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**Public consultation process of the draft
Child protection in criminal proceedings and comprehensive treatment of
children in the Children 's House Act²of 1 June 2020**

**COMPARATIVE REVIEW OF LEGISLATION RELATED TO
BARNAHUS IN NORDIC COUNTRIES**

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² Hereinafter the "draft Law on Barnahus in Slovenia". An informal English translation of the draft Law provided by the joint EU DG-Reform – Council of Europe project is available at: <https://rm.coe.int/draft-law-on-barnahus-for-the-republic-of-slovenia-child-protection-in/16809ee7c4>

Introductory words

This comparative review of Barnahus in the Nordic countries and legislation relevant to Barnahus is based on several references in combination with my experience from research in the field of procedural law and child law, especially regarding children as victims and witnesses of crime. For the past ten years I have been involved in Barnahus research.³ In this review, the book *Collaborating against Child Abuse. Exploring the Nordic Barnahus Model* is an important source⁴ – especially Chapter 1, *Implementing the Nordic Barnahus Model: Characteristics and Local Adaptions*⁵ and Chapter 16, *Epilogue: The Barnahus Model: Potentials and Challenges in the Nordic Context and Beyond*⁶. Other references include the books *Inuti ett Barnahus*⁷ and *Delaktighet genom kunskap, kontroll och gemenskap. Barnets väg genom Barnahus (Participation through knowledge, control and community. The child's path through Barnahus)*⁸ and the *Barnahus quality standard, Promise*⁹. The updates to information concerning the Finnish Barnahus project are from correspondence with representatives of the project¹⁰ and were retrieved on August 30, 2020 at <https://thl.fi/en/web/thlfi-en/research-and-expertwork/projects-and-programmes/barnahus-project>.

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³ E.g. Kaldal et al (2010). *Barnahusutredningen 2010*. Stockholm: Jure.

⁴ Johansson, S., Stefansen, K., Bakketeig, E. & Kaldal, A. (red.) (2017). *Collaborating against Child Abuse. Exploring the Nordic Barnahus Model*. London: Palgrave Macmillan.

⁵ Johansson, S., Stefansen, K., Bakketeig, E. & Kaldal, A. *Implementing the Nordic Barnahus Model: Characteristics and Local Adaptions*.

⁶ Stefansen, K., Johansson, S., Kaldal, A. & Bakketeig, E. *Epilogue: The Barnahus Model: Potentials and Challenges in the Nordic Context and Beyond*.

⁷ Landberg, Å. & Svedin, C.G. (2013). *Inuti ett Barnahus: En kvalitetsgranskning av 23 verksamheter. Rädda Barnen. Inuti ett Barnahus: A quality review of 23 Swedish operations. Save The Children 2013*.

⁸ Landberg, Å., Kaldal, A. & Eriksson, M. (2020). *Delaktighet genom kunskap, kontroll och gemenskap. Barnets väg genom Barnahus*. Lund. Studentlitteratur.

⁹ *Barnahus quality standard*, The PROMISE Project series www.childrenatrisk.eu/promise

¹⁰ E-mail correspondence with Julia Korkman and Taina Laajasalo.

The Nordic Barnahus model – the legal, social and cultural context

Background

The Barnahus model, which was first introduced in Iceland in 1998, was inspired by Children's Advocacy Centers (CAC) in the USA. In 2006 the Barnahus idea was launched in Sweden and thereafter in Norway and Denmark. Finland has also made significant progress in implementing the Barnahus model.

The organization and activities in Barnahus vary within the Nordic countries and sometimes even within the country (e.g. Sweden). Because the core activities in Barnahus are in many ways the same and the model springs from the same idea, it is logical to speak of a Nordic model. The core of the Nordic Barnahus can be described as offering multiple services in child-friendly premises, "under one roof", to children who are involved in criminal proceedings. However, as mentioned, variations do exist; in Denmark, for example, a criminal proceeding is not required for a child to access Barnahus services when there is a suspicion of sexual or physical abuse. The target group is essentially the same in all the Nordic countries (physical and sexual abuse), and a common activity in all Barnahus in the Nordic countries is the forensic child interview and multidisciplinary and multi-institutional cooperation.

Even if the implementation and organization of Barnahus vary, the similarities of the Barnahus in the Nordic countries are most likely explained by the ideological, cultural and legal similarities in these countries. The view on family life and parenthood (including when and how to intervene in family life) and a strong social welfare system give the child welfare agency an important role, and the zero tolerance of child physical abuse and view on sexual abuse of children provide a broad and common target group. The ambition of delivering child-friendly justice – in the sense that the child forensic interview takes place outside the main hearing – was already in place before the model was adopted. The same was true of a long-standing concern for the protection of children at risk, and the need of better coordinated services for children and families that need treatment or support. Models that were similar to the Barnahus model, for example in Sweden and Finland, were also in existence. None of these ideas covered the whole Barnahus concept. However, and in general, this landscape of common values created fertile ground for the Barnahus idea.

