

# **Promise Procedural Safeguards Resources: Briefing Paper on individual assessments of the situation and needs of the child victim in Barnahus**

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This Briefing Paper is part of the **Promise Resources on Procedural Safeguards for Children in Barnahus**. The Promise Resources on Procedural Safeguards gather information, experience and reflections on the application of procedural safeguards for child victims required under EU law during criminal investigations and court proceedings in Barnahus.

## The Promise Barnahus Network

Recent legal obligations concerning child victims of violence in Europe drew inspiration, inter alia, from procedures and practices involving a multidisciplinary inter-agency model, Barnahus, which allows for the coordination of the criminal justice and child protection proceedings in a child-centred way under one roof. The Barnahus was first established twenty years ago in Iceland and its use rapidly expanded across Scandinavia. Following the EU and Council of Europe instruments, the model is increasingly in the spotlight in Europe, and is currently being developed, piloted or implemented in over 20 countries.

Working with partners across Europe, the EU funded Promise project (2015–2017) established regional Barnahus standards and guidance to support the implementation of these legal instruments through the more widespread establishment of Barnahus. The Promise compendium of law and policy was also developed to provide a clear overview of the international and EU obligations concerned.

The Promise 2 project (2017–2020) had the goal of supporting national activities which address the different dimensions of establishing or developing a Barnahus, including through national roundtables and expert seminars.

Promise 3 (2020–2023) aims to ensure a systematic, accelerated, and sustainable effort to train staff and facilitate professional exchange and development across Europe, taking into account the combined need for training in forensic interviews and therapy and in multidisciplinary collaboration and case management.

The Promise Barnahus Network, launched in November 2019, is a European professional network with activities which include the coordination of the European competence centre; training and education; facilitating exchange among

The Barnahus an inter-agency and child centred approach to child victims of violence, under one roof.

For the purposes of the criminal proceedings, the Barnahus ensures that children are interviewed by specialised professionals with due process safeguards for the defence, providing recorded testimony for use in court proceedings. Some Barnahus also contain facilities which allow on-site forensic medical examination. For the purposes of the child protection proceedings, health and needs assessments of the child are typically undertaken at the Barnahus and therapeutic services will either be directly available on site or made available by immediate referral to other services.

These steps in the two proceedings are intertwined in the Barnahus model and managed together.

members; developing practical tools, guidance, policy and analysis; undertaking research, data collection, monitoring and evaluation; facilitating meaningful, ethical and safe child participation; and advocacy and awareness raising in close collaboration with the EU, the Council of Europe, the United Nations and other relevant European and international organisations.

## **Introduction to the Briefing Paper on individual assessments in Barnahus**

Child victims involved in criminal justice proceedings have a range of rights to having their specific needs met. These include rights to information, support and assistance, to be heard, to adaptations of the criminal proceedings where needed, including during interviews, to special protection measures, and to access to health services.

States must ensure that an individual assessment of a child's situation and needs is carried out for the purposes of identifying their needs and helping children access these rights.

*The obligation to carry on out an individual assessment of the child's situation from the outset of the proceeding provides a gateway into a child-centred procedure. When properly carried out, individual assessments help transform the experience of both children and professionals during these cases and in their longer terms outcomes.*

[FOCUS Roadmap to strengthening individual assessment processes](#)

### **1. The importance of individual assessments in Barnahus practice**

The Barnahus model is a child-centred, inter-agency, under one-roof model, which facilitates coordination of different proceedings involving the child, including child protection and criminal proceedings.

The way in which Barnahus function may vary from country to country, and within countries. However, in broad terms, all Barnahus aim to ensure that the necessary procedural safeguards are in place for a child victim in criminal proceedings, that child protection measures are put in place where needed and that children are provided with access to services which respond to their needs for support, assistance and physical and mental health services. Consequently, what happens to a child in Barnahus should be informed by a proper assessment of the circumstances of the individual child, with a view to identifying and meeting their specific needs.

A comprehensive, child-centred individual assessment process will contribute to fulfilling nearly all of the Promise Barnahus Quality [Standards](#), in particular:

- The cross cutting principles (standard 1)
- child friendly environment (standard 4),
- inter-agency case management (standard 5), and
- preparations for the interview (standard 6),
- the medical examination (standard 7) and
- the therapeutic services (standard 8).

