



**Child-friendly Barnahus –  
Child participation  
in the preparation and drafting of the Slovenian  
Law on Barnahus**

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The views expressed in this document are the  
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## INTRODUCTION

On 4 June 2020, the Ministry of Justice of Slovenia announced a [public consultation on the draft Law “Child protection in criminal proceedings and the comprehensive treatment of children in the Children’s House”](#) (Law on Barnahus). Within the framework of this process, Slovenian children were supported to form and express their opinion on how the draft Law should be further revised and to submit their recommendations to the Minister of Justice. This was the first occasion when Slovenian children participated in the law-making process and a first occasion to involve children in the drafting of legislation related to Barnahus in any country where the institution had been established before.

Child consultations were carried out in line with the Council of Europe and other international standards relevant for child participation, in particular [Recommendation \(2012\)2 of the Committee of Ministers of the Council of Europe on the participation of children and young people under the age of 18](#) (CM Recommendation 2012), and building on the relevant expertise and experiences already in place in Slovenia. The children evaluated positively the process, appreciated that their opinion was requested and expressed their interest to take part in similar activities in order to influence decisions that affects the life of children in Slovenia.

The report includes the analysis of the discussions held at the consultations and the recommendations put forward by the children in an order that follows the structure of the draft Law on Barnahus. At the beginning of the report, the table of recommendations encompasses all proposals made by the children that would require revision of the text of the draft Law. Since the opportunity was given, Slovenian children provided valuable contributions to further improving the draft Law on Barnahus and ensuring that once established, Barnahus would be a child-friendly institution in Slovenia.

The child consultations were carried out by the NGO [Združenje za MOČ](#) under the guidance of Council of Europe international expert and staff in the framework of the project “[Supporting implementation of Barnahus in Slovenia, phase II](#)” (2019-2021), implemented by the Council of Europe Children’s Rights Division and co-financed by the EU DG Reform and the Council of Europe<sup>1</sup>.

## BARNAHUS – MULTIDISCIPLINARY RESPONSE MODEL TO CHILD SEXUAL ABUSE

The term Barnahus/multidisciplinary-interagency services for child victims and witnesses of violence is generally defined as a child-friendly, safe environment for children, bringing together relevant services under one roof for the purposes of providing the child a coordinated and effective response and for preventing re-traumatisation during investigation and court proceedings. The central goal is to coordinate the parallel criminal and child welfare investigations. A key role of the service is to help produce valid evidence for judicial proceedings by eliciting the child’s disclosure. The child also receives support and assistance, including medical and therapeutic evaluation and treatment. The Lanzarote Committee, overseeing the implementation of the [Council of Europe Convention on the Protection of](#)

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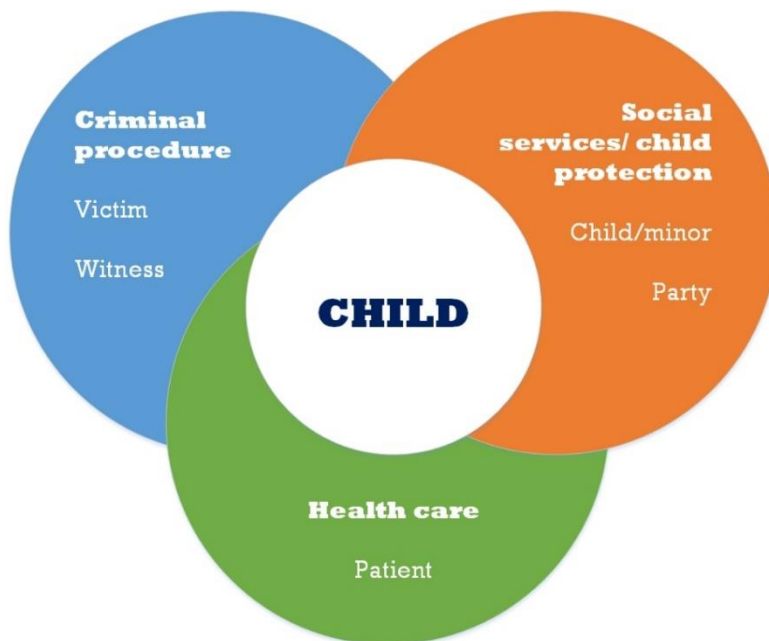
<sup>1</sup> For more information, see the website of the project: <https://www.coe.int/en/web/children/barnahus-project-in-slovenia>

[Children against Sexual Exploitation and Sexual Abuse](#) (“the Lanzarote Convention”), also endorsed the Barnahus model as a promising practice.

The Council of Europe promotes the following key common criteria for the Barnahus model:

- Forensic interviews are carried out according to an evidence-based protocol.
- The evidentiary validity of the child’s statement is ensured by appropriate arrangements in line with the principles of “due process”.
- Medical evaluation for forensic investigative purposes, as well as to ensure the child’s physical well-being and recovery, is available.
- Psychological support and short- and long-term therapeutic services for trauma to the child and non-offending family members and caretakers are available.
- Assessment of the protection needs of the victim and potential siblings in the family is made.<sup>2</sup>

Both criminal justice and child protection proceedings, including medical examination and the provision of therapeutic treatment, address violence against children but these processes are still operated within distinct frameworks involving different actors, procedures and timelines.<sup>3</sup> Accordingly, while the child is at the centre of the Barnahus model, he/she is seen as having a particular status or role by the different professionals who work as a multidisciplinary team in the Barnahus (see figure below).



