

Protecting Minor Victims During Interrogation in Criminal Proceedings: The Implementation of the Barnahus Model from a Comparative Perspective with Special Regard to Hungary and Romania

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ABSTRACT *The interrogation of minor victims in criminal proceedings constitutes one of the most sensitive questions of contemporary criminal justice, requiring a careful balance between the protection of children's rights and the effective implementation of procedural aims. Because of their age, psychological development, and limited legal awareness, minor victims can be considered particularly vulnerable during criminal proceedings, and therefore, they face an increased risk of secondary victimisation. This article aims to assess whether and to what extent the Barnahus model contributes to the effective protection of minor victims during interrogation, and to identify the key challenges arising from its possible integration into criminal proceedings.*

KEYWORDS *Barnahus, children, victim, vulnerable, interrogation, abuse.*

1. Introduction

Principles and special procedural rules applicable to the interrogation of child victims and witnesses are laid down in several international documents and EU legislation, including the EU Directive on combating sexual abuse and sexual exploitation of children, the EU Victims' Rights Directive and the Council of Europe Lanzarote Convention.

Generally speaking, child victims are a particularly vulnerable group who are usually unable to defend themselves or stand up for their rights on their own, and therefore, criminal proceedings should constitute a priority concern where it is particularly important to deal effectively with child victims of crime.¹ For this reason, the focus of child-friendly justice is to ensure that children are not re-traumatised and feel that they are effective participants in the proceedings. The primary reason for this is to avoid the secondary trauma of constant revictimization caused by repeated interrogations. Secondary victimisation is the

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¹ Gál Emese Dorottya "A gyermekbarát igazságszolgáltatás modellje a Büntetőeljárásban. A Barnahus-modell," *CSJ*, no. 2 (2021): 30–36.

term used in academic literature to describe when a person is victimised a second time during the criminal proceedings by having to relive the trauma of the previous experience during interviews and testimonies.² If the child relives what happened to him or her over and over again during the interview, it may exacerbate the damage caused by the crime, thereby slowing down the child's mental recovery process. For this reason, the questioning of children during proceedings should be avoided as far as possible and, where unavoidable, increased attention should be paid to the necessary guarantees and standards applicable to their interrogation.³

International legal standards, including, in particular, the UN Convention on the Rights of the Child (UNCRC), recognize that children need special protection and care also when they are involved in criminal proceedings. The Council of Europe's guidelines on child-friendly justice, the European Convention on Human Rights (ECHR) and the European Union's Directive No. 2016/800 also emphasize the need to ensure the procedural rights of minors and to take into account the best interests of children. Despite this, in practice, the implementation of the rules is often incomplete or purely formal, and child protection considerations are often overshadowed by procedural efficiency or repression. Taking this into consideration, the present article examines how the Barnahus model relates to criminal procedural guarantees and whether it is capable of putting the protection of minor victims and effective and reliable evidence-taking on the same page. Particular attention is paid to the manner in which child-friendly interrogation techniques are embedded within criminal proceedings and to the extent to which they focus on the special needs of minor victims. In this context, this study aims to identify the key aspects of Hungarian and Romanian approaches to the interrogation of minor victims and the possible implementation of the Barnahus model. Finally, the analysis seeks to assess whether the current regulatory frameworks in the two legal systems ensure an appropriate balance between the protection of children and the effectiveness of criminal proceedings.

2. The Barnahus model

Barnahus is an Icelandic term meaning “Children’s House”. The model was first adopted in Iceland in 1998, constituting a huge reform in the way cases of violence and abuse against children are dealt with.⁴ The European Barnahus Standards represent the first attempt in Europe to define the principles of the interventions and services referred to as the Barnahus model. Barnahus as a model uses a multidisciplinary and inter-agency approach, ensuring collaboration between judicial, social, and medical agencies. Typically, these agencies work in different locations, with more or less differentiated working hours, and without

² Batta Júlia Dóra, “Némajáték a büntetőeljárásban: a tizennyolcadik életévét be nem töltött tanú kihallgatásának sajátosságai,” *Jura*, no. 3 (2022):109.

