, and while many countries require specialised training for all professionals working in the context of such services, and make use of child interview protocols, this is not the case everywhere. Furthermore, some countries indicated that well-established multidisciplinary work processes are still lacking. Nevertheless, the overall trend that Barnahus and Barnahus-type services lead towards more reliable implementation of child-friendly justice standards clearly emerges.

## **Barnahus as an example of innovative change in transnational governance for the rights of the child**

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■ Lastly, Barnahus is a driver of change towards child-friendly justice and an illustration of the interesting dynamic circularity of innovative practice, standard-setting and jurisprudence. Indeed, as mentioned in Chapter 2 of this Study, when Barnahus was first created in 1998, the UN Convention on the Rights of the Child provided the main international legal framework of reference for this innovative example of child-friendly justice. Barnahus pioneered the delicate process of aligning justice systems with the principle of the best interests of the child while upholding the principles of rule of law, such as the right to access to justice and to a fair trial. That it succeeded in this challenging endeavour, was increasingly recognised, first in Iceland, then among the European Nordic countries and subsequently in the broad European region and beyond.

■ Promising practices that were tried and tested in the Barnahus model are strengthened by standards set out in the Lanzarote Convention (2007), the Council of Europe Guidelines on child-friendly justice (2010) and the Recommendation on children's rights and social services friendly to children and families (2011). They are also increasingly referred to in the Concluding Observations of the UN Committee on the Rights of the Child, as illustrated in the contribution by Bragi Guðbrandsson.

■ The Council of Europe Strategy for the Rights of the Child (2022-2027) places emphasis on continuous implementation and joint innovation. The dynamic process by which Barnahus inspired standard-setting, co-operation and implementation, as well as jurisprudence, could be considered itself as a model of promising

practice in transnational governance for the rights of the child. It illustrates the importance of taking innovative examples of practice from member States into account when setting new standards.

## **b) What comes next? Recommendations and suggestions**

Member States may find this Study useful when reflecting on how to establish, strengthen and/or expand their Barnahus, Barnahus-type services and other MD/IA services. Collaboration and exchange of promising practices among member States appears to be effective in strengthening national models.

For the future developments of Barnahus and Barnahus-type services, as well as other child-friendly MD/IA services, the Study draws the following conclusions:

1. Establishing a child-friendly environment in which children can feel like children, not only like victims, and where they can feel safe is essential for the provision of services to child victims and witnesses. Ideally, all services should be gathered under one roof, but where this is not possible, priority should be granted to timely and co-ordinated interventions, which are sensitive to the rights and needs of the child.
2. It appears essential for Barnahus and Barnahus-type services to be anchored in public institutions and framed by a co-operation agreement which clearly establishes the role and responsibilities of all relevant actors, as well as the relationship and communication between them. Anchoring such agreements in the legal framework as well as in policy documents, and attributing a specific annual budget over a multi-year period have been observed to enhance sustainability.
3. All professionals working within Barnahus, Barnahus-type and other MD/IA services should be specially trained and highly skilled, and should receive regular continued training, competence-based evaluations and supervision. Training should be seen in a broad manner, recognising the need for each person working in or with Barnahus, Barnahus-type services or other MD/IA services to receive specialised training on the rights of the child, child-sensitive and trauma-informed work methods. Training should include joint multidisciplinary training and contribute to fostering a multidisciplinary, child-centred service culture. In view of the benefits of joined-up approaches, multidisciplinary and interagency training methods should be promoted systematically in academic and vocational training of officials and professionals working in national justice and child protection systems. Strategies for professional development of staff and a process of institutional learning should be developed and reviewed periodically.
4. Regular meetings of all involved actors to discuss activities and services, exchange views and experiences, and learn from each other have proven highly beneficial. Opportunities for such consultations should be provided at the level of individual Barnahus, Barnahus-type services or other MD/IA services, as well as nationally involving all relevant services. Ideally, academia and other potential research actors should be invited to the table and encouraged to carry out independent research and evaluations of the services, including with a particular view to children's own experiences through child consultation and participation processes. Budget should be allocated for research and consultation, evaluation and monitoring and mechanisms should be in place to ensure that the findings inform processes of institutional development.
5. Child interviews should be carried out at the earliest appropriate moment by specially trained professionals, using evidence-based interview protocols adapted to the national context. Child interviews should be co-ordinated with relevant officials and professionals to ensure that they can observe or listen to the interview and request the interviewer to ask relevant questions, in accordance with principles of due process and fair trial, applicable in criminal proceedings.
6. Child interviews should be video-recorded and admitted as evidence in administrative and judicial proceedings, to avoid children having to appear in court or to undergo repeated interviews, hearings or cross-examinations. Relevant authorities and services interviewing or hearing children in the context of legal proceedings should be fully equipped and trained to implement this standard in all proceedings involving children, civil, administrative and criminal. The recordings should be handled in accordance with the rights of the child to respect for privacy and data protection.
7. The medical examination of the child, if relevant, should be carried out without undue delay in a child-friendly setting and manner by specially trained medical staff. Special training should involve child-friendly and -sensitive examination techniques. Ideally, the medical examination should be carried out in the same premises as the child interview (i.e. in the Barnahus, if any) and in co-ordination with other professionals in a multidisciplinary manner.

8. Children referred to Barnahus or Barnahus-type services should be assessed to identify any need of crisis support and ensure the services provided in Barnahus and Barnahus-type services are sensitive to the individual needs and situation of the child. Thereafter, continued psycho-social and other appropriate support should be provided in accordance with the needs assessment made by specially trained professionals. Where possible, the child's (non-offending) family members, in particular parents and siblings, should be afforded crisis-support and other relevant assistance as well, or be referred to appropriate services.
9. Barnahus and Barnahus-type services should have clear procedures in place for the processing of personal data, in accordance with applicable laws, in order to contribute to effective co-operation among relevant professionals and develop anonymised data and statistics regarding their services and interventions, while securing the child's data protection rights and reducing the risk of harm to the child.

