PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND ABUSE

Child-friendly, multidisciplinary and interagency response inspired by the Barnahus model

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Introduction

Over 150 million children in the Council of Europe Member States are entitled to enjoy the full range of human rights safeguarded by the United Nations Convention on the Rights of the Child, the European Convention on Human Rights and other international and European human rights instruments. The Council of Europe is actively engaged in the eradication of all forms of violence against children. Our work at pan-European level supports the landmark commitment by world leaders to end abuse, exploitation, trafficking and all forms of violence and abuse of children by 2030, as part of the UN Sustainable Development Goals. "A life free from violence" is one of the key priority areas of the Council of Europe Strategy for the Rights of the Child (2016-2021).

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) is the most ambitious and comprehensive legal instrument on the protection of children against sexual abuse and sexual exploitation to date. The emphasis on a child-friendly, multidisciplinary and interagency collaboration is a common theme throughout the Convention, including those covering coordination (Article 10); investigation (Articles 30; 31; 34); interviews with the child (Article 35); protected measures and assistance to victims (Articles 11; 14; 31).

There is growing international recognition of the paramount importance of child-friendly multidisciplinary and interagency (MDIA) services being made available for child victims and witnesses of violence. In its 2015 implementation report the Committee of the Parties to the Lanzarote Convention identified the Icelandic Barnahus model as a good practice example for a child-friendly MDIA response. The EU Directives on Victim's Rights (2012/29/EU) and Child Sexual Abuse (2011/93/EU) promote the same standards for the Member States of the European Union.

What is Barnahus? Definition of child-friendly, multidisciplinary and inter-agency services for child victims of sexual exploitation and sexual abuse

Different national contexts have generated different types of MDIA services and Barnahus depending on legal systems, social structures, cultural traditions and professional practices. In many countries there has been a gradual process towards developing increasingly comprehensive and well-functioning MDIA services.

The term Barnahus/MDIA 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 evaluation and treatment and therapeutic evaluation and treatment.

Key common criteria of Barnahus

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

Enabling factors for establishing and operating Barnahus or similar multidisciplinary interagency services

Strong political will, adequate stakeholder engagement and commitment from Barnahus champions that drive change are prerequisites for establishing and operating effective and professional Barnahus or similar MDIA services. Further enabling factors include an appropriate regulatory environment, sufficient and sustainable resources, availability of qualified professionals, supportive and aware societies, and an effective interagency cooperation.

International and European law and guidance are considered important foundations and opportunities to bring national law, policy and practice in line with children's rights to protection from violence, child-friendly justice and assistance. Ensuring effective implementation of the Lanzarote Convention and the relevant EU Directives is vital in this regard. Detailed provisions and mechanisms for specific safeguards, such as provisions concerning interview modalities for children, coordination, exchange of information and joint planning are often needed at country level to ensure child-friendly and effective interagency case management.

Operating standards: *European Barnahus Quality Standards*

The *European Barnahus Quality Standards* developed by the EU-funded PROMISE project embody the operational and organisational framework for the organisation and practice of Barnahus. The key purpose of the standards is to promote practice, which prevents re-traumatisation, while securing valid testimonies for Court, and complies with children's rights to protection, assistance and child-friendly justice. The standards provide a framework for setting quality goals for core operational practices for Barnahus/MDIA services.

Standard 1.1 **Best interest of the child**	The best interests of the child are a primary consideration in all actions and decisions concerning the child and the non-offending family/caregivers/support persons.
Standard 1.2 **Child participation**	Children's rights to express their views and to receive information are respected and fulfilled. Children and family/care-givers receive adequate information regarding available and necessary treatment and can influence the timing, location and set-up of interventions.
Standard 1.3 **Preventing undue delay**	Measures are taken to avoid undue delay, ensuring that forensic interviews, child protection assessments and mental health and medical examinations take place within a stipulated time period and that children benefit from timely information.
Standard 2 **Multidisciplinary and interagency (MDIA) collaboration**	• **Formal status:** Barnahus is formally embedded in the national or local social or child protection services, law enforcement/judicial system or national health system. Barnahus can operate as an independent service if it enjoys a statutory role, recognised by the national or local authorities. • **Structured and transparent MDIA collaboration:** There are clearly established roles, mandates, coordination mechanisms, budget, measures for monitoring and evaluation. MDIA collaboration begins at the initial report of suspected child abuse and continues throughout the case management.
Standard 3 **Non-discrimination**	The target group includes all children who are victims and/or witnesses of crime involving all forms of violence. Non-offending family/care-givers are included as a secondary target group.

Standard 4 **Child-friendly environment**	• **Place and accessibility**: The Barnahus premises are preferably situated in a detached building located in an environment familiar to children and accessible by public transport and for children with special needs. • **Interior environment:** Furnishing and material are child and family-friendly and age-appropriate. The premises are physically safe for children at all ages and developmental stages. Separate, soundproof and private areas are available. • **Preventing contact with the suspected perpetrator:** The premises are set up so that contact between victim and alleged offender is avoided at all times. • **Interview room**: Live observation of interviews is made possible for the interagency team in a room other than the interview room.
Standard 5 **Interagency planning and case management**	• **Formal procedures and regular routines:** Interagency case review and planning is formalised by mutually agreed upon procedures and routines which are evaluated on a regular basis. Continuous documentation and access to relevant case information to the interagency team members is ensured. • **Support person**: A designated, trained individual/ member of the Barnahus team monitors the MDIA response to ensure continuous support and follow-up with the child and non-offending family/care-givers.
Standard 6 **Forensic interviews**	• **Evidence-based practice and protocols by specialised staff:** Forensic interviews are carried out by specialised staff according to evidence-based practice and protocols to ensure the quality and quantity of the evidence. • **Location and recording:** Forensic interviews are conducted in the Barnahus premises. Interviews are audio-visually recorded in order to avoid repeated interviewing. • **MDIA presence**: The forensic interview is carried out by a single professional. All relevant members of the MDIA team are able to observe the forensic interview; either live in an adjacent room, or recorded. There is a system of interaction between the interviewer and the observers.

