5. Towards a child-friendly justice and support for child victims of sexual abuse

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Introduction

It can be argued that societal awareness of child sexual abuse seems to go through different stages of development. The first stage is characterised by denial whereby the existence of the problem is at best minimised or at worst flatly denied. The perception is that even children themselves are to be blamed instead of adults, as the abuse may be due to aggressive children who “seduce” innocent men (Salter, 2003). The second stage may be referred to as the stage of admission, whereby child sexual abuse is seen as a horrible incidence of psychopathic aggression or outrageous sexually deviant behaviour. Alternatively – in the case of intra-familial child sexual abuse – it may be perceived as one of the many symptoms of the dysfunctional family without a clear understanding that responsibility can never be placed on the child. We now know, however, that the root of child sexual abuse is essentially of a social nature and cannot adequately be explained by individual acts of paedophiles or expressions of family dysfunction. This requires us to understand that child sexual abuse and exploitation are complex issues with many facets, which include child pornography, prostitution and trafficking, and sexual abuse within and outside the family. It could be said that society has reached the stage of social recognition once it recognises that it has a collective responsibility to safeguard the unequivocal right of the child to be protected from all forms of sexual abuse. Collective responsibility means implementing measures to protect vulnerable children that are not confined to individual actions, such as
incarcerating perpetrators or providing family therapy, but ones which are truly child focused and comprehensive with regard to prevention, intervention and rehabilitation.

**The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

In Europe, the First World Congress against the Commercial Sexual Exploitation of Children, held in Stockholm in 1996, represented a landmark in the development of social and political awareness of child sexual abuse in many European states. This event launched a take-off in international collaboration on child sexual abuse, including within the Council of Europe. Parallel to this, many if not most Council of Europe member states introduced various national measures to address the problem, which aimed at prevention, more effective legal procedures and substantive criminal laws, and support for child victims. However, Europe still has a long way to go in securing the best interests of the child when dealing with child sexual abuse cases (May-Chahal and Herczog, 2003; Save the Children International Alliance, 2002). Perhaps the progress already achieved in Europe represents a shift from the denial stage to that of admission, providing ample opportunity to move forward towards the social recognition stage. International tools have already been developed to support proactive measures at local, regional and national level, and construct more effective, comprehensive and child-friendly interventions.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) invites the member states of the Council of Europe to revisit domestic legal provisions as well as the existing structures responsible for handling cases of child sexual abuse. The forthcoming Council of Europe guidelines for child-friendly justice will also contribute to a more professional approach in addressing the serious threat that sexual abuse represents to the well-being and healthy development of children.
Sexual violence against children – Preventing and reporting

The silent crime

Child sexual abuse is often referred to as the crime of secrecy. It is a well-known fact that child victims of sexual abuse can experience great difficulties in disclosing the abuse. Young children often lack the vocabulary needed to express themselves and may not even know that their rights have been violated. Children may be too ashamed or embarrassed to talk about their experience, or too afraid to tell as they may have been threatened and fear the consequences of disclosure. In some instances, their affection for the perpetrator restrains them from telling or they may think that they will not be believed. Nevertheless, and even though from the child’s perspective there are many good reasons for not disclosing, research findings tell us that the majority of sexually abused children do disclose the abuse at one point or another. Younger children most often tell their non-offending caretakers and older ones, especially adolescents, are more likely to turn to their peers to unburden their secret.

What is important is that we can safely assume that the more society is aware of and sensitive to the problem, the more child victims are likely to disclose their experience. We know that some child victims recant their disclosure, especially if they are met with scepticism. Therefore it is paramount to listen to the child without questioning what is being said and provide encouragement, support and understanding.

Disclosure – the key to unlocking abuse

Disclosure is not the only problem facing child victims of sexual abuse. Due to the nature of the crime, collaborating evidence to the child’s disclosure of sexual abuse is commonly lacking. As sexual abuse is typically a very private act, witnesses other than the child victim are usually not found. Medical evidence generally identifies abuse in less than 10% of cases and is conclusive in only half. And although child abuse victims often manifest behavioural or psychosomatic symptoms, there is no empirically based list of “abuse indicators” that can provide accurate data on possible abuse (Poole and
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Wolfe, 2009). In fact, recent research concludes that hard evidence (including physical, medical, witness account, photographs, videos and so forth) exists in a minority of sexual abuse cases and is consistent with the common perception among researchers and practitioners that the most important evidence of abuse is the child’s narrative (Herman, 2009).