Formal interagency agreement, harmonization of parallel procedures and operative protocols as well as interagency case management need to be put in place to guarantee that the best interests of the individual child is determined and implemented within Barnahus. Moreover, standards on child-friendly justice incorporate the right to be heard, the right to child-friendly information and the right to protection and safety for child victims and witnesses. When child participation is mainstreamed

throughout the Barnahus model, children can bring forward their perspective and further ensure that Barnahus would be a child-friendly institution.

<sup>2</sup> [PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND ABUSE - Child-friendly, multidisciplinary and interagency response inspired by the Barnahus model](#)

<sup>3</sup> Rebecca O’Donnell: At the Crossroads – Exploring changes to criminal justice proceedings when they intersect with child protection proceedings in cases involving child victims of violence. Promise project. 2020. pp. 6.

## FRAMEWORK FOR CHILD PARTICIPATION

According to the standards of the Council of Europe, child participation means that children, any person under the age of 18 years old, individually or in groups, have the **right**, the **means**, the **space**, the **opportunity** and, where necessary, the **support** to freely express their views, to be heard and to contribute to decision making on matters affecting them.<sup>4</sup> Their views should be given due weight in accordance with their age and maturity. The rights of children and young people under the age of 18 to participate applies without discrimination on any grounds including race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, sexual orientation or other status. Particular efforts should be made to enable participation of children and young people under the age of 18 with fewer opportunities, including those who are vulnerable or have special needs.

The Council of Europe [Child Participation Assessment Tool](#) (CPAT)<sup>5</sup> has been recently implemented in Slovenia in cooperation with a wide range of stakeholders and with participation of children. According to the outcomes of the assessment, Slovenian children have the potential for developing participatory behaviour, but they are rarely involved in the process of designing and monitoring children's rights instruments at governmental level. Access to child-friendly information about children's participation in judicial and criminal proceedings – including health care and criminal procedure – is limited. The findings of this assessment were considered during the design of the child participation process.

### A. Right to participation

Child participation in the preparation of the Slovenian Law on Barnahus has been based both on international legal standards accepted by the Republic of Slovenia and the domestic legislation of Slovenia.

Article 12 of the [UN Convention on the Rights of the Child](#) (CRC) stipulates that children have the right to express their views freely on all matters affecting their life and their views should be given due weight in accordance with their age and maturity. In accordance with Article 13 CRC, the right to freedom of expression incorporates the right to information, furthermore, Article 17 CRC prescribes that children shall have “access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”. Article 9 of the [Council of Europe Convention Protection of Children against Sexual Exploitation and Sexual Abuse](#) (Lanzarote Convention) provides that each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children. When referring to the best interests of the child, Article 19(3) of the [EU Directive on Combating child sexual abuse, sexual exploitation and](#)

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<sup>4</sup> [CM/REC\(2012\)2 on the participation of children and young people under the age of 18](#)

<sup>5</sup> For more details on the CoE CPAT, please see: <https://www.coe.int/en/web/children/child-participation-assessment-tool>

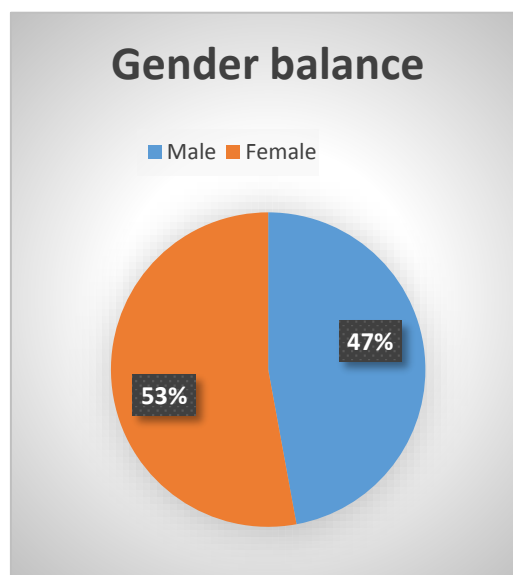
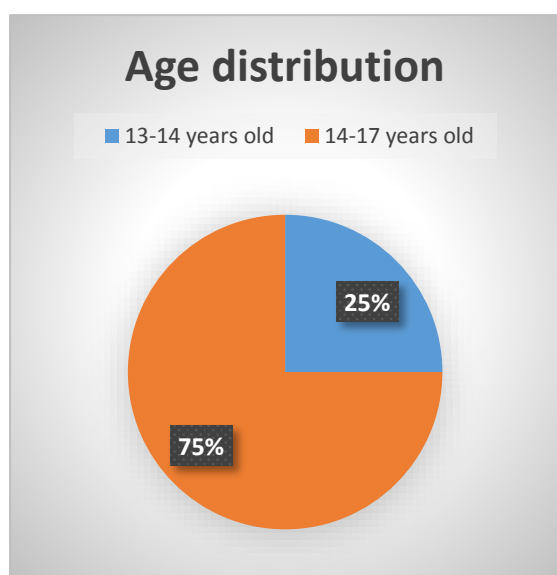
[child pornography \(2011/92/EU\)](#) emphasises the need to take into account the child's views, needs and concerns.

