

Marthe Rise Tuveng

That is children's right – isn't it?

How does Statens Barnehus bring forward children's rights to be heard?

Norwegian Centre for Child Research

Norwegian University of Science and Technology

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Marthe Rise Tuveng



## **Abstract**

Through qualitative analysis with basis in a theoretical framework constructed by perspectives from sociology of childhood and Freeman and Dwyer's understanding of children's rights, this thesis contributes to in depth knowledge and critical analysis of actors perspectives and experience with Statens Barnehus forwarding children's rights.

This thesis has the aim to explore and examine the role of Statens Barnehus and their work with abused children.

Through 8 in-depth interviews this thesis set focus on the impact of establishment of Statens Barnehus and their process related to forensic interview and problematize the concept of understanding children's rights in different institutions. The aim of the in-depth interviews is to explore different actors understanding of 'Statens Barnehus' and how Statens Barnehus can contribute to forwarding children's rights to be heard.

Key terms: Statens Barnehus, Forensic interview, Children, Adaption, Attitude, Legal perspectives.



## **List of Acronyms**

CAP – Counsel for the aggrieved party

CPA – Criminal Procedure Act

FIIC – Filed Investigative Interviews of Children

OPP – Office of the Public Prosecutor

SB – Statens Barnehus

UNCRC – United Nation Convention on the Rights of the Child



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# 1 Introduction

This thesis aims to set focus on how children's rights are ensured when they experience sexual abuse, violence or witness violence and what role Norwegian Child Advocacy Centre [Statens Barnehus]<sup>1</sup> in Norway have within Field Investigative Interviews of Children<sup>2</sup> (FIIC).

This focus is chosen because Norway one can see an increase of cases within abused children<sup>3</sup>. Norway had by January 1<sup>st</sup> 2012 registered 1 118 200 children as residence under 18 years old, this means that children constitute around 22 % of the whole population within this century (SSB, 2012). In 2010 there was 740 cases of sexual relation<sup>4</sup> of children, 168 cases was with children under 10 years, 325 cases was with children under 14 years, 247 cases was with children under 16 years (SSB,2010). Different year reports given out by the different SB show that numbers are increasing *“the number of FIIC has for example increased really fast, actually with over 50 % from year to year, and over 500 interviews is done so fare”* <sup>5</sup> (Barnehuset Tromsø, 2012). The SB in Oslo can support this aspect *“Oslo had in total 588 interviews out of these was 220 cases about sexual abuse. Within all of the cases, 66 of the cases had forensic interview within 2 weeks, 63 within 2-4 weeks and 375 cases after 4 weeks”*<sup>6</sup>.<sup>\*</sup> (Barnehuset Oslo, 2011).

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<sup>1</sup> I'll use the Norwegian name for the centre because it gives a better description of what the centre is about.

<sup>2</sup> In Norwegian the term is «Dommeravhør», but I'll use the English term because it gives a better understanding of the whole process.

<sup>3</sup> Year report Statens Barnehus Tromsø(2011) and SSB(2010)

<sup>4</sup> I use sexual relation because there can also be cases including picture taking or indecent exposure towards children and not always physical abuse.

<sup>5</sup> \* Means I have translated quotation from Norwegian to Englished

<sup>6</sup> **Tromsø** had 255 interviews of children out of these was 93 cases about sexual abuse. From all of the cases they had 45 interviews within 2 weeks, 41 cases within 2-4 weeks, 135 cases after 4 weeks, this gives an average on 45-50 days;

**Bergen** had 248 interviews and out of this it was 114 cases about sexual abuse. From 189 cases they had 11% within 2 weeks, 32% within 2-4 weeks and 57 % after 4 weeks;

**Kristiansand** had 153 interviews in total, and out of these it was 59 cases about sexual abuse. From all of the cases they had 11 interviews within 2 weeks, 46 between 2-4 weeks and 76 after 4 weeks, this give an average on 65 days;

**Trondheim** had 260 interviews and out of these it was 125 cases about sexual abuse, they used an average of 66 days in violent cases and 61 days in abuse cases, this means that they have 7 out of 52 cases within 2 weeks;

**Hamar** had 259 cases in total and over half of the cases is about sexual abuse. In average they used 63 day in sexual abuse cases, 82 days in violent abuse cases. In 24 of the total cases they used under 14 days and out of these 22 was sexual abuse cases and 2 violent abuse cases”(Barnehusene,2011)<sup>6</sup>.

The numbers below illustrate the importance of focusing on children involved in violence or abuse. From this information one can see that it is important to focus on how children are taken care of during the whole process. An obvious question is then to what extent or in what ways these children are taken care of during the whole process. In my bachelor thesis I studied the most known sexual abuse case in Norway; The Bjung-case. The case raised several discussions about the question of children's protection in cases related to sexual abuse. A response on this critic is the establishment of Statens Barnehus or at that time Barnas hus. Statens Barnehus is a relatively new project and so far there is little research has been carried out (Bakketeig, et al. & Stefansen, et. al., 2012). The aim of this thesis is therefore to set focus on exploring further how Statens Barnehus works within the aspect of children's rights. The aim of this thesis is therefore to give an overall research to focus on: "*How does Statens Barnehus bring forward children's rights to be heard?*", the focus will be given more detail in 2.4. The importance of this broad research question can be underlined by taking a brief look at the historical approach.

## **1.1 Historical approach**

Field Investigative Interviews of Children has been part of the legal process in Norway for several centuries. Looking at the history the understanding of how the Norwegian government has taken on the responsibility to listen to children in a situation of abuse or violence is shown. Not only follow Norway the United Nation Convention on the Rights of the Child (UNCRC) by using special interviews for the children, but they also have their own law that specifically covers the child's right when it comes to FIIC \* (Dommeravhør og Observasjon,1998). This law has changed through time and most of these changes emerged after the Bjung- case from 1992- 1994, this case will be detailed in chapter 2.1.2.

Early in the 20<sup>th</sup> century child witness was no different than adult witness. FIIC became first a focus around 1920, when people started to worry about the strain for experiencing sexual abuse. Often the abused child had to be interviewed by several authorities and also several times by the same authorities (Rønneberg, 2000: 26; Myklebust, 2012). It was the Woman's National council that initiated the new law to be a part of the Criminal Procedure Act of 1887; this law stated that "*a child should only give their statement to a judge – mainly alone – outside the court meeting. And the age limit was set to 16 years*" \*

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*Stavanger* they had in total 153 cases in 2011, and out of these it was 60 cases about sexual abuse. In average it took 74 days from the report to the interview<sup>6</sup>.

(Rønneberg, 2000:26). Within this law the judge was given guidelines to what he/she had to do; they had the responsibility of the report on what the child said. This report was used in court so that the child didn't have to meet in court. This was the first step to legally protect the children from the strain it is for them to tell their story several times. The judges were the person who assessed the child's credibility. The practices from that time can give an impression that even if they wanted to improve the child's legal position, they had some challenges in how well the practice worked within the goal to protect the child. The judges had an opportunity to put their own interpretation in the report, therefore one could question if the child's voice was even heard? (Kringstad, 1997). The findings gave an indication that some of the judges who used to conduct forensic interview had some challenges with their knowledge and also expressed by the informant in my thesis:

*“You were just thrown in to it, even if you didn't have any experience”* (Judge)

Even though the practices from 1926 can be questioned, it still at that period of time a step forward for children and their legal rights. With some changes the law was passed on to the next Criminal Procedure Act of 1981, set out in 1986. The judge were still the person who conducted the interviews, the biggest change was that they lowered the age limit from 16 to 14. The law added that all court of law with the opportunity to audio record the interview had to, but there were still many courts that didn't have this technology (Rønneberg, 2000). Even though many courts couldn't audio record, the action to make those that could, can be seen as a step further to take the child's voice seriously and prevent adults to put their own interpretation in to what the child said. The reason for the lower age limit is more difficult to understand. One could maybe interpret this as the law viewed children older than 14 have the ability to be interviewed in the court room. The background for this interpretation is that in 2008 age limit was changed back to 16 years (Dommeravhør og Observasjon, 1998: §1) indicating that 14 years old children – are not old enough to be interviewed in the court room.

The FIIC has gone through a lot of change, which indicate that Norway as a state continuously work to improve the system and process to make it better for the children. In chapter 2 more of the changes FIIC experienced in the modern days are presented. These changes are an indication to how the view on children and their abilities changes and also show how much one wish to take children seriously. In relation to the changes FIIC has experienced it is relevant to ask *“what impact has the practises related to forensic*

*interviews*". Further the analysis of FIIC it will be interesting to see how Norway works within implementation of the United Nation Convention on the Rights of the Child.

## **1.2 The United Nation Convention on the Rights of the Child**

The UNCRC has in total 52 articles that all include different aspects of a child's life. This Convention was first developed in 1954, but today convention was last edited in 1989. Norway ratified the UNCRC in 1993 (Sandberg, 2012). The UNCRC was implemented in to the Norwegian law in 2003. This thesis focuses on article 3 and 12 in particular and is presented here briefly (See appendix 3 to get the complete version).

**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 interests of the child shall be a primary consideration" (UNCRC, 1989).

**Article 12:** "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" (ibid).

These two articles gives a picture of what is necessary to take in to account when working with children that have experienced violence, abuse or been witness to violence. Article 3 is probably the most difficult to understand, because who can say what the best interest of the child is? Is it the parent, an adult, a judge, the police, a social worker or the child itself? The meaning is that no decision is made without having considered what is the best for the child, and even though that is difficult to know it is still important to have the best interest of the child in mind when making a decision. A child might mean that not speaking about the abuse is the best for him, and at the same time the police officer might mean opposite. Their opinion is based on two different backgrounds, one is what the child want's and the other is the child's right to be heard and get justice. This article do not give a direct and clear answer, therefore it is important that this thesis try to consider all the aspect of the article. Article 12 is more concrete; the child has the right to be taken in to account in any situation where children are involved, this can be legal decisions as well as family decisions. However this does not mean that what the child say has to be done, but it must be listened to.

## **1.3 Previous research**

Based on the focus of this thesis earlier research on SB would be important to bring forward here. As stated earlier to my knowledge there is only one report given out about

SB (Bakketeig et. al., 2012; Stefansen et. al., 2012) which give a good description of the work SB are doing in Norway. The reports give a conclusion of a well function SB and that are fulfilling the aim of the starting project. In the report different actors describe their impression of SB and the challenge that have been or might come. The aim of the reports is to evaluate SB and therefore the report only takes on children perspective form a more macro level and then doesn't set focus on the impact it might have on children.

When one talk about children's right it is important to have the children's abilities in mind. In 2003 there was conducted an international research on how children view their citizenship (Smith & Bjerke, 2009). The research showed that children had a better understanding of their role as a citizen than many adults gave them credit for. This aspect of understanding that children might have better understanding of their world around them would be important to bring in to the discussion of children's right. The research brings up the aspect of how one listen to children, the aspects of how listening to children becomes a focus within the thesis. Therefore it will be relevant to ask: *What impact has the role of Statens Barnehus of advocating children's perspective*

#### **1.4 Gaining information**

The information for this thesis is mainly obtained through one main method. The in- depth interviews<sup>7</sup> are where information from the key informants is obtained, for example their experience with SB, how SB works within FIIC and how children's rights are viewed. As a supplement to the key informants', the thesis will use different documents. The main document will be a report given out by Norsk Institutt for oppvekst, velferd og aldring (NOVA)<sup>8</sup> the 16<sup>th</sup> of October 2012, this report is in two parts and focus on the children's and parents experience of Statens Barnehus and how Statens Barnehus work within the legal system and FIIC. The aim of using documents is to give a wider view of the thesis focus, documents give a broader understanding of specially SB since this is little research.

With these methods the aim is to gain an overall understanding of the function of SB and how they have worked when it comes to protecting children. The sample of the key informants gives an insight in to how some actors view one SB. Therefore will the year reports from Barnehusene be an important supplement. Then it is possible to see if the literature can support or not support the information I gain form the key informants of mine.

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<sup>7</sup> Also called semi-structured interview

<sup>8</sup> Norwegian institute for year and Growth, Welfare and Ageing.

## **1.5 The outline of the thesis**

Background chapter will introduce how the Norwegian system work and what kind of changes they have gone through and present Statens Barnehus function. Before going in to the theory it is important to get an understanding of how what methods are been used and how the research was conducted, this will be presented in chapter 3. Then the theoretical perspective is present din chapter 4. The findings will be presented in two analytical chapter, the first chapter 5 will address the aspect of SB function around forensic interview, the focus will present how SB work on having more child friendly environment might have an impact on children's right, Then chapter 6 will address the focus of the workers at SB role within and around the forensic interview, look in to what the findings show within the role of SB and what view different informants present. Chapter 7 will take the focus of collecting the common read lines between chapter 5 and 6, address the topics in a more theoretical approach and discuss it up to how children's right to be heard are seen brought forward.

## **2 The context of Norway**

This chapter aim is to describe in what ways the Norwegian society through the legal framework and public guidelines has focused on the well-being of children as a vulnerable group.

The Norwegian law define sexual abuse and violence of children as described below:

“Sexual abuse: The legal definition is based on what is sexual tortious or other indecent behaviour and sexual relation. The psychological definition lay their focus on sexual relation where the child don't have the ability to understand, not mature enough, or can't give informed consent to. The behaviour is mortifying for the child integrity. As well they focus on that the adult's abuse their power position or the child's dependency of adults.

Physic violent and children witnessing violent: Tortious of child in the degree from assault to murder. This includes hit, kick, pinching etc. And then we have the law for violent in close relations where they focus on gross or repeated tortious and not the physical abuse” (Meling et. al., 2006: 11-12).

These definitions shows that there are different way of viewing what is sexual abuse, it can be all from a flasher to continuously rape by a parent. The types of sentence are based on the degree of damage. This is what makes it difficult, because some might be just as damage from a small incident as one that have experienced repeated abuse.

### **2.1 The impact on children through time in**

Norway has through decades worked on how to take children's lives seriously. Norway was the first country in the world to have a law on child welfare, in 1896 law was called “the Guardianship Act” [Vergemåldsloven] and went in to force in 1900. But as early as 1841 Norway had a way to protect the children. In Oslo they had rescue, improvement or care facilities for abandon deprived or vandalized older children. This place used social care principles in order to try to reduce old traditional punishment, which was highly used in the late 18<sup>th</sup> century (Befring, E., 1963 in NOU 2000).

This institution home became the pioneer for the later homes that was arranged for children, like school homes under the Guardianship Act. The first law was developed by the Office of the Public Prosecutor (OPP) Bernhard Getz, he criticized the Criminal Procedure Act (CPA) that CPA didn't provide enough help to young criminals and Getz wanted to disengage young criminals from CPA and the whole legal process out of CPA. This was the first step to a law that specifically protected children in different challenging situations and institution that should take care of children in difficult situations. In 1947 the



state appointed a child welfare committee; they had authorization to make legal changes on the existing child welfare law. The Guardianship Act held up over 50 years, and was in 1953 replaced with the law of child welfare. The newest law is from 1992, this law is going to:

“Ensure that children and young that are living under environment that can damage their health or development get necessary help and care at the right time. And to contribute to children and young get to grove up in safe environment”  
\*(Barnevernloven, 1992)

Since protecting children has been an important focus for Norway it was only natural that Norway developed a law that protected children experiencing abuse and violent. I will talk more about FIIC later in this chapter. The law of forensic interview was first developed in 1926 and reversed it several times before the current law came in 1998. When they developed SB in 2007 Norway once again showed that they want to protect the children in the best way and are willing to listen to advice from other organizations working with children (Kjørholt, 2004: 103). Norway has done a lot to protect children in the legal system with different laws that specify what to do in different situations. Doing this Norway can be seen to act according to UNCRC and in the fourth report back to UN committee in 2008 Norway show their willingness to work in the best interest of the child:

“Cf. the third report paragraphs 19-23. The incorporation of child Convention into Norwegian law through the Human Rights Act 21 May 1999 nr 30 came into force on 1 October 2003. *The Convention applies therefore, Norwegian law and will prevail in the event of the conflict between the Convention and other Norwegian law, cf. Human Rights Act § 3 Legislative changes proposed in connection with incorporating* (Administration, Dispute Act, Children Act, the Child Welfare Act, Adoption Act), discussed in the third report, Chap. 1 Section 23 and Sec.II section 80-87 is adopted. The 1<sup>st</sup> of January 2006, the new Children Act (Act of 17 June 2005 No. 64 nurseries) effected. *To help meet the Convention, the principle of the right of children with effect embodied in the Kindergarten Act § 3 Children in the kindergarten have the right to express their views on the daily activities in the kindergarten, they should have the opportunity to actively participate in the planning and assessment of kindergarten activities, and the child's views should be given weight in accordance with the age and maturity. Cf. Ch. III D, Sections 148-150 and Chap. VII, Sections 350-352 of this report. With these amendments has the child's right to be heard in any judicial and administrative work treatment (Article 12) been strengthened” \**

(Barne og likestillingsdepartementet et. al., 2008: 10).

## **2.2 The development of Field Investigative Interviews of Children in Norway**

As shown in the introduction, FIIC has gone through many changes during the 20<sup>th</sup> century. One of the main reasons to why this practise continuously changes later in the 20<sup>th</sup>

century is due to the Bjung- case, where it was experienced how the current law worked in practise. It was seen a difference between the written law and real work practise. This made the need to change the laws noticeable more realistic to execute in the work practise. The Bjung-case is described below in order to give a understanding of the challenges and the changes that the case introduced.

### **2.2.1 The Bjung- case 1992-1994**

There are several international scholars<sup>9</sup> that use the Bjung-case as an example on how a sexual abuse case can develop and how not to handle it in practise. The case started when a child made a comment about Ulf as an employee in the kindergarten<sup>9</sup> worker, this comment started the investigation of alleged sexual abuse in the kindergarten. The case quickly developed to something much more than one imagine. The numbers of alleged abused children were almost 60 children. These children started also comments about other adult's that had taken part of the abuse, and at the most there was 30 adult's that was viewed as possible abusers. All together 7 of these adult's was brought in to questioning by the police. But in 1993 the charge was down to one adult, Ulf, and 21 children from 2 ½- 7 years old (Kringstad, 1997; Rønneberg, 2000). The alleged kindergarten employee was acquit, due to lack of evidence (Kringstad, 1997).

After the Bjung-case the Director General of Public Prosecutions (DGPP) evaluated the process of the case and he brought up some of the most questionable practices/law. From these comments DGGP came with suggestions and the committee group followed up with these suggestions, the result could be seen in the changes of the law new law that came out in 1998.

### **2.2.2 Changes after the Bjung case**

In the 1990's FIIC experienced several changes, now the forensic interview had to be video record as well as audio record (Dommeravhør and Observasjon, 1998: §11)<sup>10</sup>, which ensured that one could both see and listen to the child. This gives an overall picture, so if the child didn't say so much one could see how they act. Then the focus of using special trained persons to conducting the interview became an important change, the judge was still the person in charge. Having qualified persons conducting the interview was also a step further to take children more seriously; now there was a person that had an

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<sup>9</sup> I use kindergarten instead of nursery and other terms because it explains better the variety of age on the children going in the kindergarten.

<sup>10</sup> The whole law can be seen at [www.lovdatab.no](http://www.lovdatab.no)

understanding/knowledge on how children develops and also has the skill to ask the same question in different ways. It is possible to say that with special trained police, there are today experts talking with the children and not a person without experience.