³ Batta, “Némajáték a büntetőeljárásban,”109.

⁴ Anna Markina, Andreas Kapardis, and Stefan Heinrich, *The Barnahus Model Across the Broader European Context* (European Commission, 2019). 4.

concurrent collaboration between them. This means that a child victim of violence should appear separately in front of the judicial investigation authorities, the psychologist, the doctor and possibly any other person in charge of the social protection of child victims. The strength of the model lies in the fact that all these agents work in a single space adapted to the child's needs, offering complex services to the child under one roof. The idea at the centre of the Barnahus model is that disclosure by the child is the key to identifying and investigating abuse against child victims for criminal but, at the same time, also for therapeutic purposes. Although the term “Barnahus” has a unified meaning, the ways in which Barnahus homes are set up and organized differ from country to country, and sometimes even within the same country between the different regions. These differences in operational set-up symbolize the flexibility of the model. It is important in this respect that Barnahus should not be considered as a fixed model but rather one that evolves and adapts to the complex needs of every child who is a victim or witness of violence.⁵

In this context, the Barnahus Standards play a very important role at a European level precisely by establishing a framework in which there is room for flexibility and adaptability. This flexibility and adaptability, however, is not absolute because, of course, in the implementation of the flexible model it is very important to keep certain standards that are related to the authenticity of the way a Barnahus centre is organized. These principles are promoted in many European legal and policy frameworks adopted, in particular, by the Council of Europe (CoE) and the European Union (EU), including⁶:

- the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- the Council of Europe Guidelines on child-friendly justice;
- the Council of Europe Recommendation on children's rights and social services friendly to children and families;
- the European Directive on combating the sexual abuse, sexual exploitation of children and child pornography;
- the EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

The key purpose of the Standards is to provide a common operational and organizational framework that promotes a practice that prevents re-traumatization while ensuring valid testimony for the court and respects children's rights to protection, assistance and justice in their best interests. The Standards consist of a collection of principles, activities, and institutional arrangements that ensure effective and coordinated interventions in the best interests of the child. With a view to achieving the targets, the main principles

⁵ Róisín O'Donnell and Daniela Wenke, *Standardele de calitate ale modelului de servicii integrate destinate copiilor victim ale abuzului Barnahus. Ghid pentru dezvoltarea de servicii multidisciplinare integrate Copilul-victimă și martor al violenței* (Consiliul Secretariatului Statelor Mării Baltice și Child Circle, 2017), 2.

⁶ O'Donnell and Wenke, *Standardele de calitate ale modelului de servicii integrate destinate copiilor victim ale abuzului Barnahus*, 3.

considered in the course of organizing the functioning of Barnahus centres and having relevance to this paper are: the best interests of the child; the rights of the child to be heard and informed; prevention of undue delay; broad target group; ensuring a child responsive environment; forensic interviews to procure valid evidence that can be used in the rest of the criminal trial. Through these standards re-traumatization can be prevented, since it involves ensuring: that the best interests of the child are taken into account in practice and in decision-making; that the child's right to be heard is exercised without repetitive interviews; that the child is interviewed and supported by trained and competent professionals; that interviews take place in a multidisciplinary environment in a child-friendly location, providing appropriate support to the child and caregivers without undue delay; and that the child is not obliged to appear in court.

a. Criticisms of the Barnahus method

As it has been pointed out before, repeated, multiple interrogations of children, apart from significantly prolonging the procedure, could be highly retraumatizing and should be avoided. This is precisely the reason why, as mentioned above, the proceedings are video and audio recorded and the other participants in the proceedings can ask questions from the monitoring room through the expert, thus avoiding unnecessary re-interviews.