■ In addition, in order to continue expanding the Barnahus model and firmly anchor its underlying evidence-based principles in the practice across and beyond Europe, it is suggested that the Council of Europe, in partnership with relevant stakeholders:

10. Explore opportunities and develop solutions for applying the Barnahus principles to all contexts where children are in contact with the justice system, including in criminal, civil and administrative proceedings, in proceedings under public and private law, irrespective of whether children are involved as victims, witnesses, suspects, accused persons, parties or participants, with a view to developing overarching principles for child-friendly justice centres inspired by the Barnahus promising practice model.
11. Carry out further research and consultation on the role of Barnahus and comparable child-friendly justice services in transnational child protection cases and legal proceedings with a cross-border dimension involving children, in partnership with existing structures and institutions operating in a transnational context, such as relevant judicial networks and central authorities.
12. Consider developing a Council of Europe policy instrument on Barnahus and other MD/IA child-friendly justice services, for instance in the form of a Recommendation by the Committee of Ministers, providing policy and practical guidance to member States on the principles of Barnahus and their application to all contexts where children are in contact with the justice system.



# International and Council of Europe standards relating to Barnahus

## Acronyms used in the checklist table

CFJG	Council of Europe <a href="#">Guidelines on child-friendly justice</a> , 2010
Cybercrime Convention	Convention on Cybercrime (Budapest Convention), ETS No. 185, 2001 and Protocols
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950)
ECtHR	European Court of Human Rights
Guidelines health care	Council of Europe <a href="#">Guidelines on child-friendly health care</a> , 2011
Lanzarote Convention	Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, <a href="#">CETS No. 201</a> , 2007
Rec(2008)11	Council of Europe Recommendation on the European Rules for juvenile offenders subject to sanctions or measures ( <a href="#">CM/Rec(2008)11</a> )
Rec(2009)10	Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence ( <a href="#">CM/Rec(2009)10</a> )
Rec(2011)12	Council of Europe Recommendation on children's rights and social services friendly to children and families ( <a href="#">CM/Rec(2011)12</a> )
Rec(2012)2	Council of Europe Recommendation on the participation of children and young people under the age of 18 ( <a href="#">CM/Rec(2012)2</a> )
Rec(2018)7	Guidelines to respect, protect and fulfil the rights of the child in the digital environment ( <a href="#">CM/Rec(2018)7</a> )
UNCRC	United Nations Convention on the Rights of the Child, 1989

## Principles

Standards	Main provisions	Legal and policy references	Additional references / Comments
Right to life	Everyone's right to life shall be protected by law. (...)	ECHR Article 2	
Right to protection against all forms of violence and exploitation	States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.	UNCRC Article 19.1	ECHR Article 4 and 5  Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), <a href="#">CETS No. 201</a> , 2007



Standards	Main provisions	Legal and policy references	Additional references / Comments
			<p>Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), CETS No. 210, 2011</p> <p>Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 2005</p>
Right to non-discrimination	<p>States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without any discrimination of any kind.</p> <p>The rights of children shall be secured without discrimination on any grounds. Specific protection and assistance may need to be granted to more vulnerable children.</p> <p>The implementation of the provisions of this Convention by the Parties, in particular the enjoyment of measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.</p> <p>Committee on the Rights of the Child on prevention of discrimination and affirmative action</p>	<p>UNCRC, Article 2.1.</p> <p>CFJG, III.D.</p> <p>Lanzarote Convention, Article 2</p>	<p>ECHR Article 14 (Prohibition of discrimination)</p> <p>See also Rec(2009)10, 2.3. Rec(2011)12, III.A.3.b. Guidelines health care, III.A.9. Rec(2012)2, II.</p>
Right to have the best interests of the child made a primary consideration	<p>In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.</p> <p>Member states should guarantee the effective implementation of the right of children to have their best interests be a primary consideration in all matters involving or affecting them.</p>	<p>UNCRC, Article 3.1.</p> <p>CFJG, III.B.</p>	<p>See also Rec(2009)10, 2.3. Rec(2011)12, III.A.1. Guidelines health care, III.E. Rec(2008)11, para. 5.</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>Each Party shall take the necessary legislative or other measures to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child.</p> <p>The Court reiterates that the obligations incurred by the State under Articles 3 and 8 of the Convention in cases of alleged sexual abuse of children require respect for the best interests of the child.</p> <p>(...) in cases where children may have been victims of sexual abuse, compliance with the positive obligations arising out of Article 3 requires, in the context of the domestic proceedings, the effective implementation of children’s right to have their best interests as a primary consideration and to have the child’s particular vulnerability and corresponding needs adequately addressed (see A and B v. Croatia, cited above, § 111, and M.M.B. v. Slovakia, no. 6318/17, § 61, 26 November 2019; see also M.G.C. v. Romania, cited above, §§ 70 and 73).</p>	<p>Lanzarote Convention, Article 30.1.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 83.</p> <p>X. and others v. Bulgaria, Application no. <a href="#">22457/16</a>, para. 192</p>	
Right to development	States Parties shall ensure to the maximum extent possible, the survival and development of the child.	UNCRC, Article 6	See also Rec(2009)10, 2.3.
Participation and right to be heard	<p>The right of all children to be informed about their rights, to be given appropriate ways to access justice and to be consulted and heard in proceedings involving or affecting them should be respected. This includes giving due weight to the children’s views bearing in mind their maturity and any communication difficulties they may have in order to make this participation meaningful.</p> <p>Children should be considered and treated as full bearers of rights and should be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views and the circumstances of the case.</p>	CFJG, III.A.	<p>See below (“Right to be heard and to have their views given due weight”)</p> <p>See also: Rec(2008)11, para. 13.</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
Prohibition of cruel and degrading treatment and punishment	No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. (...).	UNCRC Article 37 (a)	ECHR Article 3 CFJG III.C.2.
Dignity	Children should be treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity.  The right to human dignity and psychological integrity requires particular attention where a child is the victim of violence, including during investigations and proceedings (see <i>M.M.B. v. Slovakia</i> , no. 6318/17, § 61, 26 November 2019, and <i>C.A.S. and C.S. v. Romania</i> , no. 26692/05, § 82, 20 March 2012).	CFJG, III.C.  R.B. v. ESTONIA, Application no. 22597/16, 22 September 2021, para. 83.	See also Rec(2011)12, III.A.3.a. Guidelines health care, III.B. Rec(2008)11, para. 7, 109. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007, Articles 30 para. 2, 31, 34, 35 and 36 CETS No. 201, 2007
Rule of law	The rule of law principle should apply fully to children as it does to adults.  Each Party shall ensure that the measures applicable under the current chapter are not prejudicial to the rights of the defence and the requirements of a fair and impartial trial, in conformity with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.	CFJG, III.E.  Lanzarote Convention, Article 30.4.	ECHR Article 6 (Right to a fair trial), Article 7 (No punishment without law), Article 13 (Right to an effective remedy)  See also: Rec(2012)2, III.  Rec(2008)11, para. 13.