Domestic violence and child sexual abuse

Addressing violence and sexual abuse against children has been high on the political agenda in the Nordic countries in recent decades, and a range of both preventive and legislative efforts has been initiated. The ban on corporal punishment and changes in criminal law have led to the establishment of several new crime categories targeting domestic violence and abuse of children. In addition, the threshold for reporting a crime to the police is lower,

resulting in fewer “hidden” statistics of violence and sexual abuse and the involvement of more children in police investigations as victims of crime. The lower threshold for reporting to the police has also meant that increased numbers of less severe cases and cases that are more difficult to prove – owing to less obvious damages and therefore less clear evidence – are being investigated. Increased numbers of criminal investigations involving children as victims of crime have not always resulted in a correlated number of prosecutions.

Criminal system

A common characteristic of the criminal justice systems in the Nordic countries is that children do not give evidence in court proceedings. Instead, the child forensic interview from the pretrial criminal investigation is videotaped, and in accordance with the principle of immediacy, these recordings are presented at the main hearing. In Iceland, the judge is still in charge and presents (monitors) the investigative interview of the children, while the police/prosecution are in charge in the other Nordic countries. The rule of evidence immediacy and the adversarial principle, which are fundamental to legal procedure, entail some challenges in this aspect. One such challenge is the defence’s right to cross-examine a witness; this is a core feature of the right to a fair trial, as enshrined in art. 6.3d of the Convention for the Protection of Human Rights and Fundamental Freedoms. According to this principle, evidence shall be given in court so that the accused can defend themselves against the charges. The other challenge arises if the breach of the principle of evidence immediacy affects the possibility to assess the evidential value of the child’s statement. The European Court of Human Rights (ECHR) has ruled that testimony given in the pretrial criminal investigation does not violate the defendant’s right to a fair trial if the defendant’s rights according to article 6 have been safeguarded during the pretrial criminal investigation. To safeguard a defendant’s rights, the defence lawyer is given the opportunity to ask questions indirectly via the person performing the child forensic interview. The ECHR also stated that the evidence obtained from a witness under conditions in which the rights of the defence cannot be secured to the extent normally required by the Convention, normally at the main hearing, should be treated with extreme care.¹¹ For example, in Swedish courts, this has had led to demands for high-standard investigations as well as high-quality child forensic interviews in child abuse cases.

Child forensic interviews

The need for high-quality interviews with children in a criminal investigation has been highlighted in all Nordic countries. Several perspectives have been pointed out. In some cases, domestic violence and sexual abuse leave no physical evidence; therefore, the child’s statement is often the most important, if not the only, substantial evidence in the case. This emphasis on the child’s statement places unique demands on interviewing methods. Another

¹¹ E.g. ECHR Case of S.N. v. Sweden, App. no. 34209/96, 2 July 2002.

aspect to consider when the child's statement is the main evidence is the need to optimize the child's opportunity to give a statement through use of child-friendly methods and environments. To safeguard this evidential value of the child's statement, the method also must consider the child's suggestibility and therefore avoid suggestive features in such interviews. In the Nordic countries, methods that resemble the NICHD protocol are used.¹² In later years, the requirement to interview the child only once has been eased. There are several reasons for this. The most obvious one is that the first interview is often conducted when a suspect has not been named and therefore no defence lawyer is present. To safeguard a defendant's right to a fair trial, a second interview is needed, especially in cases that lead to prosecution. Another reason is that disclosure is a process; in many cases the child needs to establish a relation to the person performing the interview to be able to describe the crime. If the interviews are conducted according to established protocols, this can be done without undermining the reliability of the child.

All Nordic Barnahus have a similar interview setup for the child forensic interview. The interview is performed in a child-friendly environment and conducted by a specialist trained in forensic interview techniques. The interview is recorded, and various professionals can follow the interview via video link in an adjacent co-hearing/observation room. Yet another aspect is the importance of safeguarding the defendant's right to a fair trial. This is done by allowing the defence lawyer to ask questions through the professional interviewing the child.

Independent representation

One challenge concerning the child's right of access to justice is how to handle a situation in which the child's legal guardian – normally the child's parent – does not give his or her consent to the child's participation in criminal investigation procedures, such as police interviewing and medical examinations. This is particularly the case when a child is a victim of violence or sexual abuse committed by a parent who also is the legal guardian of the child. This dilemma also applies to the child's right not to testify when the child is a witness. These aspects are especially challenging when the child has not reached the age and maturity level required to make an independent decision.