The changes can show that children are protected from the beginning of an abuse case, and contribute so that children get an easier process when experiencing sexual abuse. The process must be reviewed in order to see what works and what don't, it is of course important to gain the optimal way of conducting the forensic interview and how the process ideally should be. The best interest of the child can be seen as an important part of this optimal way of conducting FIIC; such an experience should be minimal stressful for the child and the child must be treated with respect (Regjeringen, 2007). Take the change in how one report/record the interview, at the beginning it became difficult to know if it was the child's voice or the judges' voice that was brought forward in the report. Then the voice record came, which gave children a clearer voice. Then there was the dilemma that some courts didn't have the equipment to voice record, this can indicate that the right to be heard was presented in the law but not in practise. When the video became included with the audio then the children were given an opportunity to be listened to from two different angles. That can be seen to acting accordingly to article 12 that says one have to take in to account the child's age and maturity.

### **2.3 Statens Barnehus**

The first Child Advocacy Centre was established in USA in 1985,

“The goal was to ensure that children are not further victimized by intervention systems designed to protect them (more child-friendly criminal investigations with fewer interviews in less intimidating settings) and to create a place where the different authorities involved could come together to investigate allegations of child sexual abuse while treating victims” (Myklebust, 2012: 162).

They also wanted to make sure the increase of successful criminal prosecution of child sexual abuse, but Connell (cited in Myklebust, 2012) argued that investigative function may undermine therapeutic effectiveness (Myklebust, 2012: 162 ). In 1998 the first Child Advocacy Centre was open on Island, the first in the Nordic countries. They built their practice based on The American model, then Sweden followed in 2006 and Norway in 2007. It is some differences between the countries, like “*Sweden are less stringent then Norway*” (Ibid).

Statens Barnehus was established in 2007, with the purposes to be a centre with *“service that will provide comprehensive assistance, care and treatment of children who have been victims of violence and sexual abuse or witnessing violence and domestic abuse. In Barnehuset the child shall receive all services - and not be sent from place to place”*

\*(Regjeringen, 2007). Not only is SB meant to make sure that the children are taken care of, but also to gather all the actors working with children within FIIC. SB becomes the place where everyone meets (Ibid; Barnehusene, 2011). The following six points shows what SB is providing:

- *Barnehuset is a discrete physical house - not an existing institution.*
- *The house is equipped for judicial examinations, medical examinations and space for conversation and therapy*
- *The child will get all the services at the house – not be sent from place to place.*
- *Specialist teams covering multiple disciplines and have expertise in sexual and physical abuse.*
- *The doctor or nurse, who conducts medical examinations, must have expertise within the field.*
- *Barnehuset will build knowledge and expertise on child abuse in all disciplines, enabling staff to provide advice and guidance. Skills will be developed in collaboration with the regional centres of expertise on violence and traumatic stress.*

In 2004 the Justice Department in collaboration with National Court Administration established a work group to evaluate the organisation around FIIC and Observation. They challenge the thought about taking the judge out of the interview process, the work group meant that *“when securing evidence the legal protection is secured without the accomplice from the judge”* \* (Bakketeig et. al., 2012: 38). When they looked at how to solve the question about the judge accomplice in an efficient way, they mentioned SB as one way to go. Statens Barnehus was also brought up within the discussion about the 14 day rule of conducting forensic interview where the problem with capacity was issued (Ibid: 39).

The same year 2004, Save the Children Norway (Hennum, 2004) published a report, where they criticized the children’s legal protection when it comes to sexual abuse and violence. They pointed out that children’s right was not ensured in the legal system and suggested that Norway followed USA, Island and Sweden and establishing a house for children experiencing abuse. This would become be one place where all the actors were gathered when the FIIC was conducting, and also a house to inquire if one had questions about a possible case. Also the children would have a place where they could get counselling after the FIIC and follow up if they needed.

### **2.3.1 Function of Statens Barnehus**

Statens Barnehus is first involved after the police has gotten a report of abuse, then send it to a judge, the judge appoint a date for the FIIC and contacts Statens Barnehus to make sure that they have available time when the judge wants FIIC to be done. During this SB only function guidance and have no contact with the child. SB invites the police, the prosecutor, child welfare, and alternatively others institutions, to a consultation meeting before and after the FIIC. And the risk evaluation is a central point within this meeting. These kinds of meetings arise important issues for all of the participants including the child, with the meetings all actors know each other task. The risk evaluation can be important to settle how everyone shall meet the child, before during and after the FIIC. The police might change the questions if the child shows great risk to be stressed. At day for the FIIC SB ensure that everyone is taken good care of, the child in the waiting room, family and the different actors. Then the job for SB begins, they talk to the child and try to get an understanding of what the child might need of help afterwards. They make a map evaluation<sup>11</sup> of the child and establish the risk and challenges the child might meet. Statens Barnehus offers consulting but it is not mandatory so the child or parents can refuse if they want. But usually the child accepts the offer for help and wants SB to direct them to further help in their home town. What type of help will differ from how much the child need, some only need a follow up call, and some might need several hours of council with Statens Barnehus and some group sessions. However independent of how much help the child will have, he or she can always be sure that a person from the SB is ready to talk to them no matter what.

SB aims to protect children and their legal rights; they have the aim to give all the help the child need under one roof, and to encourage collaboration between different institutions working with abused children. SB is a place for everyone to seek information, also people working with children in different ways like child welfare, police, the children and young psychiatrics deviations etc. The workers at SB travel around and give lectures to other groups that can benefit from their knowledge on working with children that have experienced violence, sexual abuse or been witness to violence.

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<sup>11</sup> Map evaluation is a tool used by the workers at SB, they use this tool to make an overview of what the child would need after the forensic interview, like long term therapy from workers at SB, or help from the local welfare service, someone to talk to so that they always can express what they need. Or maybe some need more extensive help. The map evaluation becomes the tool for helping children moving forward after the forensic interview.

From 2011 the state of Norway ended the test round of project 'Barnas hus' and Statens Barnehus became the official name when the project became permanent. This gave an indication that SB was here to stay and they had an important function within children's rights.

During the last 2-3 years SB has managed to establish good relations to the different police districts and court districts. Some SB still struggle to get different courts to use SB but workers at SB can see a difference after they got video-conference equipment. With the equipment several court districts are more willing to send one representative and the child to SB and have others following on the video-conference from their own court house.

Today SB has the overall responsibility to coordinate when the judge has ordered FIIC "*SB was going to give better coordinating in cases with violent and sexual abuse*"\* (Bakketeig et al., 2012: 94). The coordination is especially important prior to the forensic interview, here all SB has different ways of doing this preparation: at some SB it will vary if the coordination happens from SB side, there if a difference in how SB has routine of contacting the actual persons one by one, typically with a phone conversation, some SB has a set routine to contact the actual persons and conduct a mutual meeting in persons at SB, by video link or phone. Based on the report from Bakketeig et al. (2012) three of the six SB has the function of contacting actual persons and conduct a mutual meeting "samrådsmøte" [Consultation meeting].

*Consultation meeting* invites; the officer conducting the forensic interview, the judge, police detective, defence lawyer, the consul for the aggrieved party (CAP), SB, and sometimes children welfare service. Today only SB in Trondheim and Tromsø has the responsibility for the group in their region. This brings the opportunity to council difficult cases with people that have knowledge and expertise within the field (barnehuse, Trondheim and Tromsø, 2011).

*Pre-meeting* mean that everyone that is going to be part of the FIIC is meeting 15 to 30 min before the forensic interview starts. The judge is the formal leader and the interrogator lay forward the disposition for the day, in the meeting the judge and lawyers have the opportunity to ask questions to the deposition, themes, questions etc. This meeting is meant to give the participants an overview and make sure that the interrogator not aske leading questions to the child. The meeting is important for the legal safety of the child it is here the interrogator can get feedback on wrong questions etc.

*The after meeting* is part of the further work that is based on how to make this the best for the child and define who is doing what for the rest of the process. In this meeting the judge and the defence lawyer are not present, so this meeting only includes the police, SB and the Council for the Aggravate Party (CAP). Here SB has the opportunity to give feedback to the interrogator; plan how to start the therapy in correlation with CAP and the child once again do not have to relate to several persons at once, which is the main focus for SB.

## **2.4 Developed research questions**

Based on SB and also the knowledge from the key informants there is two aspects of the role SB has when it comes to bring forward children's right to be heard.

The first aspect is based on how their daily function is influencing children and their rights. This include all from the design of SB to how SB does their therapy. SB is a place where different actors are gathered under one roof, one can from the practise question how this is working within the daily routine at SB. As one of SB main goals is to let other actors understand the aspect of taking the child perspective and to see behind the legal perspective. How this is working would be interesting to see in relation to children's right to be heard. Can both be included, or is it only possible to include one at the time when working with a legal case.

The second aspect comes from the interesting role workers at SB takes on when they become the child's voice in an adult world. It will be interesting to get an understanding of how workers at SB can take part of changing different attitudes, of viewing children that still exists within different institutions working with children. The findings indicate that there are some workers at SB might sit with their own attitude. Therefore looking in order to understand to how attitudes affect the children and their rights will be important in order to understand how to work in the best interest of the child.

Then one might see the next aspect arising, the dilemma of combining several perspectives under one roof, how does this work in the daily practise, on paper it seems to work well (see Bakketeig et. al., 2012; Stefansen et. al., 2012; Meling et. al., 2006). The government also gave workers at SB the role of spread information and contribute to new knowledge within different groups (Meling et. al., 2006).

## **2.5 Summary**

So far the chapter has presented that Norway as a country has focused widely on children in vulnerable situation, they started early with establishing laws to protect them, and had

special laws for different situations. Norway implemented the UNCRC in to their laws which meant that UNCRC had to be followed by the Norwegian law. When the UNCRC became legal binding for the people, Norway once again showed how much children are worthy in their society (Kjørholt, 2008). Statens Barnehus has taken on several responsibilities from the government and will still important for the further work with children. Their work are important for the children and the next of kin, they get a place where they know they get professional help and are sure that the child is taken good care of. SB in its self has some challenges, but most of the challenges are brought with when they combined the different institutions. Without SB work to make statistic number of the cases the citizens of Norway would never know the real picture; how many investigative interviews are done, how long it takes from abuse is reported to the investigative interview and so on. SB has contributed to much more awareness of the child's position within these cases, the work practice around the cases and also made the different regions understand how important it is to conduct the investigative interview under the right circumstances.





### **3 Methodology**

This chapter goes deeper in to the process of the field work and explain to the methods and where used in the field. Quality based research were the main method, with the “*goal to isolate and define categories during the process of research(...) The researcher expects the nature and definition of analytic categories to change in the course of a project*” (McCracken, 1988: 16). In-depth interviews<sup>12</sup> where used to give in-depth information and were based on adults working with children. Documents like the evaluation report of SB (Bakketeig et. al., 2012; Stefansen et. al., 2012) and the proposal of the project Barnas hus (Meling et. al., 2006), were used to gain a better understanding of how different institutions work with children and to get a more general perspective of SB.

The topic “*Field Investigative Interviews of Children*” was chosen as a focus. Whom was conducting the field work was decided based on ethical issues, access and the research question. Adults working with children were chosen due to the ethical issue of doing research with the children them self. The field work was carried out between August 2012 and October 2012 in Norway.

#### **3.1 Research site and sample**

The focus on SB was chosen since Norway is one of few countries that have established SB. When SB was established in 2007 the aim was to give children in a difficult situation a place where they could get the help they needed. Norway wanted to prevent that children have to deal with several authorities and institutions and to avoid that they have to tell their story several times. As said before in chapter 2, Norway has 8 established SB around the country. As shown in chapter 1 SB in Norway has only been evaluated once and never been research. Therefore is the site chosen to gain more knowledge about the work that is conducted at SB.

The informants were chosen strategically to gain the variety from different groups and to get the opportunity to grasp all of the aspects and processes within FIIC. The categories include the main actors involved in FIIC and SB: judges, police officers, workers at Statens Barnehus and others working in the welfare service. There is 1-3 from each of the work categories to gain more valid information from each category. All together there is 8 informants; this isn't a big sample but a diverse sample.

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<sup>12</sup> In-depth-interviews is the same as Semi-structured interviews, but I chose to use the term in-depth because in my opinion it gives a more valid description of the nature of the interview.

**Table 1:** Numbers of informants in the different work categories

<b>Work category</b>	<b>Number of informants</b>
Police Officer	3
Judge	2
Welfare Service	1
Worker at Statens Barnehus	2
Documents	3

All the informants are taken from the one district belong to the same SB, this was done statically to get a more diverse insight in how several actors around one particular SB though about the function of SB. Based on this sample it will not be possible to generalise the findings to apply to all of the SB in Norway. However, the evaluation reports from Bakketeig et al. and Stefansen et al. (2012) had samples form 6 out of 7 SB that existed at that time. This will be used as support material to the findings in this thesis and are referred to documents 1, 2, 3 in the table above. The chosen support documents are official document's published by the government (Meling et. al., 2006) and the review reports on Statens Barnehus published by NOVA in October 2012 (Bakketeig et. al., 2012; Stefansen et. al., 2012). The use of support document as part of the information is important in order to ensure that it is possible to generalize or not generalize new findings. Reading the documents the aim is to get a better and deeper understanding about SB function as the place of forensic interview. Support documents make it possible to compare new findings with earlier findings, giving a platform to discussion

### **3.2 Access to the field**

The informants was contacted by sending a general email to the office the desired offices and asked to get in touch with the right person. Through this method all desired informants were obtained and it was then possible to send them more detailed information about the research and ensure that they wanted to be informants. From August to October all interviews were conducted. The contact with the informants prior to the interview gave a insight about the informant, then it became important to obtain the objectivity when conducting the interview (McCracken, 1988: 26-27). The aim of being as objective as possible became a central focus during the research process and therefore it would be possible to argue that the impression of the informants did not affect the interview itself.

### **3.3 Preposition in the field**

There can be argued that it might be a preposition about the topic chosen for this thesis, this is due to earlier study that was mentioned in chapter 1. This study is based on the same general topic, but within a different theoretical background. The knowledge that was gained from the previous study might give a preposition about knowing the topic, this give also a benefit to have an insight within the field and within the thesis the knowledge was used to benefit the thesis. It became a focus of not focus on the possible preposition but instead use it to be more open to new answers.

### **3.4 Gathering of data**

The goal with these methods is to find categories that can explain the research questions in this thesis and to explain the phenomena that are found.

By use of in-depth interviews the thought was to create an atmosphere where the informants felt comfortable to speak about their work and experience. The topic for this thesis is in some way sensitive because it is often criticized by others, which might lead to some reluctance to tell for the key informants. An in-depth structured interview can encourage the informants to relax and see the situation more as a conversation than an interview. Kvale and Brinkmann (2009: 17) expressed: *“interview is an active process where the interviewer and the interviewee through their relationship produce knowledge”*. This is important to have this duality between me as an interviewer and the interviewee.

Within a conversation there is often movement in and out of a topic, to make sure all the information is gathered form each topic it became important to create an interview guide. The guide helps me as an interviewer to focus in the interviewee and not the aim of asking all the needed questions. Sometimes the informant could talk about two or three topics that within the guide and at different times than the guide had planned for it. With the challenge of making sure all information was collected even if it was brought up before then planned, it helped to not have a total structured interview. To have the guide beside helped to make sure the topics was covered and it also made it possible have a more semi structured interview. A conversation can change in one second and then I had to bring them back to the main focus (McCracken, 1988: 40). This was in some way difficult with the informants that was really interested and engage in my topic. The informants were usually very talkative and willing to share information; this willingness could sometimes mean that I had a hard time to interrupt with questions. Mainly I let the conversation go and instead went back later on if that was necessary, as McCracken says *“for what appears to be an*

*abrupt change of topic may be a simple and important piece of clarification*” (McCracken, 1988: 39). This willingness to talk can be seen as a normal conversation where topics left early might arise later on.

During the interviews it was asked questions that for some might be experienced as irrelevant. The questions were asked with the aim to get answers from the experts within the field and also to see if the answers varied between the different actors. One example is a question for one of the SB workers “*what effect does it have on the child that one doesn’t follow the 14 day rule?*”, then the person answered “*do you really need an answer on that?*”. The informants understood that asking these questions was important even if they didn’t always see the point.

The interview guide (see Appendix 4) was a tool to make sure that all the topics were covered. Having this guide was helpful for both me as the interviewer and the informants then it became possible to give the informant an outline of the interview, than the informant became prepared for what was going to happen. All interviews with the informants were audio recorded, ensuring that the interviews could be reviewed in the later work with the thesis.

### **3.5 Ethical issues**

The ethical challenge was great concern when planning which methods to use. Interviewing adults who were seen as experts in their field could create a power relation between the interviewer and the experts. To experience a power imbalance is not as unusual as one think. However normally it is the interviewer is that has the dominance:

“The interviewer has scientific competence, he or she initiates and defines the interview situation, determines the interview topic, poses questions and decides which answer to follow up and also terminates the conversation” (Kvale & Brinkmann, 2009: 33).

From Kvale and Brinkmann’s quotation there is possible to see the importance of taking control within the interview, at the same time not be too controlling. To make sure that this didn’t the focus within the interview became to be the person who wanted to learn from the experts and not the other way around. The structure of the interview gave the possibility to not focus on the questions but to have the focus of getting the information the experts wanted to share. Having such approach can help the informants feel more comfortable “*In reaction to the dominance of the interviewer, some subjects will withhold information, talk around the subject matter...*” (Ibid). Within the interviews that were conducted for this thesis, there was no experience of withholding information. This can indicate that the

interviews were conducted without any form of dominance from either the interviewer or the interviewee. In some of the interviews it was experienced some reluctance when talking about some of the topics; it could be that they didn't feel secure enough to answer or that it was best to answer the "correct answer". Even if some had this reluctance, there were also interviewees that weren't reluctant to speak their opinion; both sides of information were obtained. Both are important within the analysis part and it was not the impression that the reluctant answers gave poor information. The balance within the structure of the interview became important to make sure informants were comfortable to answer the questions asked, the method of not asking hostile questions became a way of keeping the atmosphere within the interview. In an interview setting one have to switch between the participation and the structure, doing this one have a better opportunity to get the informants answer but also direct the informants in to the topics you want. If one haven't had that structure then probably some of the informants would had avoided answering the questions they showed reluctance.

It can be difficult to understand if the reluctance and right way answers had something to do with power between the interviewer and the informant, but it can't be ruled out. In some situations the informants can see the interviewer a unknowing, that can have an impact on what the informant wanted to share of information (Kvale & Brinkmann, 2009: 33-34). There is a possibility to argue that reluctance is based on difficulties to criticize own profession.

To make sure that all of the ethical guidelines was followed, an information sheet and informed consent sheet were send when the first contact was initiated (Kvale & Brinkmann, 2009: 70-72; see Attachment 5). The informants did get a better understanding of what being an informant meant and got the knowledge on how their identity was being confident during the work with this thesis. By sending out this information before any one said yes to be an informant was helpful in order to actually obtain informants. Before the interviews the informants had to sign a consent sheet, in order to secure that they had understood what their rights where (Ibid).

### **3.6 Transcription**

In order to have the interview fresh in mind, the transcription was started within one week after the interview this gives the opportunity to remember questions, atmosphere and reactions from the interviewee. Kvale and Brinkmann wrote (2009) "*the interview is an*

*evolving face-to-face conversation between two persons; in a transcription, the conversational interaction between two physically present persons becomes abstracted and fixed in a written form” (: 177).* To transcribe soon after the interview the transcription becomes more valid. The reason is that one can remember more details etc.; if the informants were stressed before the interview or if the informants seemed to be uncomfortable. And least but not least the interviewer remember his or her role in the interview, something that is easy to forget because one are so focused in the setting and forget to make notice during the interview (Kvale & Brinkmann, 2009; McCracken, 1988). When transcribing words becomes: *“solid rock- bottom empirical data of an interview project”* (Kvale & Brinkmann, 2009: 178). If the transcription is done too late the impression of the interview might have become less clear and then the validity of the transcribing might decrease. All of the questions and analytical parts that arise when one transcribe are important information to bring within the writing up stage of the findings, is the answer from the informants what the informant really mean, does my transcription reflect the whole meaning.

