

HÉRAÐSDÓMUR  
REYKJAVÍKUR

# The Barnahús Model – a judges perspective

Barbara Björnsdóttir  
Deputy Chief Judge  
District Court of Reykjavík  
February 2019

# The Court System in Iceland

- 8 District Courts
  - *all cases start here*
- Landsréttur
  - *an appeals Court*
- Supreme Court
  - *the highest Court*



# The Mission of Barnahús <sup>(1)</sup>

## – The Childrens House

- To facilitate collaboration and coordination of Children Protective Services, Police, Prosecution and the Medical profession in the investigation of sexual abuse against children
- To provide a child friendly settings for joint investigative interviews and medical examination
- To ensure professional implementation of investigative interviews

# The Mission of Barnahús <sup>(2)</sup>

## – The Childrens House

- To ensure that the child victim and his/her family receives appropriate assessment, treatment and support
- To establish professional work practices and guidelines by interdisciplinary cooperation
- To enhance specialized knowledge on child sexual abuse and to mediate that knowledges as appropriate to professionals and the public alike



# Principles of Criminal Law

- Burden of proof
- Free evidence evaluation
- First hand evidence
  
- Cases from 1992 and 1995

# The Law on Criminal Procedure no. 88/2008

Art. 59 During an investigation a statement can be taken before a court in certain circumstances, one of which is when an investigation concerns a sexual offence against a child under the age of 15

# The Law on Criminal Procedure no. 88/2008

Art. 111 The judgment shall be based on the evidence presented during the court proceedings. The judge may take into account as evidence, depositions which the accused, the victim or other witnesses have given before the court prior to the indictment according to Articles 59 and 106. However the deponents must reappear before the court during the court proceedings, if at all possible and if one of the parties to the case requests so, or the judge otherwise feels there is reason to do so. In the event that there is a violation of Chapter XXII. of the Penal Code, and the victim has not yet reached 15 years of age, he/she does not have to appear before the court again unless the judge finds there is a special reason to do so.



# The District Court of Reykjanes





# Development

- Cases where the judge denied to go to Barnahús 1999-2004
- Rules from the Courts Administration in 2009
- Changes in the law of Criminal Procedure in 2015 making it mandatory to take the testimony of a victim, younger than 15 years old, in a specially made housing, unless the interests of the child demand some other form. A judge can also decide to take the statement of a witness younger than 15 years old in such specially made housing.



# Who is Present at the Hearing in Barnahús?

- A judge
- A defense attorney
- A legal council for the victim
- A police officer
- A prosecutor
- Someone from Child Protective Services
- A technician

# The Forensic Interview

- The judge is in charge of the procedure
- The questioner is educated in children development
- Everyone can ask questions which the judge reports to the questioner
- The forensic interview is copied on DVD
  - Barnahús, the judge and the police all get a copy
  - Doctors and therapists get information about the interview



## Estimated age-appropriate questions in forensic interviews

| Age  | Who       | What      | Where      | How        | When       | How often  | Whole scenarios |
|------|-----------|-----------|------------|------------|------------|------------|-----------------|
| 3½   | Dark blue | Dark blue | Light blue |            |            |            |                 |
|      |           |           |            |            |            |            |                 |
| 4    | Dark blue | Dark blue | Dark blue  | Light blue |            |            |                 |
|      |           |           |            |            |            |            |                 |
| 5-6  | Dark blue | Dark blue | Dark blue  | Dark blue  | Light blue |            |                 |
|      |           |           |            |            |            |            |                 |
| 7-8  | Dark blue | Dark blue | Dark blue  | Dark blue  | Dark blue  | Light blue |                 |
|      |           |           |            |            |            |            |                 |
| 9-10 | Dark blue | Dark blue | Dark blue  | Dark blue  | Dark blue  | Dark blue  | Light blue      |
|      |           |           |            |            |            |            |                 |
| 11+  | Dark blue | Dark blue | Dark blue  | Dark blue  | Dark blue  | Dark blue  | Dark blue       |

