

Samþykktir Evrópuráðsins um kynferðisbrot gegn börnum og barnvænlegt réttarkerfi, Reykjavík, 20. jan. 2012

The Implementation of the CoE Instruments with regard to Child Sexual Abuse in Iceland

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The Barnahus Approach: Reflected in CoE Conventions and Guidelines

- The Lanzarote Convention CETS No. 201
 - Comprehensive: child sexual abuse and exploitation (pornography, prostitution, trafficking, corruption)
 - The principle of child friendly and multiagency approach
 - Special emphasis on “investigative interviews”
- CoE Guidelines for “Child-friendly justice” (2010)

The Lanzarote Convention

Principles of Multidisciplinary Approach

- **Prevention:** “to ensure the co-ordination on a national or local level between the different agencies” (Art. 10.1)
- **Protection:** “Each Party shall establish effective social programs and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care” (Art. 11.1)
- **Intervention:** “the development of partnerships or other forms of co-operation between the competent authorities” (Art. 15.2)
- **Investigation: Principles and General Measures of Protection** (Art. 30 and 31)

The Lanzarote Convention

Investigative interviews

- a.* interviews with the child take place without unjustified delay ...
- b.* interviews with the child take place, where necessary, in premises designed or adapted for this purpose;
- c.* interviews with the child are carried out by professionals trained for this purpose;
- d.* the same persons, if possible and where appropriate, conduct all interviews with the child;
- e.* the number of interviews are as limited as possible and in so far as necessary for the purpose of criminal proceedings;

Guidelines for “Child-friendly justice”

- Guidelines (2010): <http://www.coe.int/childjustice>
- Addresses all contacts that children have with the justice system:
 - As victims
 - In conflict with the law
 - As witnesses
- The goal is to ensure that children's rights are respected as defined in UN CRC

CoE Guidelines on Child friendly justice

- Promoting other child-friendly actions:
“set up child-friendly, multi-agency and interdisciplinary centers for child victims and witnesses where children could be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals”
- CoE Rec(2011)12 on Children's Rights and Social Services – a comparable recommendation

Social Awareness and Sexual Abuse

➤ Stage of Denial



➤ Stage of Admittance



➤ Stage of Social Recognition



“In the best interest of the child”

- The UN CRC, 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 interest of the child shall be a primary consideration”