The transcription was done in Norwegian and is translated when writing the thesis. This is something me and my supervisor has talked about and decided that there will not be lost anything when translating direct in to the thesis. However, doing a transcription things might be lost not because of the translation, but due to how the transcription is done (Kvale & Brinkmann, 2009: 183-184). The risk of losing some of the meaning are always present when one transcribe, but as long as the researcher aware of this when transcribing and analysing, it is possible to be able to keep the meaning.

Transcribing was in some way difficult because of poor quality in some of the audio records. But by listen over and over again to sentences where the audio was poor, it was possible to get an understanding of it. This work was time consuming; this was important work because it gave chance to think about what the interviewee said and how to approach the different answers. The transcription process was educational and gave the opportunity to do changes before the next interview.

### **3.7 Process of data analysis**

In order to process the empirical data collected, two methods was used in order to make meaning of the information, first coding the interview and then make categories. This can contribute to getting a clearer picture of what each interview means, to see what topics,

commonalities or dilemmas one can see within the same area. *“Coding involves attaching one or more keywords to a text segment in order to permit later identification of a statement, whereas categorization entails a more systematic conceptualization of statement, opening of quantification”* (Kvale & Brinkmann, 2009: 201-202). To use this method of approach for analysing can be linked up to how one work within ‘Grounded theory’, Glaser and Strauss (1967) was the first to start with this work, open coding can be described as: *“the process of breaking down, examining, comparing, conceptualizing and categorizing data”* (Strauss & Corbin, 1990: 61 ). This approach was the used in this thesis. During the coding process the experience using different codes for the same sentence became an important part of making meaning of the findings. Within data analysis it is a natural process to view several meanings within the same finding (Kvale & Brinkmann, 2009: 210). It is necessary to respect what is found and not adjust it to your research question. The method that was used in this thesis becomes different from the methods used in Grounded Theory because within Grounded theory one use the data that is found with no previous knowledge, and *“develops the codes through readings and the material”* (Ibid). In this thesis there was previous knowledge before conducting the codes and the aim was not to find new codes to make a new theory, but to find common codes that could be supporting or contradict to already established theoretical approaches and knowledge.

The risk to already have knowledge about what one aim to look at it become important to go back to the data and view the findings in a new sense. This gave the opportunity to always have a fresh mind of the data and let the data steer the analytical perspective. Having the data fresh in mind became an advantage within making connections and discussion, rather the only going through the data once. One can see through the hermeneutical approach that different persons can give different meaning to the same interview (Kvale & Brinkmann, 2009: 211-213). This can also be said to go for one person during a process, where one read, learn and gain more knowledge of the topic. One get new glasses during the process, what would be important to remember is that the first coding’s does not become less important. The first impression of the data becomes the first topics one want to address, during the process it might be that one view the data differently based on what one learn from the findings this makes the thesis more valid. Then it is possible to say there has been a process of making sense of the data.





## 4 Theoretical perspectives

Children is important part of the society, they are the once who is going to bring forward the existing society: *“The individual child, it would appear, emerges via disciplined, spatial implementation of the timetable which is stills a regularity and a rhythm in all the activities and task of children, including control of the material body through the performance of duty and style of life”* (James, Jenks, Prout, 1999: 55). The quotation argues that children do not only exist in order to become an adult. They have the right to be listened to, to be taken in to consideration, and be shown their competent autonomy. This way of viewing children did not become common before 1950’s-1960’s. Earlier children were viewed as incompetent individuals that often existed to provide for the welfare of the adults (Freeman & Veerman, 1992; Dwyer, 2006; Moosa-Mitha, 2005; Näsamen, 2004; Bjerke, 2012; Smith & Bjerke, 2009).

This chapter aims to provide an insight in different theoretical aspects central for this thesis. The chapter address how the view of children has change through time and how rights has become a central aspect of ensuring children a place in the society. The chapter address different perspective where children’s right will be seen to have a central impact; children’s competent, children’s relation with adult attitudes and the distinction between protection and participation. Children have rights within the human rights (Lopatka, 1992: 47-48) but they have for a long time lived without any rights that are only meant for them.

Dwyer (2006: 14) express the positive side of children’s right-talk:

“The result of doing this in part to inspire some such persons whose moral standing has previously been underestimated or ignored to demand greater respect of themselves and to resist oppression, but it also in part, perhaps principally, to grab the attention of those in power in a way that talk of good and bad or of their moral responsibilities does not”

Tom Campbell expresses: *“Rights are the language of the priority in the modern society, so that to exclude or limit rights for children is to render them vulnerable to the counter-claims of those who have rights”* (cite in Dwyer, 2006: 14). As expressed in those quotations there has been a change in society, children’s rights talk has become modern. Therefore will it be important to examine how children in the Norwegian society are given rights and how their rights are brought forward.

## **4.1 Children as social constructed**

Earlier child and young people were seen to be difficult to divide, often was adolescence confused with childhood (Aries, 1982: 27). Children were viewed as individual with the opportunity to take part in the society and they become young adults rather than children. Aries (1982) expressed this within the use of a common language for both adolescence and children. Children were never given the opportunity to be something else than adults (Woodhead & Montgomery, 2007: 6; Aries. 1982). Around the eighteenth century a change started, children started to be viewed as children. Children became in need for protection, innocent, depending on adults. Children were given a new significant as innocent and vulnerable with the risk of doing harm to children could be seen as an example (Haugen, 2007; Smith & Bjerke, 2009; Durkheim, 1982).

According to (James, Jenks & Prout, 1999) nineteenth century became the change within scholars in sociology, they research children instead of doing it *on* children they did it *with* children. Out of this a paradigm arise “new sociology on children and childhood”. The aim is to emphasise that children have ability to give valuable information about their life. The next paragraph will address relevant discussion based on changes occurring in the thought of the children.

### **4.1.1 Being vs. becoming**

Earlier children were viewed as equal as adults but possessing lower physical abilities, children were often referred to an individual who was becoming an adult through the learning they got through learning. Emil Durkheim (1982) a scholars that viewed children as becoming: “(...) *it is the period of growth, that is to say, the period in which the individual, in both the physical and moral sense, does not yet exist, the period in which he is made, develops and is formed*” (Durkheim, 1982: 147). The thought of viewing children as becoming can still be seen to be part of how children are viewed in today’s society, but as a result of the new paradigm children are today more often viewed as being: “*recent conceptualisation of children suggest that children, while different from adults, are competent social actors and contributors to their own lives and society now*” (Smith and Bjerke, 2009: 17). The child is gaining a position in the society where they now are seen as competent, independent, and individual with insight of their lives.

Even if children are seen to gaining better position in the society, children can still experience vulnerability towards adult power, adults can be seen to be the individual who has to take on the responsibility of forwarding children’s right. The challenge can be when

adults already possess different competences about children. A discourse can be understood as: *“a regulated conversation, which includes terms in the line of sayings, institutionalised practitioners, as well as the historic and cultural given rules. This controls the conversations content and form”* \* (Lindgren, 2007: 343; Thomsen, 2007)<sup>13</sup>. The challenge of attitude will be discussed further later in this chapter.

The question can be is the child a becoming or a being? Children might possess both positions, because children do live a life were they are learning to be a citizen, and at the same time children possess knowledge that make them a being in the society (Kjørholt et al., 2009; James, 2009). Therefore it can be reasonable to ask; when do children stop being children and become an adult? According to Jens Qvortrup (2000), adults never really leave the childhood it is only transformed in to an adult way of being a child. This indicate that all adults still are becoming an adult and not jet a fully being, the thought that adult view themselves as fully developed might be seen in light of their position in the society. The aspect of being a person who has more knowledge then other can give a feeling of being more developed and competent. In relation to, it would be interesting to focus on how adults view children. This will be central in understanding how SB as an institution views children. Based on the understanding of SB function it is possible to give an indication that SB is a place where children possess both qualities as becoming and being. SB preserve children’s being at the same time protect children through the view of still becoming. Therefore it will be interesting to examine if this impression is found in the data collected for this thesis.

## **4.2 Children as citizen**

Agency and autonomy are two key terms related to citizenship. Children become the social actors: *“children are and must be seen as active in the construction of their own lives, the lives of those around them and the social structures and processes”* (James & Prout, 1990: 8). This definition gives the impression of children being active actors taking part in their own life and others, doing so children express their agency and autonomy. Freeman (1992) express that rights gives the ability to demand a place in the society as a citizen, therefore will rights be an important topic to focus on. Children’s agency can be viewed two ways: children use agency to get knowledge and to learn about the world, or it is not the individual child but the child as a member of the generational category of children that can

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<sup>13</sup> I am inspired by the discourse framework, but will not go to deep in to the analytical part of the term, I have chosen to do so, so that I don’t complicate the brief understanding I want to give.

express agency (James, 2009: 43). *“The concept of generation is the key to understanding childhood. This means that the adult research who wishes to research with children must confront generational issues”* (Mayall, 2000: 121). This implies the aspect of understanding what has been before to be able to understand what is now. If this is transferred in to applying rights, then it is possible to argue that without change rights for children would maybe not have become a focus of today’s society.

From the book “The ideologies of Children’s Rights”<sup>14</sup> Michael Freeman discuss the limits of children’s rights. In the discussion Freeman calls for attention to the *double standards* of children’s rights. Like for example voting; most western countries have set a limit at 18 years old to vote, mainly given the reason that younger children are: *“Incompetent to exercise the responsibilities and discharge the obligation associated with full citizenship”* (Freeman, 1992: 35). What Freeman express is the duality of giving children certain competence and adults certain competence, as Freeman express, is a person at 17 years and 354 days less competent than an 18 years old (Ibid). The double standard can be linked in to this thesis where there is talk about children’s ability to understand the situation and surroundings, if actor possesses the thought of young children being incompetent then how can children being taken seriously? The theoretical perspective gives a good insight on how difficult and dual children’s rights can be; the duality can be seen between educative vs. protecting vs. choice. It is understandable why many countries and adults might have difficulties implementing children’s rights in to a world steered by rational, competent adults. They present children’s rights from two different sides, where one is more focused on how children are accepted in the society, that children also have a place within rights, but at the same time shows the restrictions children can have when it comes to experience, knowledge and responsibility. The second side is children’s rights through a more personal view, where have children right when it comes to their ability to be part of decision of living arrangement as an example. How much are they allowed to take part in such decisions and why children should be included and what might be the negative sides from both the child’s perspective and the adult perspective. The findings above showed that children possess a higher competence that has given an indication to how competent and knowledgeable children actually are.

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<sup>14</sup> Where Freeman is one of the editors and contributors.

What effect has the thought of competent child: *“giving children’s right is the same as empowering a weaker part of the society”* (Freeman, 1992: 34). According to Freeman competence comes with power, and adults might fear that competent children take over adults’ position in the society. The aspect is supported by Dwyer who argues talking about rights might: *“encourage people to think that the proper relationship between themselves and their children is the abstract one that the language of rights is smidd to suit”* (Dwyer, 2006: 13). The fear of children creating a change in the society is supported by Durkheim (1982) who viewed children as a threat to the harmonic society. Even if a child is competent or not, they are still part of a society which focusing on forwarding human rights and equality: *“The view I put forward is premised on the need of respect individual autonomy and to treat persons as equals. It is not dependent on actual autonomy but in the capacity of it”* (Freeman, 1992: 37).

The fear adults show can indicate a conflict between two groups existing in the same society, a term used for this in the discourse analysis is: ‘Antognismer’ (Thomsen, 2007: 187). The duality of Freeman is that even if he forward children’s rights he still view children as becoming and not beings. Freeman express that children has right and autonomy, but there will be time before children manage to steer the rights themselves. Therefore adults needs at some point to make decision on behalf of the child, but when the child has grown older they would understand why the adults did as they did (Moosa-Mitha, 2005). Adults role becomes complex with both possess the power over children and the power of being the individuals forwarding children’s right.

Along with Freeman, Dwyer (2006: 160) argue that there is a need for discussion around decision making and protection:

“Reasoning about what specific legal rules might best effectuate children’s moral rights entails addressing the question of who proxy decisions maker should be in any particular context where proxy decision making is appropriate”

Freeman expresses the importance of children’s rights at the same time as children being too young to be ready to gain and claim their rights:

*“Too be shielded against in the assumption that we would want to mature to a rationally autonomous adulthood and be capable of deciding on our own system of ends as free and rational beings? We would, I believe choose principles that would enable children to mature to independent adulthood”* (Freeman, 1992: 38).

This view might be said to contradict somewhat with the sociology of children, they expressed that children at any age have the capacity of using their autonomy and gaining their rights. They also recognise the restriction of age and maturity. Freeman forward the limitations of children that indicate rights would only exist when the children are able to act rational and competent. For this thesis the dilemma of age will become an important focus because children from 3 to 16/18 years old have the ability to use forensic interview. It will therefore be interesting to gain an understanding of what children really are capable of understanding, this will now be addressed.

#### **4.2.1 Children own view**

In 2003 there was conducted a research which focused on children as citizens, they aiming to gain understanding of what children them-self meant about citizenship and how they understood the term. This project showed that most children have an understanding of what rights are and what the different rights means, they also understood what a citizens meant and could express what they meant laid within the term (Taylor & Smith, 2009). In Norway however they found out that most children never had heard the term citizenship [Samfunnsborger]<sup>15</sup>. By dividing the term, however, the children understood and managing making sense of Samfunn[society] and Borger[citizens]. There was suggested from 14-15 year old was “*You are in a way a member; or what I am going to call it, in a society*” (Kjørholt et. al., 2009: 114). As argued within the sociology of children and childhood, children have the ability to understand difficult questions if the context allows them, and doing this the adults act incorporate with the UNCRC article 12, where children have the right to participate, participation is more than only speak orally, it also involves let the child have the opportunity to think about a question, situation and then express their opinion and not only focusing on the perfect answer but the content of what the child is saying.

How children understand their rights is mostly based in age, ethnicity and class: “*Melton and Limber (1992) found a progression with age in children’s understanding of rights from egocentricity towards an understanding of universality of rights*” (Smith & Bjerke, 2009: 28). Melton and Limber found, by primary grade most of the children had a substantial knowledge of legal process (Ibid). Children’s general understanding of rights might be reasons to why children today claim their rights and express the: “*lacked*

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<sup>15</sup> They used Samfunnsborger because that was the Norwegian term closest to Citizenship.

*autonomy and inclusion in decision-making*” (Ibid: 29). In Norway the wish to be included in the society has been met by the government (Kjørholt, 2004; Meling et. al., 2006).

### **4.3 Adults view on children**

An individual adult can set grounds to how children are talked about, adult bring forward aspects of attitudes that exist in the society: *“First the language that is central, because the language is solely capable to bring in a meaning in to the social actuality”* (Thomsen, 2007: 181). The curiosity of wanting to understand children gives the foundation of changing different attitudes, this can be seen in relation with making new terminologies about societies categories: *“When new terms are invented, the term will at the same time be given a firm meaning”* (ibid). A result of the changes can be seen in the establishment of forensic interviews and the UNCRC.

Giving children rights might challenge adults power position, children can start questioning adults (Freeman, 1992; Dwyer, 2006). This becomes an important aspect for the thesis since the data is collected from adults and not children. Can the child become self- focused and belligerent instead of taking part in the community and obedient to the adults (Dwyer, 2006: 13). This can be seen to be important within this thesis, examine of children at SB takes on their rights.

On the other hand some might say that giving children rights can become a burden for the child;

“Consult young children is to confuse and worry them, and the duty of care manse just that- adults caring for children by not passing responsibility on to them, but letting them enjoy some years of carefree innocence” (Alderson, 2000: 138).

A child should not have to go around and always feel they have to ensure their rights are upheld. For many children it is important to be seen as a person who have their own mind and have the ability to speak even if they experience difficulties, giving children rights can be a way to show children respect and dignity. Within SB this will be important, actors involved have to be open to learn and listen to children’s perspective to be able of forwarding children’s rights.

The aspect of equal treatment can be seen to be important for both Dwyer and Freeman, a child deserves to be treated equal as an adult witness. The children become equal when adults view children’s testimony at the same level as an adult. If a child should be treated as equal like adult in similar situation, then there should not be any need for SB or forensic



interview. Here the saying “unequal treatment is equality” can be relevant, because for a child to be treated just as an adult would not be equality, instead the child is treated the same. It becomes important to differ between same treatment and equal treatment:

“(…) if we are to respect children as equal persons, we must extend the moral assumption to them also. That is, that their interests matter as much as do adult’s interest in the state decision making (…) Thus, the equality of children’s particular relationships appears to impact their well-being more fundamentally than adults’ relationships impact adults’ well-being. Quite plausibly, then children have a greater welfare interests at stake in connection with decisions that states make about their family lives than adults have in connection with decisions they make about their own relationships” (Dwyer, 2006: 127-129).

In this thesis the term state refers to include the official workers; police, judges, SB and other institutions, the reason is that they are founded by the government, and the government are the one to give the state institutions their guidelines.

#### **4.4 Protection vs. participation within the view of rights**

Freeman view rights and competence as a duality within recognising the child need of protection at the same time children’s autonomy (Freeman, 1992: 37). Today many are still in doubt of how much children should be engage when it comes to talk of rights, should they be given the opportunity to stand on their own feet and step up against the adults, do we have the ability to ensure that children get their rights? The work of Freeman illustrates the challenges following children’s rights: “*The international world to ensure that all countries are able to carry out their obligation to children*” (Freeman, 1992: 41). Freeman express that the challenge of rights cannot be the main of the reason to why children do not get their rights, individuals must work towards rights and not away from it since children today are entitled to have rights (ibid: 43). The establishment of SB can be seen as an action of moving towards rights and not from them. To ensure that children get the ability to participate they need to be protected to the extent that children’s rights are brought forward in all situations. Here the duality between protection and participation is expressed. Protection can be act out in different ways: “*Both the welfare-based and the autonomy-based analyses generated the conclusion that children are morally entitled to both interest protecting legal rights, at some point, choice-protecting legal rights*” (Dwyer, 2006: 129). Interest protecting will mean that they get their interest included and taken in to account, while choice-protecting will be that the person’s interest is determinative.

Protection of children can also be viewed in the sense of custody cases; they are often seen as private matters even if it goes to arbitration. Privacy has always been valued high and

important in the Norwegian society (Barnevernloven, 1993: §4). The issue of going in to a private sphere might challenge the idea of giving privacy and also letting the private person's be part of the decision. Then it might see fit to ask; privacy to what extend? When children are abused do not they have the right to be protected from that potential harm (UNCRC, 1989: article 36), it is suitable to question which right are most important. There is probably no right or wrong answer because they are equal important in their own way, as Dwyer (2006) express, a child should have the opportunity to have their privacy but at the same time a child need someone to help them with difficult situations:

“Positive rights for children will be the right to assistance”

“Negative rights will be the right to be left alone” (Ibid: 17).

Children can get the opportunity to demand more, and this will be important when talking about sexual abuse and forensic interview. Children who understand their rights and have the ability to express them are more likely to also to tell if something is wrong, children get the ability to: “*demand greater respect for them*” (Dwyer, 2006: 17). SB can be part of preserving children's right and therefore also preserving children's position within the society and then protecting children's possibility to participate.