## Right to information

Standards	Main provisions	Legal and policy references	Additional references / Comments
Right to seek, receive and impart information	The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally or in writing or in print, in the form of art, or through any other media of the child's choice.	UNCRC, Article 13	
Children should be promptly and adequately informed	Children should be informed about <ul style="list-style-type: none"> <li>- their rights,</li> <li>- different procedural steps;</li> <li>- likely duration of proceedings,</li> </ul>	CFJG, IV.A.1.1.	See also Rec(2011)12, III.B.4. / V.A. See also Rec(2012)2, II / III.

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<ul style="list-style-type: none"> <li>- mechanisms for review of decisions affecting the child;</li> <li>- access to appeals;</li> <li>- access to independent complaints mechanisms;</li> <li>- the status and role of the child in the proceedings;</li> <li>- support mechanisms for the child participating in the judicial or non-judicial procedures;</li> <li>- appropriateness and possible consequences of given in-court or out-of-court proceedings;</li> <li>- the time and place of court proceedings and other relevant events, such as hearings, if the child is personally affected;</li> <li>- the general progress and outcome of the proceedings or intervention;</li> <li>- availability of protective measures;</li> <li>- existing opportunities to obtain reparation from the offender or from the state;</li> <li>- availability of the support services (health, psychological, social, interpretation and translation, and other);</li> <li>- any special arrangements available in order to protect as far as possible their best interests if they are resident in another state.</li> </ul> <p>Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by informing them of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases.</p>	<p>Lanzarote Convention, Article 31.2.</p> <p>Lanzarote Convention, Article 31.1.a.</p>	

Standards	Main provisions	Legal and policy references	Additional references / Comments
Child-friendly information	<p>The information and advice should be provided to children in a manner adapted to their age and maturity, in a language which they can understand and which is gender and culture sensitive.</p> <p>Each Party shall ensure that the information given to victims in conformity with the provisions of this Article is provided in a manner adapted to their age and maturity and in a language that they can understand.</p>	<p>CFJG, IV.A.1.2.</p> <p>Lanzarote Convention, Article 31.6.</p>	
Information for parents	As a rule, both the child and parents or legal representatives should directly receive the information.	CFJG, IV.A.1.3.	
Information provision with continuity throughout proceedings	<p>Information should be provided from the first involvement with the justice system or other competent authorities. Information should be provided throughout the proceedings.</p> <p>If participation is to be effective, meaningful and sustainable, it needs to be understood as a process and not a one-off event and requires ongoing commitment in terms of time and resources.</p>	<p>CFJG, IV.A.1.1.</p> <p>Rec(2012)2, II.</p>	
Child-friendly materials	Child-friendly materials containing relevant legal information should be made available.	CFJG, IV.A.1.4.	
Information about release of prosecuted or convicted person (child victims)	Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively.	Lanzarote Convention, Article 31.1.b.	

### Right to be heard and to have their views given due weight

Standards	Main provisions	Legal and policy references	Additional references / Comments
Right to be heard	States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.	UNCRC Article 12.1	ECHR Article 10 (Freedom of expression), Article 11 (Freedom of assembly and association)

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.</p> <p>The right of all children to be informed about their rights, to be given appropriate ways to access justice and to be consulted and heard in proceedings involving or affecting them should be respected. This includes giving due weight to the children's views bearing in mind their maturity and any communication difficulties they may have in order to make this participation meaningful.</p>	<p>UNCRC Article 12.2.</p> <p>CFJG, III.A.</p>	<p>See also Rec(2009)10, 2.3., 6.7.4. Rec(2011)12, III.B. Guidelines health care, III.C.</p>
<p>Children are heard in accordance with their level of understanding and ability to communicate (no age limits)</p>	<p>Judges should respect the right of children to be heard in all matters that affect them or at least to be heard when they are deemed to have a sufficient understanding of the matters in question. Means used for this purpose should be adapted to the child's level of understanding and ability to communicate and take into account the circumstances of the case.</p> <p>A child should not be precluded from being heard solely on the basis of age. Whenever a child takes the initiative to be heard in a case that affects him or her, the judge should not, unless it is in the child's best interests, refuse to hear the child and should listen to his or her views and opinion on matters concerning him or her in the case.</p> <p>Review and seek to remove restrictions in law or in practice which limit children or young people's right to be heard in all matters affecting them.</p>	<p>CFJG, IV.D.3.44.</p> <p>CFJG, IV.D.3.47.</p> <p>Rec(2012)2, III.</p>	<p>See also Rec(2012)2, II.</p>
<p>Child is consulted on the manner in which to be heard</p>	<p>Children should be consulted on the manner in which they wish to be heard.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations</p>	<p>CFJG, IV.D.3.44.</p> <p>Lanzarote Convention, Article 31.1.c.</p>	

Standards	Main provisions	Legal and policy references	Additional references / Comments
	and criminal proceedings, in particular by enabling them, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and to choose the means of having their views, needs and concerns presented, directly or through an intermediary, and considered.		
Due weight to the child's views	Due weight should be given to the child's views and opinion in accordance with his or her age and maturity.	CFJG, IV.D.3.45.	
Information on how to use the right to be heard	Children should be provided with all necessary information on how effectively to use the right to be heard. However, it should be explained to them that their right to be heard and to have their views taken into consideration may not necessarily determine the final decision.	CFJG, IV.D.3.48.	
Decisions explained to the child	Judgments and court rulings affecting children should be duly reasoned and explained to them in language that children can understand, particularly those decisions in which the child's views and opinions have not been followed.	CFJG, IV.D.3.49.	
Consent to a health care intervention	When a child, according to law, is able to consent to an intervention, the intervention may only be carried out after the child has given his or her free and informed consent. When, according to law, the child does not have the capacity to consent to an intervention, the opinion of the child shall be taken into account as an increasingly determining factor in proportion to his or her age and degree of maturity. Children should be given appropriate information beforehand.	Guidelines health care, III.C.12.i.	
Opportunity to provide feedback	Children should be given the opportunity to provide feedback on their experience after they have used services. Implementation will require the development of assessment of both patient-reported outcome and patient-reported experience and different methods of involving them in the process (individually and with peers).	Guidelines health care, V.42.ii	
Complaints mechanism	Children should have the right to access appropriate independent and effective complaints mechanisms.	CFJG III.E.3.	Rec(2008)11, Part V.G.