A large number of experts agree that unnecessary further hearings should be avoided, but some new research suggests that in some cases, re-interviews may be justified, as they may reveal important new information that could change the course and direction of the whole investigation.⁷ The most common reason for this is that at the first interviews many children deny that the abuse happened, or their testimony does not provide sufficient evidence to press charges. Another argument for a re-interview is the phenomenon of reminiscence, which consists of memories that become available in later recollections. This phenomenon has long been known in cognitive psychology but has only in recent decades attracted the interest of criminal psychologists. Prior to this, forensic experts were for a long time sceptical about the phenomenon of reminiscence, fearing that memories retrieved during later interrogations were less reliable than earlier ones. However, experiments and interrogation analyses in recent years show that if the interrogator refrains from using suggestive questions, children can provide reliable information in some cases in the course of a series of interviews, and that these later recollections can in some cases change the course of the investigation.⁸ Although the use of abuse dolls is an essential communication tool in the Barnahus model, the use of such anatomically designed dolls is not recommended by all child-friendly justice models.⁹ One reason for this is that children use dolls in their daily lives to play imaginary situations, so it is not always appropriate to

⁷ Batta, "Némajáték a büntetőeljárásban," 117.

⁸ Batta, "Némajáték a büntetőeljárásban," 117.

⁹ Batta, "Némajáték a büntetőeljárásban," 118.

consider playing with dolls as a representation of reality, or at least it should be treated with caution.¹⁰ Therefore, when using this method, it is important to assess whether the child has already developed the ability to abstract, and to make him aware at the beginning of the interview that the dolls are not for play, but for telling his story. Another argument against the technique is that the existence and elaboration of the dolls' genitals is new to children compared to ordinary dolls. This is the reason why, when comparing the play of abused and non-abused children, it was observed that touching the dolls' genitals was common in both groups. In summary, in older children, where the ability to abstract is well established, the use of the doll tends to result in a more accurate description, but in younger children, typically under 4 years of age, it is common for them to play with the dolls and to include in this play things that are only the result of their imagination or curiosity. It is therefore of paramount importance that the interrogator should proceed with care when children are telling stories using abuse dolls and it is recommended that the interrogation should not solely be based on this modality.

b. The interrogation of minor victims in Hungary

Hungarian criminal procedure law contains special safeguards for the interrogation of victims and witnesses requiring special treatment, which group also includes minors.

The legislator classifies minor victims as persons requiring special treatment in view of their age, regardless of the nature of the crime committed against them.¹¹ At the same time, the type of crime itself may also justify this status, as victims of sexual crimes, regardless of their age, are also considered to require special treatment.¹² With regard to minor victims, Hungarian law provides that persons under the age of 18 who are involved in criminal proceedings as victims or witnesses are entitled to special treatment by operation of law.

If the victim is under the age of 18, the proceedings must, as a general rule, be conducted in a room designed or adapted for this purpose.¹³ An exception to this rule may only be made if the procedural act in question cannot be carried out there, or if the exercise of the victim's rights, the fulfilment of their obligations, and their protection and safety can only be ensured in another way. Pursuant to the provisions of the Criminal Procedure Act, the court, the public prosecutor's office and the investigating authority shall, where possible, make video and audio

¹⁰ Heather R. Hlavka, Sara D. Olinger, and Jodi L. Lashley, "The Use of Anatomical Dolls as a Demonstration Aid in Child Sexual Abuse Interviews: A Study of Forensic Interviewers' Perceptions," *Journal of Child Sexual Abuse* 19, no. 5 (2010): 519–40, <https://doi.org/10.1080/10538712.2010.511988>.

¹¹ Act XC of 2017 §82 a).

¹² Act XC of 2017 §82 c).

¹³ Act XC of 2017 §85 (1) i).

recordings during proceedings involving persons under the age of 18, and may also order the presence of a forensic psychologist or a social welfare expert.¹⁴

In the case of victims under the age of 14, the rules are even stricter: in such cases, the procedural act must be carried out in a room designated or adapted for this purpose, unless the exercise of the child's rights, the fulfilment of his or her obligations, and his or her protection can only be ensured by other means or measures.¹⁵ However, with regard to child interview rooms, it should be emphasized that the “separate room” required by law does not refer exclusively to rooms designed to meet the special needs of children; as this right also applies to adult victims requiring special treatment.