The Nordic countries have approached these situations in different ways. In Sweden, a special legal representative is appointed if the child is a victim of crime, but not if the child is a witness. In Norway, the prosecutor can decide against the legal guardian consent. In Sweden, the legislation in this aspect – witness or victim – affects the definition of the children who can access Barnahus; children who have witnessed domestic violence are rarely seen in Swedish Barnahus.

¹² <http://nichdprotocol.com/> (retrieved August 31, 2020).

Child welfare system

The Nordic welfare systems are often described as “family service-oriented”, in contrast to “child protection-oriented” systems in English-speaking countries such as the USA, Canada and the UK. Family service-oriented systems typically focus on early prevention and thus cover a broader target group. The service is mostly directed towards support for the family and is based on voluntary measures and collaboration, with compulsory interventions as an exception. Child protection-oriented systems, on the other hand, have a more restricted focus, targeting abused or neglected children more specifically, and not usually families in need of broader support. These differences affect the number of cases that enter the child welfare system. In Norway, for example, a more family service-oriented system has resulted in a significant increase in the number of children who receive some kind of services from the child welfare system, thus increasing the potential to identify children in need of support at an earlier stage in the process and to work more preventively. Nevertheless, several recent legislative changes have been aimed at strengthening the protection of children at risk, which means that the child welfare systems within the Nordic welfare states tend to contain elements of both family service orientation and child protection orientation.

The Nordic countries apply a regulatory framework of mandatory reporting to child welfare services. The criterion for mandatory reporting is a rather weak suspicion of risk and the idea behind this regulation is to ensure that child welfare services receive information at an early stage in order to investigate the child’s need of support or protection. The mandatory reporting rule is also a rule of breach of secrecy, in the sense that the reporting institution is obliged to give information to the child welfare institution.

The interagency cooperation that has emerged as a central part of child protection work has been highlighted in policy documents and strengthened in the law. Even though it is mandatory for e.g. the police to report a child’s potential danger to child welfare services, and child welfare services can intervene in the family’s situation, shocking cases of undiscovered child abuse have been observed. Lack of communication and information exchange between the responsible agencies has been one explanation for some of these failures. This has led to an ambition to strengthen the collaboration further between the responsible institutions.

Multidisciplinary and multi-institutional cooperation

The multidisciplinary and multi-institutional corporation revolves around the information exchanges between the agencies and organizing the parallel investigations and/or activities that involve the child. The information exchange provides the involved agencies with the information needed e.g. to assess the child’s need of protection, psychological support, and treatment, as well as preparing the child forensic interview and determining which criminal investigation measures should be taken.

The mandatory reporting rule, and child welfare services' right to information and compulsory measures in order to investigate a child's need of support and protection of children who are suspected victims of crime, places child welfare services in a central role in Barnahus. However, the treatment children get in Barnahus is focused on psychological therapy and support. This can be provided in connection with the child forensic interview, but also for a period of time after the criminal investigation and/or proceedings. The psychological therapy and support can also be offered to the child's family, depending on the child's situation. The professionals providing therapy are either Barnahus staff or healthcare employees.

Medical findings can provide evidence that is critical to prosecution of the case; in addition, the examination can be important in determining the physical status of the child. Furthermore, this process can be therapeutic, as a way to reassure the child with respect to his or her physical wellbeing. Whether the Barnahus provides medical examinations on Barnahus premises varies in the Nordic countries. In Sweden in particular, there are several cases where these examinations do not take place on the Barnahus premises. An important question is whether medical examinations should be offered to child crime victims as a therapeutic service and not only as an investigative measure in a criminal investigation. This is not explicitly provided by Barnahus today.

The child's rights perspective

The child's rights perspective does not have the same long history in the Nordic countries as the child welfare system or the criminal system. The influence of the Convention of the Rights of the Child (CRC) as well as other international conventions and policies, such as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote convention) and the Council of Europe Standards of Child-friendly Justice, has increased the awareness of violence and abuse against children and the affected child's right to participation and access to justice.

The awareness of children's right to and need of protection from violence and abuse has been on the political agenda in recent decades. In the Nordic context, the children's rights perspective in terms of the child's right to participation and access to justice is in some aspects a new perspective. In the Nordic countries, the idea of child-friendly justice has meant an ambition to shield the vulnerable child from participation in legal proceedings and involvement in complicated decision making. The child's *rights* perspective instead views the child as a competent individual with the ability to act on his or her own behalf, and therefore as possessing the capacity and the right to participate in matters concerning the child. Even if the legislation has been strengthened in this regard, the view held by decision-makers (police, judges, social workers etc.) of the child as vulnerable or competent is important when it comes to decisions concerning participation, not least when the child's legal guardian does not consent to the child's participation.