The PROMISE Barnahus Network is committed to strengthening individual assessment processes as a key means for ensuring child-centred practice. This Briefing Paper focuses on the way in which individual assessments of the situation and needs of child victims of violence are carried out and/or used in Barnahus and our commitment to strengthen this practice.

## 2. The law underpinning individual assessments: Profile of EU obligations

Our practice in Barnahus can be properly anchored by the **legal obligations** to conduct individual assessments for child victims of violence. EU law explicitly *obliges* Member States to undertake individual assessments of the child's situation and needs where a child has been a victim of crime. EU law addresses the nature and purpose of an assessment, its scope, the involvement of the child, the timing of its initiation and its ongoing nature during the criminal proceeding.

Nature and purpose of assessment:

[Directive 2012/29 \(Victims' Rights Directive\)](#) provides that child victims of crime shall receive a *timely and individual assessment* to identify specific protection needs and to determine whether and to what extent they should benefit from special measures in the course of the criminal proceedings.

[Directive 2011/93 \(Child Sexual Abuse Directive\)](#) provides that States should take specific actions to assist and support child victims in enjoying their rights, *following an individual assessment*.

#### Scope of assessment:

- The individual assessment should look at the circumstances of the child and should take into account their personal circumstances. 2011/93
- The individual assessment shall take into account personal characteristics, type/nature of crime, circumstances of crime 2012/29
- Particular attention to victims who have suffered considerable harm due to the severity of the crime.... child victims presumed to have needs... 2012/29

#### Involvement of the child:

- Take into account child's views, needs and concerns 2011/93
- Individual assessments are to be carried out with the close involvement of the victim. 2012/29

#### Timing of the assessment

- Individual assessments, carried out at the earliest opportunity, to identify risks to victim 2012/29

#### Ongoing nature of the assessment

- They are to be updated throughout the criminal proceedings as necessary. 2012/29

#### How they are to be undertaken

Inspiration can be drawn from Directive 800/2016 (Child Procedural Safeguards Directive), in the adjacent field of safeguards for child suspects and accused in criminal proceedings, which provides that individual assessments should be conducted in a “multidisciplinary” way to the extent possible. This Directive, which was adopted after the EU Sexual Abuse Directive and the EU Victims’ Rights Directive, provides a more fully formulated expression of individual assessment requirements, in line with authoritative guidance from the UN Committee on the Rights of the Child, in particular in the Committee on the Rights of the Children [General comment No. 14 \(2013\)](#) on the right of the child to have his or her best interests taken as a primary consideration .

See further information on EU law and guidance:

The [Promise Compendium of Law and Guidance 2020](#) (European and International Instruments concerning Child Victims and Witnesses of Violence) provides a comprehensive

view of the legal framework and authoritative guidance concerning the rights of child victims and witnesses across the EU, the Council of Europe and the United Nations. It contains profiles of the key instruments by provision. The Promise Compendium provides further detail on the guiding recitals of the EU and international measures, the full range of their provisions and the authoritative guidance which informs their implementation.

### **3. Implementing the individual assessment obligation - guiding principles**

The obligations in EU law are set out in general terms. Member States determine exactly how assessments are organized and used.

State authorities and practitioners undertaking individual assessments face common challenges in undertaking these assessments. This includes the fact that sometimes they are limited in scope and purpose or are not undertaken properly for certain children (children with different ages, with special needs, with needs for translators). Individual assessment processes in some situations may be about children but may not properly involve them in the process. Indeed, they sometimes occur in intimidating or hostile settings, which make the experience or participation of the child difficult. On occasion, assessments are treated as a one-off step and are not subsequently updated in line with changes in circumstances. They may be carried out by one professional, when to get a full picture they may need the perspectives of several professionals, and they may need to serve the purposes of several interviews. Those conducting them may lack knowledge and skills and indeed some processes miss key resources to undertake them. A key question turns on the extent to which they contribute to outcomes in individual cases, and how we learn from them to make progress on a macro level.