It is mandatory to make video and audio recordings of procedural acts involving victims under the age of 14,¹⁶ and the same person must conduct the procedural act each time during the investigation, if this does not jeopardize the procedure. The purpose of this is to make it easier for the child to open up and feel safe in the presence of a familiar person. In addition, in cases involving victims of crimes against sexual freedom and sexual morality, the interrogation may only be conducted by a person of the same sex as the victim.¹⁷

An important step towards child-friendly justice was taken with the adoption of Decree 32/2011 (XI.18.) of the Ministry of Justice on the establishment of child hearing rooms at police investigation authorities.¹⁸ The Hungarian Child Hearing Rooms, as part of the Child-Centred Justice, are rooms where minors are heard in a special, friendly environment designed according to their needs. They are mainly used in criminal cases where the minor is interviewed as a victim or witness.¹⁹ At this point, it is worth mentioning that the *Barnahus method* is not the same as the *Barnahus institution (home)*. The latter exists within the child protection system and refers to complex child welfare services operating in a specially arranged building. The interrogation method regulated in the Hungarian Code of Criminal Procedure and referred to as “Barnahus”, has been included in the legislation since January 2021. It is one of the possible methods of interviewing minor victims, a procedural act that can take place in any special room.²⁰ Although this new interrogation method has expanded the range of special treatment tools available in criminal proceedings, we cannot equate special interrogation rooms with Barnahus houses. The Barnahus interrogation method requires the involvement of expert advisors and psychological specialists in addition to the investigating authorities; however, while these are also available in a Barnahus home, the latter also contains, for example, a medical

¹⁴ Act XC of 2017 §87 (1) b), bb).

¹⁵ Act XC of 2017 §88 (1) b).

¹⁶ Act XC of 2017 §88 (1) d).

¹⁷ Act XC of 2017 §89 (1) a).

¹⁸ Pressinger Nikolett, “Barnahus – Az abúzus gyermekáldozataiért,” *Batthyány Lajos Szakkollégium Tudományos Folyóirata*, no. 2 (2021): 30.

¹⁹ Pressinger, “Barnahus – Az abúzus gyermekáldozataiért,” 30.

²⁰ Kiss Anna, “A kiskorú sértettek a büntetőeljárásban” *Kriminológiai tanulmányok* (2000-), no. 59 (2022): 159–160.

room, and “Barnahus houses” located in special buildings serve not only procedural but also therapeutic purposes, unlike interrogation rooms.

Despite all this, it is unquestionable that the amendment to Act XC of 2017 on the Code of Criminal Procedure, which entered into force on 1 January 2021, was a significant step towards using the Barnahus method.²¹ It allowed the court, the prosecution and the investigating authority to order the presence of a forensic psychologist expert or the assistance of a counsellor in the case of a procedural act requiring the participation of a person under the age of 18. Thanks to the amendment, the law allows children involved in criminal proceedings to be interviewed by trained professionals. This helps to ensure that the child is interviewed by a properly trained professional, which will help to ensure that the child is not re-traumatised at the very beginning of the procedure.²² The method is based on the fact that while the interview is conducted by a specialised professional in a dedicated room, the police officer investigating the case, and possibly the prosecutor or lawyer, can observe the entire interview in the “monitoring room,” without disturbing the child victims, and collect information relevant to the case. The most important advantage of this method is that the questions are asked by the professional present with the children, bearing in mind that the best interests of the minor are paramount, but at the same time the minor is actively involved in the resolution of the case.²³

Therefore, following the amendment, the application of the Barnahus method means a procedural act of questioning or hearing carried out by the authority conducting the procedure with the assistance of an expert or a consultant specially qualified to apply the method. Thus, the court, the prosecution and the investigating authority are in direct contact only with the expert adviser, while they communicate with the juvenile only indirectly, through the person who conducts the interview. In this particular procedure, the adviser does not simply interpret the questions of the participants in the proceedings, but also guides the proceedings using the Barnahus system and thus helps the minor to answer the questions. Consequently, the introduction of the Barnahus method in criminal proceedings makes it possible to conduct procedural acts with the assistance of an expert who is familiar with the Barnahus method.²⁴ In addition, the amendment of the Criminal Procedure Code which entered into force on 1 January 2021 made it an official obligation for the authorities to examine and, if necessary, order the interview of a child victim in the course of criminal proceedings in accordance with the Barnahus model.²⁵

²¹ Pressinger, “Barnahus – Az abúzus gyermekáldozataiért,” 33.