## Child interview

Standards	Main provisions	Legal and policy references	Additional references / Comments
Interview without undue delay	Each Party shall take the necessary legislative or other measures to ensure that interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities.	Lanzarote Convention, Article 35, 1.a.	
Trained professionals	Interviews of and the gathering of statements from children should, as far as possible, be carried out by trained professionals. Every effort should be made for children to give evidence in the most favourable settings and under the most suitable conditions, having regard to their age, maturity and level of understanding and any communication difficulties they may have.  Each Party shall take the necessary legislative or other measures to ensure that interviews with the child are carried out by professionals trained for this purpose.	CFJG, IV.D.6.64.  Lanzarote Convention, Article 35.1.c.	
Audiovisual statements of child victims or witnesses	Audiovisual statements from children who are victims or witnesses should be encouraged, while respecting the right of other parties to contest the content of such statements.	CFJG, IV.D.6.65.	
Use of interview protocols	Interview protocols that take into account different stages of the child's development should be designed and implemented to underpin the validity of children's evidence. These should avoid leading questions and thereby enhance reliability.	CFJG, IV.D.6.71.	See also Rec(2011)12, III.B.1.
Value of child's statement	The existence of less strict rules on giving evidence such as absence of the requirement for oath or other similar declarations, or other child-friendly procedural measures, should not in itself diminish the value given to a child's testimony or evidence. A child's statements and evidence should never be presumed invalid or untrustworthy by reason only of the child's age.	CFJG, IV.D.6.70.  CFJG, IV.D.6.73.	
Single interviewer	When more than one interview is necessary, they should preferably be carried out by the same person, in order to ensure coherence of approach in the best interests of the child.	CFJG, IV.D.6.66.	



Standards	Main provisions	Legal and policy references	Additional references / Comments
	Each Party shall take the necessary legislative or other measures to ensure that the same persons, if possible and where appropriate, conduct all interviews with the child.	Lanzarote Convention, Article 35.1.d.	
Reduced number of interviews	<p>The number of interviews should be as limited as possible and their length should be adapted to the child's age and attention span.</p> <p>Each Party shall take the necessary legislative or other measures to ensure that the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings.</p> <p>Social services should facilitate the availability of child-friendly, multi-sectoral and interdisciplinary services for child victims and witnesses of abuse for the purposes of avoiding repeated interviews and the re-victimisation of the child.</p>	<p>CFJG, IV.D.6.67.</p> <p>Lanzarote Convention, Article 35.1.e.</p> <p>Rec(2011)12, V.E.3.</p>	

## Legal counsel and representation

Standards	Main provisions	Legal and policy references	Additional references / Comments
Legal counsel and representation	<p>Children should have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties.</p> <p>Adequate representation and the right to be represented independently from the parents should be guaranteed, especially in proceedings where the parents, members of the family or caregivers are the alleged offenders.</p>	<p>CFJG, IV.D.37.</p> <p>CFJG, IV.D.43.</p>	Rec(2008)11, para. 120.1, 120.2.
Legal aid	<p>Children should have access to free legal aid, under the same or more lenient conditions as adults.</p> <p>Each Party shall ensure that victims have access, provided free of charge where warranted, to legal aid when it is possible for them to have the status of parties to criminal proceedings.</p>	<p>CFJG, IV.D.38.</p> <p>Lanzarote Convention, Article 31.3.</p>	Rec(2008)11, para. 120.3.

Standards	Main provisions	Legal and policy references	Additional references / Comments
Trained lawyers	Lawyers representing children should be trained in and knowledgeable on children's rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding.	CFJG, IV.D.39.	
Guardian <i>ad litem</i> / Special representative	<p>In cases where there are conflicting interests between parents and children, the competent authority should appoint either a guardian <i>ad litem</i> or another independent representative to represent the views and interests of the child.</p> <p>Each Party shall provide for the possibility for the judicial authorities to appoint a special representative for the victim when, by internal law, he or she may have the status of a party to the criminal proceedings and where the holders of parental responsibility are precluded from representing the child in such proceedings as a result of a conflict of interest between them and the victim.</p>	<p>CFJG, IV.D.42.</p> <p>Lanzarote Convention, Article 31.4.</p>	

### Right to protection of private and family life

Standards	Main provisions	Legal and policy references	Additional references / Comments
Protection of privacy and personal data	<p>No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>The privacy and personal data of children who are or have been involved in judicial or non-judicial proceedings and other interventions should be protected in accordance with national law.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by protecting their privacy, their identity and their image and by taking</p>	<p>UNCRC, Article 16</p> <p>CFJG, IV.A.2.6.</p> <p>Lanzarote Convention, Article 31.1.e.</p>	<p>ECHR Article 8 (Right to respect for private and family life)</p> <p>See also Rec(2011)12, V.H.</p> <p>Rec(2008)11, para. 16.</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
	measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification.		
Prevention of violations of privacy rights by the media	Member States should prevent violations of the privacy rights by the media through legislative measures or monitoring self-regulation by the media.	CFJG, IV.A.2.7.	
Limited access to case records	Limited access to all records or documents containing personal and sensitive data of children.	CFJG, IV.A.2.8.	
Data transfer in accordance with data protection legislation	If the transfer of personal and sensitive data is necessary, while taking into account the best interests of the child, member states should regulate this transfer in line with relevant data protection legislation.	CFJG, IV.A.2.8.	
Hearing in camera	<p>Whenever children are being heard or giving evidence in judicial or non-judicial proceedings or other interventions, where appropriate, this should preferably take place in camera. As a rule, only those directly involved should be present, provided that they do not obstruct children in giving evidence.</p> <p>Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that: a. the judge may order the hearing to take place without the presence of the public; b. the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.</p>	<p>CFJG, IV.A.2.9.</p> <p>Lanzarote Convention, Article 36.2.</p>	
Confidentiality	<p>Professionals working with and for children should abide by the strict rules of confidentiality, except where there is a risk of harm to the child.</p> <p>Rules on confidentiality should facilitate multidisciplinary co-operation by setting up a common framework for respecting the right to privacy. This entails allowing the sharing of information with persons bound by professional secrecy, and only if it is in the best interest of the child. Sharing information should be limited to what is strictly necessary to achieve this end and should generally be subject to the approval of the child and her or his parents.</p>	<p>CFJG, IV.A.2.10.</p> <p>Rec(2011)12, V.H.d.</p>	

