

# Time for Change: Improving our justice system for child victims of sexual offences



**Friday 22 March 2019 – Hilton Hotel Belfast**

# Time for Change

## Welcome and Overview

**#TimeforChange**

Wifi code is: Mir03

**Mairéad McCafferty**  
Chief Executive - NICCY

# Time for Change

**Time to stop making do: Time for real change**

**Koulla Yiasouma**

Northern Ireland Commissioner for Children  
and Young People

# Time for Change

***“Children have suffered adult violence unseen and unheard for centuries. Now that the scale and impact of all forms of violence against children is becoming better known they cannot be kept waiting any longer for the protection to which they have an unqualified right”***

**(2006 UN Study on Violence against Children)**

# UN CONVENTION ON THE RIGHTS OF THE CHILD

## What is the UNCRC?

The UN Convention on the Rights of the Child is a list of the rights for every child up to 18. Government has promised to make these rights a reality for all children and young people in Northern Ireland.

**GENERAL PRINCIPLE 1:** All children have these rights, no matter who they are or what their culture, language, religion or gender is. No child should be treated unfairly on any basis.

You have the right to a name, nationality and identity.

You have the right to speak your own language and to practice your religion and culture freely.

If you have a disability you should be given the help you need.

You should always be treated fairly and respected.

**GENERAL PRINCIPLE 2:** All adults should do what is best for you.

You should be safe and cared for.

You should be protected from any harm and if you have been hurt you should get the help you need.

If you break the law you should be supported not to do it again.

You have the right to keep some things private.

**GENERAL PRINCIPLE 3:** You have the right to live and develop fully. You should have food, clothing and a safe place to live.

You should be respected and safe.

You have the right to rest and play.

You have the right to the best health care possible.

Your family should get the money they need to support you.

**GENERAL PRINCIPLE 4:** You have the right to give your opinion, for adults to listen to it and take it seriously.

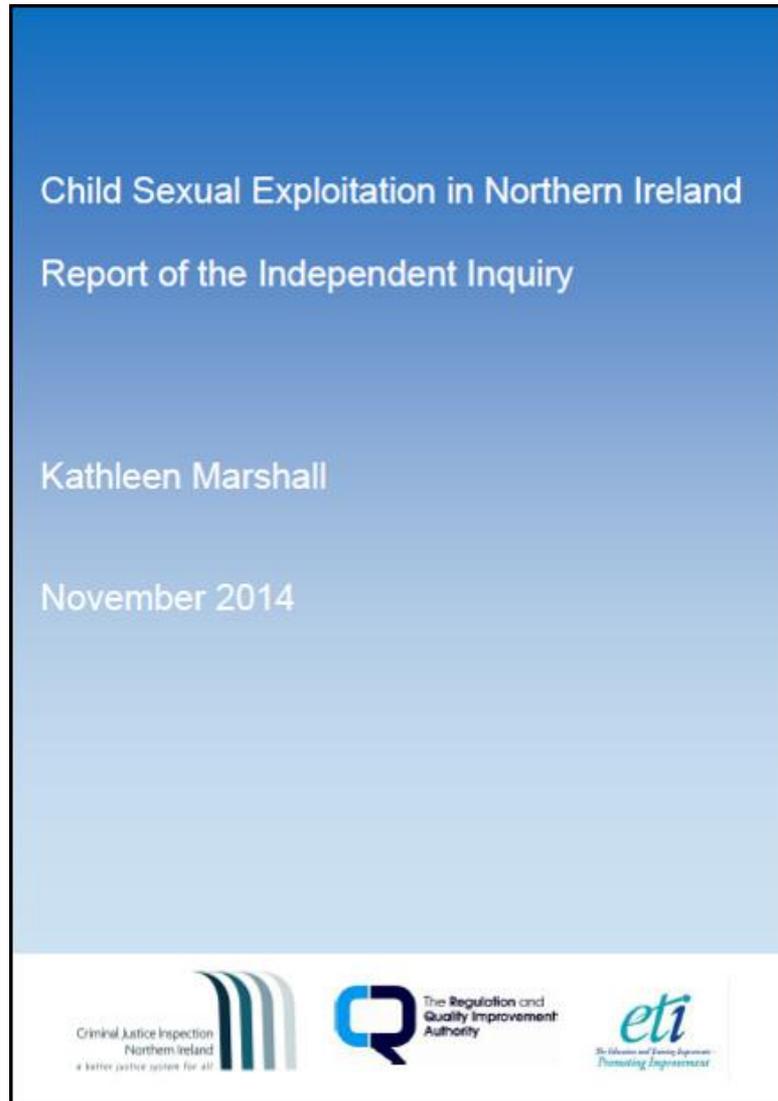
You have the right to get information safely and to express yourself.

You have the right to meet with others to voice your opinion.

You have the right to free education that develops your skills and abilities.

