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NATIONAL INSTITUTE  
FOR HEALTH AND WELFARE  
FINLAND

Building a Europe  
for and with children



# Inception Report

## Joint EU-Council of Europe project Ensuring child-friendly justice through the effective operation of the Barnahus-Units in Finland

November 2021

*This project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, Directorate-General for Structural Reform Support (DG REFORM).*

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*This report was produced with the financial support of the European Union and the Council of Europe. Its contents are the sole responsibility of the author(s). The views expressed herein can in no way be taken to reflect the official opinion of either the European Union or the Council of Europe*

## 1. Project Summary

The joint European Union–Council of Europe project “**Ensuring child-friendly justice through the effective operation of the Barnahus-Units in Finland**” is implemented by the Council of Europe in close collaboration with the Finnish National Institute for Health and Welfare (Terveyden ja hyvinvoinnin laitos, THL) during the period 1/9/2021 – 28/2/2024 and is funded by the European Union’s Directorate General for Structural Reform Support (DG REFORM). Barnahus is the leading European model for a child-friendly multidisciplinary and interagency response to child sexual exploitation and abuse.

The goal of the project is to improve the access and quality of the justice system for child victims and witnesses of violence in Finland in line with international standards. It will support the Finnish authorities in addressing the needs and challenges identified since the launch of the national Barnahus project so as to reduce significant existing delays in the pre-trial and judicial processes involving children. The project is divided into three main components/outcomes:

1. Improving the legislative and policy framework for the functioning of Barnahus services in Finland;
2. Strengthening inter- and multi-agency coordination mechanisms to reduce the delays in the duration of the judicial processes related to child victims of violence;
3. Increasing awareness on child sexual abuse through child participation.

As laid out in the detailed project description (DPD), prior to the implementation of the outputs and activities of the project, a three-month inception phase was implemented. During this period, the Council of Europe set to take stock of the starting point of the project, review all relevant documents produced to date, and organise consultations with key stakeholders to identify concrete needs. The result of these consultations and research is the inception report of the project and an updated DPD and workplan. The report is to be shared with the beneficiary authorities and DG REFORM and presented in the kick-off meeting, which will be the first time the Advisory Group gathers for this project.

## 2. Implementation Dynamics

The project is funded by the European Union via the Technical Support Instrument of DG REFORM and implemented by the Council of Europe’s Children’s Rights Division with the support of the European Commission.

The national authority that requested technical support and will benefit from this project is THL, which coordinates the nation-wide Barnahus project in Finland.

The European Union-Council of Europe project will adopt the already existing Advisory Group of the Finnish nation-wide Barnahus project in order to avoid duplication. The Advisory Group is composed of the following state agencies:

- Ministry of Interior;
- Ministry of Education and Culture;
- Ministry of Justice;
- National Police Board;

- Finnish Institute of Health and Welfare;
- Finnish National Agency for Education;
- National Prosecution Authority;
- Criminal Sanctions Agency;
- University Hospital Districts;
- Representatives of Municipalities/Cities;
- Representative of the Ombudsman for Children.

Civil society organisations and the academia will also be involved in the work carried out to identify existing shortcomings of the justice system for child victims of violence in Finland in light of existing needs to formulate concrete potential solutions.

### 3. Account of stakeholders consulted during the inception phase

During the month of October 2021 six **bi-lateral meetings** took place with:

- Helsinki Barnahus-unit
- Oulu Barnahus-unit
- Tampere Barnahus-unit
- Turku Barnahus-unit
- Ministry of Interior
- Ministry of Social Affairs and Health

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*1. Do you think there are legal and policy gaps in ensuring child-friendly justice practices in Finland? If yes, which are the most pressing areas that would need review?*

*2. What are, in your opinion, the gaps in ensuring effective interagency coordination, information sharing, management of child abuse cases and participatory methods among the different Barnahus-units and other external actors.*

*3. Do you think more training opportunities are necessary for staff working in Barnahus-units and other implementing agencies? If yes, can you name a few areas where specific intervention is needed.*

*4. Do you think there are specific child participation practices in Finland? If yes, can you name the process child consultations are organised and by whom.*

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Prior to the bi-lateral meetings, the Council of Europe shared a **questionnaire** with the participants, and their answers were discussed in the meetings. The questionnaire was composed of the following questions:

A meeting with the Kuopio Barnahus could not be arranged, however their input on the questionnaire was received in a written form. In the meetings with the Barnahus-units, the staff of Barnahus that participated in the meetings were regional Barnahus coordinators, social workers, psychologists, gynaecologists, and paediatricians. In the meetings with the ministries, the Council of Europe project

team met with the representative of police affairs at the Ministry of Interior, and a Senior Medical Advisor and a Ministerial Counsellor of the Ministry of Social Affairs and Health.