²² Pressinger, “Barnahus – Az abúzus gyermekáldozataiért,” 33.

²³ Pressinger, “Barnahus – Az abúzus gyermekáldozataiért,” 33.

²⁴ Pressinger, “Barnahus – Az abúzus gyermekáldozataiért,” 33.

²⁵ Batta, “Némajáték a büntetőeljárásban,” 115–116.

In 2016, the first Barnahus centre in Hungary²⁶ was opened in Szombathely, which was the first Barnahus Home in Hungary and Central and Eastern Europe, and the fifty-first in the world, with the aim to operate and disseminate the Barnahus innovation.²⁷ In order to render the complex facility feasible, it was installed in the building of the Vas County Child Protection Centre, Primary School and Regional Child Protection Specialist Service (TEGYESZ) with several rooms, including a medical room, a monitoring unit and a psychology and therapy room.²⁸ Since the start of the Barnahus house in Szombathely, it has held several conferences on child protection, where it reported on its experiences. Initially set up on an experimental basis, the house in Vas County has already carried out a number of studies, the positive results of which have been confirmed for children. A particular advantage was that it did not only deal with local cases but also with minors from all over the country.²⁹ Later, Government Decision 1046/2020 (II.18.) (National Strategy for Combating Trafficking in Human Beings 2020-2023) made the establishment of the Barnahus system in Hungary a national target. As a result, a Hearing and Therapy Centre was opened in Budapest in February 2021 in the Alföldi Street building of the Metropolitan Child Protection Service.³⁰ Later on, a Barnahus centre was opened in Debrecen in the summer of 2021, based on the model from Szombathely.³¹

c. The interrogation of minor victims in Romania

In Romania the rules of criminal procedure do not set an age limit from which a child can be questioned in a criminal case. In order to fill this gap, Article 29 (2) of Law No 272 of 2004 on the Protection of the Rights of the Child provides that in any judicial or administrative proceedings involving a child, a child over the age of 10 must be heard; however, a child under the age of 10 may also be heard if the competent authority considers that the hearing of the child is necessary for the proper resolution of the case. Accordingly, if the child is over 10 years of age, his or her interview is mandatory. If the child victim has not yet reached this age but the judicial authority considers that the child's testimony contributes to the discovery of the truth and is relevant to the evidence that is the subject of the case, the child may be heard. As the CRC pointed out, age should not constitute a barrier for children to be heard,³² consequently the assessment of the

²⁶ Ágnes Lux and Virág Sebhelyi, *A gyermekjogok helyzete Magyarországon (2014–2019): Alternatív jelentés az ENSZ Gyermekjogi Egyezményének hazai végrehajtásáról* (Gyermekjogi Civil Koalíció, 2019), 39.

²⁷ Pressinger, "Barnahus – Az abúzus gyermekáldozataiért," 33.

²⁸ Pressinger, "Barnahus – Az abúzus gyermekáldozataiért," 33.

²⁹ Pressinger, "Barnahus – Az abúzus gyermekáldozataiért," 33.

³⁰ Fantoly Zsanett, "Az izlandi Barnahus-modell és annak hazai gyakorlata," *Magyar Rendészet* 22, no. 2 (2022): 229–236. <https://doi.org/10.32577/mr.2022.4.14>.

³¹ Pressinger, "Barnahus – Az abúzus gyermekáldozataiért," 34.

³² General Comment No. 12 of the Committee on the Rights of the Child, 20 July 2009, para. 21.

contributory force of the child's testimony has to be carried out with due diligence on the part of judicial authorities.