Before children's rights were established, the only entitlements children had to rights been the right to: “*autonomous parents*” and the belief of: “*citizens in individual freedom and human dignity*” (Freeman, 1992: 30). This phrase makes Freeman question freedom and dignity for whom; an important aspect is the society still aims to: “*cling to the cereal packet image of the family*” (ibid). The freedom and dignity can be said to be meant for adults and not children. Such thinking might become damaging for children, especially when the focus is on abused children. The children need rights even if those rights challenge the view of the family and adults position, therefore can the establishment of SB be seen as important. Freeman also point out on another myth of children being innocence, this argument expresses the old view of children. Today children work, help out at home, goes to school etc. and all these places are today places they should be given rights. This gives the impression of children becoming more independent. When children get the opportunity to exercise their voice within decision then they will be more able to make decision because of what they learn. When learning, adults must be open to the risk of children making a wrong decision. Should adult stake the risk of letting children being

more participant or should children be more protected to make sure they still can have their childhood without worries.

In the discussion of protection and participation the perspective of dependent and independent becomes another side of the discussion. Adults are dependent on work and money to get food and shelter, but they are independent to choose what kind of work they want and most the time how much they want to be paid. The thought that this goes hand in hand is common, but why is it so different for children, when discussing children's abilities to make choices, decisions adults are often express the side of children being dependent on the adults (Dwyer, 2006; Freeman, 1992; Verhellen, 1992; Sutherland, 1992). Why cannot children be dependent and independent at the same time is difficult to say since adults obviously can, a reason can be that children are more dependent than independent, it can therefore be difficult to understand how a child can take care of them self without any help. But is that the point, that the child able to take care of them self, or is the point that the child is dependent to be taken care for and independent when it comes to understanding the world, making up their mind about a topic, to express their meaning and participate. Agency and dependency inhere in the relationship between individuals and are not opposition to each other (Alderson, 2001; Smith & Bjerke, 2009: 18), this shows that a child can be competent and act out their agency at the same time as being dependent to adults. To express their agency they need the society to let them gain it (Näsman, 2004; Smith & Bjerke, 2009; Bjerke, 2012; Alderson, 2008).

The theoretical perspectives has shown different perspectives to why children should have rights; equality, respect, dignity, protecting and understanding (Dwyer, 2006; Freeman, 1992).

## **5 Statens Barnehus: environment and practises related to forensic interview**

In this chapter I will address the focus of practises related to forensic interviews. With the increase in numbers of cases at the different SB (Bakketeig et. al., 2012; Barnehusene, 2011), it is important to gain understanding of how SB have an impact children's right to be heard. Most of the informants mentioned SB has been improved children's position and the process related to the forensic interview. The following quotation illustrates a view common for my informants:

*“The positive is that we manage most of our task. The evaluation reports say we are a success”* (Worker at SB)

At the same time findings gave another side of the practise at SB, the impact on forensic interview might not be as visible as the quotation above indicates:

*“I think that SB is working really well, or it is very good, but I used to conduct several forensic interviews in the court house before SB came. And I can't say that children told me less, so how big effect it has is actually hard to know”* (Police officer)

The quotations above illustrates that SB has brought in a better way of function around forensic interview. At the same time there are shown discussions around how the impact SB have had on children's right to be heard in the forensic interview, the same issue are shown in Bakketeig et al. (2012). Either way there were some topics that continuously was brought up by my information, physical environment, the importance of distributing information and the issues of practises around pre-meeting and consultation meeting. The topics will be the focus of this chapter.

### **5.1 The impact of physical environment**

When the planning of establishing SB, the government made a mandate for the environment should be developed:

*“The project group find it to Barnas hus the advantage of the house is localised in neutral environment, without giving associations to police or hospital. The premises should not be institutionalised and it should be chosen to take good care of the anonymity as best as possible. The workers at SB should have offices that have the possibility to have individual therapy. Barnas hus shall at least have one room that are appropriate for groups/family. All of the rooms shall be child friendly, and the waiting room should be equipped in the way so that children can feel comfortable. One have to take in to account that children at all ages is going to use Barnas hus”* (Meling et. al., 2006: 48)

The mandate emphasize that the environment at SB shall be child friendly with the aim of giving children a comfortable feeling. It is interesting to see how SB has approached this mandate. One police officer that preformed forensic interviews in court rooms reflected on how it was for the child before SB was established:

*“At the law of court they arrived in a cold hall, no one talked with them [children and those following the child] afterwards, just said more like ‘that went well, now you must speak with the CAP’. Then went home and wondered what happen next [The child]”*

The child friendly environment is shown in Figure 1 and 2 below (www.statensbarnehus.no). One informant said this about the improvement with SB:

*“(…) In the law of court there was no nice chair, non with nice white fur on it”*  
(Police officer)

*“But I think it is better like it is now, because you feel more taken care of”* (Police officer)



**Figure 1:** Picture of an interrogation room at one of Sb houses with a comfortable environment, you can see the fur on the chair.



**Figure 2:** Picture from a waiting room at SB. Toys, furniture for children is observed making it more child friendly.

This quotation indicates that the establishment of SB has brought forward a more child friendly environment, the findings is also supported by Bakketeig et al. and Stefansen et al.(2012). It is based on what the findings has shown to ask; how much effect has the physical environment had on the forensic interview? The beginning of this chapter gave an indication of a dilemma between adaption and practises of getting children to tell. The

adaption of the interrogation room can give an indication of the difference between the process related to and the main forensic interview:

(Worker at SB): *“the forensic interview room is neutral as you can see, and that is deliberate”*

The importance of having a neutral ground is also presented in the mandate; the premises should be neutral and child friendly at the same time (Meling, et. al, 2006). The focus of neutral room illustrate that both the government and the workers at SB view child friendly approach important way without taking the seriousness out of the forensic interview. It becomes visible that mixing two perspectives might become a dilemma within SB, this dilemma will be brought up for further discussion in chapter 6.

It is not only the physical environment that has changed after the establishment of SB, the technology has also changed as emphasised by the quotations below:

*“It was poor technology, I often had to repeat what the child said, and because I knew that those in the judge rom could not hear as good as they should, so it was a bit difficult to always having to repeat what the child said. It becomes difficult communicate”* (Police officer)

*“Now the techniques is in place, everything around it and so are the children, after SB was established”* (Police officer)

Adaption of more child friendly approach includes more than just adaptations of the forensic interview. These quotations can be seen relevant with similar findings in Bakketeig et al. (2012: 123), the whole aspect of adapting gave the child a feeling of being safe and taken care of. The adaption that has been implemented is according to the guide lines given by the law:

*“The interrogation shall take place with satisfying technological recording equipment, and where the condition are in place that others can watch from a side room, if not consideration to the witness or aim with the testimony speak for having it another place”* (Dommeravhør og Observasjon, 1998: §2).

The use of the right technological equipment becomes an important part of respecting the children’s right to be heard, this is also supported by the findings within my data:

*“(…) it goes on children’s legal rights, that everything around is in order, ehh... the forensic interview can be as good as it can be, but if one doesn’t hear what the children are saying then it won’t be good enough”* (Police officer)

Similar perspective is found in Bakketeig et al. (2012: 129), there was given an example where one SB had challenges of too much noise coming from the outside effecting the forensic interview. The disturbance contributed to give poor quality of sound on the audio record listened to by judges. The adaption can be seen to be important in order to be able to take care of the child's legal right to be heard. Adaption also illustrates a contribution to the aspect of taking care of the child: "*children will be taken care of within safe environment and by competent workers through the whole process*" \* (Meling et. al., 2006: 45). According to the quotation it can be illustrated that the work of adaption can be expressed through the focus of wanting to protect the children, this will be addressed later in this chapter.

## **5.2 The impact of perceiving information**

To give out information to any kind of individual within any form of situation will always be important to include individuals, and for children this will be just as important. Article 13 of the UNCRC emphasis that distributing information is an important part of preserving children's right:

"The child shall have right: to freedom of expression [including] freedom of seek, receive and impart information and ideas of all kinds, regardless to frontiers, either orally, in writing or in print, in the form of art or through any other media for the child's choice" (UNCRC, 1989: art 13).

One of the aims of SB is to making sure that the task of distributing information is taken care of (Stefansen et. al., 2012, 94; Meling et. al., 2006: 46). This indicates that distribution of information also becomes an important responsibility for SB. The theoretical aim becomes that all children and adults using SB shall get enough information to know what the process is. In my data there is an indication that the theoretical practise is not working in the daily practise. One informant said this about their daily routine:

*"Children are welcomes in this hall, this is adapted to the child, and then we lead them to the waiting room. Here we give them information about what is going to happened through the day, this is also part of our role. Some of the interrogators like to be the one who welcomes the child, and it is them who go out to meet the children"* (Worker at SB)

The quotation above gives a picture of how the practise good intention practise can become bad practise; the aim of informing children is also supported by Stefansen et al. (2012). Stefansen et al. (2012: 95) detect some difficulties with the different practises at different SB:

“No got 8 % from the children and 6% from the adults. Yes, a little had 58% from the children and 67% from the adults. And Yes knew mostly everything had 34% from the children and 27% from the adults”

The next question was; got the child information at SB?

“No said 3% of the children and 6% of the adults. Yes, about something’s had 54% from the children and 48% from the adults. And Yes about everything had 43% from the children and 46 from the adults”

The numbers show that even if the intention is good, there are several issues that might be improved. When 8% of the children did not get any information, there are some challenges. This can be linked to the importance of being taken care of and taking on the child perspective. The dilemma of not giving some children enough information might be linked up to the challenge of resources at SB:

*“(…) then we distribute whom of us of the councillors shall be taken part of the forensic interview (….) then it varies if it the person who is in charge of the case that welcomes the child or if it is someone else[workers at SB]. This is a practical puzzle” (Worker at SB)*

The quotation above is a good example of how difficult it can be for the workers at SB. This raises a question of how serious workers at SB and the government take the child’s right to get information and be heard when it is clearly seen that at least SB struggle with doing their job due to lack of manpower:

*“(…) so that we know who is at SB at all time (….) and to be the door opener for everyone” (Worker at SB)*

The two quotations above gives an indication of time as an obstacle for the workers at SB. Workers has the aim of giving information to all children and make sure they all are welcomed as supposed. When the findings indicate that the good intention of the workers is not brought forward in the daily routine, is it right to implemented different treatment to some children. The aspect of working in the best interest of the child can be questioned. When the aim of SB is always to have the child in focus, then not giving information can be indication that they do not have the child in focus at all time.

The aspect of different practises might be linked to the role of power between adults and children. It is through the distributing information that will give children understanding of why they are at SB and what will happen while staying there (Stefansen et. al., 2012: 94). It is also supported by different scholars who emphasise the importance of giving out information before conducting research (Ennew et. al., 2009; Kvale & Brinkmann, 2009).



Not informing thoroughly can create a situation where the SB workers as some power over the children. According to Dwyer:

“In many contexts, certain adults are legally empowered to force their association on children, without actual consent by the children and without finding of circumstances such that it is reasonable to assume the children would consent if they were able or, what might amount to the same thing, that it is in the children’s best interest” (Dwyer, 2006: 79).

What Dwyer bring forward here is that some adults can force their relation on children, and this can be transfer in to distribution information. When children do not get information they do not get the opportunity to understand situation. It can be said according to Dwyer that children are then not prepared and able to give their consent to what is happening at SB. Not giving information can weaken the relationship between the child and the worker at SB. It might also have an impact on children’s testimony, because information is also assumed to have an effect on the testimony (Stefansen et. al., 2012: 94). This implies that workers at any SB do not give enough information, regardless of the reason, they deprive the child their right to be heard in any situations. This is supported by Pricilla Alderson, she expressed how important information become for the child: *“Otherwise, children might feel used and not properly consulted, either over the method, they expected to work with, or about the purpose of the consulting”* (Aldreson, 2000: 175).

To give children information can be seen as the first step to show children they are viewed as worthy and competent. Durkheim (1982) saw the child as a threat to the society harmony today some might view children as a threat to take over with their knowledge and rights. When it comes to abuse information can be seen to be an important step towards minimising abuse, one informant mentioned how important information is to the children:

*“Today they gain information from all over the place, the internet, brochure etc. here they gain an understanding that mum and dad can’t hit me and if they do the child manage to stand up and tell somebody else”* (Worker at SB)

Working to chance attitudes of some actors, it might be at the same time changing affect children’s understanding of their rights. Distributing information can also be understood in relation to change attitude and to make individuals aware of children’s position.

The aspect of giving information is not only limited to be about showing children that they are competent to be given the information; it has also a function of consulting the child so that they know what to expect. An example of this is given below:

*“(...) like the girl I had on tour at SB last week, she has a traumatic history all the way back to she was born, she was born in to misery, with fear, drugs, violence and abuse. She dissociates and falls back, so she gets these baby periods and play like this etc. She falls out of the role a grown up girl, so we talked about that when she comes in contact with toys for children she falls quickly back again. So she meant that it might not be the best idea to be waiting in the room for children, because then she turned four again, then she wouldn’t be able to say anything, she will be a child. The big girl needs help to stay big so that she can tell what she has experienced. What we figured out was that she could sit on the neutral couch out in the hall. So she got help to stay big, and could get to play after wards as a reward”* (Welfare service)

The example show how the girl gets the opportunity to get the information on how the whole process worked and she saw that it wouldn’t benefit of being in the waiting room, so she got the information she needed and could make up here own opinion on where she would like to wait. This can be an example of how information can be part of a child’s decisions. The findings give an indication with information more children come forward with abuse due to what they have learned about their rights:

*“(...) Children don’t put up with things that children did for 10-20 years ago..... Children are more enlightened about their rights, what is right and wrong, and they have a clear view of what they can put up with”* (Police officer)

This gives the children a position of power, if children feel that their parents love them, children are still in the position to go against and claim their rights. The increase of empowering children’s position is also an indication towards why some adults are sceptical to talk about rights for children (Dwyer, 2006).

From the findings it is possible say that the workers intentions are good and they try to take the role of information giving important. There are several aspects which interfere and make their task difficult. Based on SB aim to distribute information it is possible to argue that their work of forwarding children’s right to be heard are not fulfilled, even if there is only a few present that is not resaving information and the practise varies from each of the SB.

### **5.3 The process related to forensic interview and children’s rights**

The aspect of the process around forensic interview could give an indication on how the different actors working within forensic interview view children’s rights. In this paragraph I will explore further the function of SB by looking at the different stages of the process related to the forensic interview, I start by examine the meaning of the pre-meeting before I look at the consultation meeting.

### 5.3.1 Pre-meeting

Pre-meeting aims to make sure that judges have counted for everyone that needs to be in the judge room are included. This is to make sure that for instance the child protection is included when needed:

*“(...) to ensure that everyone that needs it is there, like the child welfare. Especially in those cases where the parents are suspects (...)”*(Worker at SB)

To have this as practise can be seen in light of taking care of the child, the practise lets the children tell their story once. The practise can be said to be part of preserving children's rights to be heard. This can be supported by the mandate from 2006:

*“The right to copy and to be present is an important premise to making all of the actors collaborate, like to be able to have a fats picture of it is need for actions from the Child welfare protection side, and if the child has a need for treatment or special follow-up without that the child has to relate to several institutions or people” \**  
(Meling et. al., 2006: 47)

One of the informants' also questioned the practise of not including parents (giving that the parent is not a suspect) or guardians to sit and listen to what the child is telling. The informant saw that this would be an important step to also let the persons who is going to take care of the child after the case; the persons get the possibility to know what happened to the child. The inclusion of guardians can be seen in light of respecting children's right to only tell the story once, and it might give the guardian answers they were looking for. The aspect of including parents/guardians has since the Bjung-case been a non-discussion, it can be seen in light of the influence the parents had on the children and their story during the Bjung-case (Kringstad, 1997). The validity of the child's testimony might be less credible due to the influence of parents, and it has in today's practise become important to prevent influence to protect children's legal rights. Based on what some informants brings forward it can be seen that the question of letting the parents/guardians be part in the judge room, is a discussion that should be discussed within the view of ensuring children's right to be heard, especially since the law is not actually preventing this practise.

Pre-meeting has several functions and one can be seen in light of adapting the forensic interview, to make sure that one conducts the forensic interview as child friendly as possible and also making sure that the testimony becomes as valid as possible. How to manage to include both aspects within the forensic interview?

*“Before the forensic interview we have a pre-meeting, where we go through questions... how the interrogator plans the interview, and then I think they have an*

*open approach. So that it is planned to have open question formulation as possible. (...) it will be an assessment after on how should interpreted the answers given on leading questions. That becomes our assessment as the judge” (Judge)*

*“(...) often the interrogator has made a disposition that is handed out in the beginning of the meeting, then we can see what they have planned and that is use full. Ehm... and then I can sometimes say that it is important to not ask any leading questions” (Judge)*

The quotations indicate the importance of not taking in use leading questions. This focus in today’s forensic interview can be seen in light of the conducting practise in the Bjung-case. After the case it was seen that many of the forensic interviews was conducted with many leading questions, this made the judges question the validity of what the child said. The impact might be that children who expressed their story were not listened to, in light of how judges asked the questions at that time (Kringstad, 1997; Skjørten, 2000). Today’s meeting practise gives the judge a possibility to give guidance about the planed questions. The role of the judge is to make sure that the right questions are asked and that the child’s testimony becomes as valid as possible.

*“Important (...) so that the value of the witness evidence is best as possible. It should have the best quality so to say (...). It is also important that the person who is interrogated ergo the witness express their story without any leading questions. If you ask leading questions it will be used against you, by the defence lawyer (...). The way to ask questions and explain becomes important to get good evidence” (Judge)*

It shows that the practise of giving good guidance becomes as, however the findings give an indication of dilemma between different practise within one SB:

*“Then the different courts have different practise, some have pre-meeting where they go through the case (...). Some judges use half an hour and some just five minutes (...)” (Worker at SB)*

Similar finding can be found in Bakketeig et al. and Stefansen et al. (2012), where several workers at SB experiencing different practises of time used on pre-meeting: *“(...) Most of them say just go for it” \* (Bakketeig et. al., 2012: 96)*. Based on my findings and the findings from Bakketeig et al. and Stefansen et. al., it is illustrated a dilemma between what the theoretical perspective should be and what the daily practice is. Again the aspect of time as an obstacle becomes visible, the time in the example above can be seen in light of actually minutes but. The dilemma of time will be addressed later on in this chapter. Again there is a visible difference in practise given to children it is arguable to say that the perspective of including given mandate in to the daily practise becomes difficult at SB.

Haugen and Minna (2010) they researched the aspect of arbitration of custody cases, they found that due to the possibility of interpretation of the mandate many judges didn't follow the mandate given by the government, and instead interoperated it to fit their daily practise.

So far the practise of using pre-meeting has been presented, now the chapter will present how SB have taken on a different way of meeting and learning about the children coming to SB. Based on numbers from Bakketeig et al. (2012) 3 out of 6 of SB<sup>16</sup> has taken in use of consultation meeting.

### **Consultation meeting<sup>17</sup>**

Consulting meeting has the aim of giving the different actors; information about the child, the information is given to get a better insight and understanding of the child. One example can be to understand the child's oral development, if the child has slower development than other children at the same age. The case about the girl who had to be helped to stay a grown girl can be a good example of how important it can be to know the child before they come to SB. Gaining knowledge about the child's abilities, like vocabulary ability, functional disabilities, and developed skills. This might give an opportunity to plan ahead for both workers at SB and the interrogator. The ability of planning can be seen as a way of adapting the forensic interview, this is supported by Alderson and the way of using play as a tool to consult children and how a method can be interoperated differently by the adult and the child:

“Researchers planning to interview children aged from eight years about how they felt they were involved in the decisions about their major surgery decided to use hospital play set and art work. The aims were to help children to express themselves and to help them and perhaps the researcher) to feel relaxed and comfortable when talking about stressful topics” (Alderson, 2000: 174).

The children showed their willingness of wanting to be treated like the adults:

However, the children were not interested in toys; rather they wanted to be interviewed as they had seen people talking on television. Many seemed very pleased to have a chance to tell their story” (ibid).