From a child rights perspective, the right to participation and information is crucial. Only when the child is informed about the decisions at stake and the consequences can the child exercise its right to participation. This has proven to be a challenge and studies show that some children do not feel involved or informed in the criminal investigation that concerns them. This can result in feelings of alienation and can increase the risk of revictimization. There are probably several reasons why professionals do not always provide the child with information, but in a Barnahus context, where several agencies work together and several decisions concerning a child overlap (involving police, child welfare, healthcare etc), it can be especially important to establish clear guidelines regarding assignment of responsibility for informing the child, as well as the definition of the information that the child has a right to receive and the occasion on which the child will receive this information.

The examples of Iceland, Sweden, Norway, Denmark and Finland

Below is a brief presentation of Barnahus in Iceland, Sweden, Norway, Denmark and Finland. Even if the Nordic Barnahus are similar, as mentioned above, a number of differences can be seen. Variations can be found primarily in organization and legislation, but also in the Barnahus operations.

Governance and organization

<p style="text-align: center;">Iceland</p> <p>Governance: Government Agency for Child Protection Barnahus staff: Social workers, psychologists and criminologists</p>
<p style="text-align: center;">Sweden</p> <p>Governance: No central governance. Each agency answers to its respective inspection and regulatory agencies. Barnahus staff: Often social workers employed by child welfare services. At some locations psychologists and/or police officers.</p>
<p style="text-align: center;">Norway</p> <p>Governance: Ministry of Justice and Public Security and the Police Directorate. Barnahus staff: Social workers and therapists, usually clinical psychologists.</p>
<p style="text-align: center;">Denmark</p> <p>Governance: Independent units that are supported and supervised by the National Board of Social Services. Barnahus staff: Mainly social workers and psychologists experienced in dealing with child abuse.</p>
<p style="text-align: center;">Finland</p> <p>Governance: The Barnahus project is launched by the Ministry of Social health and Welfare in collaboration with the National Institute for Health and Welfare and the Forensic Child and Adolescent Psychiatry expert units situated in university hospitals. Barnahus staff: Multidisciplinary staff trained to conduct the assessments in a child-friendly and evidence-based manner. Psychologists with forensic interview training and developmental and trauma-related knowledge. Each unit has a Barnahus coordinator.</p>

When it comes to organization, the Barnahus in Iceland, Norway and Denmark are under state responsibility and oversight. In *Iceland*, the Barnahus are the responsibility of the Government Agency for Child Protection, which in turn is part of Iceland’s Ministry of Social Affairs. *Norway’s* 11 Barnahus are the responsibility of the Norwegian Ministry of Justice and are coordinated by the Police Directorate, and in Denmark, the five Barnahus are under the Danish Ministry of Social Services’ responsibility and inspection. In *Sweden*, the more than 30 centres calling themselves Barnahus are not organized under a special authority, and therefore they are not subject to state oversight. Instead, the authorities cooperating in the Swedish Barnahus answer to their respective inspection and regulatory agencies (police, child welfare, healthcare etc.). Staff are employed by their respective agencies and the responsibility for the facility is determined by the interagency agreement. In *Finland*, the development of the Barnahus model is connected to pre-existing collaborative structures, such as the Forensic

Child and Adolescent Psychiatry Units at the five university hospitals, and thus the model's development has a strong relationship to the healthcare system. The Barnahus project is coordinated by the National Institute for Health and Welfare.

The most decisive difference among the Nordic countries – from an organizational perspective – is the degree to which Barnahus are subject to the state's responsibility and supervision. In Iceland, Norway and Denmark, state responsibility is clarified through (among other things) legislation and inspection. This affects the possibility to supervise, conduct follow-up studies and harmonize Barnahus activities (e.g. determining the services to be provided and the types of children who can access these services) within the country.