Slovenia is a State Party both to the CRC and Lanzarote Convention and in accordance with Article 8 of its Constitution, the ratified international treaties must apply directly, and the domestic legislation must comply with them. This is of crucial importance: whilst recognising the rights to protection and special care, the Constitution does not stipulate the children's right to participation.

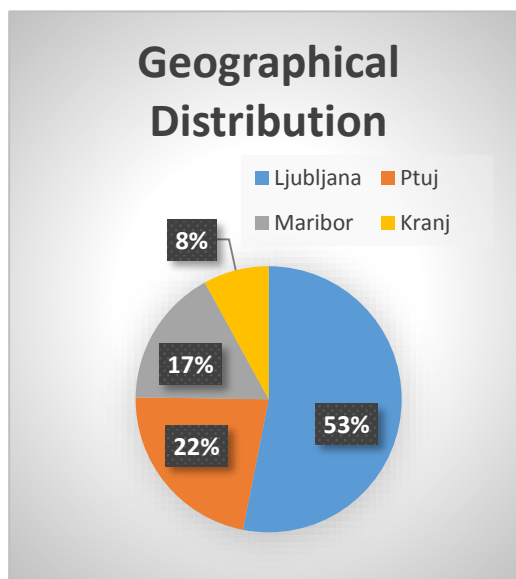
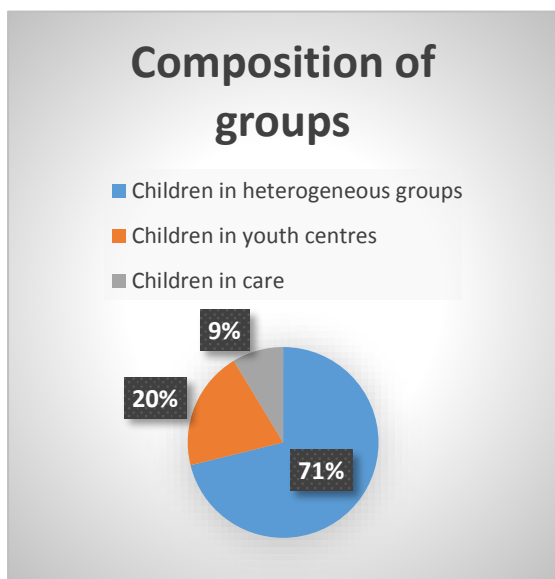
## B. Opportunity for participation

Setting up the legal and policy framework of Barnahus that will provide services for children is certainly a matter that affects the lives of children. Considering this, Slovenian children were provided the opportunity to consult on the draft Law on Barnahus during the course of August and September of 2020. In this collaborative project, initiated by the Ministry of Justice and the Council of Europe, children between the age of 13 and 18 years were supported in forming and expressing their views on the draft Law at two levels: local and national level. On 29-30 September 2020, representatives of the local groups were gathered for a final discussion in Ljubljana (Children's Meeting) and child representatives of the group shared children's views directly with the Minister of Justice in a bilateral meeting.<sup>6</sup>

104 children took part in the local consultations, including children particularly vulnerable to the risk of sexual abuse such as children in care and children in socially disadvantaged situation. Although diversity and equal opportunities were endorsed throughout the process, the unique experience of vulnerable children with regard to protection measures, social and other services justified separate consultations with them. The charts below give further information about the composition of the groups and the profile of child participants.



<sup>6</sup> See the news item on the website of the Council of Europe: [Children meet Minister Kozlovič to give feedback on the draft Law on Barnahus in Slovenia](#)



### C. Means for participation

Children taking part in the consultations were provided the means necessary for their meaningful participation, in particular child-friendly information on the following topics:

- the right to be protected from all forms of violence, including sexual violence, victim protection and assistance;
- child-friendly justice;
- the concept and purpose of Barnahus;
- Barnahus in the Slovenian context: relevant sections of the draft Law on Barnahus.

### D. Space for participation

The best interests of the child were the primary consideration throughout the whole process of child participation from the preparations until the follow-up activities. The professionals treated the children with respect, provided safe and accessible environment and complied with the Slovenian child protection legislation and the Child Safeguarding Policy of the Children's Rights Division of the Council of Europe. Expert was present to provide support in case of eventual disclosure of sexual violence. Particular attention was dedicated to respect the privacy of the child and to inform and obtain the consent of the parents/caretakers in accordance with the national legislation. National data protection and confidentiality rules were followed strictly.