On 29 of October 2021 a general **working consultation meeting** with staff from the five Barnahus-units was organised to further discuss the needs and challenges identified in the bi-lateral meetings.

## 4. Key issues identified during inception phase

### 4.1. Legal and policy gaps in ensuring child-friendly justice

The legal framework on guaranteeing an interagency response mechanism for child sexual abuse cases in Finland started to shape already in 2009 in the country, when Law 1009/2008 "[Laki lapseen kohdistuneen seksuaali- ja pahoinpitelyrikoksen selvittämisen järjestämisestä](#)" ([Act on Organising the Investigation of Sexual and Assault Offences against Children](#)) was passed ensuring state funding for the core five university hospital expert units specialising on forensic psychology/psychiatry (Barnahus units). This enabled the police to receive assistance from the units in cases of suspected child sexual abuse and to further define the roles, responsibilities, and expectations for the units. In 2013, the law was expanded to include investigations of child physical abuse suspicions into the remit of the units, which considerably increased their workload without additional resources being assigned.

Finland initiated a national Barnahus project in 2019 to be implemented around these university hospital expert units, and after 3 years of Barnahus national project implementation, it became clear that **the law is quite narrow and fails to clearly define the roles and responsibilities of all the agencies involved in the response mechanism system**. At times it seems the assistance provided is limited to the perspective of Health Services and should be rendered more comprehensive to cover multi-agency services. **The current law also does not clearly define the stakeholders and the parties involved in information gathering and in the evaluation phases of investigation**. Referral of cases to Barnahus units is also unclear in the law, and in practice the police officer responsible for a case decides whether it should be referred to the Barnahus or not. Usually, the cases that Barnahus units examine are cases involving children under the age of 7, cases of children with disabilities, or cases with very severe abuse. However, there is no clear definition or indication at legal level on these criteria, this is rather a practice than a binding principle. The law also appears to be vague, therefore it is interpreted differently by different Barnahus units, which results in different practices across the country without homogeneous approach to responding to child sexual abuse.

Another big challenge in ensuring an effective response mechanism in this regard is the **fragmented legislation on information sharing and access to medical files**. There are several laws that touch upon information sharing but they are confusing and open to interpretation, referring to different professional groups. For example, medical professionals are not allowed to share patient information in cases where the perpetrator's punishment would be more than six years based on the type of abuse, however the medical professionals are not trained to assess the punishment for a crime.

Another example of the fragmentation in the legal framework is the fact that the child protection legislation does not determine that each child going through criminal investigation regarding alleged child abuse should also have a child protection investigation. This leads to situations where there is a police investigation regarding an alleged abuse, but the child protection case workers assigned have

decided that the case does not call for a child protection investigation. This hinders multidisciplinary focus on the case and leaves other involved officials often concerned about the child's safety at home. Fortunately, these cases are rare, but we feel that **there is a need for a stricter policy that each child undergoing a police investigation should also be granted a child protection investigation** and that this should not be left to the discretion of an individual case worker.

In addition, in different regions there are different practices when it comes to **legal guardians** for children, at times the process is too long for the appointment of legal guardians, in other occasions legal guardians appointed do not uphold the best interests of the child. There are also situations in which the judge assigned to a case might oblige the relevant services to notify the parents that their child will be interviewed, creating situations where parents manipulate the child to testify in a certain way. Furthermore, there is no mandatory timeframe for pre-trial investigations. At the end of the day these gaps result in long processes from child abuse allegation to conviction, with cases lasting up to two years. This alarmingly long timeframes are studied in detail in the 2021 national report "Duration of criminal proceedings relating to sexual abuses against children"<sup>1</sup>.

Another aspect that the legal framework fails to **clearly define is the emotional abuse and the punishment for such abuse**. Counterparts noted that emotional abuse is rarely punishable under Finnish law, even in acute cases. The few emotional violence cases that are taken to court take a long time in the pre-trial process and are usually treated under the existing laws for physical abuse, as indicators for emotional abuse are not as easy to identify as physical ones. Therefore, it was also recommended to include emotional abuse as an offence in Finnish law.