In accordance with the provisions of Article 111 para. (9) of the Romanian Code of Criminal Procedure, the questioning of the victim shall be carried out without undue delay, or, if this is not possible, after the denunciation has been made and without unreasonable delay. It follows from an analysis of the wording of the law that, as a general rule, the victim must be interviewed at the time when the complaint is lodged, and only if this is not possible due to objective reasons, can the interview take place later but within a reasonable time. Although the law does not contain a specific provision on the questioning of children, their prompt questioning is of paramount importance. Given the specific factors that may influence or change the child's testimony, the interview should be conducted as soon as possible, as the more time passes, the less likely it is that the interview with the minor will produce an unchanged and unbiased result.

The choice of the person(s) to be interviewed depends on the age and cognitive and emotional development of the child and the specificity of the offence under investigation. In principle, it is preferable for one person to conduct the interview,³³ as he or she is better able to establish an emotional connection with the child and the child is more likely to talk about sensitive events. In some cases, however, the advantage of group interviews is that the interviewers complement each other and can cover all the issues better, thus avoiding the need for a second interview. In this case, it is advisable for one person to lead and conduct the interview while the others take notes and suggest or ask further questions at the end of the interview. Whichever "strategy" is used, it is of paramount importance that the persons involved in the interview should have experience of working with minors and preferably have received appropriate training. In addition, it is important that the person conducting the interview should have acquired specific techniques for interviewing a child victim and have knowledge of child developmental psychology and the psychosocial consequences of child abuse.³⁴ In line with international standards, the Romanian system also prescribes the obligation for authorities to reduce the number of interviews to the minimum possible. Despite this, in several cases a stronger relationship between the interviewer and the minor can be built during several sessions of interview, allowing to obtain more information from the child and, therefore, to record a more detailed testimony. If more than one interview session is organized, the interviewer should remind the child of what they said in the previous interviews to help them recall their memories.³⁵ Although this can be very useful during the process, "reminding the child" of information obtained in previous interviews

³³ Viorel Badea and Bogdan Nicolae Trandafir, *Ghid metodologic privind audierea minorilor victime ale violenței* (Federația Organizațiilor Neguvernamentale pentru Copil, 2017), 27.

³⁴ Mona-Maria Pivniceru and Cătălin Luca, *Ghid de audiere a copilului în proceduri judiciare* (Editura Hamangiu, 2009), 171.

³⁵ Consiliul Superior al Magistraturii, *Ghid de bune practici în domeniul tehnicilor de audiere a minorilor* (Norway Grants, 2023), 66.

related to the trauma they have suffered can greatly contribute to their revictimization. For this reason, when using this method, the interviewer must take special care to protect the child from revictimization.

In addition, there are situations where, for various reasons (age, level of development, trauma suffered as a result of the offence), it is necessary to conduct the interview in the presence of a psychologist or a victim counsellor. This possibility is provided for in Article 111 para. (6) b) of the Code of Criminal Procedure. On the other hand, the aforementioned Article 111 para. (7) provides that in certain cases (domestic violence, rape, sexual violence or assault) the interview may be conducted only by a person of the same sex as the victim, if the victim so requests, unless the judicial authority considers that this would jeopardise the proper conduct of the trial or the rights and interests of the parties. The presence of the minor's parents, guardian or legal representative during the proceedings is guaranteed by paragraph (8¹), which provides that *"the interview of a victim under the age of 14 shall take place in the presence of the parent, guardian or representative of the institution to which the minor has been entrusted for the purpose of his upbringing and education, and of a psychologist."* This guarantees that minors receive adequate support during the procedure, from persons of their choice and from a professional. Legal aid under Article 93 para. (4) is mandatory if the victim is a person with reduced capacity or incapacity. Therefore, if the minor does not have a lawyer of his or her choice, the court must arrange for the appointment of a lawyer in whose presence the proceedings will be conducted.