The aim, the framework and the limitations of their participation were clearly defined and communicated to children at the first session of the consultations in order to ensure that they could express their views freely, without manipulation or influence, also in terms of format and content. In line with the practice of the UN Committee on the Rights of the Child and the CoE Lanzarote Committee, children were encouraged to prepare their proposals in any form which reflects their views and recommendations. Since the opportunity arise to meet the Minister of Justice in person, the children decided to prepare and hand over the records of their final meeting followed by a discussion about their most important recommendations.

## **E. Support for participation**

In this process, children were supported to form and express their views by several actors. The civil society partner, [Združenje za MOČ](#) reached out to children, organized the activities and facilitated the child consultations. The state authorities, particularly the Ministry of Justice, closely followed the child consultations and provided assistance, among others by actively participating at the Children's Meeting. The Council of Europe provided technical expertise and guidance for the civil society partner and the facilitators, including the provision of the methodology of the consultations and other supporting materials.



## CHILDREN’S VIEWS ON THE DRAFT LAW ON BARNAHUS

### A. General principles

Chapter I of the draft Law on Barnahus encompasses the general provisions including the purpose of the Act of Parliament, definitions to be used, the general principles of the procedure for the comprehensive treatment of a child, the public service nature of the Barnahus and the data protection regulations.

All consultations started with a discussion about key terms such as what constitutes a child, children’s rights and sexual abuse of children. The knowledge of children about these topics

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*“We have our voice – this is what children’s rights mean.”*

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greatly varied depending on various factors such as age, education and family background. Many of them were not aware of the definition of a child, besides, older participants preferred to be referred as youth. Moreover, children were not sure about what constitutes sexual

violence. In general, they welcomed the general principles of the draft Law, especially the right to participation in proceedings in a child-friendly manner. Although no recommendations were formulated in relation to the Chapter 1 of the draft Law on Barnahus, the discussion indicated that children need to be informed about their rights in general and especially should they fall victim of a crime, irrespective whether their case is processed within the context of the Barnahus or through other channels.

## B. Children's House

Chapter II of the draft Law on Barnahus comprises provisions on the activities and the structure of the Children's House, including supervision and monitoring of its operations.

### 1. About the name

Children participating in the consultations often found the name "Children's House" misleading for different reasons. Some children understood this as a place where children can

*"As a 17-year old girl, I would be worried that in accordance with the name – Children's House – they would treat me as a child. It should be named simply Barnahus and below with smaller letters written Child and Youth House. Sexual abuse is a difficult topic with a lot of stigma around it, so the name children's house is not appropriate."*

play a lot, while others thought that children are also accommodated within Barnahus premises. Older participants mentioned that this term is not friendly towards or appealing to adolescents, because it would imply that adolescents will be addressed as children there. Children suggested that the name should have a direct connection with the purpose of Barnahus (state

response child sexual abuse and support services for child victims and witnesses), but still remain discreet.



The children participating in the Children's Meeting agreed to propose the name "HOME" as an abbreviation of "Hiša za otroke in mladostnike" ("House for children and youth" in English). Even though term "house" is ambiguous, they found it still better than "centre" or "institution". Moreover, the children prepared a logo design emphasizing the protective mission of the Barnahus and its target group, children and young people.

### 2. Barnahus as a child-friendly facility

All children consulted, without exception, had some kind of experience from visiting official places, like an institution or a dentist and thus have a clear idea of what could be a child-friendly place or what is not a child-friendly environment. Children stressed that Barnahus should be a cosy place with warm colours and comfortable furniture. The interior design of the house should be homely giving an impression that you have entered into a family apartment.

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*“It should be large and open space, with lots of windows so that the child does not feel cramped.”*

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Children would appreciate being offered a drink or a snack on arrival and they would find comforting to see plants or an aquarium with fish, even an emotional support animal such as a cat. Children recommended having two different hearing rooms, one designed for smaller children and one for adolescents, or one room that can be easily adjusted

(for example putting away the small toys). They stressed that children visiting Barnahus should have space and time to calm down and have time for themselves if they need it.

### **3. Activities in Barnahus**

Children, who had already been in contact with law, expressed critical opinion of the justice system in Slovenia. They negatively evaluated the professionals they interacted with and they felt biased towards themselves because of their age. They mentioned that they suffered from the delays in the proceedings and addressed their need to receive clear and easily understandable information about the procedures. Even at school, children had negative experiences when they reach out to adults for help: when they entrust someone to tell their problems, often adults do not believe them or do not understand them (especially older teachers as many children mentioned). Many times, children are not taken seriously, if they say they are sad, or they do not feel good.

Following the introduction to the Barnahus concept, the children spoke positively about the multidisciplinary-interagency model and agreed that this could help child victims to disclose any abuse and receive the necessary support to recover.