Iceland: Children's House

**Medical
Exams and
Evaluation**

**Joint
Investigative
Interviews**

**Victim
Therapy**

**Family
Counselling/
Support**

**Education,
Training and
Research**

**Consultation
and Advice
Local/National**

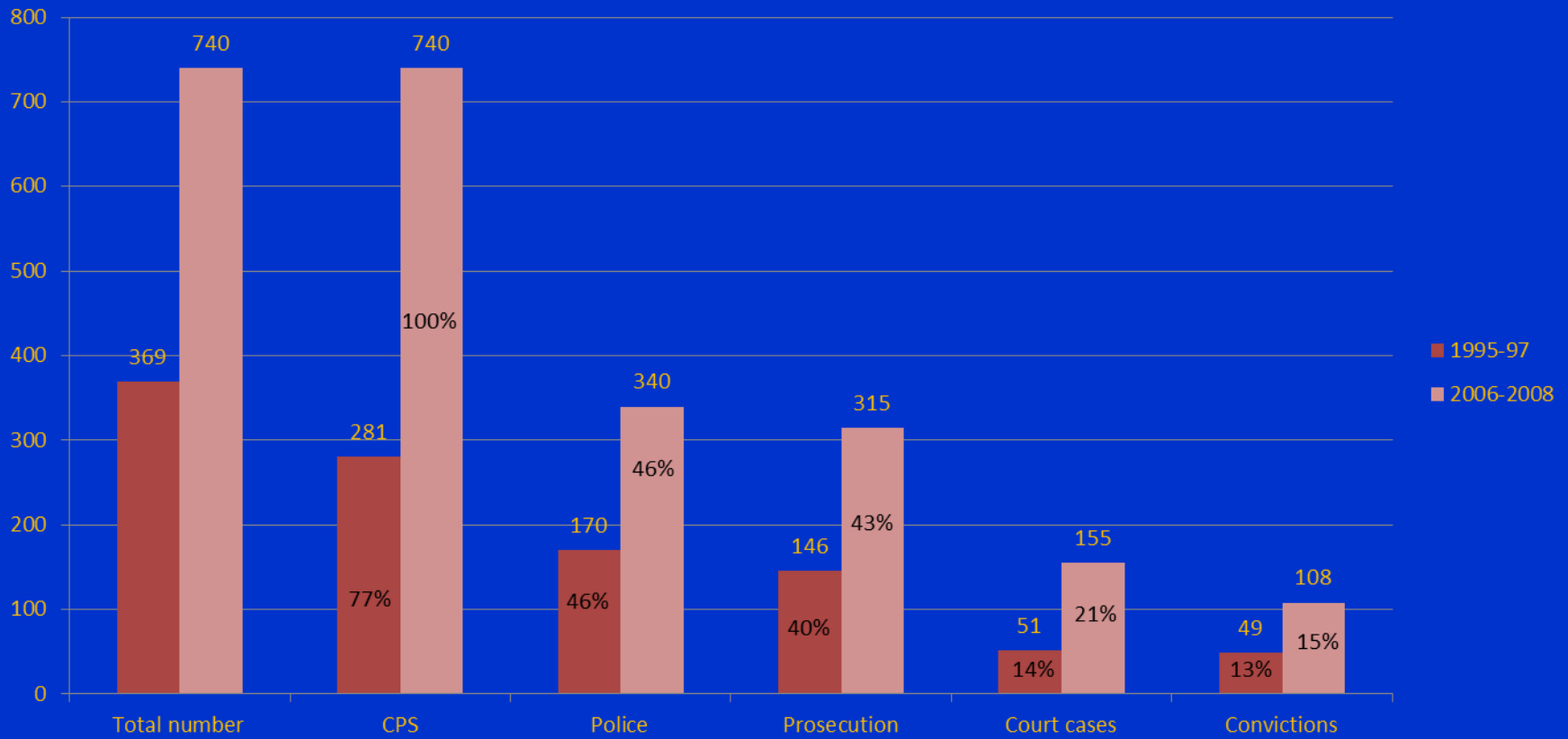
Tracing the Cases

A research finding on sexual abuse 1995-97 compared to 2006-2008
based on official statistics

	1995-97	2006-2008
Total number	369	740
CPS	281 (77%)	740 (100%)
Police	170 (46%)	340 (46%)
Prosecution	146 (40%)	315 (43%)
Court cases	51(14%)	155 (21%)
Convictions	49 (13%)	108 (15%)

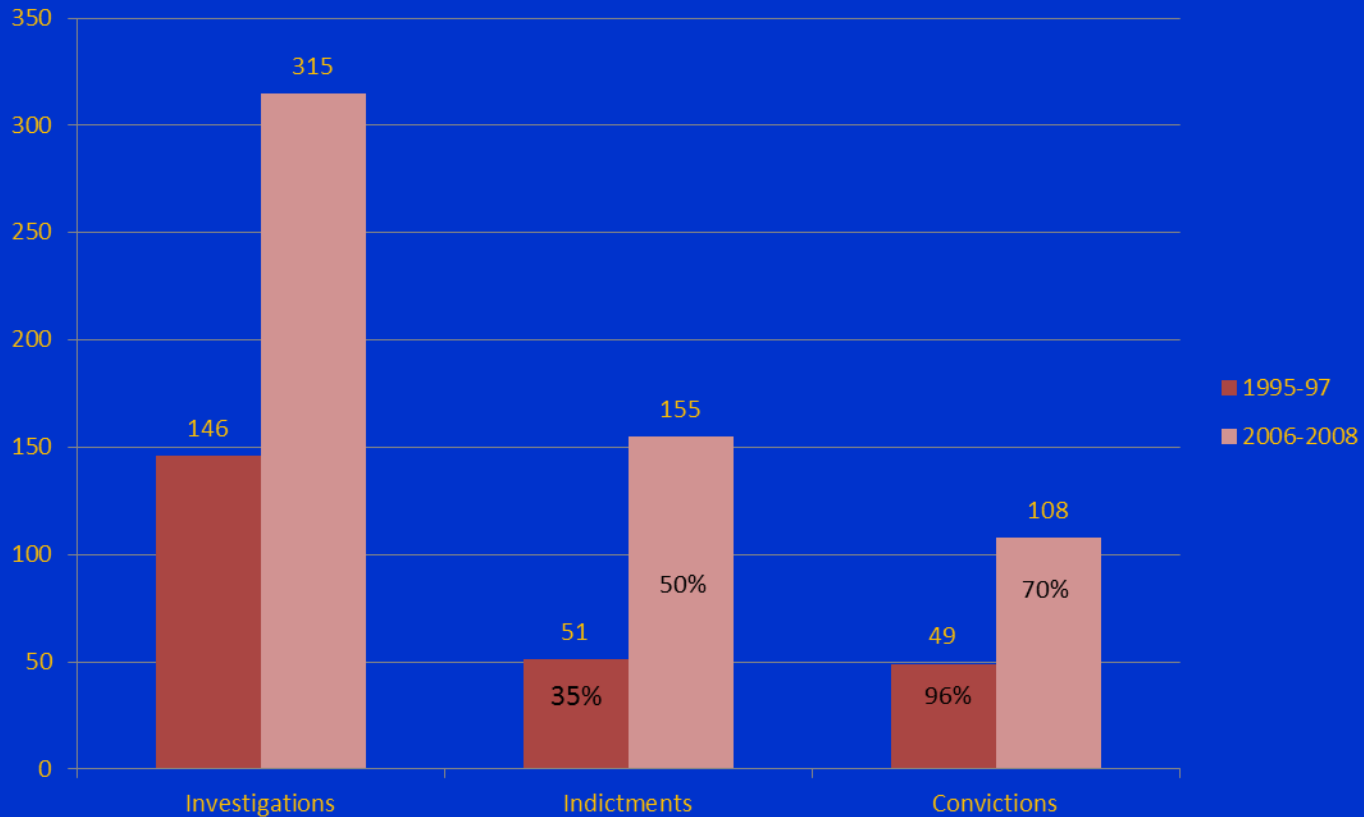
Tracing the Cases

A research finding on SA 1995-97 compared to official statistics from the State Prosecution, the Gov. Agency for Child Protection and the Court Council 2006-2008