Regulation

<p style="text-align: center;">Iceland</p> <p>Regulation: No specific Barnahus law, and Barnahus are not explicitly referred to in any legal provision, but regulations in both the Child Protection Act and the Law on Criminal Procedure provide the legal basis for Barnahus operations.</p>
<p style="text-align: center;">Sweden</p> <p>Regulation: Non-binding national guidelines and criteria. The agencies included in the Swedish Barnahus model are regulated by their respective legislation.</p>
<p style="text-align: center;">Norway</p> <p>Regulation: No specific Barnahus law, but regulations in both the Child Protection Act and the Law on Criminal Procedure provide the legal basis for Barnahus.</p>
<p style="text-align: center;">Denmark</p> <p>Regulation: A specific law authorizing the Barnahus and providing guidelines for the tasks and duties of the Barnahus.</p>
<p style="text-align: center;">Finland</p> <p>Regulation: The task of the expert units to assist the police in investigations is defined by law. The units have the right to obtain information relevant to the investigations from all relevant stakeholders.</p>

Denmark has made the most progress, with a specific law that regulates operations and oversight of the centres. The Barnahus law states that the Barnahus is mandated to assist the local child welfare services in their child welfare investigation, and health professionals, the police and child welfare services shall coordinate when violence or sexual abuse against a child is suspected. The agencies involved are allowed to share information without the consent of parents or legal guardians. In addition to the legal provisions, the National Board of Social Services has issued common professional quality standards for the Danish Barnahus model.

Even if there is no specific Barnahus law in *Iceland*, and Barnahus is not explicitly referred to in any legal provision, there are regulations in both the Child Protection Act and the Law on Criminal Procedure that provide the legal basis for Barnahus operations. In addition, the Icelandic Government Agency for Child Protection has issued guidelines and standards for local child welfare services. These guidelines address, for example, explorative interviews,

medical examinations and therapeutic services provided by Barnahus. The Law on Criminal Procedure also stipulates that investigative interviews of child victims up to 15 years old shall be conducted under the auspices of a court judge in a facility specially designed for such purposes and with the support of a specially trained person; these conditions are generally interpreted by court judges as mandating performance of the interviews in Barnahus.

Since 2015, the Norwegian Criminal Procedure Act in *Norway* states that Barnahus should be used for facilitated investigative interviews. The regulation defines the target groups of the Barnahus model and the roles and responsibilities of Barnahus staff, such as welcoming the child, participating in consultation meetings, observing the investigative interview, advising the police interviewer, and supporting and offering treatment to the child and family.

Because the implementation of the Barnahus model in *Finland* is not a permanent operation, there is no special law regulating Barnahus. The Barnahus project is, however, closely linked to the Forensic Child and Adolescent Psychiatry expert unit and the tasks of the units are regulated by law. The roles and responsibilities of these units to assist the police in investigations of child abuse are defined by law. The units have the right to information relevant to the investigations from all relevant stakeholders, including healthcare, schools and day-care as well as child protective services.

Only *Sweden* has neither regulations nor a specific oversight agency that is responsible for Barnahus operations. This probably explains why, though Sweden was the first to adopt the Icelandic model and operations rapidly expanded to the more than 30 Barnahus currently in operation, Swedish Barnahus still struggle with a number of problems. The variation among the Swedish Barnahus in terms of medical examinations and psychological treatment is one example. Unclear legal conditions for information exchange among cooperating authorities is another. In Sweden the lack of regulation concerning the collaboration agencies' right to exchange information in the specific cases has been pointed out as an obstacle.

Target group

Iceland

Target group: Children below 15 years exposed to sexual or physical violence; also children 15–18, but children aged 15–18 will need to repeat this testimony at the main hearing.

Type of cases: Police reported cases and child welfare cases when suspected physical violence and sexual abuse.

Sweden

Target group: Children below 18 years that are victims of crimes directed towards the child's life, health, freedom or peace; also honor-related crimes, female genital mutilation and children who are witnesses of violence; also children who sexually abuse other children, if such inclusion is appropriate.

Type of cases: Parallel investigations the criminal investigation and the child welfare investigation.

Norway

Target group: Children under the age of 16 and other particularly vulnerable victims, and witnesses in cases involving sexual abuse, direct and indirect physical violence, homicide and gender mutilation.

Type of cases: Police reported cases.

Denmark

Target group: Children under the age of 18 victims of sexual abuse and physical violence.

Type of cases: Child welfare cases that also involve either the police or healthcare services.

Finland

Target group: Suspicion of physical and/or sexual abuse of children and adolescents under 18 years of age.

Type of cases: Police reported cases.

Initially the target group in *Iceland* included only children that were victims of sexual abuse. In 2015, the target group was expanded from only suspected child victims of sexual abuse to include children subjected to physical violence. According to the national guidelines, the target group in *Swedish* Barnahus includes victims in a criminal investigation for alleged sexual abuse, physical violence, genital mutilation, crimes of honour and witnesses of domestic violence. The national guidelines also include children who sexually abuse other children (if this is appropriate to the case). Because there is no central guidance, the target group varies from Barnahus to Barnahus. In *Norway*, the target group is defined by Norway's penal code and includes children under 16 years of age who are victims or witnesses in a criminal investigation for alleged sexual abuse, bodily harm, murder, domestic violence or genital mutilation. When child welfare services in *Denmark* suspect that a child is a victim of violence or sexual abuse, the involvement of at least two public agencies is necessary, as is the involvement of the local Barnahus.