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*“It is a great idea to have all services under one roof.”*

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The children stated that it is important to present Barnahus to children, young people, parents and teachers and they proposed to organize awareness-raising workshops in schools. They also suggested setting up a helpline within the Barnahus itself, therefore children who want to report abuse could directly reach out to the staff working there. This proposal probably originates from the idea of awareness-raising among children, because if Barnahus is depicted and promoted as a “safe place for child victims”, they might rightly think they can turn to Barnahus directly for help in case of falling victim of or witnessing sexual abuse.

### **4. Child participation in decision-making related to Barnahus**

The draft Law on Barnahus does not envisage the involvement of children in decision-making procedures related to Barnahus. Nonetheless, the Ministry of Justice already engaged with children during the drafting of the Law, furthermore,

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*“Institutions do not ask about our opinion”.*

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representatives of the Ministry expressed their willingness to consult children regarding the physical establishment of Barnahus. Children participating at the consultations warmly

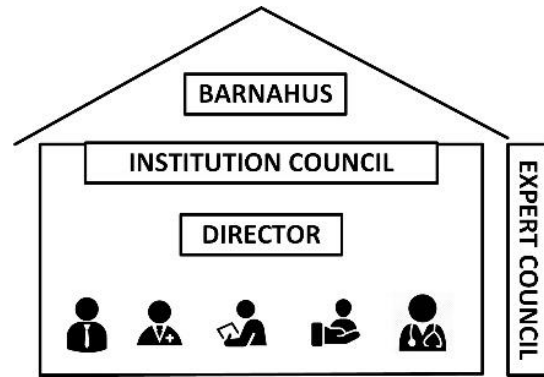
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*“Do you want to go there [Barnahus]?”*  
*“Do you feel safe?”*  
*“Are you ok [with this]?”*

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welcomed this proposal; nevertheless, they stressed that children should be involved in decisions regarding the everyday operation and evaluation of the Barnahus and suggested several opportunities for child participation.

Children found important that children who visited Barnahus are given the opportunity to share their experience in a satisfaction survey or leave comments on a board. Some children would prefer to have workshops or consultations where they can discuss their ideas for improvement among each other and with the representatives of Barnahus. On institutional level, children proposed to involve child representatives in the work of the Institutional Council or organize joint meetings to make sure children’s views are taken into account in the operation of the Barnahus.



The 2018 National Guidelines for Barnahus in Slovenia<sup>7</sup> proposed that initial evaluation of the operation of the Barnahus shall be carried out after two years from its establishment and then regular evaluation shall take place every three years. Children emphasized that child representatives – consisting of children who had previous experience with Barnahus and those who did not - should participate in the evaluation of the services of Barnahus on a regular basis.

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<sup>7</sup> National Guidelines for Barnahus in Slovenia (2018) were developed under the joint EU-Council of Europe project Barnahus/Children’s House in Slovenia, phase I. See the publication at: <https://rm.coe.int/prems-104918-eng-2577-barnahus-slovenia-couv-texte-a5-web-bleu/16809e5ed1>

## C. Comprehensive treatment procedure

### 1. The right to be heard

Chapter III of the draft Law on Barnahus elaborates on the comprehensive treatment procedure: hearing and physical examination of the child as well as crisis support, and psychosocial assistance provided for the child and the family.

Children appreciated the opportunity to comment and being involved in deciding what should happen at Barnahus. They also recognized further scenarios not mentioned by the draft Law. For example, children would prefer to choose the gender of the professionals they interact with or to request to change these professionals in case they do not get along with them. In addition to forming the questions they want to be asked, children emphasized that they would like to receive appropriate, understandable information to be able to make an informed decision.

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*“It is good that the child can refuse the medical examination.”*

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Children in all consultations emphasized the importance of the right to refuse the medical examination without an age limit, but they also mentioned that this could only work if the child is properly informed about the objectives of the medical examination, how it will be done, what happens during it and the possible impact on the criminal investigation, if the child refuses the examination. Some children suggested that in the event of the refusal, the person of trust should also discuss this decision with the child to stress that the medical examination is a significant moment where children could and would seek support from adults they trust. Concerning the profile of the medical staff, children would appreciate to be able to choose the gender of the doctor, whom they expect to be highly qualified and experienced working with child victims.

The minimum age requirements to make decisions was a hotly debated topic. Children above the age of 16 receive all the official correspondence and are able to make decisions themselves such as requesting the adjournment of the hearing. Besides that, the draft Law included one provision on an age limit for consent, in relation to receive psychosocial assistance. Children found the age limit of 15 years unreasonably high and they focused their argument to justify lowering the age limit to 10, 11 or at least to 13 years.

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*“13 years old can definitely decide for themselves.”*

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The introduction of an age limit on the child’s right to participate in decision-making, especially different ones depending on the decision to be taken, can disproportionately restrict the child’s autonomy. The children clearly expressed that the capacity to understand possible

consequences and to make informed decisions is a question of maturity and not only of age. This should be taken into account while regulating the child's right to participation in decisions at Barnahus, and even if the age limit is required by other laws, children under that age limit should be listened to and heard by their parents before they give consent or decide on behalf of children. In case of conflicting views between the child under the age limit and their parents, the decision should be taken by the court considering the best interests of the child.