## Safety

Standards	Main provisions	Legal and policy references	Additional references / Comments
Protection from harm	<p>Children should be protected from harm, including intimidation, reprisals and secondary victimisation.</p> <p>Each Party shall adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation.</p>	<p>UNCRC, Article 19 CFJG, IV.A.3.11.</p> <p>Lanzarote Convention, Article 30.2.</p> <p>Lanzarote Convention, Article 31.1.f.</p>	<p>See also Rec(2009)10, 6.7.5.b. Rec(2011)12, III.C.</p>
Vetting procedures	<p>Professionals working with and for children should, where necessary, be subject to regular vetting.</p>	<p>CFJG, IV.A.3.12. (see also Lanzarote Convention, Article 5.3.; Rec(2009)10, 6.2.3.; Rec(2011)12, V.G.b.)</p>	
Protection against violence by a family member	<p>Special precautionary measures should apply to children when the alleged perpetrator is a parent, a member of the family or a primary caregiver.</p> <p>When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the 23 Protective measures and assistance to victims intervention procedures taken in application of Article 11, paragraph 1, shall include:</p> <ul style="list-style-type: none"> <li>- the possibility of removing the alleged perpetrator;</li> <li>- the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.</li> </ul>	<p>CFJG, IV.A.3.13.</p> <p>Lanzarote Convention, Article 14.3.</p>	

Standards	Main provisions	Legal and policy references	Additional references / Comments
Protection against violence in the digital environment	Taking into account the development of new technologies, children have the right to be protected from all forms of violence, exploitation and abuse in the digital environment. Any protective measures should take into consideration the best interests and evolving capacities of the child and not unduly restrict the exercise of other rights.	Rec(2018)7, para. 50 and section 3.6	Cybercrime Convention, Article 9 and Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence (CETS. No. 224), 2022

### Avoiding undue delay

Standards	Main provisions	Legal and policy references	Additional references / Comments
Urgency principle	<p>In all proceedings involving children, the urgency principle should be applied to provide a speedy response and protect the best interests of the child, while respecting the rule of law.</p> <p>Each Party shall ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay.</p> <p>The Court has already held that, regardless of the final outcome of the proceedings, the protection mechanisms available under domestic law should operate in practice in a manner allowing for the examination of the merits of a particular case within a reasonable time (see <i>W. v. Slovenia</i>, no. 24125/06, § 65, 23 January 2014).</p>	<p>CFJG, IV.D.4.50.</p> <p>Lanzarote Convention, Article 30.3.</p> <p>R.B. v. ESTONIA, Application no. 22597/16, 22 September 2021, para. 81.</p>	See also Rec(2009)10, 6.7.3. Rec(2008)11, para. 9.
Immediate enforceability	In accordance with the law, judicial authorities should have the possibility to take decisions which are immediately enforceable in cases where this would be in the best interests of the child.	CFJG, IV.D.4.53.	

### Investigative duties and organisation of proceedings

Standards	Main provisions	Legal and policy references	Additional references / Comments
Investigative duties of States	The Lanzarote Convention obliges States Parties to “adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the	Lanzarote Convention, Article 30.2.	(see also “Safety / protection from harm)

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation.</p> <p>Regarding, more specifically, serious acts such as rape and other forms of sexual abuse of children, where fundamental values and essential aspects of private life are at stake, it falls upon the member States to ensure that efficient criminal-law provisions are in place (see <i>X and Others v. Bulgaria</i> [GC], no. <a href="#">22457/16</a>, 2 February 2021). In such cases the State's positive obligations also include requirements related to the effectiveness of the criminal investigation (see <i>Söderman</i>, cited above, §§ 82-83, with further references).</p> <p>The Court has held that an effective investigation should in principle be capable of leading to the establishment of the facts of the case and to the identification and, if appropriate, punishment of those responsible. This is not an obligation of result, but one of means. The authorities must take the reasonable steps available to them to secure the evidence concerning the incident, such as witness testimony and forensic evidence (see <i>Z. v. Bulgaria</i>, no. <a href="#">39257/17</a>, § 65, 28 May 2020).</p> <p>In addressing the question, the Court will take into account the criteria laid down in international instruments. In particular, it notes that the Lanzarote Convention, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and the relevant EU directives lay down a number of requirements relating to the collection and preservation of evidence from children (see paragraphs</p>	<p>Lanzarote Convention, Article 31.1.f.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 79.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 80.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 88.</p>	<p>The Court considered that other investigative measures of a more covert nature, such as surveillance, telephone tapping or interception or use of undercover agents should be considered, in accordance with Lanzarote Convention Article 30.5, and with due respect of ECHR Article 8, right to respect for private and family life (<i>X. and others v. Bulgaria</i>, Application no. <a href="#">22457/16</a>, para. 221, 222).</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>47, 48, 50 and 52 above). Although the Lanzarote Convention entered into force in respect of Estonia subsequent to the facts of the present case, the other relevant instruments contain provisions similar to those of that Convention.</p> <p>Investigation “must be undertaken by qualified professionals who have received role-specific and comprehensive training, and require a child rights-based and child-sensitive approach. Rigorous but child-sensitive investigation procedures will help to ensure that violence is correctly identified and help provide evidence for administrative, civil, child-protection and criminal proceedings. Extreme care must be taken to avoid subjecting the child to further harm through the process of the investigation. Towards this end, all parties are obliged to invite and give due weight to the child’s views.”</p>	<p>Committee on the Rights of the Child, General comment No. 13, The right of the child to freedom from all forms of violence, <a href="#">CRC/C/GC/13</a>, 18 April 2011, para. 51.</p>	
<p>Procedural rules and safeguards</p>	<p>The Court has also emphasised that it was incumbent on the States to adopt procedural rules guaranteeing and safeguarding children’s testimony (see <i>G.U. v. Turkey</i>, no. <a href="#">16143/10</a>, § 73, 18 October 2016).</p> <p>(...) in so far as the investigation leads to charges being brought before the national courts, the procedural obligations in relation to the alleged ill-treatment extend to the trial stage of the proceedings. In such cases the proceedings as a whole, including the trial stage, must satisfy the requirements of the prohibition of ill-treatment (<i>ibid.</i>, § 66).</p> <p>(...) States are required under Articles 3 and 8 to enact provisions criminalising the sexual abuse of children and to apply them in practice through effective investigation and prosecution, bearing in mind the particular vulnerability of children, their dignity and their rights as children and as victims (see <i>Z v. Bulgaria</i>, § 70, and <i>A and B v. Croatia</i>, § 112, both cited above). These obligations</p>	<p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 83, 99.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 81.</p> <p>R.B. v. ESTONIA, Application no. <a href="#">22597/16</a>, 22 September 2021, para. 84.</p>	