Investigative interviewing

In the absence or scarcity of other evidence, the child’s disclosure represents the most valuable source of information on which the whole case may rest. Retrieving the information by interviewing the child victim is therefore crucial to the successful handling of child sexual abuse cases. It is precisely in this area that mistakes are most often made, due to a lack of professional competence in implementing forensic interviews. Many high profile cases in the past have revealed how inappropriate interviewing techniques used by untrained interviewers appear to have compromised and contaminated children’s testimony with disastrous effects (Ceci and Bruck, 1995). Repetitive and unstructured interviews can distort the child’s account with harmful effects on the criminal procedure. Suggestibility is a major problem when a child is interviewed by those who are not trained to obtain the child’s disclosure. This happens when the interviewer asks misleading questions and uses an unstructured approach, often leading to discrepancies in the child’s narrative. A well-known example of this is when child victims answer questions the way they think the adult expects them to answer.

In recent years research evidence has clearly shown that children are able to provide valid and reliable information, and that they can be remarkably competent informants when interviewed by professionally trained interviewers (Gudjonsson et al. 2010). However, the quality and quantity of the information children provide are greatly influenced by the way in which they are interviewed. Hence, structured interview protocols have been developed in which professional recommendations have been translated into interview tools to maximise the reliability, amount and quality of information obtained
from suspected child abuse victims. Some of these interview protocols have greatly improved the reliability of the interviewing thus increasing the probability of appropriate legal and therapeutic interventions to the benefit of the child (Lamb et al., 2007).

Interestingly, the authors of the most recent research on children’s testimonies recommend that when interviewers follow internationally recognised best-practice guidelines, alleged victims of abuse should be interviewed more than once to ensure that more complete reports are obtained (La Rooy et al., 2009). A special investigative technique has been developed for this purpose, referred to as the extended forensic evaluation (Connell, 2009). However, it should be emphasised that there is consensus among professionals that suggestive and unstructured repetitive interviews are damaging and can jeopardise the judicial procedure and subject the child victim to serious traumatic experience.

**The need for an interdisciplinary and multi-agency approach**

The information obtained from the child’s disclosure is highly significant as it plays a central role in (1) ensuring the safety of the child; (2) providing assistance to the child victim with the aim of physical and psychological recovery; (3) revealing the crime for purposes of the criminal investigation, prosecution and sentencing; and finally (4) preventing the perpetrator from reoffending. Therefore the child’s disclosure is crucial for all the different entities in society whose responsibility it is to carry out these tasks.

In most European states child sexual abuse is dealt with by a number of agencies. Child protection systems or the social services at the local level (sometimes NGO service providers are entrusted with this role) ensure the child’s safety and provide the appropriate support services, including therapy. Health professions need to be involved for a medical examination and treatment. The police are responsible for the criminal investigation and the prosecution for determining whether there should be an indictment. Finally, the role of the court system is to determine the guilt or innocence of the alleged offender.
In order to fulfil their roles, all these different agencies need to examine the child victim’s account. Consequently it is commonplace that children are subjected to repeated interviews by different professionals in many locations – a condition that according to research findings amounts to a re-victimisation of the child that can even be as painful as the original abuse (Berliner and Conte, 1995).

An additional problem for the child victim may be the adverse facilities where the interviews are carried out. Police stations, courts, hospitals and social service offices are typically not very child friendly locations and can magnify the child victim’s unease. It is well known that high levels of stress can preclude optimal expression by the child victim. The latent messages to the child victim conveyed in certain locations can also reinforce some harmful misconceptions. For example, children often associate police stations with places where criminals are brought. This may reinforce feelings of guilt, which is one of most harmful symptoms of sexual abuse that child victims struggle to overcome.

**The child-friendly approach**

How can we overcome the inadequacies described above as well as provide optimal protection and assistance to child victims when investigating sexual abuse and ensuring that children are not re-victimised by the very system designed to protect them? More than a quarter of century ago in Huntsville, Alabama in the United States, District Attorney Bud Cramer initiated a new concept, the children’s advocacy centre (CAC). Cramer’s primary goal was to obtain more successful criminal prosecution of sex offenders, but he also wanted to create more humane conditions for children who were submitted to multiple interviews and inquiries in police stations, hospitals and social service offices. This was a beginning of a movement that today has grown to a network of about 700 accredited and associate child advocacy centres nationwide in the United States.
The National Children’s Alliance, an organisation created to administer federal funding for the centres has issued the following accreditation standards:

- multidisciplinary teams;
- cultural competency and diversity;
- forensic interviews;
- victim support and advocacy;
- medical evaluation;
- mental health;
- case review;
- case tracking;
- organisational capacity;
- child-focused setting.