**Dark blue:** indicates what sort of questions a child COULD answer at a specific age.

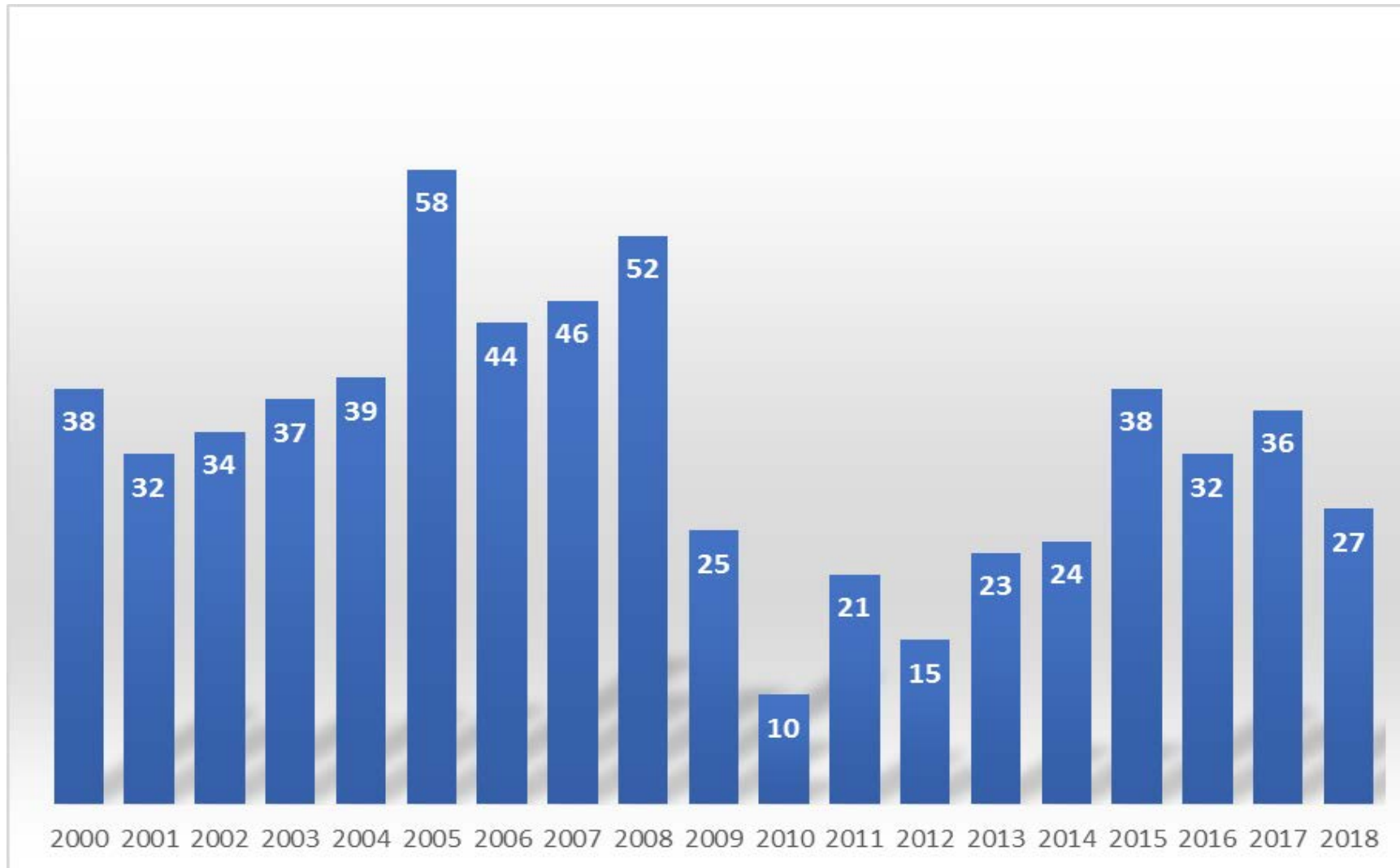
**Light blue:** indicates questions that SOME children could answer at a specific age.







# Number of Cases at the District Court of Reykjavík from 2000-2018



# In Court

- The main rule is that the child is not to give a statement in court again
- The main rule is that the judge who was in charge of the interview in Barnahús is the judge presiding over the case or in a panel of 3 judges judging the case in the district court
- In some cases parts of the interview in Barnahús are played in court
- The child's therapist from Barnahús is usually a witness

# The Main Criticism

- Non impartial environment
- Not enough professionalism for criminal investigations
- Disruption of the interests of the investigation to have the defense attorney present at the hearing before the accused gives his statement
  - Norway and Denmark

# The Importance of Barnahús

- It's important for the case to get the child's story in the best possible way with the right methods since it is usually the main evidence
- There are specialists there who are trained in forensic interviewing
- It is a friendly environment where all services are in the same place



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Thank you