Children discussed participation in relation to crisis support and psychosocial assistance. They suggested to consult children about their personal treatment plan, depending on their age and maturity.

The children agreed that crisis assistance should be offered also to parents, but separately from the child.

Children were concerned about the 6 months' time limit on the provision of psychosocial assistance, they found it too short, but they understood that the reason is to make sure that all children receive help at Barnahus. They recommended to inform children about the possibility to continue the treatment outside of the house as early as possible to reduce their anxiety.

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*“Children should be told all, including uncomfortable things.”*

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Children discussed about the circumstances of “the invitation” to the Barnahus. They agreed that the child should be addressed orally, in the form of a conversation using child-friendly language, where they have the

possibility to raise questions and ask for clarifications. Moreover, it should happen in a place where the child feels safe and not exposed to peers or other people (as it can happen for example at school). Children should be given the opportunity to fix the appointment for the interview within a week, but in any case, they appreciate the possibility to postpone it if they do not feel prepared. On the other hand, children also stressed that in some cases it is better to conduct the interview as soon as possible. After arriving to Barnahus, children should be allowed to proceed at their own pace, if they need time to calm down then the interview should not start immediately.

Some children preferred to receive the invitation from a person close to them, but majority of them would appreciate to have the first contact with a person of support who will be available to accompany them throughout the procedure at Barnahus. Considering the specific nature of the information to be explained to the child, it is justifiable that a professional

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*“They should not treat us as helpless children.”*

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working at Barnahus delivers the summons. They said that this person of support should receive the children at Barnahus, so they can feel at ease thanks to the familiar face and

knowing whom to turn to with their questions. The children themselves identified the child's counsellor as the most suitable professional to accomplish the tasks of the person of support and they suggested emphasizing their role in the draft Law. They confirmed their preference when they spoke about the limited role of social workers and based on their previous

experiences were of the opinion that it would not be necessary for social workers to follow the interview from the Barnahus premises.

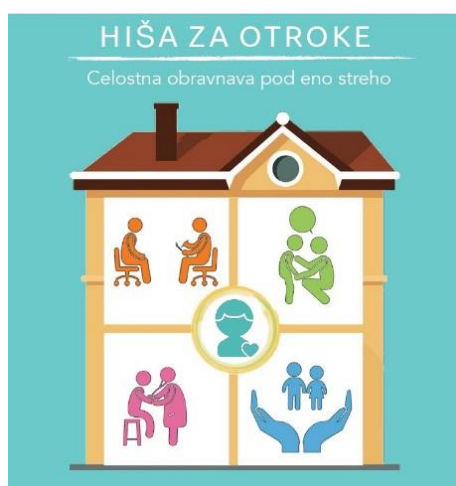
## 2. Child-friendly information

One of the strongest messages of children taking part in the consultations is that the child should receive all important and necessary information about Barnahus to be able to participate meaningfully in the procedure and make informed decisions. Nothing can be omitted or withheld by professionals, children prefer to know even if it is uncomfortable or scary. They stressed that children should be made aware of being recorded and observed. Children considered important to receive information in advance, at the earliest stage, possibly when they are summoned to the hearing. This ensures that children have enough time to process the information and get prepared for the interview.

They mentioned that prior visit to the premises can help to prevent anxiety in children. In all cases, children said that sufficient information to participate fully in the proceedings at Barnahus should include:

- what is Barnahus
- where it is located and how does it look like
- who will be in Barnahus, what are their roles and who can accompany the child
- what is going to happen there and how long will it take
- if children cannot stay in Barnahus overnight, where will they be accommodated, what is the procedure
- what are the things they can decide about, what is mandatory,
- what are the implications of the hearing on the procedure and what are the possible outcomes.

The children participating at the consultations were offered a child-friendly information leaflet about Barnahus in Slovenian. They found the picture of the house encompassing the



different services under one roof informative and easily understandable, but they emphasized that the language should be more adapted to the needs of children. They suggested having two leaflets, one with the house explaining the concept of the Barnahus, another one with a timeline indicating the course of actions taking place at the Barnahus. The latter one can be used to explain the services for children who are going to visit the Barnahus, therefore, the contact details of their person of support can be also mentioned. According to the children, using social media platforms to share information about the Barnahus is highly recommended and should be indicated on the leaflet.

### 3. Protection and safety

The provision of protection and safety is the prerequisite of full and effective participation of children in judicial proceedings. Although the Barnahus model already incorporates several procedural safeguards of child-friendly justice that was acknowledged by the children, they still spoke about their concerns in relation to the persons present in the Barnahus.

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*I don't want a perpetrator entering the house. If he will enter, you should change the name "Children's house" accordingly. This is not a "Children's house" if perpetrators can enter.*

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First of all, children were concerned about the involvement of their parents. They appreciated the possibility to have a person of trust accompanying them to Barnahus, but they stressed that his person of trust can be someone else than their parents. Children often felt uncomfortable with the idea of having their parents in Barnahus, some of them even mentioned that they would prefer their parents not to listen to the interview, because they would feel ashamed. The children at the consultations agreed that everyone has different relationship with their parents, so the best solution would be to let children decide if they want their parents to accompany them or be present in the room observing the interview. Children should be made aware of this possibility at the earliest stage once they are summoned to the hearing.