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***“Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland”  
(para 45c)***



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## Delay

Crown Court Cases	14/15	15/16	16/17	17/18
All cases	476	515	584	558
All sexual offence cases	708	737	775	859
<b>Sexual offences against children</b>	<b>598</b>	<b>708</b>	<b>730</b>	<b>986</b>
Rape Cases	862	827	921	943
Sexual offences excluding rape	686	687	744	839

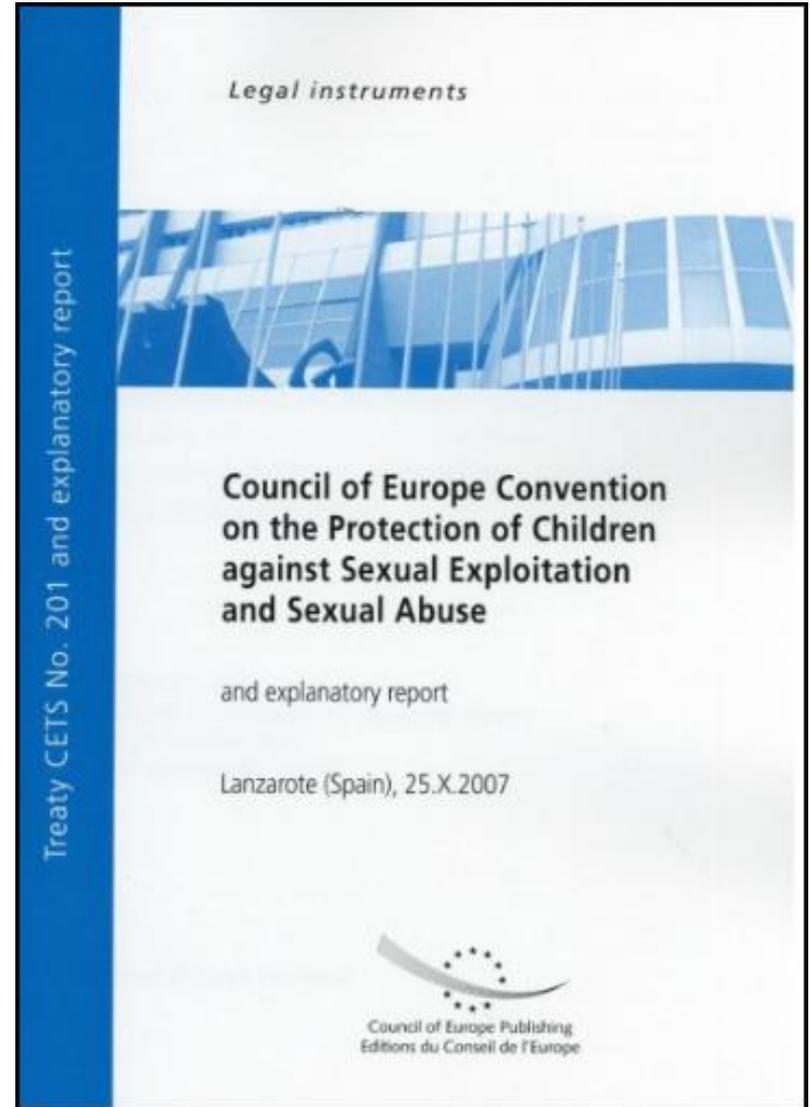
(Gillen Review preliminary report 2018)

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***“representing and promoting the human dignity and physical and psychological integrity of each child and recognising they are rights bearing individuals rather than perceiving them primarily as ‘victims’ ”***

**(CRC General Comment 13, 2011)**

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## Floating along with current events and trying to steer

### The Right Honourable Sir John Gillen

Author of the Independent Review into the law and procedures in serious sexual offences in Northern Ireland

# Time for Change

## Why do we need a child-friendly and multiagency response to child sexual abuse? The case for Barnahus

**Bragi Guðbrandsson**

Member of the UN Committee on the Rights of the Child and founder of the Icelandic Barnahus



# Why do we need child-friendly and multiagency response to child sexual abuse? - The case for Barnahus

NICCY, Belfast, March 2019

Bragi Guðbrandsson, Member of the UN Committee on the Rights of the Child  
and pioneer of the Barnahus model in Iceland



## Abstract

- Few remarks on the shortcomings of traditional approaches to Child Sexual Abuse (CSA) in the European Justice system
- The proliferation of Barnahus in Europe
- The child-friendly and multidisciplinary approach: How Barnahus came into being in Iceland
- Balancing the human rights principles of “fair trial” and the “best interest of the child”
- Reflections on the development in Europe: Barnahus as a “travelling idea”



Adversities for children in the European justice system

## Child Abuse and Adult Justice

The real object may rather be to ensure a guilty verdict and **punish the perpetrator** rather than ensure the **best interest of the child**

- 1) **Multiple interviews** in different locations and the corresponding re-victimization of the child-victim
  - Repeated interrogation within the justice system, in police stations and court settings adds to the traumatic experience
- 2) The months, even years of **waiting for the trials**, with one or even more appeals, puts the life of the child victim at halt and constant distress
- 3) **Hostile cross-examination**, intimidating and hammering of the child-witness in an un-friendly environment
- 4) Lack of appropriate **therapeutic services** for the child victim and his/her family and non-availability in cases that don't meet the criteria of the burden of truth



# A recent example from Ireland

## Harmful effect of repetitive interviews

irishtimes.com

THE IRISH TIMES

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### Seven men who allegedly abused child will not face prosecution

Garda interview of child alleging sexual abuse was 'abusive' and 'relentless'

A clinical psychologist told a District Court child care hearing he was not surprised there would be no prosecution for sexual abuse, because the veracity of the child's evidence had been undermined in garda interviews.  
File photograph: iStockPhoto

**Fiona Gartland**

irishtimes.com

THE IRISH TIMES

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### Multiple interviewing in child abuse cases can 're-traumatise' victims

Conference hears of Icelandic model where one interview is used for multiple purposes

Bragi Gudbrandsson, the director general of the agency for child protection in Iceland.