Multi-professional collaboration and key tasks

Iceland

Involved agencies and key tasks: Coordinate the responsibility and functions of child welfare services, the police, the prosecution and medical services (coordination meeting). Investigative forensic interviewing (including court statements), medical examination and therapeutic services.

Sweden

Involved agencies and key tasks: Collaboration and coordination of specific parallel cases of criminal investigation and a child welfare investigation through consultation meetings and co-hearings of child investigative interviews. Inclusion of healthcare and forensic medicine in the organization varies.

Norway

Involved agencies and key tasks: The police, prosecution and forensic medicine, together with the Barnahus staff, coordinate and facilitate the child forensic interview and medical examination, and ensure that children and families receive the necessary psychological support and treatment. Child welfare services are allowed access but are not formally part of the collaborative model.

Denmark

Involved agencies and key tasks: Child welfare services, the police and healthcare services collaborate through consultation meetings. The child will meet the child welfare caseworker at the Barnahus, and in police-reported cases, the investigative interview will take place at the Barnahus. Medical staff are connected to the Barnahus, this varies in the five Barnahus.

Finland

Involved agencies and key tasks: Build up interprofessional cooperation (police, prosecutor, forensic psychology units, child welfare, somatic and psychiatric medical care, schools, early childhood education and care, child health clinics). Develop coordination and content of support and treatment needed by children and families who have experienced violence; ensure child-friendly encounters and facilities for all children heard in a legal context.

In the national guidelines in *Iceland*, Barnahus operations are described as coordinating the responsibility and functions of child welfare services, criminal justice authorities, and healthcare in cases where children are believed to have been subjected to physical violence and/or sexual abuse. Core activities include interviews of children, medical examinations, psychological therapies, and consultation meetings with representatives from collaborating agencies. Recently, the cooperation between criminal justice agencies and child welfare agency has increased.

The core operations in the *Swedish* Barnahus, as described in the national guidelines, include child forensic interviews and consultation meetings with representatives from collaborating agencies; Swedish operations thus resemble those in Iceland. Healthcare, however, is not as central as it is in Iceland. Because the Swedish Barnahus are founded on local initiatives, the variation among them can be considerable. Some Swedish Barnahus offer medical examinations in their facilities, and some offer these examinations at a nearby medical facility. The degree to which children are offered psychological treatment also varies. In some Swedish Barnahus, this activity plays an important role in operations, but other Barnahus do not offer it at all. The target group includes children who are subjects for a criminal investigation that has been initiated in parallel with a so-called child welfare investigation by child welfare

services. Therefore, child welfare services and the police are represented in all Swedish Barnahus.

In *Norway*, the Barnahus model is closely associated with criminal investigations and police interviews of children. At the same time, the model is more care-oriented than for other Nordic Barnahus, and it offers psychological treatment and follow-up by trained therapists. Child welfare services, however, do not play the same key role as in many other Nordic Barnahus, and are not a formal part of the cooperative model. Nevertheless, because child welfare services have a strong position and are responsible for children's needs for support and protection, they play an essential part in many cases where children are the subject of a criminal investigation. They can observe the investigative interview as part of the child welfare case and be summoned to the Barnahus for risk assessment and emergency placement of the child.

In *Denmark* the involvement of the local Barnahus is mandatory when a child is a victim of violence or sexual abuse, and the involvement of at least two public agencies is necessary. The suspicion of the crime does not need to be reported to the police and it suffices to have two of the agencies involved. Barnahus staff act as coordinators for the local authorities. In these cases, representatives from the relevant authorities attend consultation meetings in the Barnahus and the child meets the social services representative at the Barnahus. If the suspicion of a crime is reported to the police, the child forensic interview takes place in a Barnahus. Medical staff are attached to the operations, but medical examinations may take place in the Barnahus or a nearby healthcare facility. The assessment of the child's need for psychological therapy is determined at the Barnahus. More short-term crisis measures, and support talks can be given on site. In police-reported cases, the investigative interview takes place at the Barnahus. The Barnahus law regulates (among other things) the information that cooperating authorities are permitted and required to exchange in Barnahus cases.

