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# **Promise Procedural Safeguards Resources: Overview of resources available within the Promise Barnahus Network and how to use them**

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# Table of contents

<b>The Promise Barnahus Network</b> .....	3
<b>Introduction to the Overview</b> .....	4
<b>1. Essential Background</b> .....	4
What do we mean by procedural safeguards?.....	4
How should these procedural safeguards be implemented? .....	5
<b>2. Overview of Promise Procedural Safeguards Resources</b> .....	7
Law & guidance:.....	7
Papers.....	8
Training modules.....	9

This Overview is part of the **Promise Resources on Procedural Safeguards for Children in the 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 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.

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.

## Introduction to the Overview

International, European and national criminal justice laws typically include procedural safeguards for children which are intended to fulfil the rights of children who are victims of crime. Successive Promise projects, co-funded by the EU, in which Child Circle has been a partner, have developed a series of resources intended to help develop and strengthen measures and practice within Barnahus which can fulfil these procedural safeguards.

Within Promise 1 we published the Promise Compendium of Law and Guidance, as well as the overview linking legal obligations to the Promise Standards. In Promise 2, we published the legal briefing *At the Crossroads*, and undertook several webinars which are recorded and are available on the Barnahus website. In Promise 3, we developed and delivered training on procedural safeguards for the Promise Competence Centre. Through a network survey, a professional networking and exchange in March 2021, the Barnahus Forum in December 2022, we also deepened our knowledge on practice in fulfilling procedural safeguards in particular areas of interest. This has been captured in focus papers published during Promise 3.

This document provides an overview of these Promise resources and how they may be used, including in the context of mutual learning and the Promise Barnahus Competence Centre and training sessions within the network.

## 1. Essential Background

### What do we mean by procedural safeguards?

Key European law safeguards for child victims in criminal justice proceedings

- 1. Right to be heard:** a victim has a right to be heard and give evidence in criminal proceedings. The right of child victims to be heard in criminal proceedings should not be precluded solely on the basis that the victim is a child or on the basis of the victim's age.
- 2. Information, support and assistance** must be provided to the child and, in accordance with the role of the victims in the relevant legal system, legal representation.
- 3. Individual assessments of the special circumstances of each individual child** victim must be undertaken to ensure that the children's needs and rights are identified and to ensure specific actions are taken to meet them.

4. **Medical examinations** should be kept to a minimum and carried out only where strictly necessary for the purposes of the criminal proceedings.

5. In relation to **interviews** carried out in connection with the criminal investigation, Member States will take necessary measures to ensure that they take place:

- Without unjustified delay;
- In premises designed or adapted for children;
- Carried out by or through professionals trained for this purpose;
- In the event of several interviews, they should be carried out by the same persons, if possible and where appropriate;
- The number of interviews should be as limited as possible and are carried out only where strictly necessary for the purpose of the criminal proceedings;
- With a legal representative and a person of their choice

6. **Video recording testimony:** It must be possible that interviews may be video recorded and that such video recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under national law.

7. **Presence in the court room:** Member States shall ensure that it may be ordered that the child does not need to be present in courtroom to be heard; appropriate communications technologies be used for the victim to be heard in the courtroom; visual contact with the offender to be avoided where necessary.

## How should these procedural safeguards be implemented?

Excerpt from At the Crossroads

*When a child is a victim of violence, two key State responsibilities arise, namely criminal justice and child protection.*

*A principal aim of the criminal justice proceeding is the investigation, prosecution and delivery of judgement concerning a crime, while respecting the rights of the victim. In Europe, typical steps in the criminal justice proceeding include report of a crime or the initiation by the police of an investigation, initial interviews, charge/indictment, pre-trial investigation, pre-trial disclosure of evidence relied on in court and trial in court.*

*The child protection proceedings aim to prevent and respond to violence, deliver support and access to necessary services and address safety, care and parental responsibilities if needed. Typical steps in child protection proceedings involve steps to promote reporting of abuse or disclosure by child, address any risk to the child, undertake interviews of child in a child-centred*