Pursuant to Article 111 para. (6) (a) of the Code of Criminal Procedure, the hearing must be held in a room designed or adapted for that purpose, which provides a safe and friendly environment. The courtroom must be designed and furnished in such a way that it is suitable for children of different ages and free of disturbing elements. For young children, a familiar environment or a welcoming room is conducive to communication and adaptation to a new situation. If, for various reasons (emergency, the child is too young, etc.), the interview cannot be carried out in a special room, a neutral, simply furnished room should be chosen as far as possible. The minor may be interviewed in his or her home, unless that is the place where the offence was committed. The use of premises specially adapted for the interrogation of minors is also justified by the fact that paragraph (8) provides that when the victim interrogated is a minor, the entire interrogation must be recorded by audio-visual means. If this is not possible, the interview shall be recorded by audio recording equipment. In order to fulfil these two obligations at the same time, it is appropriate to provide a suitable environment and a technically equipped room.³⁶

Regarding the right of the child to be informed, it is worth mentioning that Law No. 211 of 2004 on certain measures to ensure the information, support, and protection of crime victims underwent substantial amendments on April 7, 2019,

³⁶ Ministerul Public, *Îndrumar Teoretic și Practic privind infracțiunea de viol* (Înalta Curte de Casație și Justiție, 2022), 48–49.

through Emergency Ordinance No. 24/03.04.2019. These changes laid the foundation for the establishment of general victim support services in Romania, in the form of specialized departments operating within each General Directorate of Social Assistance and Child Protection (DGASPC). These departments must include at least three professionals: a social worker, a psychologist, and a legal advisor. The services provided by these victim support departments include: offering information about victims' rights, psychological counselling, financial advice related to the crime, emotional support, information about the victim's role in criminal proceedings and preparation for court, as well as referral to other specialized support services. These services are free of charge and are offered upon the request of the victim or their family.³⁷

According to data from the PROMISE Barnahus Network, Romania has participated in international training programs and consultations,³⁸ but the model has not yet been integrated into the country's legal and institutional framework for child protection and the justice system. As previously mentioned, in Hungary, for example, the first Barnahus centre was opened in Szombathely in 2016, while in Romania, the first and so far only Barnahus centre was opened in 2022 in the 6th District of Bucharest.³⁹ The centre was established as a joint project of Salvați Copiii România (Save the Children Romania) and the 6th District Child Protection Directorate (DGASPC Sector 6), with support from the Active Citizens Fund Romania – EEA and Norway Grants. The centre officially began operations in July 2022.⁴⁰ The aim of the Barnahus centre in Bucharest is to reduce secondary traumatization of children by providing a single, child-friendly location for judicial interviews, psychological examinations, medical care, and legal proceedings. One-way communication between the interview room and the observation room, video recording, and the presence of specially trained professionals ensure that the procedure is conducted in a sensitive and evidence-based manner.⁴¹

Nevertheless, the Romanian adaptation lags far behind the Hungarian implementation in terms of both timing and structure. In Hungary, based on the example of the centre in Szombathely, child-friendly interview rooms are now operating in several cities, and the professionals working there operate according to a uniform, state-supported methodological framework (Barnahus guide⁴²). In

³⁷ Steven Allen and Bruno Monteiro, *Justiție prietenoasă pentru Copii – inițiativă privind dezvoltarea conceptului de practică în instanțe* (Centrul de Resurse Juridice, 2021), 7–8.

³⁸ Available at: <https://barnahus.eu/2018/10/08/romanian-national-roundtable-focuses-on-the-legal-aspects-surrounding-child-abuse-cases/>. (Accessed: 10 november 2025)

³⁹ Available at: https://www.asistentasociala6.ro/noutati_doc_3573_in-sectorul-6-s-a-deschis-primul-centru-barnahus-din-romania_pg_0.htm. (Accessed: 10 November 2025)

⁴⁰ Available at: https://www.asistentasociala6.ro/noutati_doc_3573_in-sectorul-6-s-a-deschis-primul-centru-barnahus-din-romania_pg_0.htm. (Accessed: 10 November 2025)

⁴¹ <https://www.salvaticopiii.ro/ce-facem/protectie/centrul-barnahus>. (Accessed: 10 November 2025)

⁴² Lazáryné Illés Mária and Lazáry Fanni, *Kézikönyv a magyarországi Barnahus-szolgálatok működtetéséhez* (Emberi Erőforrások Minisztériuma, 2020), 2.