**Clearer procedures are also needed in cases of when the child is a witness or an alleged perpetrator and not a victim**. For example, it is unclear who can grant the permission for interviewing the child as the family is party to the violence, but the guardian cannot come forward, as the child is not a victim. In case of child suspects, there are no instructions on what Barnahus units can do whatsoever, as they only deal with victims.

There is also need for **standardisation of practices and terminology among the Barnahus units**. This can be achieved by a comprehensive revamp of the legal framework regulating the national interagency response mechanism, including the Barnahus units.

#### 4.2. Challenges in Interagency coordination, information sharing and management of child abuse cases

During all bi-lateral interviews and also the general consultation meeting, there was a very strong agreement on the fact that information sharing together with ensuring multidisciplinary investigations for all cases is a significant challenge in the country. This is due to a number of reasons:

- fragmented legislation as already mentioned in the previous section
- patient data systems compatibility problems between different external actors and Barnahus units

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<sup>1</sup> Fagerlund, Monica, and Toivonen, Virve-Maria. 2021. *Straffprocessens längd i fråga om sexualbrott mot barn*. Publications of the Government's analysis, assessment and research activities 2021:3. Helsinki: Prime Minister's Office.

- different levels of information access rights for different professionals involved in multi-agency investigations
- lack of police resources – (there is an ongoing police reform at the moment in the country that should be taken into consideration during the implementation of the project)
- fragmented information cross-checking possibilities; e.g. during the evaluation phase police can share information with medical examiners. Medical examiners have to share it with police, but police sometimes cannot share information from interviews with examiners, so they can evaluate if the medical findings are due to criminal activity or not. This mainly happens in cases where the police holds forensic interviewing not in the Barnahus unit. At times it is also difficult to receive information from other Barnahus units.
- no harmonised practice and lack of standardised templates for ER doctors and other frontline professionals to compose the first statements.

It is recommended to develop protocols, checklists, guidelines side by side with the legislation revamp to address the issues above. Once this is done, training should also be made available for the professionals to incorporate the new measures in their daily work.

#### 4.3. Training needs

During the inception phase, trainings needs were identified in the following professional groups and topics:

Professional groups	Topics
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<ul style="list-style-type: none"> <li>- Barnahus staff, child protection case workers, and social workers</li> <li>- Training for ER doctors/emergency respondents</li> <li>- Police involved in child abuse cases, and particularly front-line police officers</li> <li>- Teachers, day care teachers, youth workers</li> <li>- Legal guardians involved in criminal proceedings</li> </ul>	<ul style="list-style-type: none"> <li>- Multi-disciplinary cooperation and evaluation</li> <li>- How to identify children at risk, ways to speak to children in a child-friendly manner, and how to refer cases after disclosure</li> <li>- Forensic interviewing and hypothesis testing</li> <li>- Psychosocial support in cases of acute abuse</li> <li>- Emotional violence and emotional abuse –</li> <li>- Child participation and how to include children in criminal investigation processes</li> </ul>
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Regarding training for **police officers**, it was noted that in some regions police staff working on child sexual abuse cases do not have specific training on the topic, but rather every officer needs to take work on a variety of topics regardless of their specialisation. This is related to the shortage of police officers already mentioned in previous sections. Furthermore, currently **front-line police officers** do not have specific training on how to address children and they may speak at the beginning of an investigation to child victims informally, in front of parents, and outside of Barnahus procedures. Training for this professional group would be of great importance as suggestive questions may destroy the evidence and might endanger the investigation further on.

Regarding **emotional violence and emotional abuse**, in line with information shared in previous sections, it was recommended that medical examiners should screen for trauma signs of emotional violence in children alongside psychiatrists, as indicators for emotional violence are harder to detect than physical violence.

Additionally, the consultations with key stakeholders brought to light the need for **continuous training**. While some members of Barnahus units go through a very comprehensive 1 year training on forensic interviewing and hypothesis testing, it would be better that follow-up training sessions be offered. It was also suggested that **creating a national network of trainers** would be beneficial to ensure sustainability and quality of the trainings received by Barnahus staff. Continuous training would be beneficial for all relevant professionals involved in Barnahus on different topics, not just forensic interviewing.

