



COMYN
KELLEHER
TOBIN

COMING IN FROM THE COLD: A VISIT TO BARNAHUS REYKJAVIK, ICELAND 2023

by Denise Kirwan, Partner, Child and Family Law, CKT

I have been providing legal advice to the HSE and later Tusla since approximately 1995 and I have always taken a special interest in the Family Centre here in Cork. The model of service delivery at the Family Centre has changed and developed during the intervening years and now finds itself on a new trajectory seeking to establish the Barnahus South a “one stop” service for child victims of sexual abuse/assault. The interplay between that clinical model and the legal processes surrounding investigation and prosecution of offences against children is something that has always piqued my interest and by extension the professionals working within that model are likely to interface with the law in often challenging circumstances.

Earlier this year my family and I were planning a trip to Iceland so I reached out to Fiona Geraghty the manager of Barnahus South in Cork and I asked if she could put me in contact with somebody there and if possible, ask if I could come and do a quick visit. A few emails later, the Clinical Director Margret Magnúsdóttir, leader of the Barnahus in Reykjavik responded and plans were put in place.

The weather in Iceland during February this year was worse than expected, many of the roads leaving the city were closed but on a snowy afternoon on the 2nd of February I left my family in the Perlan Museum, and I hopped in a taxi heading toward the suburbs.



After a 25-minute taxi ride from the centre of Reykjavik I noticed we were slowing down outside what appeared to be a detached house in a residential part of the city. There was no signage to indicate this was a clinical setting and with a degree of doubt that I was at the correct address I went ahead and rang the doorbell. I was greeted warmly by Margret, again walking through the reception area there was nothing of the usual features of a business or clinic instead it very much resembled a warm, open-plan, split level (three storeys in total) homely space.

CKT

CORK 021 4626900 | DUBLIN 01 8745929 | www.ckt.ie

Comyn Kelleher Tobin LLP is a limited liability partnership regulated by the Legal Services Regulatory Authority.



COMYN
KELLEHER
TOBIN

COMING IN FROM THE COLD: A VISIT TO BARNAHUS REYKJAVIK, ICELAND 2023

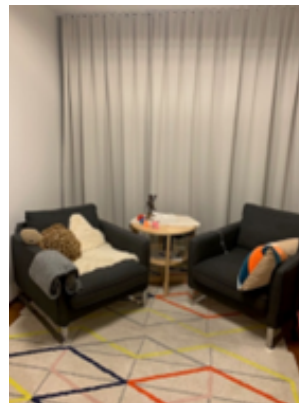
by Denise Kirwan, Partner, Child and Family Law, CKT

Margret led me directly into the conference suite and following brief introductions we chatted a little about referral pathways for children, onsite therapeutic services and of course the interview process itself.



It was explained that most children who come to the Barnahus in Reykjavik for interview have already attended on previous dates for therapeutic sessions with the Clinical Psychologist or therapist, so the physical setting is already familiar to the children and young people. Magret also explained that there are in fact two entrances to the building, one is more suited to younger children and there is a separate entrance for older teens each of which are tastefully decorated according to the age distinctions.

Children and young people attending the Barnahus in Reykjavik for interview will be attending most likely in one of two possible contexts. The first being a child protection interview and the second being a dual child protection/police investigation interview and the nature of the interview on any given day will determine who is observing within the conference suite. Margret showed me a series of interview rooms where the children go with the interviewing Psychologist. The rooms are small but warm and cosy. Whilst there are no overtly visible microphones or cameras set up to draw the child's attention, this discreet tech is always pointed out within the room to the child as part of the settling in process. During the child/young persons interview there is a "live feed" transmitted to the nearby conference room and the Interviewing Psychologist will wear an earpiece so they can receive questions (if any) from the observers.



CKT

CORK 021 4626900 | DUBLIN 01 8745929 | www.ckt.ie

Comyn Kelleher Tobin LLP is a limited liability partnership regulated by the Legal Services Regulatory Authority.



COMYN
KELLEHER
TOBIN

COMING IN FROM THE COLD: A VISIT TO BARNAHUS REYKJAVIK, ICELAND 2023

by Denise Kirwan, Partner, Child and Family Law, CKT

When children are interviewed in the context of a police investigation the interview will be observed by the investigating police officer, a child protection social worker (where applicable) and the accused person and their lawyer may also be entitled to be present. Most importantly, the attendees within the conference room will have the opportunity to ask that certain questions be posed to the child, indirectly (via earpiece worn by the interviewer) and the appropriateness or otherwise of any requested questions will be determined by a Judge also present in the conference room. Somewhat to my surprise Magret explained that many of those interviews are conducted between the interviewer and the child with minimal interference by the attendees in the nearby conference room.

The primary role of the attending Judge is to determine the suitability or applicability of any questions which third parties may wish to have posed indirectly to the child and to oversee the integrity of the process.

I was very impressed by the simplicity of a chart visible on the wall within the conference room setting out the stages of development chronologically of a child and what questions are likely to be understood by that child within the limitations of their age/capacity acting as a “slide rule” to guide those present as to what could or couldn’t reasonably be posed.

Once we discussed the interview process, Margret showed me around the rest of the building and by late afternoon most of the staff were getting ready to leave for home. Rather impressed I was introduced to a team of psychologists and social workers based at the Barnahus in Reykjavik. I was also briefly shown the medical suite where forensic medical examinations are carried out on site by visiting Paediatricians and Magret explained that approx. once a month some of the team members at the Reykjavik Barnahus travel by light aircraft to more outlying locations in the Northern part of the Country for remote clinics where they endeavour to replicate these processes closer to the service user.



CORK 021 4626900 | DUBLIN 01 8745929 | www.ckt.ie

Comyn Kelleher Tobin LLP is a limited liability partnership regulated by the Legal Services Regulatory Authority.



COMYN
KELLEHER
TOBIN

COMING IN FROM THE COLD: A VISIT TO BARNAHUS REYKJAVIK, ICELAND 2023

by Denise Kirwan, Partner, Child and Family Law, CKT

Following my visit I reflected on the contrasting legal systems between the common law jurisdictions and Iceland. It struck me how little the Irish Legal Profession particularly those working in Criminal practice and defence are likely to know about the model in question.

The key take away message for me centred around the need to ensure that when we gather evidence (either physical evidence or by way of interview) from children and young people who are alleged or suspected to have been victims of assault and trauma, we should always try to focus on the concept of achieving best evidence.

By successfully closing down other fear factors for children, ie by eliminating the need for them to attend multiple locations particularly clinical/hospital settings, if we can make our Barnahus as least intimidating as possible and if these vulnerable children can associate the Barnahus as a place of safety, surely all of this can go toward enabling the child can give the most fulsome, truthful and age appropriate account of their experiences.

We must move beyond the outdated belief that fearful witnesses are more likely to be truthful ones and Victims rights enshrined in law need to continue to be meaningfully furthered within child protection and State prosecution services.

Denise Kirwan
Partner Child and Family Law at CKT
Solicitors Cork



CKT

CORK 021 4626900 | DUBLIN 01 8745929 | www.ckt.ie

Comyn Kelleher Tobin LLP is a limited liability partnership regulated by the Legal Services Regulatory Authority.