Romania, on the other hand, there is neither similar national coverage nor methodological uniformity. Apart from the centre in Bucharest, there are no other functioning Barnahus institutions, and there is no publicly available handbook or uniform protocol governing the application of the Barnahus model in Romania. Overall, although Romania has taken the first steps towards introducing the Barnahus model in recent years, its adaptation is currently limited and experimental, and the structural and professional frameworks that would be essential for the development of a sustainable model at the national level are lacking. However, the Bucharest centre could serve as an important example and basis for future expansion and legislative reforms.

3. Conclusion

The legitimacy of special rules and procedural guarantees governing the questioning of minors in criminal proceedings is firmly established in both international and domestic legal frameworks. These rules are based on the recognition that minors, due to their age, psychological development and vulnerability, cannot be treated in the same manner as adults during criminal proceedings. In cases involving minor victims and witnesses, this differentiated approach is of particular importance, as the procedural acts carried out during the investigation may have a direct impact on the child's psychological development and well-being.

In this context, criminal proceedings must be conducted in a manner that enables minor victims and witnesses to understand the nature and significance of the procedural acts affecting them and to participate meaningfully in the process. This requires not only the provision of information about their rights and the course of the proceedings, but also that such information be communicated in an age-appropriate and comprehensible manner, using clear language and, where necessary, supportive or illustrative means. Ensuring effective communication contributes to preventing the marginalisation of minors within criminal proceedings and supports their role as active participants rather than passive subjects of procedural acts.

A further core requirement in cases involving minor victims and witnesses is the prevention of secondary victimisation. As these minors have already been exposed to traumatic experiences, particular care must be taken to ensure that the questioning process does not exacerbate the harm suffered. From this perspective, the involvement of qualified professionals and the limitation of the number of interviews are of central importance, both for safeguarding the child's well-being and for preserving the reliability of the evidence obtained.

The Icelandic Barnahus model offers a comprehensive institutional framework capable of addressing these challenges. By applying a multidisciplinary approach and concentrating child-friendly questioning, therapeutic support and professional cooperation within a single setting, the model aims to minimise re-traumatisation while ensuring the collection of legally admissible and probative statements. One of the key strengths of the Barnahus model lies in its flexibility:

rather than imposing rigid procedural solutions, it provides a set of standards for good practice that can be adapted to the individual needs of the child and the circumstances of the case.

With regard to the regulations governing the questioning of minor victims in Romania and Hungary, it can be said that similar solutions are found to comply with international standards. In both Romania and Hungary, it is required, among other things, that the questioning of minors be recorded using audiovisual equipment, that psychologists and counsellors be involved where necessary, and that the location for questioning minors be a specially equipped room. Although both regulations stipulate the necessary guarantees for the protection of minor victims, they may still appear incomplete from the perspective of implementing the Barnahus model. Although the two regulations adopt many elements from the Barnahus model (an interdisciplinary approach involving specialists, recording of interviews to avoid subsequent re-interviews, and the provision of rooms suitable for children), there are still shortcomings. The interrogation methods described are primarily intended to enable the authorities to gather evidence while trying not to worsen the child's situation by avoiding revictimization. At the same time, it should not be overlooked that the requirements for special rooms do not include rooms reserved for medical or therapeutic purposes, but only interrogation rooms. In this sense, the procedures implemented in this environment do not meet the complex multidisciplinary vision of Barnahus homes, which include a medical room and where professionals not only participate in the questioning of children but also provide therapeutic assistance to minors. In light of this, it can be said that while the conditions set out in Romanian and Hungarian procedural law regulations tend to emphasize the collection of valid evidence while protecting the child from further trauma, in the case of Barnahus homes, we can talk about complex therapeutic facilities that go beyond this, where the main goal clearly includes the collection of evidence, but at least as emphatically, the subsequent rehabilitation and trauma processing.