**Fiona Gartland**

Tue, Jun 6, 2017, 21:07



Another example, Denmark

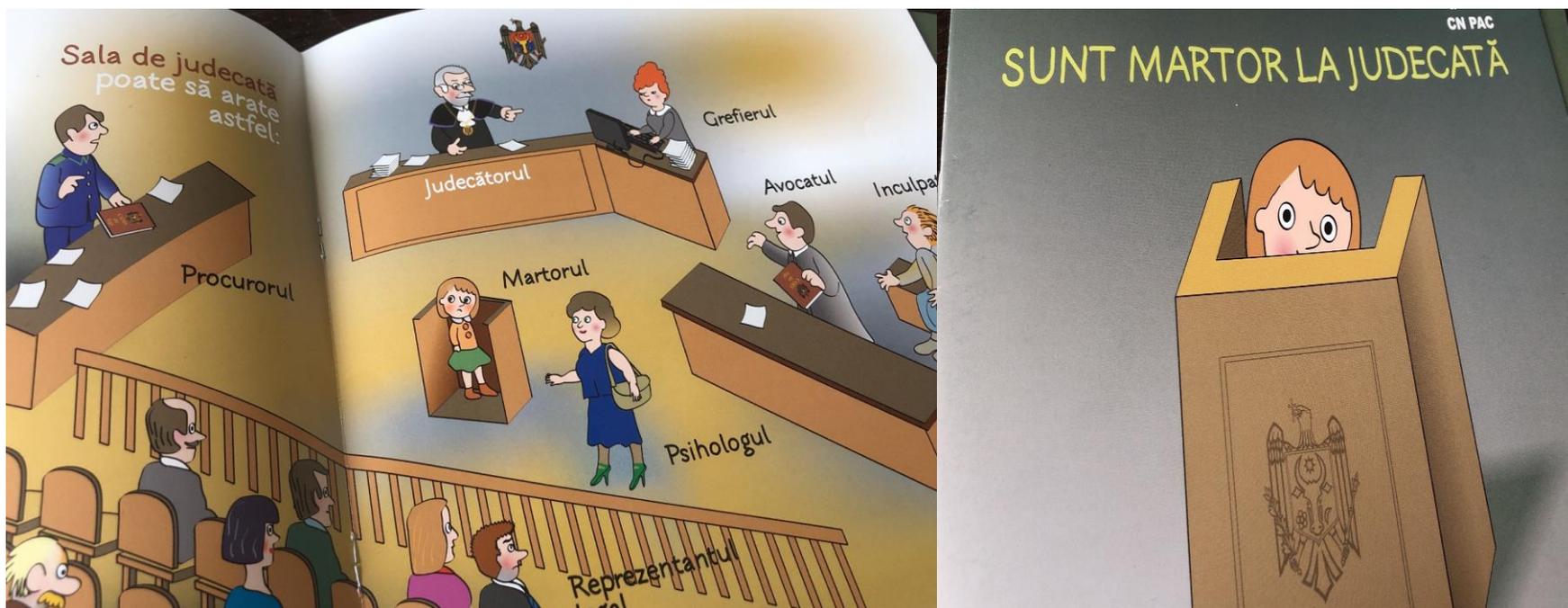
“Waiting for the trial put my life on hold”



- A study from 2014 on children’s experiences of giving evidence within the justice system.
- Demonstrates the multiple harmful effects for children subjected to procedures of the adult justice system
- Denmark introduced a major legal reform in 2013, introducing Barnahus and raised the age limit for children giving testimonies during court proceedings from 12 to 14 year.



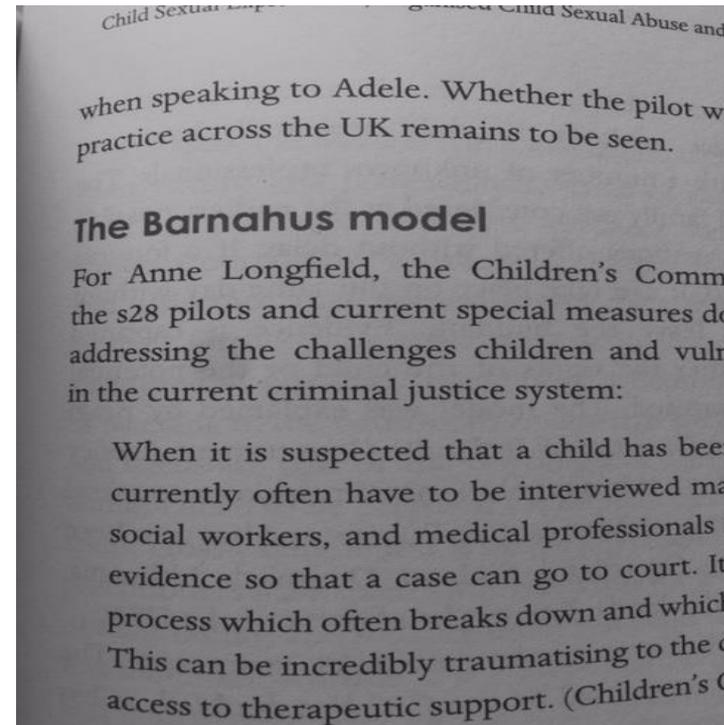
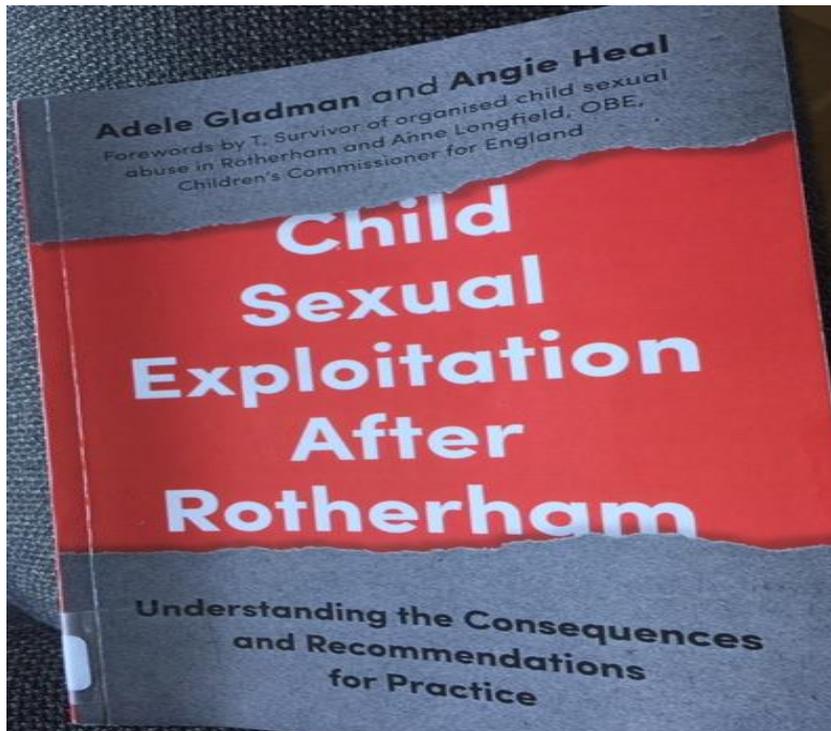
## Court setting: an adverse environment for the child