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>also stem from other international instruments, such as, <i>inter alia</i>, the UN Convention on the Rights of the Child and the Lanzarote Convention (...). In interpreting the State's obligations mentioned above, the Court will have regard to the relevant rules and principles of international law, as well as to non-binding instruments of Council of Europe organs (see <i>Demir and Baykara v. Turkey</i> [GC], no. 34503/97, §§ 69 and 74, ECHR 2008, and <i>X and Others v. Bulgaria</i>, cited above, §§ 179 and 192).</p>		
Barnahus and Barnahus-type services and other MD/IA services / other child-friendly justice centres / services	Set up child-friendly, multi-agency and interdisciplinary centres for child victims and witnesses where children could be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals.	CFJG, V.j.	
Child-friendly environment	<p>Cases involving children should be dealt with in non-intimidating and child-sensitive settings. As far as appropriate and possible, interviewing and waiting rooms should be arranged for children in a child-friendly environment. The possibility of taking statements of child victims and witnesses in specially designed child-friendly facilities and a child-friendly environment should be examined.</p> <p>Each Party shall take the necessary legislative or other measures to ensure that interviews with the child take place, where necessary, in premises designed or adapted for this purpose.</p>	<p>CFJG, IV.D.5.54.</p> <p>CFJG, IV.D.5.62.</p> <p>CFJG, IV.D.6.74.</p> <p>Lanzarote Convention, Article 35.1.b.</p>	
Respect for age and special needs	In all proceedings, children should be treated with respect for their age, their special needs, their maturity and level of understanding, and bearing in mind any communication difficulties they may have.	CFJG, IV.D.5.54.	
Becoming familiar with officials involved	Before proceedings begin, children should be familiarised with the roles and identities of the officials involved.	CFJG, IV.D.5.55.	
Becoming familiar with court or facilities	Before proceedings begin, children should be familiarised with the layout of the court or other facilities.	CFJG, IV.D.5.55.	



Standards	Main provisions	Legal and policy references	Additional references / Comments
Child-friendly language	Language appropriate to children's age and level of understanding should be used.	CFJG, IV.D.5.56.	
Child-sensitive interview or hearing	When children are heard or interviewed in judicial and non-judicial proceedings and during other interventions, judges and other professionals should interact with them with respect and sensitivity.	CFJG, IV.D.5.57.	
Accompaniment by parent / adult	Children should be allowed to be accompanied by their parents or, where appropriate, an adult of their choice, unless a reasoned decision has been made to the contrary in respect of that person.  Each Party shall take the necessary legislative or other measures to ensure that the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.	CFJG, IV.D.5.58.  Lanzarote Convention, Article 35.1.f.	See also: Rec(2008)11, para. 14.
Child-sensitive interview methods used and admitted as evidence	Interview methods, such as video or audio-recording or pre-trial hearings in camera, should be used and considered as admissible evidence.  Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings, according to the rules provided by its internal law.	CFJG, IV.D.5.59.  Lanzarote Convention, Article 35.2.	
Protection from harmful images or information	Children should be protected, as far as possible, against images or information that could be harmful to their welfare. In deciding on disclosure of possibly harmful images or information to the child, the judge should seek advice from other professionals, such as psychologists and social workers.	CFJG, IV.D.5.60.	
Preventing direct contact between child victim and alleged perpetrator	Direct contact, confrontation or interaction between a child victim or witness with alleged perpetrators should, as far as possible, be avoided unless at the request of the child victim. Children should have the opportunity to give evidence in criminal cases without the presence of the alleged perpetrator.	CFJG, IV.D.6.68.  CFJG, IV.D.6.69.	Measures taken to protect the child victim shall not jeopardise the adequate and effective exercise of the rights of the defence (see: ECtHR, Bocos-Cuesta v. the Netherlands, No. 54789/00, 10 November 2005; ECtHR, A.L. v. Finland, No. 23220/04,

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact.</p> <p>The Court has had regard to the special features of criminal proceedings concerning sexual offences. Such proceedings are often conceived of as an ordeal by the victim, in particular when the latter is unwillingly confronted with the defendant. These features are even more prominent in a case involving a minor. In the assessment of the question whether or not in such proceedings an accused received a fair trial, account must be taken of the right to respect for the private life of the perceived victim. Therefore, the Court accepts that in criminal proceedings concerning sexual abuse certain measures may be taken for the purpose of protecting the victim, provided that such measures can be reconciled with an adequate and effective exercise of the rights of the defence (see <i>Baegen v. the Netherlands</i>, judgment of 27 October 1995, Series A no. 327-B, opinion of the Commission, p. 44, § 77). In securing the rights of the defence, the judicial authorities may be required to take measures which counterbalance the handicaps under which the defence labours (see <i>Doorson v. the Netherlands</i>, judgment of 26 March 1996, <i>Reports of Judgments and Decisions</i> 1996-II, p. 471, § 72, and <i>P.S. v. Germany</i>, no. 33900/96, § 23, 20 December 2001).</p>	<p>Lanzarote Convention, Article 31.1.g.</p> <p>ECtHR, <i>S.N. v. Sweden</i>, Application no. 34209/96, 2 July 2002, para. 47.</p>	<p>27 January 2009; ECtHR, <i>W. v. Finland</i>, No. 14151/02, 24 April 2007; ECtHR, <i>Kovač v. Croatia</i>, No. 503/05, 12 July 2007.).</p>
Child-sensitive court sessions	<p>Court sessions involving children should be adapted to the child's pace and attention span: regular breaks should be planned and hearings should not last too long. To facilitate the participation of children to their full cognitive capacity and to support their emotional stability, disruption and distractions during court sessions should be kept to a minimum.</p>	CFJG, IV.D.5.61.	