In *Finland*, Forensic Child and Adolescent Psychiatry expert units from the university hospital ("Barnahus hubs") have a core function in the system in coordinating local area activities. The units have child-friendly premises suitable for interviewing children and meeting families as well as multidisciplinary staff that are specially trained to conduct the assessments in a child-friendly and evidence-based manner (e.g. best practice video recording of all the interviews, where the recordings can be used in subsequent court proceedings). Because the units are part of child psychiatry units, the need for somatic examinations and psychosocial interventions for the children and their families is invariably assessed.

The aim of the nationwide Finnish Barnahus project (launched in June 2019) is to ensure all children involved in child abuse investigations are assessed, and when relevant, interviewed and physically examined, by skilled professionals in child-friendly settings, and are ensured appropriate psychosocial support and child protective services.

Implementing the Barnahus model: conditions, challenges, and potential

Conditions and common values

The existence of fertile ground in the Nordic countries – awareness of violence against and sexual abuse of children, demand for more effective multiagency collaboration, continuing development of child-friendly justice and the need to strengthen intervention and support for children and families – most certainly contributed to the strong interest in the Barnahus model. The necessary institutions were already in place and the Barnahus model met practical needs from the authorities, such as production of high-quality child forensic interviews, “one-roof” locales and administration of interagency collaboration. But even if pragmatic features of implementation were in place, the ideology behind the Barnahus model was also a good match with the growing children’s rights perspective in these countries. In addition, there is no doubt that the Barnahus model, with its one-step concept and the child at the centre of multidisciplinary interagency collaboration, has meant a step forward in strengthening the child rights perspective.

Since the model was first implemented in Iceland in 1998, and despite some variations, the implementation and development of the Barnahus model in the Nordic countries has moved toward increased harmonization. For example, the target group in Iceland has broadened, and like the rest of the Nordic countries, Iceland’s target group definition now includes both physical violence and sexual abuse. In Iceland and Norway, the role of and collaboration with child welfare services in Barnahus has strengthened and in this sense the models are closer to the Danish and Swedish Barnahus models. This is also the aim of the Finnish Barnahus project.

Challenges

Even if there is no doubt that the Barnahus model’s one-step concept, with the child at the centre of multidisciplinary interagency collaboration, has meant a step forward in combating child abuse, the Barnahus model is still confronted with a number of challenges. One of these is the need for legislation that targets the collaboration and activities in Barnahus. This is especially important regarding the information exchange between collaborating agencies. This component is still not in place in Sweden. Legislation is also important with respect to funding, governance, supervision and future development of the operations in Barnahus.

Another challenge is interagency collaboration. Further development is needed to define the balance of interaction between criminal logic and child welfare logic, and how this balance can and should be achieved. Managing this balance affects the activities and collaboration in Barnahus, but also influences the direction that the Barnahus concept will take in the future. In the Nordic countries, child welfare services have acquired more involvement in Barnahus. As mentioned above, in Sweden and Denmark, child welfare services play a central role in Barnahus, and in Iceland and Norway this aspect has been strengthened. This can be viewed as the expression of a strong welfare state, but it is also in line with a children’s rights perspective that emphasizes children’s rights to rehabilitation and protection from abuse. The core activity in all Barnahus of facilitating and optimizing child forensic interviews does not

automatically result in protection or rehabilitation of the child. The work of child welfare services is proactive in the sense these agencies have a responsibility for the child's situation after the criminal proceedings, whereas the focus in the criminal proceeding is mainly retrospective (investigating and prosecuting a crime that has already happened). The children's rights perspective, therefore, must include both features: high-quality police investigations and criminal proceedings to identify and investigate crimes that otherwise would not be brought to light, and the child's right to rehabilitation and protection. The child's right to rehabilitation and protection includes psychological support and treatment offered to the child (and its family) in Barnahus.

In Denmark, where the threshold for mandatory use of Barnahus is relatively low and includes cases with suspicion of violence and/or sexual abuse – even when no police report has been filed – local child welfare workers worry that their holistic approach will become more difficult to apply and legitimize because the relevant expertise will be gathered in Denmark's five Barnahus instead of within the local child welfare agency. Even if these fears may not be realized, their emergence illustrates how potential challenges and tensions can arise regarding fields of responsibility when Barnahus are established in a landscape of existing services.

The target group in the Nordic countries is broad and includes both children as witnesses and children as victims of violence and/or sexual abuse. This target group correlates with criminal legislation and the ban on corporal punishment, but as a consequence, a rather large group of children are included in its definition. Moreover, the group includes children who have experienced many different kinds and degrees of abuse and in different family situations. Determining in practice which children are eligible for Barnahus access and whether a Barnahus has the capacity to meet this demand – in terms of the number of children served as well as the need for differentiation in child abuse and family situations – requires further study. In Norway, for example, the rapid increase in the number of abuse cases and the mandatory use of Barnahus has strained Barnahus resources; concern has arisen that this may lead staff to prioritize coordination tasks related to the forensic interview over providing treatment and support.