Third example from the UK

“What happened to me at court was worse than the original abuse” (Lilly)





## Barnahus

### “Due process” and the “Best interest of the child”

- An attempt to integrate the principle of the “best interest of the child” on the one hand and the human rights principle of a “fair trial” on the other
- An arrangement for eliciting and recording the child’s testimony under conditions required to ensure the “due process” by allowing for the representation of the defence as all other relevant agencies
- Avoidance of the harmful effect on the child victim by repetitive interviews and having to testify again and/or being cross-examined in the courthouse during the court procedure if the case is prosecuted
- Ensuring evidence based trauma focused therapy and appropriate support for non-offending family members



## Barnahus, evolving approach

- ✓ Barnahus has assumed a key role in the Justice as well as Child Protection System of the Nordic Countries
- ✓ Allowing for difficulties of definitions, Barnahus can be found in 60 locations in Iceland, Sweden, Norway, Denmark and recently in the Baltic states, Hungary, Cyprus, England, Germany and potentially more including the Netherlands, Spain, Scotland, Ireland, Malta and Slovenia
- ✓ Recommended by international and professional bodies *inter alia*:
  - ✓ Council of Europe: the **Lanzarote Committee** and the Congress of Local and Regional Authorities, Guidelines of Child-friendly justice (2010) etc.
  - ✓ Implementation supported by the EU through the **Promise project**
  - ✓ **ISPCAN**, the International Society for the Prevention of Child Abuse and Neglect: The multidisciplinary award 2006; **Save the Children** 2002



## The Emergence of Barnahus Concept

- ✓ Barnahus Iceland founded in 1998 rooted in the principles of child-friendly, multiagency and interdisciplinary features of the CAC model in the US with the overt aim of integrating:
  - ✓ The US - longstanding tradition of investigative approach in child protection and criminal justice
  - ✓ The great legacy of the Nordic welfare model and the principles of the UN CRC



## Child Sexual Abuse - Uniqueness of the Crime

- ✓ The vulnerability of the child victim
  - ✓ Child victims do not normally bring charges against their offenders
  - ✓ The “silent” crime, secrecy of the abuse
  - ✓ Child victims difficulties in disclosures
- ✓ The Perpetrator most often in the Circle of Trust
- ✓ Lack or absence of evidence other than the child’s disclosure
  - ✓ Medical evidence in less than 10% of cases and only conclusive in less than 5% of all cases
  - ✓ Other hard evidence or witnesses other than the child victim’s rarely exist



## Uniqueness of the Intervention

- ✓ Addressing Child Sexual Abuse (CSA) is not only a judicial issue but requires multiagency intervention
- ✓ The child's victim's disclosure is the key for:
  - ✓ Ensuring the safety of the child
  - ✓ Providing assistance to the child victim with the aim of physical and psychological recovery
  - ✓ Uncovering the crime in terms of criminal investigation, prosecution and sentencing
  - ✓ Preventing the perpetrator from reoffending



## Multiple interviews – Harmful to the Child Victim

- ✓ All the different agencies: the Child Protection Service, the Medical Profession, the Police etc. need to have the child's account
- ✓ Repetitive interviews by many professionals in different locations can have very harmful effect for the child victim
- ✓ Retraumatization – re-victimization
  - ✓ Refers to painful/stressful re-experiencing of trauma as a consequence of sexual violence



## Multiple interviews – Harmful for the Criminal Investigation

- ✓ Repetitive and unstructured interviews can distort the child's account
  - ✓ Suggestibility and leading and misleading questions
  - ✓ The child's disclosure becomes contaminated
  - ✓ Discrepancies in the child's story
  - ✓ The evidential value of the narrative diminishes
- ✓ Additional harmful experience: the Absence of a child-friendly facilities
  - ✓ High level of stress precludes optimal expression
  - ✓ Police stations or Hospitals: Wrong messages!