Standards	Main provisions	Legal and policy references	Additional references / Comments
<p>Bilateral collaboration in investigations</p>	<p>The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of: (a) preventing and combating sexual exploitation and sexual abuse of children; (b) protecting and providing assistance to victims; (c) investigations or proceedings concerning the offences established in accordance with this Convention.</p> <p>The requirement of effectiveness of the criminal investigation may in some circumstances include an obligation for the investigating authorities to co-operate with the authorities of another State, implying an obligation to seek or to afford assistance. The nature and scope of these obligations will inevitably depend on the circumstances of each particular case, for instance whether the main items of evidence are located on the territory of the Contracting State concerned or whether the suspects have fled there (see, from the standpoint of Article 2 of the Convention, <i>Güzelyurtlu and Others v. Cyprus and Turkey</i> [GC], no. 36925/07, § 233, 29 January 2019). This means that the States concerned must take whatever reasonable steps they can to co-operate with each other, exhausting in good faith the possibilities available to them under the applicable international instruments on mutual legal assistance and co-operation in criminal matters. Although the Court is not competent to supervise respect for international treaties or obligations other than the Convention, it normally verifies in this context whether the respondent State has used the possibilities available under these instruments (see <i>Güzelyurtlu and Others</i>, cited above, § 235, and the references cited therein).</p>	<p>Lanzarote Convention Art. 38.1</p> <p>X. and others v. Bulgaria, Application no. <a href="#">22457/16</a>, para. 191, 217.</p>	

## Training of and support for professionals

Standards	Main provisions	Legal and policy references	Additional references / Comments
Support and guidance for professionals	<p>Ensure that all concerned professionals working in contact with children in justice systems receive appropriate support and training, and practical guidance in order to guarantee and implement adequately the rights of children, in particular while assessing children's best interests in all types of procedures involving or affecting them.</p> <p>Professional accountability should be ensured by clearly defined mandates, work procedures and codes of ethics.</p>	<p>CFJG, V.I.</p> <p>Rec(2011)12, V.F.5.</p>	<p>See also Rec(2009)10, 4.2.</p>
Training (interdisciplinary)	<p>All professionals working with and for children should receive necessary interdisciplinary training.</p> <p>Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomy of legal professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.</p> <p>All members of staff working with and for children should have adequate professional training as well as ongoing training on the rights of the child. Training in human rights instruments (United Nations Conventions on the Rights of the Child and on the Rights of Persons with Disabilities) should be ensured with the aim of establishing and maintaining the cultural climate of children's rights in social services.</p> <p>The training of professionals should include professional responsibility, accountability and interdisciplinary co-operation between different professions by sharing experiences and good practice.</p>	<p>CFJG, IV.A.4.14.</p> <p>Lanzarote Convention, Article 36.1. (see also Article 5.1 and 5.2)</p> <p>Rec(2011)12, V.F.1.</p> <p>Rec(2011)12, V.F.4.</p>	<p>See also Rec(2009)10, 4.2. Rec(2008)11, para. 18, 129.</p>
Training in child-sensitive communication	<p>Professionals having direct contact with children should also be trained in communicating with them at all ages and stages of development, and with children in situations of particular vulnerability.</p>	<p>CFJG, IV.A.4.15.</p>	<p>See also Rec(2009)10, 4.2.</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
	Professionals should receive training in applying participatory methods of working with children and families to ensure they are heard and taken seriously. This includes training in communicating with children at all ages and stages of development, as well as with children in situations of particular vulnerability. Staff working directly with children should be competent in building and maintaining trusting relationships with them based on mutual respect, confidentiality and friendliness.	Rec(2011)12, V.F.3.	
Supervision	Bearing in mind the often difficult physical and psychological environment surrounding services assisting children affected by violence, adequate support should be rendered to their staff in terms of supervision, counselling, complementary training and the possibility of setting up professional interest groups.  Professionals should have sufficient resources and benefit from individual and/or group supervision to enhance their competence and support.	Rec(2009)10, 4.2.6.  Rec(2011)12, V.F.5. (see also Rec(2011)12, V.G.a.)	
Institutional culture of learning	It is essential to integrate a culture of learning and improvement into service delivery. Each agency should have a similar approach to the choice of evidence-based interventions, priority setting, maintaining staff competence, working in teams and continuous quality improvement.	Guidelines health care, V.53.	

### Multidisciplinary approach

Standards	Main provisions	Legal and policy references	Additional references / Comments
Multi-professional co-operation	Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.	Lanzarote Convention, Article 10.1	

Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>With full respect of the child's right to private and family life, close co-operation between different professionals should be encouraged in order to obtain a comprehensive understanding of the child, and an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation.</p> <p>Children and families with complex and multiple needs should benefit from co-ordinated services by professionals co-operating across different sectors including education, health and social services, and law enforcement agencies. The competencies and responsibilities of each service should be made visible and clarified to beneficiaries. The need for facilitation (case management) should be considered.</p>	<p>CFJG, IV.A.5.16.</p> <p>Rec(2011)12, V.E.1.</p>	<p>See also Rec(2009)10, 2.3.</p> <p>Rec(2008)11, para. 15.</p>
Common assessment framework	<p>A common assessment framework should be established for professionals working with or for children.</p> <p>A common assessment framework and interagency protocols should be established for different professions and agencies working with or for children, especially children at risk. While implementing a multidisciplinary approach, professional rules on confidentiality should be respected.</p>	<p>CFJG, IV.A.4.17.</p> <p>Rec(2011)12, V.E.2.</p>	
Respect for confidentiality	<p>While implementing a multidisciplinary approach, professional rules on confidentiality should be respected.</p>	<p>CFJG, IV.A.4.18.</p> <p>see also: Rec(2011)12, V.E.2.</p>	

## Police

Standards	Main provisions	Legal and policy references	Additional references / Comments
Police should respect the dignity of all children.	<p>Police should respect the personal rights and dignity of all children and have regard to their vulnerability, that is, take account of their age and maturity and any special needs of those who may be under a physical or mental disability or have communication difficulties.</p>	<p>CFJG, IV.C.27.</p>	<p>Rec(2008)11, Part VI.</p>

Standards	Main provisions	Legal and policy references	Additional references / Comments
Specialised law enforcement services (sexual offences against children)	Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose. Such units or services shall have adequate financial resources.	Lanzarote Convention, Article 34.1.	

## Support and assistance services

Standards	Main provisions	Legal and policy references	Additional references / Comments
Support and assistance services for children and caregivers	<p>Particular health care and appropriate social and therapeutic intervention programmes or measures for victims of neglect, violence, abuse or other crimes should be provided, ideally free of charge, and children and their caregivers should be promptly and adequately informed of the availability of such services.</p> <p>Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns.</p> <p>Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.</p>	<p>CFJG, IV.E.80.</p> <p>Lanzarote Convention, Article 14.1.</p> <p>Lanzarote Convention, Article 14.4.</p>	<p>See also Rec(2009)10, 6.</p> <p>See also Rec(2011)12, IV.</p> <p>Rec(2008)11, para. 110, 113.</p>
Multidisciplinary structures to provide support for child victims and family members	Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care.	Lanzarote Convention, Article 11.1.	
Information about available services for children and caregivers	Particular health care and appropriate social and therapeutic intervention programmes or measures for victims of neglect, violence, abuse or other crimes should be provided, ideally free of charge, and children and their caregivers should be promptly and adequately informed of the availability of such services.	CFJG, IV.E.80.	