The EU co-funded [FOCUS project](#) developed the [FOCUS Standards](#), which set out guiding principles to assist national actors in facing these challenges and strengthening individual assessment processes. The FOCUS Standards include indicators which show how the standards can be fulfilled in practice. They are accompanied by a [Standards Self Reflection Tool](#) to help stakeholders assess individual assessment processes and practice.



## STANDARDS FOR INDIVIDUAL ASSESSMENT OF CHILDREN IN CRIMINAL PROCEEDINGS

<p><b>1</b></p>  <p><b>HOLISTIC AND COMPREHENSIVE</b></p> <p>Assessment of all circumstances to meet all child's needs and fulfil his/her rights.</p>	<p><b>2</b></p>  <p><b>INCLUSIVE</b></p> <p>Adapted to consider the needs of all children, regardless of nationality, age, characteristics etc.</p>	<p><b>3</b></p>  <p><b>PARTICIPATORY</b></p> <p>Engaging children, taking their views into account to empower them to access their rights.</p>	<p><b>4</b></p>  <p><b>CHILD-CENTERED, CHILD SENSITIVE</b></p> <p>The best interests of the child should be a primary consideration throughout.</p>	<p><b>5</b></p>  <p><b>CONTINUOUS AND TIMELY</b></p> <p>Conducted promptly, contributing to actions throughout the criminal proceedings and beyond.</p>
<p><b>6</b></p>  <p><b>MULTIDISCIPLINARY &amp; COLLABORATIVE</b></p> <p>Multidisciplinary and collaborative approach by the professionals involved.</p>	<p><b>7</b></p>  <p><b>QUALITY</b></p> <p>The individual assessment is undertaken by qualified, trained personnel.</p>	<p><b>8</b></p>  <p><b>PROPERLY RESOURCED, SUSTAINABLE</b></p> <p>Properly allocated resources (capacity building, inter-agency cooperation).</p>	<p><b>9</b></p>  <p><b>IMPACT ORIENTED</b></p> <p>Aimed at concrete outcomes to meet the needs and fulfil the rights of children.</p>	<p><b>10</b></p>  <p><b>PROGRESS ORIENTED</b></p> <p>Aimed at systemic changes in responding to the needs of children in criminal proceedings.</p>

Infographic of the FOCUS Standards, available at <https://focus.justicewithchildren.org/en/child-protection-online-library/focus-standards-infographics>

# P R O M I S E

## Snapshot of the FOCUS Standards

### Standard 1: Holistic and Comprehensive

Whether as victims or accused or as suspects, children involved in criminal justice will benefit from an individual assessment of all of their circumstances for the purposes of taking the necessary measures to meet all of their needs during the criminal justice, child protection and welfare proceedings arising from the crime.

### Standard No. 2 Inclusive

The process of undertaking and using individual assessments will be adapted as necessary so that they take into account the needs of all children, regardless of their age, nationality, personal circumstances or characteristics.

### Standard No. 3 Participatory

Providing children with information, support and assistance helps empower them to access their rights. This should be achieved by engaging children, listening to them, taking account of their views, and gaining their consent.

### Standard No. 4 Child-centred and child-sensitive process

The individual assessment should take place in a manner that is centred on the needs of the child (e.g. at child-appropriate premises where possible). The best interests of the child should be a primary consideration throughout

### Standard No. 5 Continuous and timely

The individual assessment should take place at the earliest possible moment and may need to be updated. The assessment itself contributes to actions throughout the criminal proceedings and beyond

### Standard No.6 Multidisciplinary and collaborative

The child should benefit from an individual assessment, which involves a multidisciplinary and collaborative approach by the professionals involved.

### Standard No. 7 Quality

The individual assessment is undertaken by qualified, trained personnel

### Standard 8 Properly resourced/sustainable

The individual assessment should be a process with properly allocated resources in terms of capacity building and inter-agency cooperation

### Standard No.9 Impact oriented

An individual assessment is undertaken as a concrete measure to produce concrete outcomes with the goal of fulfilling the rights and needs of children

### Standard No. 10 Progress oriented (Contribute to learning)

A regular review of experiences under the individual assessment process will lead to systemic improvements in responding to the needs of children in the criminal justice proceedings

*From the EU co-funded project FOCUS, which aim to strengthen individual assessment processes in cases where children are involved in criminal proceedings*

Find out more about the FOCUS project and resources [here](#).