According to Alderson giving children the ability to be part of the so called adult world becomes an important aspect for the children. It is possible to argue that FIIC is such arena where they talk with the children, but gaining a better understanding of where the child

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<sup>16</sup> The research was conducted with 6 out of the 8 Statens Barnehus existing in Norway. The reason is due to that the number 7 was too new when the research was conducted so that they didn't have enough establishment for evaluation, and number 8 was established after the report was given out.

<sup>17</sup> [Samrådsmøte]

stand in development, abilities etc. might help the interrogator to adapt the interview as expressed by one of the informants. My data has showed some contradiction to what Alderson present, the findings indicated that instead of children wanting to be treated and asked like adults. The use of different tools became a method to give children different opportunities to tell their story. From the aspect of sociology of children an childhood the police officers at SB takes in use recommended research methods like the *Mosaic approach* (Clark & Moss, 2001), one judge gave an example of a boy drawing how his father used violent against him and his mother:

*“that we used drawings made it easier for the child and made it more precise. Because the interrogator could ask of what is this and that, and the child could correct so that the child could get a more precise testimony”* (Judge)

With the quotation show that planning gives a better ability to put forward the child’s voice, best interest and at the same time the legal perspective of getting a good testimony:

*“The times where something happened that we felt had an effect on the qualities or that has ruined the forensic interview directly is in cases where we didn’t manage to have a consultation meeting”* \* (Bakketeig et. al., 2012: 95).

The quotation from Bakketeig et al. show that consulting meetings can be seen as becoming an important aspect when forwarding children’s right. It is possible to link the aspect of using different tool to get to know children as being a way to adapt within the best interest of the child, then it becomes important to remember who’s interest: *“the sorts of beings that can have rights are precisely those that have (or can have) interest”* (Wolfson, 1992: 12). The meetings must first of all be part of getting to know the child and ensure that all is prepared to welcome the child in order to have the best possible forensic interview. Wolfson claims that the term “interest” is ambiguous; the best interest principle includes two sides, the *moral* right and the *legal* rights. Meaning that the child have both moral and legal rights in cases of their interest and both must be incorporate in order to *“come up with a notion of rights that satisfactory classifies the cases”* (Wolfson, 2012: 22)..

The legal right can be expressed as:

*“it is their right and duty to give their testimony(...). To come with their statement and be heard on this, but at the same time this is also a witness testimony in a prosecution case”* (Judge)

Based on the quotation above it is possible to argue that children only get their rights because they have a duty to give their testimony, then one might question is it a duty or is

it voluntarily? Children might report an incident but no one can force a child to tell, what is this saying of the expectations to children? Earlier in this chapter the importance of making the forensic interview not leading, if the testimony is viewed as a duty can this be seen as a reason to why some of the findings give an indication that some leading questions is necessary:

*“if a child doesn’t tell then we must have a meeting in the judge rom. What do we do now? To ask the child “have mum hit you” it is a pretty scary and poor question. But shall we leave it and just say nothing to the child”* (Police officer)

The dilemma of not having the child talking and how to get the child to talk can be seen as difficult for the police worker. The difficulties might be an indication of having difficulties of adapting to a child friendly method way of asking questions and the right to give their testimony. Because if the case is viewed from a legal perspective then the child would only get their right by telling so that the police can start the prosecution, but if asking leading questions than it is possible to argue that the child is deprive of their legal right as well due to the risk of making the testimony less valid. Being too concerned of the legal perspective could be seen in the findings where the child friendly method where more present:

*“in the interrogation they are to focus on with that the child shall deliver the product”* (Welfare service)

The moral right can be said to be:

*“in the end it is they [children] who decides if they want to tell or not”* (Police officer)

This is supported by Freeman (1992: 37), who says *“to take children’s rights seriously requires us to take seriously both protection of children and recognition of their autonomy”*. Here it is possible to see the dilemma of including two perspectives to work together under the same roof; this dilemma will be discussed in chapter 6.

Within the findings it is observed a challenge many of the informants continuously brought up, the topic was often also mentioned in light of meeting. The challenge of using time within different activities might be seen as one of the challenges all of the actors using SB from the chosen district sees as a problem. This is supported by Bakketeig et al. (2012), who tried to find out why only 3 of the 6 SB used consulting meetings, the use of time became an obstacle. And that might contradict to the reason to why some have the meetings in first place *“I think it is the best for the child, those taking the forensic interview and not at least the end result”*\* (Bakketeig et. al., 2012: 97).

#### **5.4 A new way of viewing forensic interview**

The thought of adapting to a more child friendly atmosphere within both physical rooms and surroundings can be seen in correlation within the change of idea of how to work with the children, this paragraph will explore the change within forensic interview and examine what impact this might have on children and their rights.

The improvements might be seen in light of the change forwarding with sociology of children and childhood, the aspect of taking children more seriously based on their competence and valuable resource as an informant. The aspect of including children were expressed in the findings:

*“FIIC isn’t about the child’s right to express them self but the child’s right to give testimony” (Worker at SB)*

The quotation gives an indication that there are different views of how to work within children’s best interest the differences will be brought up in chapter 6. To set focus on the child’s right to give a testimony instead of focusing on children’s right to express them is important. Is it in the best interest of the child to be able to express them self or is it to give the testimony? This can be one way of showing that there is so many different aspects within the best interest and the duality between which focus to have. The aim of SB as a place to gather the different perspectives and bring in a new perspective becomes an important role:

*“How we can be more supportive for the children, and those around to support their children. And that is just great” (Welfare service)*

This informant puts forward the focus of working to help the children and to make sure they are protected. SB focuses on the children and their right to get help before and after the forensic interview. This can be seen as a way of forwarding children’s right and work in their best interest. In the findings there was also presented a more general way of showing that the forensic interview and the process has an impact on children’s right

*“(…)So everything, not just children meeting within the forensic interview, but everything up to the trial is really about children’s right” (Police officer)*

The first sentence in the quotation above can be said to be common view from many of the informants in the district where empirical data for this thesis was collected. The focus on children’s right to give testimony might be an indication to why the rooms at SB are designed differently. Why one emphasis that the forensic room are on purpose design more



neutral than the waiting room. They want to keep the seriousness around the legal framework and by doing that they include the adult way of conducting interrogation in to a child friendly method. This aspect is supported by Freeman (1992: 33) and his view of equal treatment “*all persons ought to be treated alike unless there is a good reason for treating them differently*”. Dwyer (2006: 127) talks about the same aspect where one must see the duality around equality. For him it is important to understand that children are their own persons which are still as important even when they need adaption “*(...) if we are to respect children as equal persons, we must extend the moral assumption to them also- that is, that their interests matter much as do adults interest in state decision making*”. According to Freeman and Dwyer, to adapt the environment is not the same as losing the child’s ability to be equal treated, but they become equals because of the adaption of the setting towards their interest.

## **5.5 Participation or protection**

The findings in the previous paragraphs has shown is that different actors like police and SB view children as valuable, competence enough to give their testimony. At the same time the findings give an indication that children also are viewed as in need for protection though adapting the setting children are in at SB. The view of adapting to much to children might contradict to some of the scholars within the sociology of children and childhood, they view children as competent and shows that they manage to handle difficult situations without having to be dependent on to much adaption (Ansell, 2005; Boyden & Mann, 2005; Boyden & Cooper, 2007), the scholars brings forward an important aspect of children being able to cope and handle difficult situation better than adults give them credit for. In situations as abuse this view might become even more important, can it be that SB protects children too much and denies the child to be in control of their own opinions and situation, Samantha Punch (2002: 321) expressed: “*If children are competent social actors, why are special ‘child-friendly’ methods needed to communicate with them?*”. Is the adaption an indication of how workers at SB view children? SB are supposed to bring forward children’s right, but if that right is based on how comfortable the child is instead of what the child’s ability to express. Can that give an indication of risking the children’s competent to be weakened instead of strengthen? Looking back to some quotations given earlier in this chapter it is possible to view this aspect of not knowing how much impact SB physical adaption of the environment has had on the children’s ability to express. The distinction between getting the child to talk within the forensic interview and the

experience of whole process seems to be a current discussion within the child's competence as well.

The focus of adapting might challenge children's ability to participate. But the findings show the children going through forensic interview have great competence of talking about difficult topics:

*"I have almost never met children who do not want to tell"* (Police officer)

*"Most children are there to tell and they do"* (Worker at SB)

*"Usually are children honest them"* (Police officer)

*"I experience that most children tell their story"* (Judge)

The quotations above give a different insight within the thought that: *"children lie to avoid talking about difficult topics"* (Punch, 2002: 325). The same findings is shown within a report given out by the government in 2009, where they address the topic of talking with children about difficult topics within the child protective service *"if no one dares to undertake the difficult or "uncomfortable" conversations, the children, the case is about becomes the losers"\** (Regjeringen, 2009).

Can the adaption be an indication on showing children their competence, the thought is supported this expression: *"it needs to be recognized that many research environments are adult spaces where children have less control"* (Punch, 2002: 328). Punch give an understanding that adapting can be to give children more comfort, feeling of being in control and empowered. *"it is then the responsibility of the adult researcher to not draw attention to any adult-child distinction by treating them in any way other than as mature, competent people"* (Alderson, 1995 cite in Punch, 2002: 322). The aspect of adapting to give control is seen to be supported by two designers with the project "Design for dignity"<sup>18</sup>, their goal was to come up with a design that could make the experience of victim receipt better. They saw that there was potential to make the victims more comfortable, an example is instead of using paper bags on the victims hand to collect evidence it is possible to use a blanket with pockets which have the same benefit as the paper bag, but has a more comfort feeling (Aguirre and Strømnes, 2013). To change the environment can indicate adults doubting children's ability to give their testimony within a normal interrogation room. In the case of SB adaption of the environment has the aim of

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<sup>18</sup> In Norwegian « Design med verdighet»

empowering the children and giving them a better opportunity to tell within a safe environment. Findings in Bakketeig et al. (2012) express that: *“Children that feel safe and taken care has better premise to tell what has happened”*\* (Bakketeig et. al, 2012: 123)

The changes shown so far can give an indication of how SB aims to view the children. Children are respected on the same level as adults, even if SB adapts the surroundings. SB has worked to give the child’s abilities a voice, forwarding children’s right to be taken seriously at the same time as been given a safe place to speak:

*“(…) SB becomes a symbol of a place where the child’s rights shall come forward”*  
(Worker at SB)

## **5.6 The time dilemma**

Time can be at the essence when working with children and criminal cases. Some of the findings give an indication that some actors in the same district of SB view time as important and want to get the most out of the time they have. The findings indicate that times becomes a challenge for the actors, the quotation below give a general view of time as an obstacle:

*“We should have the possibility to conduct the forensic interview or at least a first interview right after report of abuse. It is then the child is ready to talk (…) In USA they have the ‘Golden Hour’ where they work as much as possible in the first 48 hours”* (Police officer)

The quotation above gives an indication that actors want to sue time more sufficient in order to work in the best interest of the child. The findings in Bakketeig et al. (2012: 96) support the willingness of wanting to have more time to use on each child, at the same time the finding contradicts because of the issue of not having time to use on each child: *“I think I have to answer that is not something we want, because I think that would have broken us. We have now up to 10 forensic interviews pr. Week (…) it is too bad, but it wouldn’t have worked”*\* The quotation is the answer to why some SB does not take in use consulting meeting like the other SB has done. The reason gives an indication of wanting to have good time but meet challenges when number of cases increases as shown in chapter1.

Time is can be seen to become an issue when working on a case, but there is also indication that time is an issue throughout the whole process related to forensic interview:

*“It is good for us because SB is just 10 min away from the court(...). But it is strain and consuming for the judges and there is some parts that needs to be looked on”*  
(Judge)

From what the quotation show it is possible to argue that the use of SB is not a problem when SB is close to their own work place, the if SB is viewed to be to fare away it would indicate that it becomes more difficult to take in use SB. Similar findings can be seen to be presented in Bakkeiteig et al. (2012: 75), there was judges that used SB because of their ‘loyalty’ towards the decision from the police district to use SB. It can be argued that the loyalty is based on the perspective of duty towards their police district instead of the best interest of the child perspective. The focus of child’s best interest can then indicate to come second when the issue is use of own time:

*“We have SB just around the corner and that makes it a lot easier of us as judges”*  
(Judge):

*“The strain for the judge uses on time and that is a part one must look in to”*  
(Judge)

The distinction of traveling and what this might indicate will be addressed in chapter 6.

Time as an obstacle is viewed in several places of the findings. A police officer gave a picture of how their use of time meant that they had to priorities how they worked:

*“Before we had almost no evaluation of each other (...) Today we have more but not enough”*

The reason the police officer gave for the lack of evaluation was:

*“Time, we don’t have time because evaluating forensic interview takes a long time. Time should not... it is a poor excuse, but that is probably the reason to why don’t do it”*

The quotations above can be argue that use of time is an individual aspect or an individual institutional aspect, some actors/institutions set focus of time and tries as hard to not having to choose between. Some rather see time as a possibility to choose the work they want to focus on and then priorities away the things that are not viewed as important. Some work needs to be priorities, in the setting of forensic interview it could be argued that work that has direct impact on children should be in focus. A reasonable question is then to ask what impact has time on children and their rights.

As mentions earlier adapting to give children better opportunity to tell their story becomes an important focus when respecting children’s competence. The process related to forensic

interview as shown throughout this chapter, can be seen as processes to ensure children being taken in to account. If then some actors does not take the time in a meeting or with informing the children, one can argue that children's right to be heard are weakened. Another aspect of time could be seen in the police officer example of not focusing on their evaluation of their own work, to be able to evaluate their own and each other's work should be seen as an important focus. The evaluation can give an insight of what is done right and what could be done differently, the focus of learning becomes an important part to ensure that all children get the best possible forensic interview.

The findings give a clear picture that time becomes an obstacle to some extend for all the actors involved in FIIC. Letting time become a factor when prioritising work that has an impact on children, can this indicate that adults view their work as more important than adapting around children. As Dwyer (2006: 25) expressed:

“(...) The interest of parents and interests of children are in conflict, suggesting that the interest of the child at stake on decision making(..) might be sacrificed in some circumstances to satisfy the interest of parents”.

There is possible to argue that the focus of different actors is to deal with the high number of cases instead of ensuring each of the individual child get the full adaption that is supposed to be at SB. It can't be enough to have child friendly physical environment, the adaption needs to be done during the whole process related to forensic interview. It becomes a challenge for the actors to take a side of where they should set their focus, the number of cases will increase even more and one have to be able to take on all the cases, at the same time ensuring that all children get the same treatment at each of the SB. Aspect of time can from the findings so far shown as an important part of understanding how children's right are put forward, I will bring up the discussion again in chapter 7

## **5.7 What can workers at SB contribute with**

One of the issues that runs through the findings is how workers at SB works, the findings indicate that their agency are limited by the approach/attitude of the judge towards the children, this paragraph will examine how workers at SB can forward children's perspective when working with different attitudes towards children:

*“It varies in practice if the judges ask about contribution form us”* (Worker at SB)

When SB is not consulted on issues related to children's perspectives which are viewed to be their field of expertise, the view of excluding can be argued to give a view of how

serious other actors take children's perspective. The aspect of not including SB in the judge room will be discussed further in chapter 7. The aim of having pre-meeting, consulting meeting, meeting during the forensic interview and after meeting is to give all the actors a possibility to ensure children the best possible forensic interview and to forward the aspect of working with child friendly methods. There is in one of these meetings where workers at SB has their arena of forwarding their expertise and children's perspectives, this happens in the after-meeting. The meeting has the aim of evaluating the forensic interview, making a plan forward and ensuring that the actors involves with the children after the forensic interview know what role they have. As shown in chapter 2 after-meeting is without the judge and the defence lawyer, this gives workers at SB a better opportunity to speak their mind and give guidance to the police officer who conducted the forensic interview. From what the paragraph of time showed, evaluation becomes necessary for the police and here SB becomes an important contribution to ensuring that forensic interviews in the future is conducted as child friendly as possible and that the right to be heard are preserved at all time.

Workers at SB, as shown above has one or two arenas to speak their mind in the process related to forensic interview. The aim of SB is to forward children's perspectives, legal rights and right to be heard, the question is then how can SB bring forward their focus if other actors sit with an attitude that children's perspective is not the main focus within forensic interview. Is it possible that SB should state harder that they want all the actors to view how they work within the aspect; the best interest of the child, because the aim of the different meetings is to: *"engage the actors on their own responsibility area"*\* (Bakketheig et. al., 2012: 95). Including children's perspectives can be argued to give children a better possibility to their agency: *"agency itself is understood as consisting of the dialectical relationship between individual sense of self and collective action"* (Moosa-Mitha, 2005: 375). Here Moosa-Mitha shows that the child agency is not dependent on the child itself but also on the collective around.

Gaining knowledge set the actors in a position where they express their willingness to listen to children. Knowing the child's abilities before conduction the forensic interview might be a step towards making other actors takes on children's perspective as well. The focus of listening to children can have an positive impact on the child itself, children get response that they are worthy and valued at the same level as adults, something that might not be a common expression in their own home. The impact can be that children becomes

empowered and view them self as part of the society, this can again give children a better outcome to execute their rights.

## **5.8 Summary**

This chapter has addressed how SB function can show how workers at SB and SB as institution manage to bring forward children's right to be heard. What the findings have shown is that each of SB has challenges that can be seen to be combined with resources, time and also different competences that might interfere of the work of presenting children's perspectives. SB has adapted their environment to be more child friendly where children can feel safe and welcomed. The adapting has shown to contribute to children feeling more secure and ready to take on the difficult task of telling their story. The function of SB can be seen in light of creating some challenges within how children are viewed, too much adaption can be an indication of weaken children's ability to express their competence and participation. There has during the chapter been shown that there are some differences within the different SB houses and then it becomes reasonable to look at the government and evaluate how they work to ensure children's right, this perspective will be addressed in chapter 7. Overall SB function can be seen to create a good establishment for forwarding children's right to be heard even if some actors from other practised show some reluctance.

## 6 Statens Barnehus as advocators for children's perspectives

In this chapter the focus will be on the dilemma between combining legal and therapeutic perspectives and the difficulties of collaboration with different expertise under the same roof. Bakketeig et al. and Stefansen et al. (2012), present the similar dilemma within the issue of clarification of role especially in the judge room “ *it should be given guide lines that clarifies that thy [workers at SB and child protective service] only has a observation role and not a role as actives*” (Bakketeig et al. 2012: 115). This chapter focus on the research question: “*The role of SB in order to advocate children's perspective*”. In the findings there was one case that gives an example of what this chapter addresses: age, the differences in practise and understanding of taking the legal perspective and the child perspective:

*“We had a case some time ago, with 6 years old girl. I conducted the forensic interview. We arranged it here [police house], got a judge to come etc. I am so glad that we did this; it was conducted just a day or two after the incident. She told in detailed what had happened. And we had the investigation afterwards, and then we got some questions we would like to ask about. Then we conducted a forensic interview at SB, because it was a regular day, the girl said nothing. She sat and had a stomach ache. It was some in the judge room who wished that the girl told the story one more time. But she wasn't supposed to because the forensic interview was a second interview and then only supplementary, but the judge agreed and said that I should ask here to tell one more time. Then I thought `oh my god` we are going to damage everything for here [the girl]. Then I asked the girl, because I need to do what the judge tells me. `There is someone in the other room that wasn't here when you told me everything last time; they would like to hear what happened`. `I don't remember` [she said]” (Police officer)*

This case gives the indication of how everyone works under one roof, but at the same time gives the illustration of how each of the actors power situation impacts different solutions made on behalf of the child. The main actors can be seen to be the judge; they are the leader of the forensic interview. From that perspective it will be important examine how the different roles are managing to respect each other. Because based on what the case above show, it can be understood that the supreme actors act as the supreme in all cases.