	• **Adapted to child**: The interview is adapted to the child's age, development and cultural background and takes into account special needs. The number of interviews is limited to the minimum necessary for the criminal investigation. The same professional conducts the interview if multiple interviews are necessary.
Standard 7 **Medical evaluation and treatment**	• **Evaluation and treatment:** Medical evaluations and/or forensic medical evaluations are routinely carried out by specialised staff in the Barnahus premises, unless hospital setting is required in special cases. • **Case review and planning**: Medical staff is present in case review and planning meetings as appropriate.
Standard 8 **Mental health examination and treatment**	• **Assessment and treatment:** Assessment and treatment is routinely made available for child victims and witnesses who are referred to the Barnahus by professionals with specialised training and expertise. • **Crisis intervention**: There is a clear organisational structure and permanent staff in place to routinely offer crisis support for the child and non-offending family members/care-givers, if needed.
Standard 9 **Training, supervision and guidance**	• **Training of professionals:** The members of the Barnahus team and involved agencies are provided regular training in their specific areas of expertise and are offered joint training in cross-cutting issues. • **Guidance, supervision, counselling**: The members of the Barnahus team have access to regular guidance, supervision, counselling and peer review.
Standard 10 **Prevention**	• **Data collection, information sharing and awareness raising**: Aggregated and disaggregated data/statistics is collected and shared with relevant stakeholders to create awareness, facilitate research and support evidence-based legislation, policy and procedures. • **External competence building**: Competence and knowledge are increased among professionals working for and with children through study visits, information meetings, lectures and producing written material.

PROMISE

European Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence (Lind Haldorsson, PROMISE Project series, Council of the Baltic Sea States Secretariat and Child Circle, 2017)

A framework model for Barnahus or similar multidisciplinary interagency services

The key role is to coordinate the parallel criminal and child welfare investigations

BARNAHUS/MDIA SERVICE TEAM - STAFF

Coordination of interagency collaboration, planning and case management;
Evaluation and development of the mission and activities of the Barnahus;
Management and oversight of the implementation of guidelines and routines;
Elaboration of annual narrative and financial reports of the MDIA service's activity;
Collection and analysis of data and statistics;
External competence building.

MEDICAL EXAMINATION - specialised medical staff including paediatricians with specific training in forensic medical examination and paediatric nurses

- Responsible for medical and/or forensic medical evaluations and treatment
- Actively engages in interagency collaboration, planning and case management

ASSESSMENT, THERAPY AND SUPPORT - specialised mental health professionals/ child and adolescent psychiatry

- Responsible for mental health assessment and treatment
- Provides crisis support
- Actively engages in interagency collaboration, planning and case management

FORENSIC INTERVIEWS – professionals specialised in forensic interviews (e.g. police, mental health professionals)

Court testimonies:

- Responsible for obtaining the child´s testimony under the auspice of a court judge and under observation of the defence, the prosecution, the police, the local child protection and the child´s legal advocate
- Mediates questions from the judge, the defence and others as appropriate
- Testimonies are recorded for use during court hearing if indictment is made

Exploratory interviews:

- Eliciting the child´s narrative if possible in cases where disclosure is absent or ambiguous
- Obtaining the child´s testimony in cases where the suspected offender is below the age of criminal responsibility

CHILD PROTECTION – social services and/ or child protection agency

- Responsible for child protection assessment and acute risk assessment
- Responsible for information to child and parents/caregivers
- Responsible for follow-up with child and parents/caregivers
- Observes forensic interview
- Actively engages in interagency collaboration, planning and case management

OFFERS A CHILD-FRIENDLY ENVIRONMENT WHERE ALL SERVICES ARE UNDER ONE ROOF.

FORMALLY EMBEDDED IN A NATIONAL OR LOCAL STRUCTURE

(e.g. judicial system, social protection, health system).

THE INTERAGENCY COLLABORATION IS GOVERNED BY NATIONAL PROCEDURES AND FORMAL INTERAGENCY AGREEMENTS

FINANCED WITH PUBLIC FUNDING

The participating agencies contribute to the costs for the Barnahus, including for their own staff and equipment. External funding could be secured for set-up and initial operation and phased out gradually to be replaced by sustained public funding.

The framework model was developed as part of the feasibility assessment for piloting Barnahus in Ukraine under the Council of Europe project "Combating violence against women and children in Ukraine" (2017-2018).

Sexual exploitation and sexual abuse are among the worst forms of violence against children. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the Lanzarote Convention, is the most ambitious and comprehensive international legal instrument aimed at preventing and protecting children from sexual exploitation and sexual abuse and prosecuting perpetrators.

The Committee of the Parties to the Lanzarote Convention referred to the Icelandic Barnahus model as an example of a promising practice in its 2015 implementation report. Barnahus is a child-friendly, multidisciplinary and interagency response model to child sexual abuse and provision of services for child victims and witnesses of violence. It enables effective collaboration between relevant judicial, social and medical actors in one child-friendly premise, in order to avoid any secondary victimisation of the child. The Barnahus model puts the best interest of the child at the heart of investigative procedures, while taking into account that the child's disclosure is key to identify and investigate child abuse both for criminal and for protective and therapeutic purposes.

FURTHER INFORMATION

- www.coe.int/children

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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