## 4. Individual assessments in Barnahus: purposes, practical questions and survey of experience

In reflecting on individual assessments in Barnahus, it is useful to explore their purpose, practical questions that might arise and experience we have learned about.

### Purposes of individual assessments in Barnahus

- 1) Individual assessments ensure the child has the opportunity to access their rights during proceedings in Barnahus

For this purpose, assessment processes should be accompanied by adequate information, support and processes to take the child's views into account, and seek their consent or that of those exercising parental responsibility where necessary.

- 2) Individual assessments contribute to the simultaneous preparation of a number of different processes in which the child may be involved and for which activities in Barnahus may be relevant. They should support each professional to discharge their responsibilities.

This includes the preparation of child protection and child welfare processes, such as access to health services, and the preparation of the criminal justice proceedings, including the forensic interview. Individual assessments should allow for as complete a picture of the child's circumstances to be provided to the forensic interviewers, and the social and health professionals. For example, understanding the circumstances and characteristics of the child will allow forensic interviewers to ensure that they can best elicit information from children, in a way that avoids secondary traumatisation. This includes identifying whether a child needs any special communication aids, such as interpreters.

- 3) Individual assessments within the Barnahus are part of a chain of the process of supporting and assisting child victims of violence, before, during and after the Barnahus.

It is important to consider carefully how assessment and knowledge of the child's characteristics, circumstances and needs connects with processes undertaken outside of the Barnahus, before and after.

## Questions arising in day-to-day practice

In day-to-day practice in Barnahus, practical questions around individual assessments may arise around:

- when they are undertaken
- how they are undertaken and by whom
- how systematic and comprehensive individual assessments are
- what sources of information are taken into account
- how the child is informed and engaged in relation to the individual assessment
- to what extent individual assessments are being used to help children access their rights
- how they are used by individual professionals
- how they are used to help coordinate multidisciplinary inter-agency responses to the child, with the related question of how data sharing, in line with privacy laws, is organised,
- how individual assessments connect with and differ from risk assessments (which have a specific focus on risk)
- how individual assessments connect with best interests procedures (which may have a broader decision making purpose in relation to actions concerning the child)
- how they connect with processes and professionals outside the Barnahus

## Survey of experience in Barnahus

In January 2021, the Promise Barnahus network launched a survey which allowed us to begin to learn about practice in Barnahus on this point. Several countries responded and we learnt that, in those countries, typically Barnahus:

- get information on the child from assessments undertaken before they arrive at Barnahus
- undertake an assessment of the child within the Barnahus for the purpose of planning the activities within Barnahus
- share information from the assessment for use in processes outside Barnahus (e.g. court proceedings) where these occur, for protection measures or for service provision to the child)

Several Barnahus have a questionnaire or similar tool in place. Barnahus also typically have processes that:

- Ensure smooth case management process relating to the individual assessments.
- Allow for information sharing with processes outside Barnahus.
- Account for confidentiality issues among actors.

The Barnahus in Finland has also recently shared experience in related area on a case management model, with the aim to make sure that enough multiagency information sharing is going on, also in cases where the Barnahus units are not involved that much. Read more [here](#) on the model, in Finnish. Learn more in a talk that Dr Laajasalo gave about the model in English [here](#). More generally, when Barnahus Finland are involved, the law gives them access to several sources of information about the child and if needed, the right to share that information with other authorities. There is also always close cooperation with CPS.

## **Further learning from the Barnahus network**

The Promise Barnahus Network undertook a professional networking exchange meeting in March 2021 to have an informal exchange on the individual assessments within Barnahus, followed by a webinar on the topic in March 2023. Interesting points coming out of the exchange included the following:

### [Value of individual assessments](#)

The central value of individual assessment was underlined: it allowed staff at the Barnahus to get a full picture of the child's situation. The importance of having sufficient information about the child in order carefully to prepare key steps in Barnahus (including the forensic interview) was stressed.