The findings show that workers at SB takes on a role of being the children's voice, this function can be seen in situations where other actors might have the difficulties doing the same. The findings give an indication that different attitudes are commonalties within does working around FIIC, similar is found in Bakketeig et al. and Stefansen et al. (2012), my informants communicated this about different attitudes:



*“It is actors that cannot believe the evidence we have seen, like seriously violent porn” (Judge)*

*“There is many sitting in the court room and cannot believe that a father can do this to his daughter” (Police officer)*

With the question if there are actors today hold different competences even if new competence are arising within the society, an informant expressed:

*“That is for certain. We have a long way to go” (Police worker)*

What the findings set focus on is that there are actors in the surroundings of FIIC that might struggle of grasping the whole aspect of what is happening towards children in today's society. This struggle can be seen in correlation to which attitude different actors' hold. Attitude can be expressed through numbers if category, in the findings age was continues was brought up.

## **6.1 The meaning of age**

The findings indicate that different attitudes often are expressed through how children's competence could be compared to the age of the child:

*“It is clear that that 4 year old child do not have the possibility to come with a free telling. We adapt after age and how open they are, and how the cases are” (Police officer)*

*“children at age 5 do not have the same ability to answer types of questions (...) I asked a child about something, a number, then she said two and showed me ten fingers at the same time” (Police officer)*

*“For children at age 10 it can be in some way difficult to understand some questions, I have the opportunity to ask “has it happened many times?” and then the child can say “it has happened more than once”. If I then ask can you tell me more about how many times” then children might answer “now, I don't remember”. Then I can use the techniques of asking “Do you remember for 6 month ago when it was Christmas, can you tell me how many times it happened during Christmas?” (Police officer)*

The quotations above can be translated in to how different actors view children and age, In figure 3 below gives an indication of how actors can categorize children and age, this guide lines is a tool that the police officer use when they develop the forensic interview. The picture shows what capacity a child as in a certain age.

**Retningslinjer for aldersriktige spørsmål i avhør**

Alder	Hvem	Hva	Hvor	Hvordan	Når	# ganger	Omstendighet
3							
4							
5 - 6							
7 - 8							
9 - 10							
11 +							

Blatt viser at et vanlig utviklet barn KAN være i stand til å svare på slike typer spørsmål.  
 (Blatt) viser at NOEN barn på den alderen KAN ha kapasitet til å svare på disse type spørsmål

HVERT BARNES EVNE VIL VARIERE AVHENGIG AV UTVIKLINGSNIVÅ OG UNIKE LIVSSITUASJONER

**Figure 3:** Guidelines for correct

questions in correlation to age within a forensic interview.

The quotations above and figure 3 gives an indication that younger children are viewed as less competent than older children. The thought of viewing some children less competent is often in correlation of viewing competence as a necessary need to be able to make sensible decisions and to have the ability to take care of their own life. The findings gave the illustration of children having the right to be heard:

*“To get to tell what they have experienced and what they have been exposed to. That I think I very important” (Judge)*

*“Giving children opportunity to talk and come with their opinion. Let the child tell what they want” (Judge)*

*“Children should be heard all the time (...). The right to be heard should be 100%” (Police officer)*

But even if children are given a voice it might be challenging to interpret the meaning of the interview:

*“I think that the judges in general believe children if we manage to get the story of the child, but the challenge is that these come sin pieces and are divided and unclear, and then it can be difficult sometimes to know what this is” (Judge)*

If young children is viewed to have lower competence gives an indication that actors will struggle more to hear children’s voice and believing their stories as the quotations above indicate. How can then the same actors’ emphasis that children have the right to express themselves when actors have difficulties listening and believing what is being expressed. The aspect of viewing children differently can be linked up to how people view children and adult: *“Those who perceive children to be similar to adults but to possess different competencies” (Morrow, 1998).* . Can the thought of young children being less competent and vulnerable implicated by actors attitude. The different attitudes can be shown to impact

children through different treatment and understanding. The aim of this paragraph is not to deprive actors to have attitude. The dilemma can arise when different competence is used within the same field of expertise where the main individual is a child who often is not in a position to claim a higher position. The view presented in the quotation above can be understood within the romantic discourse, a 3 year old child have lower abilities then a 10 year old child. The dilemma of this challenge might that the judges start to doubt the child's story, and as the law in Norway say: *"if there is any doubt, the suspect should not be convicted"* (Straffeprosessloven, 1981). To view certain children up to a certain age as less competent indicate that different attitudes actors hold challenge children's right to be heard: *"Less competence certainly does not make them incapable of having well-being, of possessing many welfare interests, and does not diminish the importance of their intimate relationships to their fundamental well-being"* (Dwyer, 2006: 127). Figure 3 above can be an indication that the police has taken on the role forwarding children's competence by adopting their questions. Children's competence within age can also have a different side, Michael Freeman (1992) brought up a dilemma he call 'double standards'. Freeman saw a duality between giving 18 year old adults the right to vote, and not a 17 and a half year old child. Freeman points out that often the reason is the aspect of being competent enough, the duality becomes visible for Freeman when there is shown in a society that there is adults that show less competence than a 17 year old child and that there are 15 year old children who have more competence than a 30 year old adult. The aspect of age and competence was expressed by my informants:

*"Some of the interrogators have experience with that some small children it wouldn't be too good to bring them in to the waiting room, because it is too much interesting things to do. So then they [interrogators] use the coach. They make sure they don't have to sit too long"* (Worker at SB)

The difficulties of having children and toys in the same room can be an indication of younger children having difficulties staying in a serious mode, which most of the interrogators want due to the seriousness of giving forensic interview. Can the focus of having a serious child have an impact on how the child experience bot SB in general but also the forensic interview? The aspect of the interrogators knowledge can be viewed two ways, the interrogators has the focus of making sure children are well informed when they come in to the forensic interview as expressed in chapter 5. The second can be seen that adult's competence can be a help to let the child speak more freely. Both of these aspects can be seen in light of the interrogators protecting children's legal rights and they will be

addressed further in chapter 7. The challenge describe here can be seen in correlation to the difficulties of gaining a more child friendly approach at SB. For most children getting to wait in the waiting room would be the best possible choice, but for some adults the child friendly approach is to make sure that the child is capable to speak in the forensic interview. This can indicate that the child friendly approach is not always interoperated to be child friendly for the child itself, but child friendly is also included in settings children are involved in. This can indicate that child friendly approach means different practise in different context.

The focus on age and competence as it was brought up in chapter 5 seems to have relevance here as well. The aspect of having consulting meetings and gaining knowledge about the child before arriving at SB can be a way to not assess the child only based on age. This knowledge could have an important impact on how the interrogator plans the forensic interview, how workers at SB plan the welcoming as well as how to map out the needs of child. This gives an indication that knowledge is an important aspect of knowing the child, not knowledge based on general assumptions. From what the paragraph has shown so far there is one dilemma that are raised; what becomes the most important in the process related to the forensic interview, the testimony or the evidence? This dilemma will be addressed in chapter 7.

The finding implies that actors gave older children more competence of taking part of decision and their ability to give more valid testimony than younger children:

*“I once had a 11-12 year old child that experienced abuse (...). She was so young so she was going to get a forensic interview, but she was clear that she wanted to meet in the court room and give her testimony there” (Judge)*

*“It has happened that that cases with 14-15 year old children has come to the court room and given their testimony. Often there is made forensic interview as a start to use in case the child does not want to go through with it. But a couple of times I have experienced this forensic interview has never been used” (Judge)*

From the quotations it is possible to argue that this is because children in the Norwegian society often is viewed through the Romantic discourse (Verhellen, 1992), this will be presented more thoroughly later on in this chapter, but for now this discourse represent vulnerable and innocent children who should be allowed to be children as long as they can.

This aspect are more common in the `Global South'<sup>19</sup> (Abebe, 2007; Abebe, 2008), there children at age 7 start to work and do the jobs that adults do, the society view children more competent when the age is correct. According to the sociology of children and childhood all children are competent however they have different ways to express their competence. It is possible to argue that children's competence are evaluated based on when they start showing competence in the society. The aspect of adult's competence is once again raised. Stefansen et al. (2012) found that children from older than 10 years old<sup>20</sup> had the ability to expressed own opinions, the children answer based on own experience. They also detected that these children had the ability to understand how different aspects could impact other children. The same similarities are found in Melton and Limbers (1992: 174): "*The average child becomes sufficiently socially aware to have Level II concept of their rights by about age 8 in Norway and among affluent children in the Unites Sate*", the level II that Melton and Limber talks about is: "*what one should be able to have or do (privileges)*" (ibid). Through the evaluation of SB, Stefansen et al. (2012: 119) examine why some law of courts do not use SB, one of the reason that came up was that in many cases the children were closed 16 years old. This finding can be seen in relation to why older children ask to be presented in the court room. This raises a challenge because 16 years is still by law defined as a child. And the aim of SB is to let children get to tell their story in a safe environment. The challenge lies within the right to be heard as well as the dilemma of respecting age. The mandate suggested that the age should be at 16 as the law today is, this were based on other countries practise like Sweden and Island and with the argument that 16 is close to 18. Again Freemans `double standard' becomes central, but the Norwegian society moves away from depriving capable children their right to participate due to their age. This is also supported by a new project in some districts of Norway; the project gives 16 years' old children the ability to vote. The project and age limit at SB indicate that the Norwegian society is moving forward to view younger children more competent.

This complexity of respecting age and according to Barneloven (1993) children's abilities becomes a dilemma with setting a limit. The reason of the complexity can be seen in Bakketeig et al. (2012: 77) findings, most of SB had different practise of the age limit, some had up to 16 years old, some even up to 14 years old (which was the law until 2008)

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<sup>19</sup> Global South is a term often used in sociology of children and childhood to define the shouthern world like Africa and Asia. It is also possible to use the term Manority and Mayority world

<sup>20</sup> The research age was set to 10.

and some had up to age 18 years old. With so many different practises how is it possible to ensure that the law is carried out equality to all children. Is it instead possible to argue that age should not be set to a limit, a child is a child under age 18, but instead each child should be listened to and given the opportunity to decide if they want to meet in the court room themselves. The risk is that children at a younger age could have this wish but the actors do not find that to in the best interest of the child, these kinds of dilemmas will need to be addressed. At the same time if a child at age 17 wants to take the forensic interview then should not this be listened to?

## **6.2 Participation practices of Statens Barnehus**

The law of forensic interview (Dommeravhør og Observasjon, 1998) does not emphasize where to conduct the forensic interview; the law focuses on that the place has to have enough technical equipment and that actors can watch from another room. Based on the law recommendation SB would be today be the most adequate place to conduct forensic interview. With the lack of emphasising the importance of taking in SB it can be understood why there are still courts who do not take in use SB. Bakketeig et al. (2012: 71-72) research how many of the police districts used SB. 13 out for the 18 police districts that participated in the evaluation, expressed their use of SB in almost all of the cases, this give an overall understanding that SB was used more in 2011 than before. My data supports what Bakketeig et al. (2012) found:

*“Then we have[name on court], they have now gotten video transfer equipment, so they do now send the child and the CAP to SB, and the others sits in their court and follow the forensic interview on the screen” (Worker at SB)*

The quotation above give an indication that a reason to why several courts today use SB is due to better techniques which gives the courts an opportunity to make all their workers travel to SB. With the video transfer equipment the courts could send the child, guardians and the CAP and the rest can stay and follow the forensic interview on a screen. The practise are discussed within different scholars and experts, but so far it would seem that taking in use the equipment is a step towards letting more children com take in use SB. At the same time did my informants communicate the challenge of getting all to use SB still exist:

*“there is not much more we can do to get people to travel. And then it is not about the child and parents, but about the official parties. We can take [a police region], they sent an application to the justice department to get approvement to move from using [one SB] to ours because that was easier for them. And they got the approval.*

*When I was up there to talk with the president of the court and the police they was so negative, that after[number of minutes] I couldn't take it anymore, because it almost got to be a heated discussion because I could not understand how fare it was, the number of resources and yeas.... But there are some ambulatory presidents of court or judges as well, one is at [name at place]. That has decides to take children seriously, when they get cases in then everyone comes to SB, because they don't have video conference, and everyone including the official adults workers feel it is okay for the children” (Worker at SB)*

*“What is coming in is that there is a report where on put it in to the law that one HAVE TO use SB and not should, but shall. It will come (...) Yeas Sæverudtvalget comes with that suggestion (...) so no I just hold my breath” (Worker at SB)*

The dilemma of some not using SB can form the quotations above be argued in light of traveling. Also here time is an pivotal issue, as something else then what is presented in chapter 5, this will be addressed further in chapter 7. Several of the informants gave answers about why they through was the reason to why SB is not used by everyone:

*“They have not tried it” (Worker at SB)*

*“I think they just do not want to use their time, and don't bother to test it out” (Welfare service)*

*“(...) one can wonder why people do not set the sky and earth in movement to help children and get the story of the child forward and get justice for the injustice that has been done” (Welfare service)*

The last quotation above can give an indication that there are still some actors that is not able to take on the importance of taking the child's perspective. The findings give an indication that some actors can have difficulties to understand the aspect of what innocent children can experience:

*“One can think as an adult, ok the child say that the dad hit me once. Then one think, yeye, that only happened once. And because we have gotten more information about the effect, then one are able to think 'can it happen again'”(Judge)*

*“we sit with a lot of different cases, and when we sit and watch a lot of pornography that people downloaded (...). And then one start to realise that nothing is impossible” (Judge)*

*“If people are predisposed and think that a community doctor.. A daughter comes forward and tells that her father has abused here. That can be difficult to understand. people must be open for this and that this can happen. Then people can start questioning children's validity, but not before” (Police officer)*

*“(…) but they have not gotten the point, haven’t taken children’s perspective and we cannot educate everyone to do so. Sometimes I think ‘I rest my case’”(Worker at SB)*

This quotation can give indication that some actors struggle to grasp children’s stories and which can have an impact of understanding children’s trustworthiness. To use SB addresses the importance of that the whole process is suited for children to be better prepared for the forensic interview. Making decisions on behalf of the child can be a challenge:

“Mills insisted that a person’s ‘own good’, either physical or moral, is not sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because, it will make him happier because in the opinions of others, do so would be wise or even right” (Dwyer, 2006: 126).

The aspect of decision making for Mills does not include children: *“is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children or of young person below the age (…)”* (ibid). Even if Mills not includes children, it can based on previous findings in this thesis, be understood that children can be included in to what Mill brings forward. What adults make of decisions should be based on children’s best interest and what would benefit the child’s rights.

The lack of knowledge can also be seen in relation to discourses, because *“childhood is a condition which varies according to social convenience and social conscience”* (McGillivray, 1992: 217). Need to gain new knowledge and with that knowledge there is also a possibility of experience change within attitudes. Therefore will education be an important part to examine, this will be set focus on in the next paragraph.

### **6.3 Statens Barnehus as children’s advocates**

The first sign of advocating for children was when the Woman’s National council in 1880s. Distributing education is today an important aim for the workers at SB they set the children’s perspective in focus. The mandate emphasised knowledge distribution:

“Barnas hus shall also contribute to development of expertise among the employments within the ordinary welfare and help service. This shall happened through professional guidance to personal within the welfare and help service and through education within example regional and national courses” \* (Meling et. al., 2006: 49)

The aspect of distributing the knowledge was also visible in my data:

*“If I say that 20 % of my position in periods is about education. It is priority and commitment that we just have to make work. In addition arrange SB every second year either alone or in correlation with the mediation board a conference in*



*[name]. That mainly goes in to violent and sexual abuse problems in Norway”*  
(Worker at SB)

My informants also pointed out the value of gaining information/ more education/learn about how to gain information form children:

*“It would have been nice if it was research in correlation to get more knowledge about how children communicate and how one interprets this, so that those with information and experience get taken seriously. That we gets enough knowledge, we that handle the cases have enough knowledge to understand”* (Judge)

*“(…) gaining more knowledge about how one communicates and how one interoperates this, so that those[children] coming with this experience are taken seriously. That we get knowledge enough, especially for use that are going to deal with this, so that we have the knowledge to understand”* (Judge)

The quotations above give an indication that the aim of SB relates with the actors wishes. The work of educating others might have an effect of changing the discourses of children and their vulnerability, this can be seen in relation to findings from a thesis written on how judges assessed forensic interview with children who cried and who did not (Langnes, 2012). Langnes found that many judges convicted in favour for the children who cried. Langnes thesis can be linked in understanding that crying children might be more trustworthy then when a child only sits and show now reaction to what they tell. This understanding of children can be seen in light of the romantic discourse as presented previous, to see children as innocent, vulnerable, play full without any worries (Melton, 1983; Verhellen, 1992; Corsaro, 2011). Langnes findings indicate that adults like judges take children who cry more seriously, the dilemma of having that aspect while being the judge in a criminal case. Again the aspect of different treatment becomes visible, in this dilemma the focus of understanding children and how they react needs to be emphasised. Based on what the findings illustrate will therefore the role of educating be seen as a way to forward children’s right to be heard. Workers at SB can be seen to be children’s advocates: *“Child advocacy represent an attempt to increase the responsiveness and accountability of social institutions effecting children(…) child advocates have as their mission social action on behalf of children”* (Melton, 1983: 1).

SB role as advocator can also be viewed through their role of giving help to the children. The mandate emphasised consulting and treatment to children and families: *“in addition to a function of consulting shall the team also have competence within guidance and follow up of the child and their families”* \* (Meling et. al., 2006: 46). The role of helping was also visible in the findings:

*“What is important for us is that we have a good assessment competence and assess what the children need” (Worker at SB)*

Then it would be interesting to see how workers at SB view the children within the therapeutic setting. Children’s rights where by informants expressed:

*“Children has the right to develop in the whole spectre of this model [see below](...) so that they can develop maximal, not that everyone will come up again to the normal level” (Worker at SB)*

The quotation implies that a normal child is a child developed in the right way and moved forward from the abuse as shown in figure 4 below. It also gives indication that those children who managed to come back to the normal are the children who are given their rights. If children’s right is only given when working to get back to normal, it is possible to argue this perspective can deprive children to develop with their experience. Do all children need to be normal, and is it possible for children experiencing abuse to go back to normal?



**Figure 4:** Show the level a normal child develops and children who has experienced abuse.

Figure 4 show five categories to divide children's development in and these categories are affected by children's experience in their childhood, in different degree of course. Based on this finding an argument can be that some workers at SB want these children to become equal citizens just as children not experience abuse or violence.

The aspect of normal could be seen in correlation with how children develop; a child is based on the findings developed through time. The aspect of developing through time is supported by Dwyer (2006: 163): "*children must be given opportunities to make some decisions for themselves, with the risk of making mistakes, before they become truly the best judges of their own welfare, for them to develop properly as human beings*". At SB therapy is voluntary for all children this might indicate that workers at SB respect children's competence to decide if they want help. Workers at SB work towards the aim of letting children become normal, this indicate that children should not have to live with the experience. According to Dwyer (2006) development through experience, can the experience of abuse and violence be part of children's competence development. It might then be possible to argue that working towards a normal life is a result of viewing children as becoming not beings, `not-yet-citizens` (Moosa-Mitha, 2005). This can be said to contradict to what sociology of children and childhood aims to bring forward. Through research there has been discovered that children experiencing difficult circumstances has the ability to move forward without being to much affected by the experience (Abebe, 2007; Abebe, 2008; Bourdillon, 2006; Boyden & Mann, 2005). What has been shown so far can give a indication that children has the ability to live with their experiences, but at the same time gaining help can for some children be important to move forward to a more normal daily life.