Second, children were concerned about situations when the defendant is one of the parents. Avoiding contact was a common element of the discussion, but they also alerted to the conflict of interest if the defendant is the holder of parental rights and can decide about the voluntary participation of the child in psychosocial assistance. Moreover, when children learnt that no one can stay in Barnahus overnight, they stressed that there should be a solution to accommodate children somewhere else and not to send them back to a family where they do not feel safe. The draft Law on Barnahus does not include all the procedural safeguards in place to protect children from an abuser parent during a criminal procedure because it should be interpreted in accordance with the relevant regulations already in place. When children were informed about these safeguards, including the suspension of parental rights, they got relieved. Nonetheless, this means that this issue should be clearly explained to children concerned when they are summoned to Barnahus as well as any child-friendly material to be developed should also include and elaborate on these details.

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*"Already during the invitation, I would ask about the location of the perpetrator."*

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Third, children's main source of fear was the defendant's presence in Barnahus. The children categorically rejected the possibility for the defendant (i.e. suspected perpetrator) to follow the interview within the

premises of Barnahus. This question was raised during all consultations after it was agreed by the children that they should be informed about everything related to Barnahus, including uncomfortable issues. Bearing this in mind, children said that they would not feel safe and would be worried if they knew that the defendant is in the next room. This would make children afraid to talk, keep secrets or block them, which could eventually deter or disrupt



the interview. Nevertheless, children agreed that the defendant could follow the interview from another location, for example from a court building, and in case the defendant wants to propose questions, a second interview in Barnahus would still be

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*“He absolutely cannot be in the house! Absolutely in some other building! Not on the same floor, not upstairs or downstairs, I mean not at all!”*

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less damaging than having them present in the observation room. Furthermore, a common question during all consultations was about ensuring that there can be no contact between the child and the defendant within Barnahus, on the way to the premises and on the way out of the premises. Children proposed to put in place safety measures for these situations and inform children about them as soon as it is possible.

#### D. Training and cooperation

Chapter IV of the draft Law on Barnahus comprises provisions on the training of the professionals working at the Children's House and the cooperation between the participants in the procedure.

Children were highly interested to talk about their expectations about the selection of professionals to work at Barnahus. They stressed that staff members should be empathetic, kind and patient and they should be able to adapt to children. They should give space to the child, not force or push them, children should feel safe and respected. Many of the children expressed concerns that if there is a big age difference between the professional and the child, maybe the former will not understand the latter. They acknowledged that relevant education is important, but they emphasized that personality and experience should be also considered while selecting the professionals to work at Barnahus.

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*“It is important to know, there is a big difference working with 5- or 6-years old child or working with a teenager.”*

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The children talked particularly about the profile of an ideal counsellor, who must be both professional and friendly to the child. In terms of personality, it is important that the counsellor is a warm, talkative and trustworthy person, good at listening, flexible and is at ease to work with children. The counsellor should not force children and should not touch them either. Appropriate educational background is a must, but the counsellor should have experience working with children, listen first and then counsel by adapting their counselling to the needs of the child concerned. The children stressed that the counsellor should attend trainings regularly and ensure continuous professional improvement.

Children did not put forward any specific recommendations for this Chapter; however, it is clear that the personality of candidates who wish to work at Barnahus and with child victims of violence needs to be carefully considered and vetted. Given that children clearly expressed interested in being involved in decision-making at Barnahus, one option could be to involve child representatives in job interview processes so that children would be able to review the applicants' personality and skills from their perspective.

## CONCLUSIONS

The child is at the centre of the Barnahus model; all safeguards should be in place to ensure the child's full and meaningful participation in proceedings taking place at Barnahus. In line with international standards, children as a constituency should also have the opportunity to be heard about the development of legislation that affect them directly.

Accordingly, Slovenian children took part in the public consultation process on the draft Law on Barnahus along with several other stakeholders in Slovenia. Some of their recommendations overlapped with those of others, while some were put forward specifically by children. It is generally thought that the Barnahus model is by definition already child-friendly to the highest level. When consulted, children however raised attention to several issues that need to be carefully considered. These include notably concerns for safety and protection, including not allowing the suspected perpetrator to be physically present in Barnahus and referrals for safe housing; choice of allowing parents to be present and of professionals that children feel comfortable to confide in. Suggestions were proposed for the name of Barnahus and the need for appropriate, child-friendly and timely information about Barnahus and its proceedings stressed. Children also clearly underlined their wish to be part of the decision-making of Barnahus at different levels and their readiness to be consulted for the next steps. Once the final text of the Law on Barnahus is adopted, it is crucial to provide the children who took part in the consultations with follow-up information on how their views were taken into account.