## “In the best interest of the child”

- ✓ The UN CRC, Article 3.1
- ✓ “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”



# Multiagency collaboration

- ✓ The Gov. Agency for Child Protection
- ✓ The State Police
- ✓ The State Prosecution
- ✓ The Police Dep. in Reykjavik
- ✓ The University Hospital – Dep. of Pediatric and Dep. of child Psychiatry
- ✓ Association of the Directors of Local Social Services
- ✓ The Child Protection Services in Reykjavik





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## The Barnahus in Reykjavik





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## On arrival at Barnahus





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## Children's waiting room





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## Waiting room for teens





# Barnahus

Medical Exams and Evaluation	Joint Invest. Interviews: court statements/ CPS interviews	Victim Therapy
Family Counselling/ Support	Consultation and advice to local CPS	Education, training and research



Avoiding re-traumatisation

## Testimonies for court hearings

- ✓ The Court Judge ( prosecutor or police) is in charge of the procedure – the “**due process**”
- ✓ **The Defence**
- ✓ The Prosecution
- ✓ The Police
- ✓ The CPS representative
- ✓ The Child’s Legal Advocate
- ✓ The child’s disclosure is elicited by trained forensic interviewer according to evidence based interview protocol and videotaped





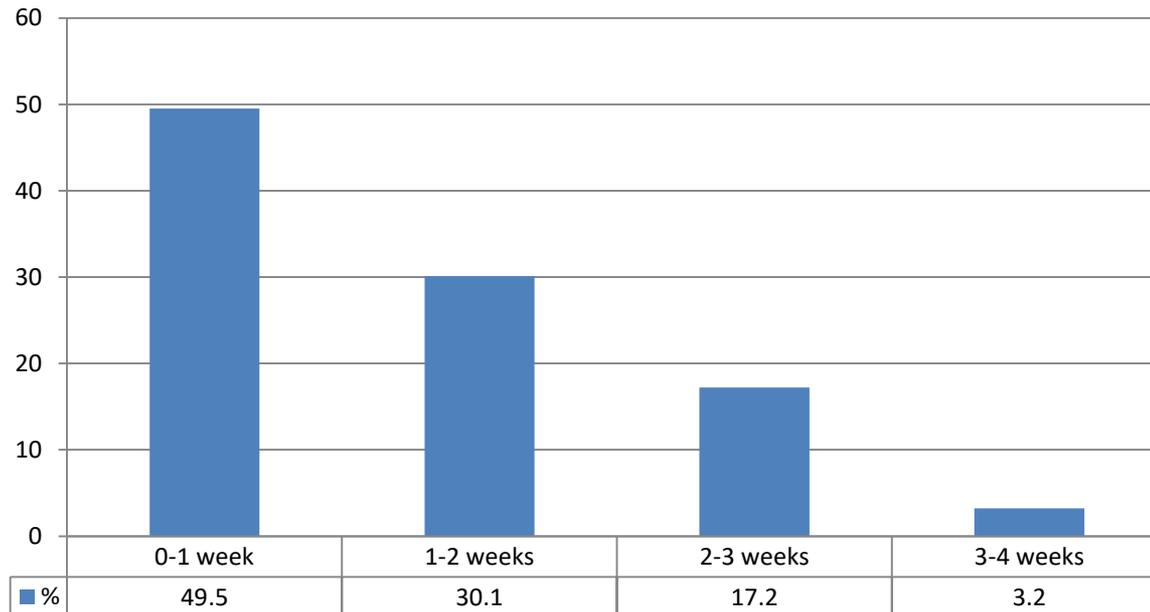
## The European Court of Human Rights: Balancing principles of Human rights

Barnahus reflects child-friendly strategies and practices to ensure

- ✓ The “best interests of the child”
  - ✓ Without compromising the human right principle
- ✓ The “due process” (fair trial)
  - ✓ “Equality of arms”, “evidential immediacy”
- ✓ Applicable in adversarial as well as inquisitorial legal system



## Duration from the time a request is made for court testimony until it takes place





# Exploratory interviews for the child protection services

## Guidelines:

- ✓ Suspected abuse, e.g. inappropriate sexual behavior
- ✓ Disclosure is absent or very weak/ambiguous
- ✓ Offender has not been identified
- ✓ Offender is below the age of criminal responsibility(15 years)



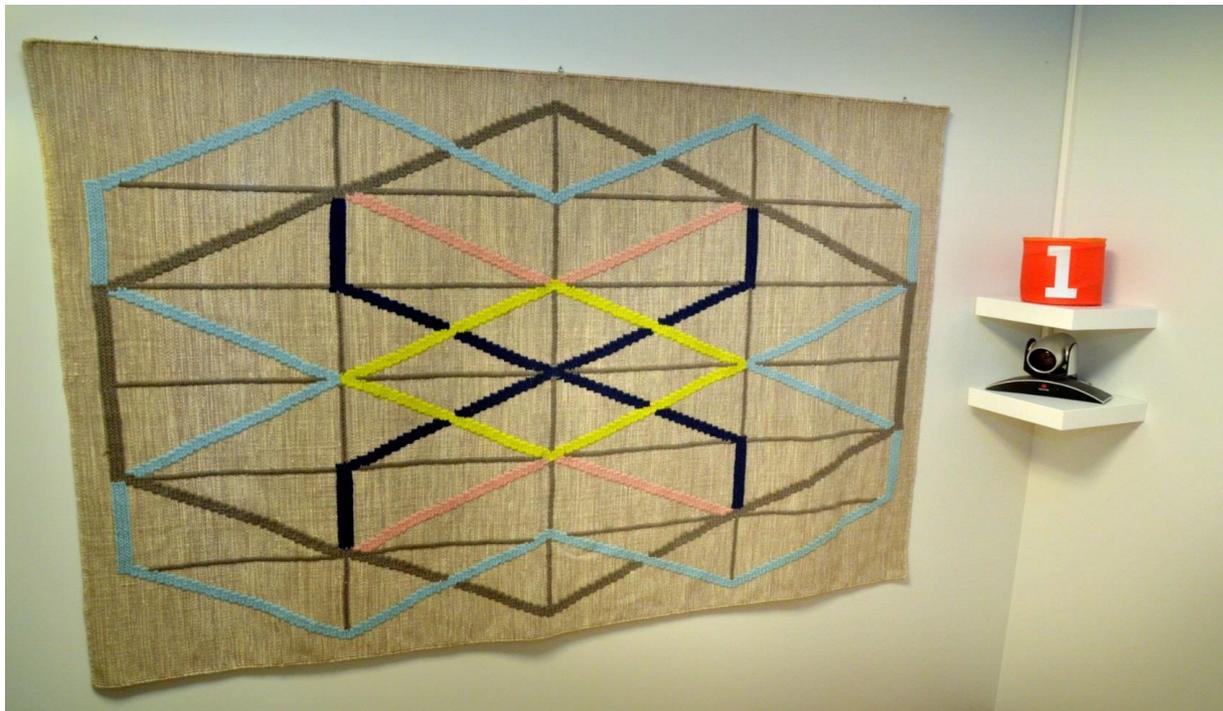
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# Interviewing room