Attitudes can in some way come in the way of how well actors/adults manage to take in children's perspective. Workers at SB have to manage to take on the responsibility of education and forwarding children's perspective even when they work in a more specific way of helping children back in to the society. Through the findings there is a dilemma that has been continually being forward, the aspect of mixing the legal and therapeutic perspectives.

#### **6.4 Mixing legal and therapeutic perspectives**

Mixing legal and therapeutic perspectives can be understood to be difficult, the aim of SB is to manage this difficulty; the mandate expressed this about the collaboration:

“Today there is no regulations that takes on such a collaboration work that this project aims for. To be able to manage to create a platform for the work, the project group recommend, also based on experience from other countries, that affected authorities goes in to a collaboration agreement for Barnas hus<sup>21</sup>. The agreement will become an important steering document. It should form the agreement come forward what task the different institutions have. It should also define the different roles and make clear the expectations. This becomes important to manage to get a good collaboration, but it also becomes important within the legitimacy of Barnas hus, with the thought that it will also be important for does outside to know what task the different institutions have. The agreement should be agreed on a level where it will get enough percussion force” \* (Meling et. al., 2006: 46)

The mandate presents the importance of understanding each other role; respecting this emphasis that it is the affected authorities that needs to ensure the collaboration works for all the institutions.

The collaboration is based on the findings working well:

*“It is rear that there are any difficulties, and if it is no one says anything (...). We are accepted by [name]” (Worker at SB)*

*“I got the impression that the judges had very much respect and a good tone” (Welfare Service)*

Similar findings are supported by Bakketeig et. al, (2012: 103), most of the actors meant that there was a balance between the legal perspective and the child perspective. Some actors viewed the legal perspective being more presented and others view children’s perspectives to be the most presented (Bakketeig et. al., 2012: 122-124). The same finding show that most of the actor’s meant the workers at SB should be included in the judge room. The data from my thesis expressed a contradiction of collaboration in the judge room:

*“They have no influence on what is going on, here the judge is supreme, (...) then I said something, and the judge just lend forward and looked down the table, then I thought ups! It was not the meaning that I was going to talk. So it is very strict and hierarchy system” (Welfare service)*

*“You can feel pressured to go away from you plan (...). They shall not manage to push us to not have focus on the child, but they are strong” (Police officer)*

*“I think they [judges] have mange to push me to shorten down the introduction, in relation to how long time you use on getting to know the child. But not so that it affects the child” (Police Officer)*

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<sup>21</sup> Barnas hus was the first name, but it changes to Statens Branehus in 2011.

The quotation above indicates that judges use their power to get what they want, and steer what is happening in the judge room based on wishes. It can be said that the aim if SB losses the strength of being a place where all actors work within the same aim for the child. To include everyone voices in the judge room can from the findings be understood to be difficult, because if one is allowed than everyone should get the opportunity this is supported by Bakketeig et. al.(2012), which expressed how workers at SB guide child protective service how to act in the judge room. The dilemma of too many within the judge room was seen as a dilemma within in my data:

*“I would chance something around the practice of being too many within the judge room. It gets to many voices at the same time”* (Police officer)

Similar findings are found in Bakketeig et al. (2012), where lawyers often complained about to many within the judge room, and it got to be too many voices. There was also some that connected the dilemma to have an impact on children’s testimony: *“this gave the child the feeling of being right in the middle of everyone’s attention”* \* (Bakketeig et. al., 2012: 102). It is a risk that the child’s voice could drown if there are too many voices and the child might feel pressured by so many people to express that hey start struggling to express themselves.

The quotation from the welfare service gives an indication that workers at SB want to take a larger role in the judge room and they have the ability to contribute:

*“I come from a therapeutic situation where everything is adapted so that the child shall feel well, and get the support and encourage telling etc. but in the legal system it is totally the other way around, here it is about the truth, not influenced truth that first of all is in focus. Then it gets really different, and I see children sitting and twisting and in pain and wondering where to go”* (Welfare service)

The focus SB should have is presented in the findings:

*“Focus on the child first and not on does who works in the system”* (Worker at SB)

*“In the interrogation they gets occupied that the child shall deliver the product”* (Welfare service)

The findings indicate that the workers at SB have the children’s perspective in focus and that the focus should not be to get the product but to get the child’s story. There is a dilemma that can be seen to be raised; is it possible to know what is the child’s really meaning, the child’s view and the adult’s view (Sutherland, 1992: 156). Can the opinion from the workers at SB actually be based on what they see as important and not what the

children would see as important? This dilemma can be seen in the judge room from the case showed in the beginning of this chapter. The case gives a good indication of how the judge ability to making decisions, when the concept of not letting other opinions be visible might the testimony represent the judge instead of the child: *“one may only speak to some extent of the ‘best interest’ concept as a coherent legal concept shaped by the contextual relation and different categories of individual human rights and State obligations”* (Wolf, 1992: 132-133). If actors then sit with different perspectives the perspective of best interest of the child might differ to the extent of which actors are involved in which case.

Through the findings from Bakketeig et al. (2012), supports that the judge a defence lawyers have more concern than others of including SB. There is a different perspective that works at SB can have an influence on an eventual second forensic interview (Bakketeig et, al., 2012: 104). This concern could be indication of wanting to preserve the child’s right to be heard within the legal aspect, giving the child the best possible opportunity of having a valid testimony. The same aspects are seen in the data related to how SB aims to help the children and how the legal perspective some extend creates conflict:

*“(...) it is not about preserving children’s rights, because the parents can’t talk with the children about the topic, and ergo sum then the child don’t get the caregiver give the care they actually are duty to give and point two it is difficult for a child to recall what happened for two months ago”* (Worker at SB)

*“That they [SB] follow up. I think that can make it safe and those [children] dear to come up with more. Yes, that they have the safety of not standing alone, I think that has an impact”* (Judge)

The quotation present the aspect of letting the child be finished with their story, they have often before the forensic interview been waiting of a long time. To tell in general it can take up to 60 days before the forensic interview is conducted (Bakketeig et. al., 2012; Barnehus, 2011). Is this not a way of showing children their right to be heard, to be heard within the testimony, but also to be able to put everything behind. Even if its a possibility having to take a second forensic interview.

#### **6.4.1 A place to be heard**

So far I have showed that SB is a place where children are heard. There can be seen some tension between including the legal aspect and the therapeutic aspect. With this tension it can be questioned how well SB manage to hear children work? In the findings the focus of viewing the child as a whole person is seen important to get the whole picture:

*“(...) it is young children that also are going to be interrogated. It becomes a lot of pointing. Important to see the video (...) An overall assessment becomes necessary”*  
(Judge)

*“To get everything with both audio and video, we see the body language and get a better picture of the child. At the same time one preserve the rights of the other actors, by that they can follow and come with inputs and questions”* (Judge)

The quotations above focus on that the judges have an overall challenge of viewing the whole picture and not just what the child is orally telling. The focus of view on children from a perspective as more than oral competence can be argued to represent the perspective of taking on children friendly methods. The challenge for the judge to take in an overall picture is illustrated to be based on their knowledge and education. The example given in 6.2.1, where the judge overrules what the interrogator suggested to be right for the child is illustrative.

On the other hand it is possible to work with both perspectives:

*“If I were going to focus on the criminal case all the time. I think it is important to the treatment and everything afterwards that children get to tell what happened”*  
(Police officer)

(Police officer): *“(...) if the child tells something, that I mean is a criminal offence, then I will do everything I can to get the best possible evidence”*

The last quotation above can be seen as complex, the interrogator indicate that the evidence becomes the most important and then one might get a impression that their focus becomes not to let the child be heard based on wanting to hear the child's story, but only to gain evidence. The other side of getting evidence is the focus of getting the meaning from what the child tells. This will be addressed further in chapter 7.

## **Summary**

The whole chapter has addressed how workers at SB forward children's perspective, SB becomes children's advocators. The findings also indicate that having collaboration is viewed by most of the institutions as important and valuable for the children. Even if there are seen to be some challenges within taking in both perspectives. The chapter has given a picture of how advocators can in different ways impact children's life, by distributing knowledge. In an overall understanding:

*“(...) SB becomes a symbol of a place where the child's rights shall come forward”*  
(Worker at SB)

## **7 Statens Barnehus towards a more child friendly practise?**

In this chapter I want to focus on issues related to the child friendly practises carried out at SB. This chapter addresses aspects as competent children and adults, the role of different attitudes, child friendly approaches, time as an obstacle, the dilemma of different practises and the aspect of common guidelines. Then in the end the chapter will address what should be the further research

### **7.1 Statens Barnehus a place for competence?**

Through the aim of SB the focus of letting children participate is central. When addressing the issue of having to improve children's legal rights (Hennum, 2004), the focus of ensuring children's perspective is included in the improvement at SB becomes necessary in the aspect of taking care of children.

Establishment of SB has seen contributed to adapt in a better way, the forensic interviews was earlier conducted at the judge office which were often cold and not child friendly. Today the forensic interview is most of the time conducted at SB where the rooms suited for both children and adults, todays adaption supports the aim of giving children better environment (Hennum, 2004; Meling, 2006; Bakketeig et. al., 2012; Stefansen et. al., 2012). The aim of adaption is to ensure all children experience abuse to express themselves and findings indicate adaption gives a comfortable environment which has an impact on children:

“it simply becomes necessary in many context to adopt a different mechanism for furthering their well-being (...) Children's lesser competence just means, therefore, that it is necessary for some aspects of children's lives and for children at certain stages of development, that some alternative mechanism be used to protect and advance their well-being” (Dwyer, 2006: 129).

This is supported by Verhellen (1992), when expressing how children were treated in the early 1990`s:

“Has a habit of removing or isolating children from situations which present a genuine danger or in which their needs cannot be fulfilled. It would be preferable, however , to alter situation or to provide whatever means necessary to be able to fulfil the needs of children, thus assuring that they can remain present and their rights of freedom and their rights as persons are respected” (Verhellen, 1992: 80).

A child uses their competence to express their opinion, but if protecting the children to much then could the competence be at risk? The new focus of technology show the importance of adaption to makings sure children's competence. When actors has the



opportunity to see the child at the same time as listen to the child then the aspect of competence arises to a higher focus (Moosa-Mitha, 2005; Solberg, 2000).

So far I have showed that children's ability to express their competence rely on adults own competence. This can be shown in the case of the girl who came to SB that had the ability to see the place, and had the chance to decide where she wanted to stay before the forensic interview (see chapter 5), this aspect is also shown in other findings. When adults use their competence and experience to ensure children's competence, it is possible to argue adults view: *"equality of persons regardless of age"* (Verhellen, 1992: 80). The perspective might create a dilemma, often due to power relation between adult and child. The power balance and adults competence were express in the findings:

*"It was a case with foreign siblings, they were supposed to be picked up in the kindergarten, but the family where late and there was no time. So the police and child protective service went home to the family and picked up the children in a police car, children were crying and the family were purebred. Because it is like when children say, mum hit or dad hit, people have to take that seriously (...). In the forensic interview they did not tell anything, they were all over, the interrogation did not fit the children and then who is the legal right for?"* (Welfare Service)

This case illustrates how competent adults use their power over children and how this practise might have negative effects for the children. In this example no one explained the children why they had to hurry and why they had to come along. The case referred above can illustrate how good intentions may end in bad practice: *"Recognition of self-determination for children is essential in order to make them competent and not visa versa"* (Verhellen, 1992: 81). Dwyer (2006) express the importance of understanding how experience influence competence. One might argue that the difficulties of viewing children as competent is due to the aspect of not being able of understanding this development, and instead view competence as the competence adult has. From that aspect it is possible to link it up to different attitude. This aspect has been presented several times as a challenge within the previous chapters and will be discussed in the next paragraph.

## **7.2 Attitudes in the best interest of the child**

Working in the best interest of the child is seen to be an important part of the work happening at SB. Article 3 in UNCRC emphasise the importance of taking in the best interest: *"by courts of law, administrative bodies and legislative authorities, and which concern children regarding to their well-being, their protection and care, their safety and health. (...) obligating State Parties to provide for, to give protection and participation to*

*children in matter of their well-being*” (UNCRC, 1989: article 3). The best interest perspective is by many scholars seen to be quite difficult to grasp the meaning of. Wolf (1992: 129) express an indication that working in the best interest of the child means to protect the children, at the same time give children the opportunity to participate, this can be seen to be linked up to Dwyer (2006) focus of interest protection. To understand who has interest in a situation there will be important to also understand the child today, if the knowledge is based on different attitudes that children are innocent and protected from all bad things. It would then be possible to argue that some actors would experience more difficulties of understanding why acting in best interest of the child is an important part of legal rights today. Flekkøy (1992), points out the importance of knowledge and change: *“new learning can modify attitudes”* (Flekkøy, 1992: 135). The quotation give an indication that attitudes are able to modify, the aim of this thesis is not to suggest that everyone has to change attitudes but it can be understood that some attitudes needs to be modified. And knowledge distribution can be one way.

Verhellen has stated that: *“Radical trend, view equality of all human beings. Any discrimination, including discrimination based on age differences is in their opinion to be morally condemned. The only possible solution to the problem for them is to granted all human and civil rights to children as well as to adult”* (Verhellen, 1992: 82). To discriminate children’s competence based on age could be argued to be part of good intention but bad practise. With attitude of only giving certain questions to certain age groups it would be possible to understand that the children at a certain age who have the ability to answer questions given to other certain children to feel left out. Freeman’s (1992) double standard is again visible, is it possible to categorise children in to age groups and then decide what they are capable of? In the situation of forensic interview it would be difficult to generalise practise to children at the same age that could be argued to weaken the child friendly approach. To ensure that age is not discriminated it will be important to bring in the knowledge of general development and the knowledge about that specific child. As many scholars emphasis, children has a language of 1000 words (Punch, 2000; Clark, 2005). Can it be that the different understanding of children’s expression be an indication to why some adults struggle with changing their attitude (Verhellen, 1992). The role of adults taking care of children can be seen as a dilemma in adult and children’s interest because the same adult possess attitudes towards children:

“When a child is not prepared to choose sufficiently well for themselves and the state assume control over their relation lives, children have a moral right that the state act only in a fiduciary capacity in their behalf and with the exclusive aim of securing for them the outcomes that it can reasonably supposed they would have chosen for themselves if they were so prepared” (Dwyer, 2006: 205-206).

The aspect of different attitudes might challenge talking to children, but not talking to children could be an even higher risk because not daring to talk, children then becomes the looser of their case (Regjeringen, 2009). As illustrated in my thesis the SB workers, through their engagement of knowledge distribution, have an impact on how adults view children today: *“To a large extent, the lobbyist is simply a provider of information in the effect of a particular piece of legislation, form the vantage point of the interest group that he or she present”* (Melton, 1983: 138-139). Supported by Flekkøy (1992) who expressed that distribution of knowledge is the key to change different attitude.

### **7.3 Statens Barnehus where the child friendly approach are practised**

Child friendly approach as illustrated earlier is shown through adaption and experts’ knowledge. The challenge with child friendly approach is that it challenges the legal perspective in forensic interview (Bakketeig et. al., 2012; Stefansen et. al., 2012; Gamst, 2011). The child friendly approach brings forward a method that can challenge the aim of the legal perspective (Gams and Langballe, 2007). My informants communicated that many of the forensic interviews focus mainly on getting the story, no matter what. It is then possible to ask; To what extent should children be forced to give their testimony? Forward by sociology of children and childhood the aspect of ensuring the child is not to be forced to tell in a way that might do harm. This becomes important to ensure the best possible interview or in this thesis case testimony (Ennew et. al., 2009). The scholars present a new way of working with children to ask the difficult questions but with the aim of not doing harm or pressure children. The same aspect is shown in the findings of this thesis as well:

*“And that it is used drawings, it made it easier for the children and that made it more precise. Because the interrogator can ask about what is drawn, and then the children can corrugate and all get a more precise testimony”* (Judge)

*“With the younger children we use books (...) and then we have drawings that we can use (...) many children want to draw more afterwards then we need to be consequent and so it works out”* (Police officer)

So what does child friendly approach mean for the children and their rights? A child friendly approach as illustrated in the quotations above invites more power to the children:

“Sharing power involves adults in respecting children’s view, and as much as children want to. Involves changing routines and structure so that children can feel more comfortable and included, and fairly treated. Here, power can be seen as positive energy, rather than negative force” (Alderson, 2000: 186-187).

Power also provides respect towards the children (Regjeringen, 2009: 21). From what has been illustrated in this thesis, child friendly approach has been given a new light with establishment of SB. SB represent a method that includes children instead of exclude them as it could be interoperated to be the earlier practise, the aspect of including children could also in this thesis is illustrated in the issue of time.

#### **7.4 The impact of time**

The aspect of using time can as illustrated in chapter 5 be interpreted to apply time as actually minutes and hours and the time to listen. In the case were the interrogator meant that the girls should not have been asked to tell the story again, but was not listened to. The result became that the child said ‘I do not remember’ which weakened the child’s testimony. This thesis illustrate that using time on travel is one of the main issues of using SB. Can then the case of wanting the child’s story told a second time be an indication of the different actors taking time to come to SB and then not want to use more time on reading the report from the police. The challenge of using time can be seen in light of how relationship are made with others: “*Our [adult] right to establish and maintain legal and/or social relationship with others adults we choose is entirely dependent on the other adults with whom we want the relationship also wanting the relationship, also choosing to enter in to and carry a relationship with us*” (Dwyer, 2006: 70). Dwyer express adults ability to choose who their friends are, children they have a different position: “*Children have quite weak rights in connection with forming, maintaining, avoiding, and ending relationship relative to those enjoyed by competent[adults]*” (Ibid: 80). Therefore in a setting where children has to trust adults to act in their best interest, like forensic interview, it becomes important that adults has the ability to move away from their interest and in to children’s interest. If time is a challenge as the findings indicate then it would be difficult for children to be sure that different actors work with children’s interest as the main focus. The findings also illustrates that some actors could use 30 minute on a pre-meeting while other used 5 minutes, which means that despites of national guide lines the practies varies a lot. The thesis illustrate that the risk of treating children differently becomes more visible in the issue of using time.

Children's rights might be compromised when adults do not take the time. Time can be seen as a challenge that is needed to be addressed in both all SB but also within the national guide lines.

## **7.5 The government and guide lines**

The aim of SB is clearly presented in the guidelines, they aim to give a more child friendly approach within conducting forensic interviews, they shall have collaboration with different institutions to make sure children don't have to tell their story several times, to reveal stress for the child (Meling et. al., 2006: 47-50). The findings on the other hand illustrated a struggle to take on the mandate and understanding them:

*“To say it like this I think it was little thought through. [Laughter]. I think it is just taken out from the air. It is not what SB is all about.(...) it is difficult to find words to communicate what SB really is”* (Police officer)

The quotation above gives a good indication of how difficult it can be to define the role of SB. Most people especially those working within the area of practise have an understanding of the aim of SB. Can the difficulties of expressing what SB is, be an indication of having too much room for own interpretation of the mandate given out in (Meling et. al., 2006). Similarities are found in Bakkeiteig et al. (2012) and Stefansen et al. (2012), there was given clear picture of different practised in all of the 6 SB. Example of these different practises has been illustrated in both chapter 5 and 6. What this thesis illustrate is the issue of different practises can today mean that SB can't be said to be the common institution as the national guide lines brings forward SB to be. Despite of different practises my data express that most of the SB use each other to learn and grasp new ways of functioning. This aspect is then again contradicting to why the practises are different; an informant expressed the need for being differently:

*“We have to be different because we belong to different police district which has different ways of steering the district. To be able to work for the children the need for adapting to the police district becomes necessary”* (Worker at SB)

The quotation brings up the aspect of adapting to where SB is placed, then might the different practise be a sign of wanting to forward children's rights best as possible? Even so the aspect of giving children different practise within the same SB is not justified. The room for interoperation as Haugen and Minna (2010) express, the room for interpretation has an impact on children and often more negative than positive. The children did not get to be as involved as they should, the time used on arbitration was often shorter than

recommended and so forth. The same findings can become the reality within SB; the mandate is only given recommendation and can then give room for interpretation to suit the adults.