### [Information provided when the child is referred to Barnahus](#)

The extent to which information on the circumstances of the child has been gathered/begun to be gathered/ or is available to Barnahus when the child is referred to Barnahus often depends on the way in which a child has been referred into Barnahus.

Different information about the child may be available depending on whether a case is referred from social services or from the police. The information available also depends on at what stage the case comes to Barnahus. For example, little information may be available if the child is being referred for an exploratory interview. There may also be scenarios, in complex and sensitive criminal proceedings, where police may be reluctant to share information relevant to the child which may affect the criminal investigation.

### Sources of information

It is interesting to note that a participant underlined that the interview with an offender may also be important to establish the circumstances of the victim and may need to be taken into account in any needs assessment of the child.

### Time pressures

There may be pressure on - and from - law enforcement actors to undertake the interview concerning the offence with the child as soon as possible. Law enforcement officials may be reluctant to wait for a full individual assessment of the circumstances and needs of the child prior to the interview for the criminal investigation.

One Barnahus service mentioned that there are sometimes tensions between agencies around the time that may lapse between disclosure and interview. Police “start the clock ticking” when the decision is taken that child should be interviewed - and they are very focused on how many days go before interview - sometimes putting real pressure on interviewers to speed their preparation. There is a real risk that this can lead to cutting corners on true child-centred pre-interview planning. Moreover, holding the interview as soon as possible therefore can be counterproductive if it causes the child additional stress or to be scared, thus hindering the collection of credible information which helps to uncovering the truth of what happened.

### Use of assessments

Participants noted that sometimes the criminal justice and child protection system is letting children down. This happens when children’s needs and rights go unfulfilled, as soon as the needs of the criminal proceedings are met. This can happen for budgetary issues, for example, in cases where children can no longer access health services if a prosecution does not go forward.

In contrast, where assessment processes can really contribute to inter-agency case management, it allows the needs of the child to be considered at all stages.

### Some reflection points highlighted in the webinar

- To consider how to improve how to engage children around individual assessments, and the circumstances in which better to engage their parents

- To share advice on how to improve balancing professional confidentiality with the best interests of the child in terms of sharing information between professionals on the circumstances of the child.
- How the individual assessments are concretely used to ensure the child's needs are taken care of throughout the process, including before and after the Barnahus

## 5. Future action within the Promise Network

The Promise Barnahus Network continues to learn about - and strengthen - how individual assessments are used and/or undertaken at the Barnahus process, by:

- Revision of Promise Barnahus Standards to include a focus on individual assessments in the Barnahus, including indicators for good practice
- Including a focus on individual assessments and training in resources for the Promise Barnahus Network, including in new EU funded projects such as Promise Elpis, which will develop knowledge and resources in relation to responding to online sexual abuse against children
- Seeing Barnahus as a link in the longer chain of individual assessments: keeping the situation, needs and rights of the child in focus throughout their circumstances (including in particular situations, such as responding to the needs of trafficked children in our Promise Project on inter-agency cooperative processes)

## 6. Resources to consider: ongoing developments in the field of individual assessments

There are a number of EU funded projects that we are aware of that have provided resources for strengthening the individual assessment process. It will be useful to see how relevant each is to Barnahus practice and how they might be used. Below we include project descriptions from the partnerships and relevant websites.

**The [Focus project](#)**, led by Terre des Hommes, and co-funded by the EU, included Promise 3 partners and Promise network members (Child Circle, Terre des Hommes (lead partner) and SAPI). The FOCUS project's main objective was to ensure that children in contact with the law, as victims and suspects or accused, benefit from individual assessments of their needs as required under EU law. FOCUS

promoted the implementation of robust and multidisciplinary individual assessment practices, including in restorative justice processes. Activities included exchanging good practices, training professionals, and developing and piloting tools to enhance national processes. Child Circle's role focuses on developing key standards and resources for individual assessment processes to contribute to the training and pilot activities in the project. Child Advisory Boards were set up in each of the partner countries to ensure insights and recommendations were gained from the experience and perspective of children, as well as to assist children in becoming agents of change in the system. The project partners accumulated knowledge and learning from the project in the mutual learning paper and recommendations for progress.