*way, undertake appropriate medical examinations and individual assessment of the needs of the child and refer the child to necessary physical and mental health care services.*

*The criminal justice and child protection proceedings are typically governed by distinct legal and policy frameworks, led by different actors, often involving different timeframes. But clearly, they also intersect. Both are concerned with the same situation of the child from different perspectives. The two proceedings may begin simultaneously, or one might trigger the other. Professionals involved in one proceeding may play a role in the other. In practice, they may depend on each other significantly. Without child protection proceedings, a child might never be in a position to be heard and a criminal proceeding may never be initiated. Equally, criminal proceedings may be vital to stopping abuse and ensuring the child can properly take a path to recovery. Indeed, recent European laws explicitly acknowledge the need for a comprehensive approach to addressing abuse of children, through provisions concerning both the criminal justice and child protection responsibilities of the State.*

*Where the different steps in the two proceedings are operated without coordination, considerable challenges tend to arise for both. For example, a child may be interviewed multiple times, for different purposes, by different actors, over a period of years, pending the final court judgement. Practices like this potentially jeopardise the reliability of the child's testimony. They also run counter to the best interests of the child if they traumatise the child or where they delay therapeutic interventions for the child.*

*In contrast, there are significant opportunities to enhance the experience of the child and the outcomes of each proceeding where they take proper account of each other. European obligations explicitly require the State *inter alia* to provide information, support and assistance and to avoid further traumatising of the child victim in the criminal justice proceedings. Actors in the criminal proceedings are acknowledged to have a role in ensuring that the conduct of criminal proceedings ensures respect for the rights of child victims. However, in practice, it is also clear that they may rely on input—or action—from child protection professionals to ensure this occurs in an effective way. ..., if properly implemented, these safeguards should operate not only to respect the rights of the child; they will also allow the criminal proceedings to achieve best evidence.*

## 2. Overview of Promise Procedural Safeguards Resources

### Law & 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.

- ✚ The Compendium should assist all professionals in understanding the legal obligations that should be fulfilled in Barnahus and how. It will be useful to all professionals involved, including but not limited to legal professionals.
- ✚ Future publication: Revised Promise Compendium of Law and Guidance: in 2025, the revision of the Promise Compendium of Law and Guidance will take account new policy and proposed new legislation at international and EU level, in particular taking into account the online aspects of violence against children. (Promise Elpis project)

[The European Barnahus Quality Standards \(2020\)](#) provides a helpful and detailed table linking the standards to relevant legal obligations.

- ✚ The Barnahus Quality Standards support the work of policymakers and practitioners at every stage of Barnahus development and practice strengthening.

**The Promise European caselaw book concerning key judgements on procedural safeguards for child victims in criminal cases** (2023) is a resource paper for training and learning within the Promise Networks. It shares key recent rulings from the European Court of Human Rights and the Court of Justice of the European Union (confirm latter) which have implications for cases involving child victims of violence.

- ✚ The Promise European Caselaw Book can be used in training of practitioners within Barnahus, particularly those engaged in forensic interviews. It will be of interest in professional network exchange with law enforcement and legal professionals.

## Papers

Promise papers include briefing papers and reflection papers, designed to act as resources for policy makers and practitioners, including as a resource for training.

These papers take as their starting procedural safeguards for children in EU criminal justice directives. They discuss issues encountered in fulfilling these procedural safeguards and indicate resources, including European jurisprudence, that can be relevant to their application. These Papers can be used to exchange on experience, practice and perspectives between actors both within a country and between countries.

**At the Crossroads** is a legal briefing paper which explores the considerations for when criminal justice proceedings intersect with child protection proceedings in cases, particularly when they involve child victims of violence. Experience shows that there is a need for close collaboration among stakeholders and professionals involved in both child protection and criminal justice proceedings in order to identify opportunities for both immediate and more long-term change.

- ✚ This briefing paper supports stakeholders by providing an overview of different key aspects regarding criminal proceedings of child victims across Europe. It concludes that there is a need for and a benefit of specialized skills and settings for child victims in the criminal justice process, and that there is also a need for more active case management.