#### 4.4. Children participation and children consultations

During the consultations it was revealed that while some Barnahus-units have questionnaires to be filled in by children that attend the centres and to be left in letter boxes, **there is no systematic collection of children’s feedbacks on the services received in Barnahus nor children consultations to enhance the services provided**. It was noted that there are several issues regarding ethical permission



on how to collect feedback from children, and it was also pointed out that it would be beneficial to involve legal guardians in the process of consulting children, not just families.

Despite the lack of child consultations directly related to the Barnahus units, the Finnish authorities have launched different activities promoting child and youth participation in different areas:

- In the framework of the **national implementation plan of the Lanzarote Convention**, there is currently cooperation in order to boost child participation within the Convention's areas of impact.
- In 2021 Finland completed its first [National Child Strategy](#) with the goal to enhance and safeguard children's rights. The Strategy places child-friendly practices and child-friendly justice at its centre, which would benefit the Barnahus project.
- In the framework of the current reform of the Child Welfare Act, a [pilot to consult children and young people who benefit from child welfare](#) took place in Spring 2021. The consultations set out to gather feedback from children on the legislative framework that directly affects them, and they were carried out through collaboration with different NGOs and child welfare organisations. The feedback was reported to bill drafters in the Ministry of Social Affairs and Health.
- The Youth Research Society developed a [Youth Barometer report](#)<sup>2</sup> where they gathered feedback from 1,938 adolescents aged 15-29 living in Finland on their experience with different public services. In it, police officers got very positive feedback regarding adequacy and quality of the service

In order to enhance the services provided in Barnahus-units through children participation and children consultations, it was agreed that the creation of a **Child Advisory Group on Barnahus** would be beneficial. An NGO working with children could be contracted to provide access to children to volunteer to be part of the group. The members of the group would be consulted by the Barnahus-units and relevant stakeholders to provide feedback on the services provided by Barnahus and its professionals. As the children grew older and became adults, they would be replaced by younger children to ensure sustainability and relevance of the group.

It would be beneficial if members of the Child Advisory Group would be consulted, as is the standard practice in other Barnahus in Europe, on **their feedback on the Barnahus unit premises**: the layout, distribution of spaces, accessibility, the building itself, furniture, etc. As having a child-friendly space that feels safe to users of the Barnahus is paramount to keep the best interest of the child during the cases, such consultations would be highly beneficial and could lead to the refurbishment of the Barnahus units.

Additionally, it was also concluded that **compilation of feedback from children visiting the Barnahus-units** should be systematic, to gather solid information on how children and adolescents have experienced the Barnahus model in Finland. Parents and legal guardians that would come into contact with Barnahus services would also be consulted for feedback.

Finally, in order to **raise awareness on the services of Barnahus and the rights of the child**, it was concluded that it would be beneficial to develop information materials (booklets, leaflets, online materials) for the general public, for children, and particularly for children with different backgrounds and needs, e.g. ethnicities, disabilities, non-traditional families.

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<sup>2</sup> Päivi Berg & Sami Myllyniemi (eds.). 2020. *The service is good ! The 2020 Youth Barometer*. Helsinki: Finnish Youth Research Society.

## 5. Conclusion

During its inception phase, the European Union – Council of Europe project **“Ensuring child-friendly justice through the effective operation of the Barnahus-Units in Finland”** set out to identify the main needs and challenges of the existing national Barnahus project in order to assist the Finnish government in addressing its gaps. After the organisation of consultations with relevant ministries and staff from the different Barnahus-units, the project team has been able to identify legal and policy needs, interagency coordination, information sharing and case management needs, training needs, and needs relating to child participation and child consultations. The main needs identified are:

### **Legal and policy needs:**

- Finnish law should clearly define the roles and responsibilities of all the agencies involved in the response mechanism system to cases of child sexual abuse, particularly in the information gathering, information sharing, and evaluation phases.
- There is a need for a stricter policy that ensures that each child undergoing a police investigation should also be granted a child protection investigation, and the role played by legal guardians should be more clearly defined.
- Finnish law should clearly define what constitutes emotional abuse and the punishment for such abuse, and provide capacity building for relevant professionals in order to properly identify it alongside physical abuse.
- Finnish law should further define the procedures in cases when a child is a witness or an alleged perpetrator and not a victim.
- There is a need for standardisation of practices and terminology among Barnahus units.