Standards	Main provisions	Legal and policy references	Additional references / Comments
Support during criminal proceedings (child victims of crime)	<p>Each Party shall provide, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, the possibility for groups, foundations, associations or governmental or non-governmental organisations, to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention.</p> <p>Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by providing them with appropriate support services so that their rights and interests are duly presented and taken into account.</p>	<p>Lanzarote Convention, Article 31.5.</p> <p>Lanzarote Convention, Article 31.1.d.</p>	

## Compensation

Standards	Main provisions	Legal and policy references	Additional references / Comments
Access to compensation (child victims of crime)	The child's lawyer, guardian or legal representative should have a mandate to take all necessary steps to claim for damages during or after criminal proceedings in which the child was a victim. Where appropriate, the costs could be covered by the state and recovered from the perpetrator.	CFJG, IV.E.81.	

## Overarching policy framework

Standards	Main provisions	Legal and policy references	Additional references / Comments
National integrated strategy for the protection of children from violence	A multidisciplinary and systematic framework (hereinafter referred to as "the strategy") integrated into the national planning process, rooted in the UNCRC and bringing together all stakeholders, represents the most effective response to violence against children that is sustainable over time. The strategy's core element should be a complex of effective and comprehensive primary, secondary and tertiary prevention measures that	Rec(2009)10, 3.1.1.	



Standards	Main provisions	Legal and policy references	Additional references / Comments
	<p>are child-centred, families-focused, multidisciplinary and oriented towards fulfilling children's and families' needs. The strategy should contain realistic and time-bound targets, be supported by adequate human and financial resources, be based on current scientific knowledge (with regard to what works) and be systematically evaluated.</p>		
National agency for child protection	<p>At national level, an agency with primary responsibility for the protection of children against violence should assume (where possible and in conformity with national regulations) a key co-ordinating and monitoring role. Its capacity to involve multiple sectors in a broad-based action is crucial for the strategy's long-term success.</p> <p>The sustainable institutional framework required for the strategy's realisation should comprise the following key elements: an agency at national level (where possible and in accordance with national regulations) entrusted with the primary responsibility for the protection of children from violence. This authority should play a key co-ordinating and monitoring function as far as the strategy's implementation is concerned and assume overall responsibility in cases of violence against children; (...).</p>	<p>Rec(2009)10, 3.1.3.</p> <p>Rec(2009)10, 5.3.1.</p>	
Participatory, consultative approach	<p>All actors concerned with the promotion and protection of the rights of the child, such as national, regional and local authorities, families, independent human rights institutions, professionals working for and with children, researchers, civil society and the media should be involved in the strategy's design, implementation and evaluation. Children should not only be heard but be empowered to contribute, with their informed consent and according to their evolving capacity, to this multi-stakeholder action. Adequate resources should be made available to ensure children's meaningful participation.</p>	<p>Rec(2009)10, 3.1.3.</p>	

Standards	Main provisions	Legal and policy references	Additional references / Comments
Data and statistics	For the purposes of prevention and prosecution of the offences established in accordance with this Convention, each Party shall take the necessary legislative or other measures to collect and store, in accordance with the relevant provisions on the protection of personal data and other appropriate rules and guarantees as prescribed by domestic law, data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention.	Lanzarote Convention Article 37.1	
Monitoring and evaluation	<p>Methodologies should be developed to assess progress and evaluate actions foreseen by the strategy at all levels, including the cross-sectoral level. Evaluations should be conducted on a regular basis with a view to identifying policies and measures that are appropriate and effective in preventing and addressing violence.</p> <p>Member States are encouraged to:</p> <ul style="list-style-type: none"> <li>a. review domestic legislation, policies and practices to ensure the necessary reforms to implement these guidelines;</li> <li>b. periodically review and evaluate their working methods within the child-friendly justice setting;</li> <li>d. maintain or establish a framework, including one or more independent mechanisms, as appropriate, to promote and monitor implementation of the present guidelines, in accordance with their judicial and administrative systems;</li> </ul>	<p>Rec(2009)10, 3.1.4. See also: Rec(2009)10, 6.3. Rec(2011)12, V.J.</p> <p>CFJG VI</p>	Rec(2008)11, Part V.H.
Co-operation between local, regional and national actors	Whereas national authorities set forth common standards for service provision, it is the regions' and municipalities' obligation to adhere to these standards and to provide for a network of child-friendly services and mechanisms. Responsibilities of regional and local authorities also include the collection of data on violence against children; the development, implementation and monitoring of preventive measures; funding and allocation of premises; etc.	Rec(2009)10, 3.2.2.	

Standards	Main provisions	Legal and policy references	Additional references / Comments
	Co-operation and co-ordination between municipalities (and regions) should be reinforced, including through the exchange of experiences and good practices.	Rec(2009)10, 3.2.5.	
Co-operation with private and non-state actors	The appropriately regulated and monitored involvement of the private sector and of nongovernmental organisations should be promoted.	Rec(2009)10, 3.2.6.	

**B**arnahus (Children’s House) is the leading European response model for child sexual abuse. Its unique interagency approach brings together all relevant services under one roof to prevent secondary victimisation of the child and provide every child with a coordinated and effective response. The core purpose of Barnahus is to co-ordinate parallel criminal and child welfare investigations and support protection, recovery and justice for child victims and witnesses of violence in a child-friendly and safe environment. First launched in Iceland in 1998 the Icelandic Barnahus model is considered as a promising practice by the Committee of the Parties to the Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Committee). It has provided a clear direction and interest by member States of the Council of Europe to explore the model in their own countries and has today inspired many countries to take their first steps in establishing a Barnahus.

This mapping study on the implementation and development of the Barnahus model across Council of Europe member States was produced by the Children’s Rights Division under Priority 4 of the Council of Europe Strategy for the Rights of the Child (2022-2027): “Child-friendly justice for all children”.

By undertaking this study, the Council of Europe aims to promote the Barnahus model by strengthening and developing further action at pan-European level and to consolidate the knowledge base on the use of the Barnahus model across Europe, to gain an overview of the availability of such structures across member States and understand their functioning, success factors, and obstacles met in their implementation.

The study also aims at shedding light on the level of implementation of relevant Council of Europe standards, including the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the Guidelines on Child-friendly Justice, and the Guidelines on Integrated National Strategies for the protection of children from violence, among others.

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The Council of Europe is the continent’s leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.