[The child rights perspective and the child's perspective](#)

In one sense, the children's rights perspective lies at the heart of the Barnahus ideology. Nevertheless, the concept of child-friendly justice has focused in many ways on obtaining the child's statement for a criminal proceeding in a child-friendly environment. The child forensic interview is also the activity that all Barnahus in the Nordic countries have in common, whereas the roles of child welfare and healthcare vary among these countries. A children's rights perspective, however – considering children as victims or witnesses of crime – includes at least two aspects: the holistic perspective of the CRC and the child's own perspective (according to CRC arts. 12).

The CRC clearly states that the child has a right to protection from all violence and abuse (CRC e.g. art. 19 and 39). Nevertheless, the practical assurance of this right needs further interpretation. According to the CRC and as interpreted in the General Comments of the Committee on the Rights of the Child, when a child is a victim or witness of crime, the child's rights cover all aspects of the child's life. When there is a suspicion of violence and abuse, the

child has a right to protection, rehabilitation, and a family life without abuse. This can include situations where the child needs psychological support and treatment, and the child's family needs support, treatment or education, but also cases where it is in the child's best interest to be removed from its parents' care. A criminal investigation, regardless of how child-friendly it may be, does not fulfil on its own the child's rights in this aspect. Therefore, one way to achieve the children's rights perspective in Barnahus is to include agencies that hold the authority and means to cater to these rights. The Barnahus model in the Nordic countries has moved in the direction of strengthening the role of child welfare (Iceland, Norway, and Finland) and to a larger extent includes psychological support and treatment (Sweden). These steps of progress are of course linked to the availability of treatment, both in the Barnahus and in the local healthcare system, and broader welfare measures related to, for instance, childcare, education, social security, and health services in Nordic child welfare systems.

The child's right to participate is a core principle in the CRC and central aspect of the interpretation of art. 3 – the best interest of the child. The child's right to participate applies to all aspects of the child's life. To be able to make informed decisions when exercising his or her right to participation, the child has a right to information. Criminal proceedings and interventions by child welfare are complex and ethically challenging, especially when the child's parent does not – or potentially does not – have the child's best interest in mind. The Barnahus model therefore needs to safeguard the child's rights in this respect. Important aspects here include systems for providing relevant information to the child, documentation to assist the child in recalling events in Barnahus, independent representation, and optimizing the child's feelings of safety and security throughout the process. No two cases are identical, and there is no standard procedure for how this should be realized, but to fully implement children's perspective in the process of developing Barnahus, children's voices must be included in research and evaluation of Barnahus practices.

Implementing the Barnahus model – a long-term commitment

Even if the Barnahus model has existed in the Nordic countries for more than 20 years, the model has been evaluated and researched to very different extents, and many outcomes and effects of the Barnahus practice are still unknown. While examples of increased prosecution rates for child abuse can be found for cases initiated after the establishment of Barnahus, the correspondence in time frames is not evidence that increased prosecution is a direct result of Barnahus implementation. Based on several examples, it seems clear that the establishment of Barnahus has led to increasing collaboration between child welfare agencies and the police, but it remains to be seen whether this improves the situation for the child in the long term. Several studies of children's experiences when visiting Barnahus have shown that it can be a positive experience, but other studies indicate that children and young victims of crime who are subjected to a criminal investigation can feel isolated and alienated during the process. The feeling of isolation and alienation works counterproductive in relation to the process of disclosure and increases the risk of revictimization. These are areas that need to be approached in further development of Barnahus.

The Barnahus model has become a permanent part of the welfare state. Despite the lack of more extensive and in-depth research, the overall picture of the Barnahus model is that it has contributed to increased quality and has highlighted the importance of child-friendly

measures when a child is a victim or witness of abuse. Nevertheless, there is an undeniable link between the success of the Barnahus model in the Nordic countries and the particular institutional landscape found in these countries. The Nordic welfare system provides broader measures related to childcare, education, social security, health services, and the like, which in turn offers significant potential for interventions in cases of victimized children. This unique landscape also adds to the services that can be offered specifically by Barnahus. In this sense, the institutional premise for Barnahus as a complement to a broader child welfare system is better than it might be in several contexts outside the Nordic welfare states. On the other hand, implementing Barnahus in institutional landscapes where awareness of child abuse, child welfare, and child protection is not equally as high on the agenda can be an important step in promoting a stronger child rights perspective.