The standards reflect the ambitious goal of housing child-friendly, professional and quality services for child-victims of sexual abuse under one roof.

In recent years, a number of evaluations and research results have been published on the advocacy centres’ effectiveness and outcomes for children and their families. Findings include, for example, higher rates of parent and other caregiver satisfaction and suggest that a child-friendly environment works well for children; significantly more children from the advocacy centre samples said that they were “not at all” or “not very” scared during the investigation, as opposed to children from the comparison sites (Jones et al., 2007). Other studies point out additional benefits such as faster law enforcement procedures, improved medical examinations and better cost efficiency.

*The European Children’s Houses (Barnahus)*

Following the Stockholm World Congress in 1996 the government agency for child protection in Iceland implemented the first study on the prevalence of child sexual abuse in the country. The findings caused considerable turmoil as the number of cases dealt with by child protection services, police, prosecution, courts and the medical professions revealed that the seriousness of the problem could no
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longer be doubted. The study also pointed to the default of the system in addressing the issue professionally, which was resulting in the revictimisation of children due to a lack of interagency co-ordination.

The starting point of the restructuring of the organisation and work procedure in Iceland was its commitment to Article 3.1 of the United Nations Convention on the Rights of the Child: “In all action concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”

The strategy of defining the needs of the child as a “primary consideration” was prioritised: replacing a system in which the child victim had to adapt to the demands of the different agencies with a service which focused on the needs of the child. The American child advocacy centres became the role model which was adapted to the Nordic welfare tradition in Icelandic society. Housing multidisciplinary services in a child-friendly setting, the Children’s House (Barnahus) opened in 1998; it is located in an ordinary residential area and has an environment designed to make the child feel secure and comfortable.

The core concept of the Children’s House is the joint investigative interview, executed by a professionally trained interviewer under the formal authority of a court judge. This takes place in a specially designed interview room which can be observed via closed circuit television by representatives of the police and prosecution, the defence lawyer, the child’s legal advocate and the child’s social worker from the local child protection services. This procedure is equivalent to a court testimony if the suspect is indicted – thus the child does not need to testify again at the main hearing. This procedure is designed to ensure professional criminal investigation and “due process” (fair trial) for the suspect without compromising the principle of the best interests of the child.

The local child protection services can also refer suspected child victims of sexual abuse to the Children’s House for “exploratory” interviews. This happens when a child’s disclosure is weak or ambiguous
or the alleged offender has not been identified or is below the age of criminal responsibility. All interviews are videotaped for multiple purposes, including that of the medical examination and therapeutic services, which also take place in the Children's House.

The Icelandic Children's House was identified by the International Save the Children Alliance as a “best practice” model among nine European states in the study “Child abuse and adult justice” in 2002. The International Society for Prevention of Child Abuse and Neglect (ISPCAN) presented the Children's House with the “Multidisciplinary Team Award” at their International Congress in York in 2006. The Children's House has generated interest and inspiration abroad.

In 2005, a children's house (Barnahus) was inaugurated by Queen Silvia in Sweden, who had taken a personal interest in the project through her work with the World Childhood Foundation which she founded in 1999. This was in Linköping, where child specialists at the Bub-Elefanten, a national competence centre for child sexual abuse, had been urging for child advocacy services and a children's house for many years (Rädda Barnen, 2009). Earlier the same year the Government of Sweden recommended establishing children's houses around the country and proposed pilot projects in six cities, to be evaluated under the auspice of the relevant state agencies. The first evaluation report, from the University of Lund, is positive and promising (Socialstyrelsen, 2008). Since 2005, children's houses have been set up in more than 20 cities in Sweden.

In Norway, an inter-ministerial working group submitted a report on children's houses (Barnas Hus) under instruction of the Norwegian Parliament in 2006, and the following year the first centre was in operation (Justis- og Politidepartamentet, 2006). Norway now has seven children's houses. Denmark has one and an interdisciplinary working group affiliated by the National Institute of Public Health has put forward proposals to set up more (Forskningsnetværket, 2009). In Finland, the Ministry of Justice will launch a children's house pilot project before the end of 2010, with Greenland following suit.
The growth of the child advocacy centre / children’s house model across state borders and the positive experience from northern Europe and the United States clearly shows that this child-friendly approach is a viable option to further safeguard the rights of child victims of sexual abuse irrespective of cultural or socio-political differences.

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