# Camera in the interviewing room





# The monitoring room





# Cort session via IT - technology





# Medical examinations

- ✓ At the request of the Police, the CPS, the Child or the Parents
- ✓ Implemented by experienced paediatrician, a gynaecologist and a trained nurse
- ✓ A child friendly examination room
- ✓ The use of “video-colposcope” and it’s therapeutic value by active participation of the child
- ✓ Anaesthesia exceptional
- ✓ Acute forensic medicals performed at UH





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## The Medical room





## Victim therapy - family counselling

- ✓ The child and the non-offending parent(s) receive (legal) counselling after the investigative interview
- ✓ Victim therapy can start soon after
- ✓ The dual role of interviewer/therapist excluded in individual cases
- ✓ The videotaped child's disclosure is used for initial assessment and treatment plan
- ✓ TFCBT (Trauma Focused Cognitive-behavioural) therapy – group therapy under way
- ✓ The therapists are generally required to submit reports and testify in court proceedings

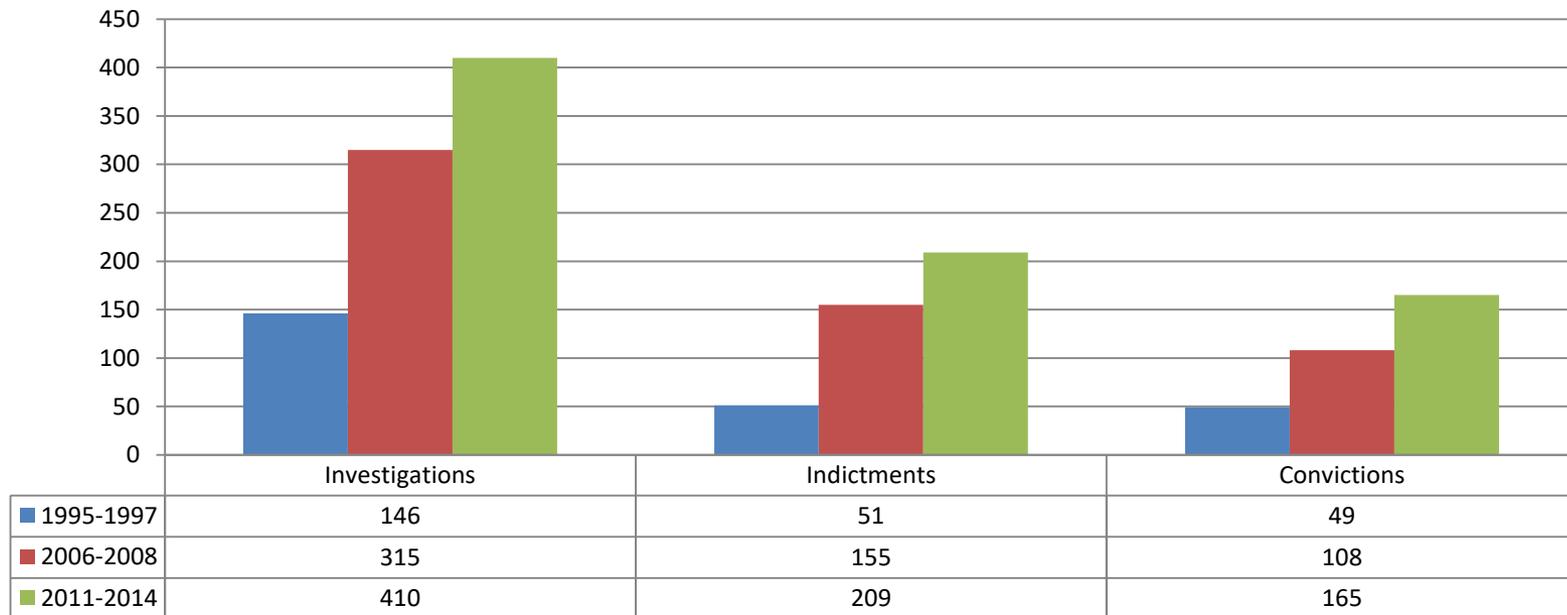


## 20 years of experience

- ✓ Almost 5.500 children have been referred to Barnahus from the onset; appr. 250 - 300 annually in recent years
- ✓ Enhanced credibility results in increase of reports of SA
  - ✓ Cases investigated have more than doubled
  - ✓ Indictments pr. year have tripled
  - ✓ Convictions pr year have more than doubled
  - ✓ Appropriate treatment provided without delay and is not limited to victims in cases that meet the criteria for burden of proof in the legal sense
- ✓ Evaluation shows significantly better outcomes for child victims and their families