Although the scope of child participation was to express opinions on and provide recommendations to the draft Law on Barnahus, the consultations also provided an occasion to identify further entry points for children related to the setting up and operation of Barnahus. As already agreed with the Ministry of Justice, children are to be consulted on child-friendly features of the Barnahus premises before the opening. Moreover, children are keen to take part in decisions related to the everyday operations of Barnahus as well as to be involved in the monitoring and evaluation of the services. On one hand, the development of a comprehensive strategy for child participation in the context of Barnahus would guarantee efficient and child-friendly operation of the institution. On the other hand, setting up an advisory group of children with appropriate support to allow regular and systematic consultation of and participation in the activities of Barnahus would ensure that child participation is effective and meaningful.

**TABLE OF RECOMMENDATIONS BASED ON CHILDREN'S VIEWS**

| <b>SLOVENIAN DRAFT LAW ON BARNAHUS</b>  |                          |   |
|---|--------------------------|---|
| <b>Children's views</b>   | <b>Article concerned</b> | <b>Recommended adjustment</b>   |
| <b>I. GENERAL PROVISIONS</b>  |                          |   |
| -   |                          |   |
| <b>II. CHILDREN'S HOUSE</b>   |                          |   |
| Proposal to change the name "Children's House" to "House for children and youth"  | <b>All articles</b>      | "Hiša za otroke in mladostnike"   |
| Setting up a helpline, which is directly connected to Barnahus  | <b>Article 7 (1)</b>     | The Institution, as a State public service, shall carry activities such as the operation of a helpline or cooperate with organisations operating helplines for child victims of sexual abuse. |
| Children should have the rights and means to participate in decision-making related to Barnahus                                   | <b>Article 9 (3)</b>     | The institutional council can invite child representatives of non-governmental organizations to participate in its meetings.  |
| <b>III. COMPREHENSIVE TREATMENT PROCEDURE</b>   |                          |   |
| There should be no contact between the child and the defendant at the Barnahus, neither before nor after the hearing at Barnahus. | <b>Article 16 (2)</b>    | The location of the hearing shall not be communicated to the defendant.   |
| The child should be able to postpone the hearing.   | <b>Article 19</b>        | The court may adjourn the hearing of the child on the proposal of the child.  |

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| <p>Children should be given all the necessary information about Barnahus and the procedures beforehand, preferably during summoning. Relevant information includes the timeframes and anything children might find uncomfortable.</p> | <p><b>Article 20 (1)</b></p> | <p>A summon to the hearing shall be communicated in a child friendly manner orally to the child and should include information about the services and procedures of Barnahus.</p>                   |
| <p>The child should be able to choose the gender of the professional and have the right to request to deal with a different professional.</p>   | <p><b>Article 20 (1)</b></p> | <p>The child should be informed of the possibility to indicate the preferred gender of the experts at Barnahus and the right to request a different professional at any point of the procedure.</p> |
| <p>The child's counsellor should be the same person who invites the child to Barnahus and accompanies the child as a person of support throughout the process until the conclusion of the psychosocial assistance.</p>                | <p><b>Article 20 (1)</b></p> | <p>The summons to the hearing shall be communicated to the child by the staff of the institution, preferably the child's counsellor.</p>  |
|   | <p><b>Article 34 (1)</b></p> | <p>[...] the child counsellor who serves as the person of support for the child and takes care of the crisis support and psychosocial assistance.</p>   |
| <p>The children should decide whether they want their parents to be present in the interview room or in the observation room.</p>   | <p><b>Article 23 (1)</b></p> | <p>In addition to the expert conducting the hearing, another person in addition to the child, of the child's own choice may be present, if any.</p>   |
|   | <p><b>Article 23 (2)</b></p> | <p>In addition to the judge, [...] the legal representative of the child, if it is agreed with the child, [...] may be present in a separate room.</p>  |

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| <p>The defendant should not be present at Barnahus and should not listen to the interview with the child within the premises of Barnahus.</p>   | <p><b>Article 23 (2)</b></p> | <p>The defendant may follow the hearing of the child from other premises than Barnahus..</p>  |
| <p>It is not necessary for the social worker to follow the interview from Barnahus.</p>   | <p><b>Article 23 (2)</b></p> | <p>delete : expert of the social work centre</p>  |
| <p>The treatment plan of psychosocial assistance should be drawn up in collaboration between the counsellor and the child.</p>  | <p><b>Article 36 (2)</b></p> | <p>The counsellor shall, in consultation with the child, prepare a treatment plan for the child as soon as possible, , [...]</p>  |
| <p>The threshold of 15 years to consent to psychosocial assistance seems too high, it should be a maximum of 13 years, but in some cases also 10, 11, 12 year olds are able to understand the process and express themselves.</p> | <p><b>Article 37 (2)</b></p> | <p>For the child under the age of 13, after carefully listening to and considering child's views in accordance with his or her age and maturity, the legal representative shall give consent for the child's inclusion in crisis support and psychosocial assistance.</p> |
| <p><b>IV. TRAINING AND COOPERATION</b></p>  |                              |   |
| <p>-</p>  |                              |   |