### **Interagency coordination needs:**

- Need to improve information sharing processes, information access rights for different professionals involved in investigations, and address patient data systems compatibility problems.
- Need for all relevant cases to be able to benefit from interagency investigations, not only the most acute ones, which is now hindered partly because of lack of police resources.

### **Training needs:**

- Trainings for a variety of professionals working with and for children, including Barnahus staff, social workers, emergency respondents, front-line police officers, teachers and educators, and legal guardians.
- Specific training needed on indicators to detect emotional abuse alongside physical abuse.
- Need for the creation of a national network of trainers and for continuous training opportunities.

### **Child participation needs:**

- Need for the creation of a Child Advisory Group.
- Need for systematic collection of children’s feedback on the services received in Barnahus.
- Need for child consultations on the Barnahus premises and its services.
- Need to raise awareness on the services provided by Barnahus and on the rights of the child.

The project team in collaboration with the Finnish counterparts have been able to formulate recommendations in these areas that will serve to guide the future project activities and will be reflected in the updated DPD and work plan.

## Appendix I: Updated risk analysis and mitigation efforts

There are a number of risks associated with the implementation of the project, which the CoE will take steps to identify and mitigate. The table below provides for information regarding external risks and proposed mitigating measures.

Risk	Mitigation measure
<p>Lack of effective co-operation by Finland or government bodies. Finland and other stakeholders might refuse meetings, provision of expertise or relevant information that is needed to advance in the analysis of policies and the production of recommendations.</p>	<p>The project has been structured in response to a request from the authorities and closely matching their needs and the country's priorities. The scope of the work has been discussed and agreed with the authorities. These risks are mitigated by government-wide obligations with EU institutions and by close co-operation with the coordinating Finnish Institute of Health and Welfare, DG REFORM and the CoE.</p>
<p>Lack of cooperation from Finland and the other stakeholders in participating in the workshops.</p>	<p>Finland will take the lead in proposing and selecting the participants in the workshops/trainings, for discussion with the project team at the CoE.</p>
<p>Delays or otherwise low quality of CoE's contractor(s) work.</p>	<p>The CoE will undertake the selection of the contractors(s) and will also closely monitor the contractor(s)'s work, including by reviewing the outputs as needed.</p>
<p>Negative perception of recommendations. The media, and some segments of the government or parliament, may be led to oppose recommendations, in part because of opposition from strong interest groups that feed potentially biased information.</p>	<p>The CoE is committed to ensure understanding and acceptance of the recommendations to the greatest extent possible, while recognizing that there will always be interest groups that will oppose reforms. In addition to working closely with responsible government bodies, the CoE will work throughout the project to engage stakeholders in the public and private sectors, conducting workshops and seeking the views of businesses and civil society associations. Final recommendations will be presented at a dissemination event. The CoE will communicate its recommendations in a clear and simple summary. Throughout the project, the CoE will work closely with DG REFORM and Finland to achieve consistency of the messages put out to the public via media.</p>
<p>Lack of applicants to national consultants tender.</p>	<p>The CoE has relaunched the tender with a higher daily fee to fit to the Finnish market rates. The tender will further be disseminated amongst Advisory Group members and their professional networks</p>

## Appendix II: Updated workplan

<b>Project Name</b>	Ensuring child-friendly justice through the effective operation of the Barnahus-units in Finland
<b>Period</b>	01/09/2021-29/2/2024
<b>Project Manager</b>	GASPARYAN, Zaruhi
<b>Project Officer</b>	GIL-RICOL, Teresa

<b>Activities</b>			
<b>Logframe ref.</b>	<b>Activity Name</b>	<b>Start Date</b>	<b>End Date</b>
0	Project event Steering Committee Meeting	01/01/2022	01/07/2022
1.1.1	Analysis of the legislative, policy and regulatory framework	01/01/2022	01/07/2022
1.1.1	Conference to present and discuss the results and recommendations of the legislative, policy and regulatory framework analysis	01/01/2022	01/07/2022
1.2.2	Analysis of current practices and identification of training gaps and needs of target groups	01/01/2022	01/07/2022
1.2.2	Conference to present and discuss the results and recommendations of the training gaps analysis	01/01/2022	01/07/2022
1.3.2	Production of child-friendly and other materials	01/01/2022	01/07/2022