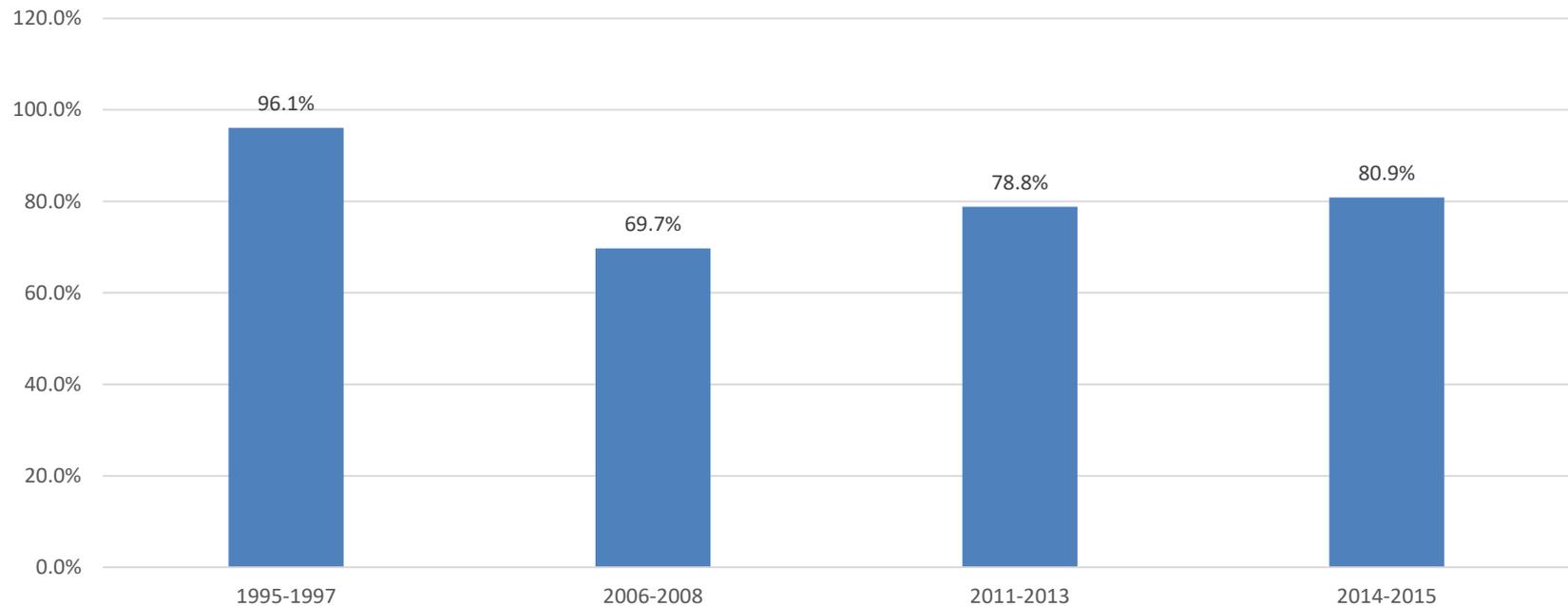


## Number of investigations, indictments and convictions of sexual abuse and sexual exploitation before (1995-97) and after Barnahus





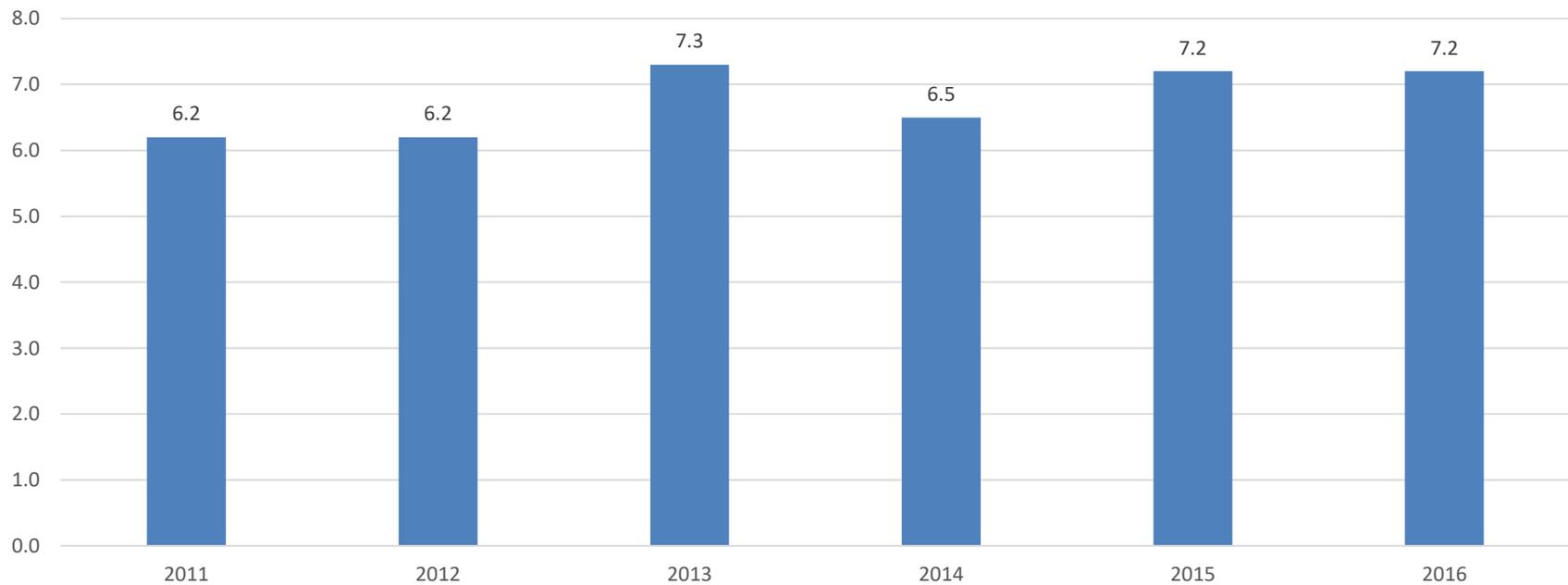
## Signs of Healthier Justice System: Convictions vs indictments