This thesis also illustrated an indication of needing resources to be able to keep the work within the guidelines. As shown earlier number of cases are still increasing and the struggle with enough manpower becomes visible. There is always a puzzle to make everything go up as we saw in chapter 5:

*“Sometimes I am the switchboard operator, door opener and the person who boils coffee. And on many occasions we get a lot of approaches, where I become the person who answers because others can’t”* (Worker at SB)

This quotation is an example of how difficult it can be when there are so few working at SB and most of them have tight. Again the aspect of time becomes visible. The tight schedule might in the long run have a negative effect on the workers at SB, their work can be linked up to the work in child protective services, they often experience sick leave from the works due to too much work over a longer period of time (Konstad, 2013; Goa, 2009). This is also supported by the findings for this thesis:

*“I am also working on getting some help for those working here, they need this so that one don’t get burned-out due to the pressure and the seriousness of the cases”* (Worker at SB)

Here the aspect of SB standing alone to ensuring the workers a good work environment. This aspect of getting help to does working with the case can also be seen to be lacking for the interrogators:

*“We don’t have any to talk to, just each other, we talk a lot, but no professional”* (Police worker)

In Norway there is a saying; *‘to be able to take for others one first need to take care of one self’*. Can the aspect of not getting help for the workers have an impact on children’s rights. From what the findings express it can seem that the government does not take on the full responsibility to make sure does working with children are taken care of. Even if the challenge is not seen to be an issue today it can still become a problem in the future. Taking charge of this risk can be seen as a way to preserve the aim of SB at the same time preserving children’s right. To involve several actors at SB can be seen to give a challenge for workers at SB, it has also through this thesis been shown challenges within collaboration of the different actors and their perspectives.

## 7.6 Legal or child perspective

The aim of taking on the child friendly perspective can be seen as the most important focus at SB. But can child friendly approach take over children's legal rights and if so what impact has that on the children? Bakketeig et al. (2012) presented several of the challenges the collaboration of both perspectives could and have raised. The common challenge is the concern for children's testimony and what impact this has on the criminal case. The challenge could be seen as reasonable, the forensic interview is a legal case and therefore, if the legal perspective disappear then the aim of SB might also disappear (Bakketeig et al., 2012; Stefansen et al., 2012; Meling et al., 2006; Hennum, 2004). As illustrated in this thesis, the collaboration is seen to be working better based on experience over time. My findings reveal that the collaboration still have a way to go, similar findings were pointed out by Stefansen et al. (2012). The findings showed that different actors respected SB work to advocate for children's perspective, but most of the actors saw the advocating as negative rather than positive. Based on what has been illustrated in this thesis it can be argued that there are still challenges of role division at SB. This is supported by Thomsen (2007): *"Actors with the same structural place can take on different identities. Second there is assumed that any society structure contains a conflict between the dominating rule and a competing rule"* (Thomsen, 2007: 185-186). The difficulties of collaboration can challenge the perspective working together for the children. As illustrated in this thesis, the collaboration and children's perspective might be effected by different actors ability to understand children's lives today: *"It is important that the needs and the qualities of children should be recognised, and not violated to protect the interest of other individual"* (Verhellen, 1992: 80). This thesis has shown that focusing on only one perspective might be difficult in a process that are as complex as forensic interview. The risk can be seen through how Bjung- case worked out for the children. The findings gives an indication of the necessities to include both perspectives to be able to preserve and forward children's rights.

Taking on child friendly approach has been illustrated through findings to let children's testimony become more valid and trustworthy. Findings indicate that more child friendly method can contribute to children's legal right at the same time as making it comfortable for the children:

*"I had a girl who had been taken picture of, a very young girl. And when she sat and told about that she had been taken picture of and that she had to hold her feet like this (PB shows by spreading her legs). And that she sat on the floor. Then I ask*

*can't you sit down on the floor and show me how you were sitting, and she did that, then the camera zoomed in. That became very credible" (Police officer)*

On the other hand the findings indicate that taking on child friendly method could have some own challenges:

*"I think maybe they [police officers] could take a more approach that we work with, where you take time to get to know the children, and continuously move slowly forward to get to the main topic" (Welfare service)*

In today's practise conducting forensic interviews within 14 days is seen to be a great challenge (Bakketeig et. al., 2012; Stefansen et. al., 2012; Barnehusene, 2011; Meling et. al., 2006; Hennum, 2004). The same challenge might be present if the interrogators should take as much time as presented in the quotation above. The aspect of time in forensic interview is maybe one of the reasons to why this practise differs from the practise at the welfare service. This might be one of the reasons why SB also focuses on therapy.

Based on my data it has been visible tools used in today forensic interview can be linked to more child friendly methods as suggested in the quotation above:

*"Sometimes we have to move in and out of the topic, if we get to close then the child stop talking and then we need to go out again to a more neutral topic, and then slowly move in again" (Police worker)*

This way of working is supported by sociology of children and childhood (Ennew et. al., 2009; Anderson & Morrow, 2011). The child friendly approach also recommend to use low risk questions before going in to difficult questions to able the child to be prepared for what is coming. At the same time as this thesis illustrate children most are often already ready to talk when entering the forensic interview. To drag out the difficult question can for some children be more stressful (Regjeringen, 2009: 29). This can give an indication that most children are ready to talk no matter what methods they experience:

*"I don't think it is dangerous for children to talk about what has happened to them, I think that for some it feels good to get it out, since they often as had to held it inside for so long" (Police Officer)*

Using child friendly methods within the forensic interview might give the child more tools to use to tell their story and show their competence. Through findings it has been shown that the child friendly approach has been given a more focus, this can indicate that the work of advocating has had an influence on making a better collaboration between the two perspectives.



## 7.7 Concluding remarks

This thesis has explored how different functions at SB have given children a better opportunity to participate in a situation where children often do not have great participation. Based on what this thesis has illustrated it is possible to express that SB is part of the field of expertise who “(...) *are trying to turn this status of children into an actual topic*” (Verhellen, 1992: 80). To give focus of how important children’s perspective is affecting the forensic interview and the whole society. It is done through distributing knowledge to the society were workers at SB set focus on children’s rights and children’s abilities to express themselves.

The importance of having guide lines to ensure all SB works with the same aspect within children’s rights has been illustrated in this thesis. The challenge of giving too much room for interpretation of the national guide lines has also been discussed. The possibility of interpretation of guidelines opens for different practices which gives the possibility for injustices towards children’s rights. Different treatment can be shown to have negative impact on children’s rights, to give same treatment can be an indication to respect children’s rights. On the other hand it has been illustrated in this thesis that different treatment can also be an indication of respecting each individual child. All children have different needs and those needs have to be respected to respect children’s rights. This thesis brings forward the complex of having different practices in the setting where often children’s rights are compromised. From that perspective it will be important to understand different treatment in the situation the children are in. If children are given different treatment with information then this could be argued to be unjust towards children’s rights, but different treatment in adaptation of where to be before forensic interview can be understood to respecting children’s rights.

This thesis expresses the dilemma of the possibility for interpretation of guide lines, in the aspect of giving adults even more power. It has been illustrated that some judges have the power to make their own definition of the guide lines, for instance how long the pre-meeting should be. Adults’ power is visible through their opportunity to overrule other actors, as the case where the judge overruled the interrogators has shown in chapter 6. This case gave a good example of how much impact definition power can have on children’s rights. The aspect of not taking children’s perspective and the guide lines indicate that children’s rights are not respected. The work at SB has a challenge to change the different attitudes that exist within the actors working with SB. The different practices can also be

seen in relation to the issue of time. Time has been shown to be one of the main reasons to why many do not use SB, it can also be seen to be the aspect to why some judges only use 5 minutes on pre-meeting. From what this thesis has illustrated it will be important to continuing to study what is good practises. Time as an issue will become important to watch closely to ensure time do not overrule children's rights. This risk is also seen in the findings in this thesis, and therefore it will be important to work towards a practise that provides is more time friendly.

This thesis has shown that SB has different functions in order to bring forward children's rights to be hard. They have through adaption and child friendly approach given children a better opportunity to participate in practises related to the forensic interview. Comfortable environment will become important to maintain children's trust and security. The role of distributing knowledge has been shown to have impact on how other individual especially adults view children today. The distribution of knowledge has also been shown to have an impact on children themselves; they have today more access to information and can therefore easier get knowledge about their rights. Children lives in a society where it is possible to show adults their rights by using known research articles and UNCRC, this gives children a better position to claim their rights in all situations.

In the future it would be necessary to continue researching SB as a topic. As expressed earlier SB has so far only been research in evaluation reports (Bakketeig et. al., 2012; Stefansen et al., 2012). I recommend that further research should set more focus on how children in all ages experience SB, the evaluation report only focused on children older than 10 years old. A second aspect that should be given more attention is the aim of SB being a place for both children and physical disabled individual, but as this thesis indicates the function of being a place for both groups is not working as it should. It should be researched how many disabled children that actually use SB and what impact the name Statens Barnehus has on the interpretation of their aim to forward children's rights.



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## **Apendix**

### **Apendix: 1 - UNCRC**

#### **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 interests of the child shall be a primary consideration.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision” (UNCRC,1989).

#### **Article12:**

“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”(ibid).



**Apendix: 2 - Interview guide**

In the beginning I would emphasise that interview is voluntarily and they can leave at any point they would like. The interview is confidential and everything will be anonymous. All my notes will be kept secret and only me and supervisor Gry-Mette will have access. I will then inform about the topics we will talk about, if the still want to participate then we sign under a declaration.

Theme	Questions
About my self	My education and why I research what I  What education do you have?
About the informant	How long have you worked with Field Investigative Interviews?

Theme

Question

<p>The daylie rutines</p>	<p>How looks a normal day for you?</p> <p>How many cases do you have pr day/week?</p>
<p>Techniques and tools used in FIIC</p>	<p>Wat techniques do you use the most?</p> <p>Which works good and bad?</p> <p>Other tools not used so much, you could use?</p> <p>How does it work with open and cloesd questions?</p> <p>Can you give example of a FIIC?</p>
<p>The informants view on the child</p>	<p>What view do you have on children in such situation?</p> <p>Do you think your perception might affect the FIIC?</p> <p>In what way can it effect?</p> <p>Or why wouldn't it have an effect?</p> <p>How does you work to not bring in their view to much?</p> <p>Can you give an example about a interview where your perception might have had an influence?</p>
<p>Children not telling</p>	<p>What do you do if a child don't talk?</p> <p>How do you adapt each FIIC?</p> <p>Is it something that works better than others?</p> <p>Can you give example of good working and bad working?</p> <p>Why do you think some children tell and</p>

<p>How does FIIC contribute to children's right?</p> <p>Statens Barnehus</p> <p>Ending</p>	<p>some don't?</p> <p>What do you lay in children's right to be heard?</p> <p>Do FIIC preserve these right? Why or why not?</p> <p>In what way does it then contribute to preserve the right?</p> <p>Do you have any example where children's right was clearly present?</p> <p>Is children's rights an sentral part of planning FIIC?</p> <p>What has SB done to help with children's right?</p> <p>What work relation do you have with SB?</p> <p>What has chance with SB?</p> <p>In what way have SB preserved children's right?</p> <p>Is there something we haven't talked about that you thing we should talk about?</p> <p>Do you have any more to tell?</p>
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In the end i have a general question all of my informants gets to answer: «*If you had all the money in the world, what would you have done with FIIC and SB in thought of children's right?*»

I use the same mal for all the interview guides, some of the questions are different and here is some of the different questions I asked to SB workers



### **Apendix: 3 - Informasjonsskriv om prosjektet Barnehusets bidrag**

Mitt navn er Marthe Rise Tuveng og jeg studerer ved Norges tekniske og naturvitenskaplige universitet(NTNU) ved avdeling for Norsk Senter for Barneforskning(Noseb). Jeg skal i perioden høst 2012 og vår 2013, skrive min masteroppgave og i den forbindelse ønsker jeg å intervju xx antall personer som har erfaring og kunnskap om temaet. Det er derfor jeg kontakter deg.

*Jeg skal skrive oppgave om temaet hvilken betydning barnehusene har hatt for barnets rettigheter. Dette fokuset er aktuelt i dag i forhold til de to rapportene som vil komme ut i løpet av 2012 hvor en evaluering av barnehusene er gjort. Mitt mål er å se på hva barnehusene har bidratt med i forhold til barnets rettigheter som eksempel; prinsippet om barnets beste og rettigheten til å bli hørt.*

Det er frivillig å delta og det er mulig å trekke seg når som helst underveis, uten å måtte begrunne dette nærmere. Dersom man trekker seg vil all informasjon bli slettet. Opplysningene jeg samler inn vil bli behandlet fortrolig og det er bare meg og min veileder som vil kjenne til hvem som har sagt hva. I masteren min vil jeg bruke sitater fra intervjuene, men disse vil bli anonymisert slik at ingen enkeltpersoner vil kunne gjenkjennes. Dette prosjektet har også blitt sendt til NSD for godkjenning.

Jeg ønsker å utføre intervjuet i september-oktober 2012 og det vil trolig ta 1- 2-timer. Dette er et viktig tema, men for å kunne skrive en masteroppgave er jeg helt avhengig av at fagpersoner som deg, er villig til å dele sine erfaringer om temaet med meg. Jeg håper du derfor du kan stille til intervju. Tid og sted kan du selv bestemme. Om du ønsker å hjelpe meg med min masteroppgave og bli en informant så kan du sende meg en mail, ringe eller sende en sms, slik at vi kan ta en nærmere prat for å avtale tidspunkt og lignende. Og har du noe som helst spørsmål må du bare ta kontakt, selv om du ikke er helt sikker om du ønsker å bli informant.

E-mail: [marthe.tuveng@gmail.com](mailto:marthe.tuveng@gmail.com)

Telefon: 91511546

Vennlig Hilsen

Marthe Rise Tuveng



## Samtykkeerklæring

Denne erklæringen gjelder for Marthe Rise Tuveng og informant .....

Med denne erklæringen binder jeg Marthe Rise Tuveng meg til å behandle alt av informasjon gitt av informant.....,..... konfidensielt og anonymisert under både skrive prosessen og publiseringen av masteren.

Informanten samtykker til å delta på et intervju som informant til masteroppgaven til Marthe Rise Tuveng. Ved å samtykke gir informanten tillatelse til at Marthe Rise Tuveng kan bruke det som blir sagt i intervjuet i sin masteroppgave, ved forbehold om at det blir anonymisert. Dette samtykket er ikke bindende og informanten kan til en hver tid trekke seg uten å måtte gi begrunnelse.

.....  
.....

Marthe Rise Tuveng

## Apendix: 4 - NSD

Norsk samfunnsvitenskapelig datatjeneste AS  
NORWEGIAN SOCIAL SCIENCE DATA SERVICES

**NSD**

Harald Hårfagres gate 29  
N-5007 Bergen  
Norway  
Tel: +47 55 58 21 17  
Fax: +47 55 58 96 50  
nsd@nsd.uib.no  
www.nsd.uib.no  
Org.nr: 985 321 884

Gry Mette Dalseng Haugen  
Norsk senter for barneforskning  
NTNU  
Loholt Allé 87, Pavillion C  
7491 TRONDHEIM

Vår dato: 07.05.2012      Vår ref:30445 / 3 / HIT      Deres dato:      Deres ref:

**TILBAKEMELDING PÅ MELDING OM BEHANDLING AV PERSONOPPLYSNINGER**

Vi viser til melding om behandling av personopplysninger, mottatt 16.04.2012. Meldingen gjelder prosjektet:

30445	<i>Barnets rett til å bli hørt i et dommeravhør</i>
Behandlingsansvarlig	<i>NTNU, ved institusjonens øverste leder</i>
Daglig ansvarlig	<i>Gry Mette Dalseng Haugen</i>
Student	<i>Marthe Rise Tuveng</i>

Personvernombudet har vurdert prosjektet og finner at behandlingen av personopplysninger er meldepliktig i henhold til personopplysningsloven § 31. Behandlingen tilfredsstiller kravene i personopplysningsloven.

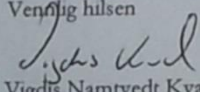
Personvernombudets vurdering forutsetter at prosjektet gjennomføres i tråd med opplysningene gitt i meldeskjemaet, korrespondanse med ombudet, eventuelle kommentarer samt personopplysningsloven og helseregisterloven med forskrifter. Behandlingen av personopplysninger kan settes i gang.

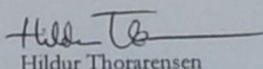
Det gjøres oppmerksom på at det skal gis ny melding dersom behandlingen endres i forhold til de opplysninger som ligger til grunn for personvernombudets vurdering. Endringsmeldinger gis via et eget skjema, [http://www.nsd.uib.no/personvern/forsk\\_stud/skjema.html](http://www.nsd.uib.no/personvern/forsk_stud/skjema.html). Det skal også gis melding etter tre år dersom prosjektet fortsatt pågår. Meldinger skal skje skriftlig til ombudet.

Personvernombudet har lagt ut opplysninger om prosjektet i en offentlig database, <http://www.nsd.uib.no/personvern/prosjektoversikt.jsp>.

Personvernombudet vil ved prosjektets avslutning, 01.06.2013, rette en henvendelse angående status for behandlingen av personopplysninger.

Vennlig hilsen

  
Vigdis Namtvedt Kvalheim

  
Hildur Thorarensen

Hildur Thorarensen tlf: 55 58 26 54  
Vedlegg: Prosjektvurdering  
Kopi: Marthe Rise Tuveng, Paul Fjermstadsveg 53, 7052 TRONDHEIM

## Personvernombudet for forskning



### Prosjektvurdering - Kommentar

Prosjektnr: 30445

Prosjektets formål er å se på hvordan dommeravhøret tar vare på barnets rettighet til å bli hørt. Utvalget består av ca. 10-15 personer, og inkluderer politibetjenter, politistudenter, dommere og forskere innenfor dommeravhør.

Det innhentes skriftlig og muntlig samtykke basert på skriftlig og muntlig informasjon. Personvernombudet finner informasjonsskrivet og mal for muntlig informasjon tilfredsstillende, såfremt dato for prosjektslutt tilføyes, samt navn og kontaktinformasjon for veileder.

Data innhentes ved personlig intervju. Vi minner om at av hensyn til utvalgets taushetsplikt, kan det ikke fremkomme identifiserbare opplysninger om enkeltbarn eller konkrete saker, verken direkte eller indirekte. Det vises i den sammenheng spesielt til spørsmål i intervjuguidene lydende "Kan du gi et eksempel på et avhør hvor (...)". Vi anbefaler at forsker minner informanten om dette ifm. intervjuet.

Lydopptak av intervjuet overføres til pc. Datamaterialet vil være knyttet til direkte personidentifiserende opplysninger via kode som viser til en koblingsnøkkel.

Materialet registreres og oppbevares på privat pc. Det oppgis at datamaskiner beskyttes av brukernavn og passord. Personvernombudet forutsetter at behandling av personopplysninger/lydopptak på privat pc er i tråd med NTNUs interne retningslinjer for informasjonssikkerhet.

Datamaterialet anonymiseres når prosjektet er avsluttet, senest innen 01.06.2013. For at datamaterialet skal være anonymt må navn (på samtykkeerklæringer og koblingsnøkkel) slettes. I tillegg må indirekte personidentifiserende opplysninger slettes eller grovkategoriseres/omskrives slik at ingen enkeltpersoner kan gjenkjennes. Lydopptak slettes.