**Individual Assessments in Barnahus:** this Briefing Paper focuses on the legal obligation to undertake individual assessments of the situation and needs of child victims of violence, with a particular focus on how these might be carried out and/or used in Barnahus. Individual assessments are a vital gateway into more child-centred justice. They should ensure the child has the opportunity to access their rights during proceedings in Barnahus and afterwards. They also 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 support each professional to discharge their responsibilities in Barnahus.

- ✚ This briefing paper supports all actors working with children, before, during and after the Barnahus. It is particularly important to ensuring children can be put at the centre of all proceedings.

**Children providing evidence in Barnahus:** considering procedural safeguards for the child and respecting the rights of the defence: This briefing paper focuses on the legal obligations to hear the child in the Barnahus, underpinned by support, information and assistance. The right to be heard manifests in a variety of different ways and the Paper focuses in particular on the way in which child interviews for the criminal are carried out.

- ✚ This reflection paper will be of particular interest to those carrying out the forensic interview, law enforcement, prosecutors, defence lawyer, legal advisors to children and judges.

## Training modules

For more information, contact Promise Barnahus Network

Basic Introduction to putting children's rights and procedural safeguards at the heart of Barnahus practice

Target Audience: professionals involved in Barnahus models, in particular those concerned with forensic interviews and therapy. This may include Barnahus staff, law enforcement, social professionals, legal professionals, therapists, health professionals.

Key Objectives:

- Understand what a child rights-based approach implies (for the system and for individual practitioners);
- Recognise the rights involved when responding to child victims of violence, with orientations on the importance of - and guidance to - integrated child protection systems and child friendly justice, and a focus on key safeguards under EU law;
- Consider how to fulfil the rights of child victims of violence in day-to-day practice.

### Basic introduction to children's rights & procedural safeguards in Barnahus, with a particular focus on forensic interviews & therapy for child victims of crime

Target Audience: professionals involved in Barnahus models, in particular those concerned with forensic interviews and therapy. This may include Barnahus staff, law enforcement, social professionals, legal professionals, therapists, health professionals.

Key Objectives:

- Help raise awareness of the legal provisions which shape Barnahus practice (professionals know that these laws are relevant & may want to learn more);
- provide an introduction to how these laws influence practice (practitioners learn to spot issues that are influenced by the law);
- provide a more in-depth training on how the law affects certain aspects of practice (for example, providing information to and hearing the views of the child on the process, individual assessments, protection from secondary traumatisation, support and assistance for the child);
- equip professionals to engage on challenges in practice in their jurisdictions (potentially with other professionals and policy makers).

### Focusing on fulfilling procedural safeguards in the forensic interview

Target Audience: professionals involved in Barnahus models, in particular those concerned with forensic interviews.

Key Objectives:

- In-depth training on how particular procedural safeguards must be fulfilled through practice, including:
  - providing information to and hearing the views of the child on the process;
  - conducting, contributing to or using individual assessments;
  - protection from secondary traumatisation;
  - support and assistance for the child.

## Introduction to Individual Assessments in the Barnahus: Briefing Paper and webinar on individual assessments of the situation and needs of the child victim in Barnahus

A webinar was offered to the Barnahus network members, focused on the obligation to carry out an individual assessment for child victims of abuse. It looked at important regional resources on individual assessments, including the [FOCUS standards](#) that can support the development of individual assessments. Moreover, it considered the importance of individual assessments to Barnahus, as well as the questions that arise concerning how individual assessments are undertaken or used in connection with practice in Barnahus. The webinar recording is available on the PROMISE Barnahus [website](#).

# P R O M I S E

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## Implementing the Barnahus Quality Standards throughout Europe

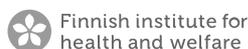
PROMISE is supporting Europe to adopt the Barnahus model as a standard practice for providing child victims and witnesses of violence rapid access to justice and care. We undertake this work to fulfil the PROMISE vision: a Europe where the human rights of children to protection from violence, support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