# Enhanced awareness Epidemiological intervention of CSA(%)

% of total number of children per year





# Barnahus in the European context: Diverse paths and implementation

- ✓ Paths of coming into being
- ✓ The role of the state, regional- and the local authorities
- ✓ The legislative framework
- ✓ Affiliations: social services/police
- ✓ Juxtaposition: responsibilities of partners
- ✓ Collaboration: from being structured to informal
- ✓ Target groups: victims sexual abuse or CAN generally
- ✓ Investigative interviews
- ✓ Medical examination
- ✓ Treatment strategies

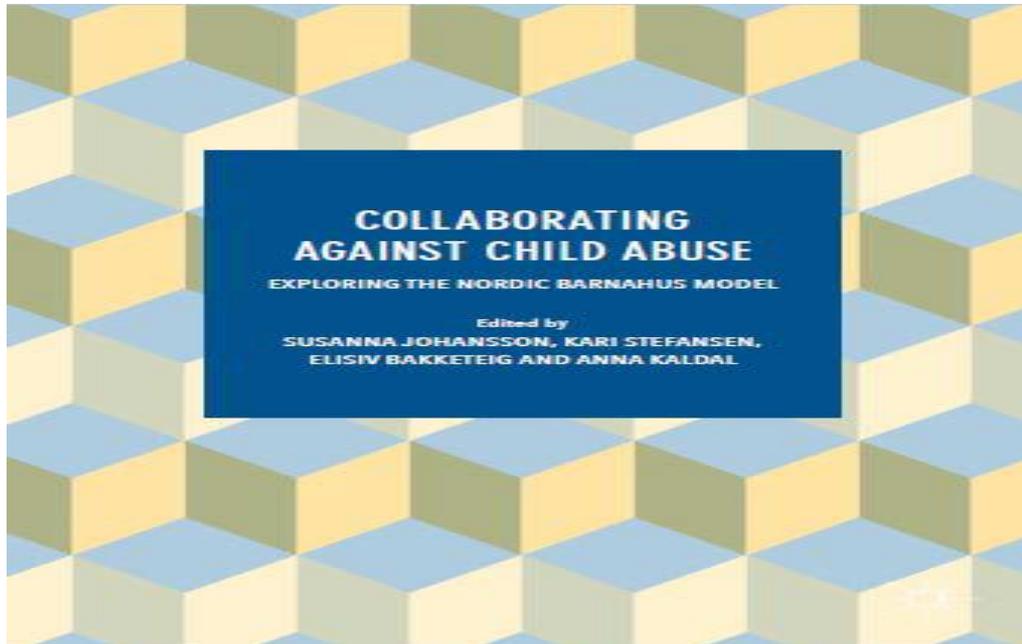


# Evaluation studies

- Significantly better outcomes for child victims and their families
- Positive experiences of the different professions
- Scope for improvements:
  - Sweden: the importance of clearly structured roles, coordination and collaboration as well as commitments of the different agencies by signed agreements
  - Norway: child protection deficit
  - Iceland: judges discretion on determining where statements are to be taken
- Sweden
  - University of Lund (2008); University of Stockholm (dep.of law) (2010), Svedin and Landberg (2012), Univ. of Kristianstad and two from Univ. of Lund (ongoing)
- Norway
  - Nova (2012)
- Iceland
  - RBF University of Iceland (2010)
- Nova: Comparative study of Barnahus in the Nordic countries under way



## The first **Scientific** publication on Barnahus



- A comparative analysis on the different implementation of Barnahus among the Nordic countries at the initiative of NOVA, the Norwegian Research Institute.
- Published by Palgrave Oct. 2017
- Can be downloaded for free:  
<https://link.springer.com/book/10.1007%2F978-3-319-58388-4?page=1#toc>



## Lessons to learn

- ✓ What we can learn from the Nordic experience:
- ✓ The model which is designed to avoid re-traumatisation of child victims by child-friendly and multiagency and interdisciplinary response to child abuse and violence has proved to transferable across borders and viable in different cultural, legal and social environments



# The Promise Project: a milestone in evolution of Barnahus

- The first systemic attempt to bring together European states for the purpose implementing Barnahus
- The project has brought together professionals who have been generous in sharing their experience, wisdom and knowledge to develop strategy for the has enriched the conceptualization of Barnahus and deepened our understanding of how to ensure the transferability of the model accross cultures
- Created a professional network into the future



# European Barnahus Standards



- Developed by the EU supported **Promise** project launched 2015 and can be accessed online on the Children at Risk website of the CBSS: <http://www.childrenatrisk.eu/promise/>
- The first systemic attempt to establish quality standards for child-friendly, multi-agency response to child abuse in the European context
- Addresses the evidence based components of Barnahus including structured forensic interviews, medical examination and therapeutic services
- Ensuring necessary flexibility to allow for implementation in diverse social/legal environment with the necessary fidelity required for professional implementation

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## Exploring the way forward: Questions and Answers with the Panel

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## Reflections

**Mairéad McCafferty**  
Chief Executive - NICCY

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## Marking the road ahead

**Koulla Yiasouma**

Northern Ireland Commissioner for Children  
and Young People

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**Thank you for attending**

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