[E-PROTECT II](#), led by the Law and Internet Foundation and co-funded by the EU, was designed to build upon the results achieved by the E-PROTECT project with the overarching aim to bring more light in terms of how Directive 2012/29/EU has been transposed in 10 EU Member State, what Individual Needs Assessment Methodologies (IAMs) exist in the examined MSs and how they are applied. On this basis, the E-PROTECT project team developed its own IAM and Policy Guidelines with view of introducing them to practitioners from Austria, Bulgaria, Greece, Italy & Romania. At the same time, E-PROTECT delivered an online platform which serves not only as a virtual library providing useful resources, but is also capable of hosting online events, and facilitating the consolidation of the E-PROTECT community, as it provides a safe space for communication between professionals in the field of child protection. E-PROTECT II focused on ensuring the practical implementation of the IAM to make existing national systems more compliant with child victims' rights and needs. Furthermore, it aimed at strengthening capacity building and better cooperation between competent authorities, legal practitioners and social service providers, thus improving the quality of provided services to child victims. Moreover, the project aimed to further benefit from that platform, by continuing to improve the public's awareness and knowledge about child victims' rights at both EU and national level.

[Developing the Concept of Social Court Practices](#) led by the Validity Foundation and co-funded by the EU, had as its goal to improve criminal justice systems by making them more child-friendly to child victims and children suspected or accused of committing a crime, particularly for those who are in vulnerable situations. It aimed to address the lack of understanding on how children should be assessed by criminal justice professionals to identify their social, educational, protection and/or restoration/reintegration needs within criminal justice processes. This project focused on improving individual assessments of children in vulnerable situations in Bulgaria, Italy and Romania. In particular, it focused on improving the situation for children with disabilities, children deprived of parental care and unaccompanied minors. The project developed a set of specialist tools which will contribute to ensuring access to justice, a child-centred approach and ensuring that appropriate measures are taken to enhance their participation and to protect them from harm throughout the criminal justice process.

The pilot project PRACTICE (Procedural Rights for All Children in jusTICE) (1/1/2020-31/12/2021) aimed at building the capacity of judges and other relevant professionals to ensure effective individual assessments of children in criminal proceedings in the Czech Republic and Slovakia. The main objective of the project was to contribute to better protection of the procedural rights of children suspected or accused of crimes. Three training seminars organized in Prague, Brno and Bratislava for 60 judges, lawyers, prosecutors and other relevant professionals from Czechia, Slovakia and a few from selected other EU countries, in order to increase the knowledge of judges and other relevant professionals about EU and international law on these rights, especially on individual assessments and to promote exchange of best practices between these professionals and their EU counterparts. In the second part of the project the ICJ-EI published recommendations on individual assessments of children with specific vulnerabilities, to support an EU-wide interpretation and application of Article 7 of Directive 2016/800, in light of international human rights law.

# P R O M I S E

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## Implementing the Barnahus Quality Standards throughout Europe

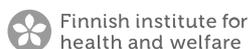
PROMISE is supporting Europe to adopt the Barnahus model as a standard practice for providing child victims and witnesses of violence rapid access to justice and care. We undertake this work to fulfil the PROMISE vision: a Europe where the human rights of children to protection from violence, support and to be heard are fulfilled.

A Barnahus provides multi-disciplinary and interagency collaboration to ensure that child victims and witnesses of violence benefit from a child-friendly, professional and effective response in a safe environment which prevents (re)traumatisation. With the formal support from national authorities, PROMISE provides opportunities to translate national commitment into action and engage internationally in the process. In addition, regular networking and strategic communications continually activate our growing network of professionals and stakeholders who are committed to introducing and expanding Barnahus services nationally.

The first PROMISE project (2015-2017) set European standards and engaged a broad network of professionals. The second PROMISE project(2017-2019) promoted national level progress towards meeting the standards and formalised the PROMISE Barnahus Network. The current project (2020-2022) is expand these activities to include University training, case management tools, with a view to establishing a European Competence Centre for Barnahus and laying the groundwork for an accreditation system for Barnhaus.

PROMISE is managed by the Children at Risk Unit at the Council of the Baltic Sea States Secretariat in close collaboration with Child Circle.

Access the PROMISE tools and learn more at [www.barnahus.eu](http://www.barnahus.eu)



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