Tracing the Cases

Research findings on child sexual abuse 1995-97 compared to official statistics from the State Prosecution 2006-2008



Signs of progress

- Significantly higher rate of detection and investigation, prosecution and sentencing
 - Incidence rate increase from 1.5 to 3.1
- The number of:
 - Cases investigated more than doubled
 - Indictments have more than tripled
 - Convictions have more than doubled

Further achievements

- Significant improvement, not only in terms of quantity, also quality of procedure: efficient, professional and child friendly response
- Appropriate therapeutic services for child victims
- Re-victimization of the child victim by repetitive and unprofessional interviews minimised
- Mutual professional trust among the different agencies
- Assimilation of knowledge and experience
- Increased public awareness and confidence in the authorities

Shortcomings in terms of the CoE instruments

- Children's testimony in the Court House in Reykjavik
 - Implemented without an assessment of the child's age or developmental stage
 - Does not take into account the child's views nor his/her family
 - Environment not „the most favorable settings and the most suitable conditions for children to give evidence”
- Children's testimony in police stations

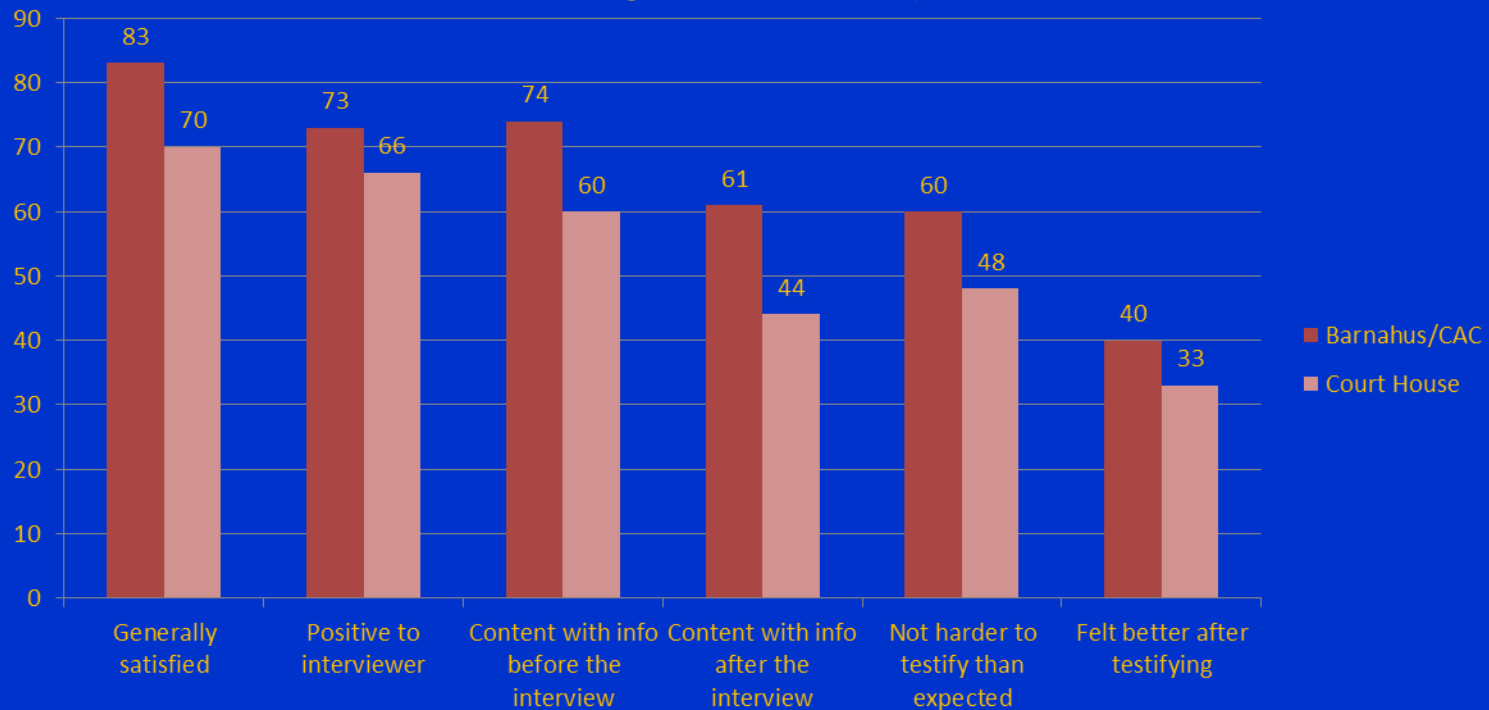
Committee on the Rights of the Child

Concluding observation, Iceland

- From the 58th session sept. 2011
- *Child victims and witnesses of crimes*
 - “The Committee recommends the State party to encourage courts to make use of the Children’s House for obtaining testimonies from children.”

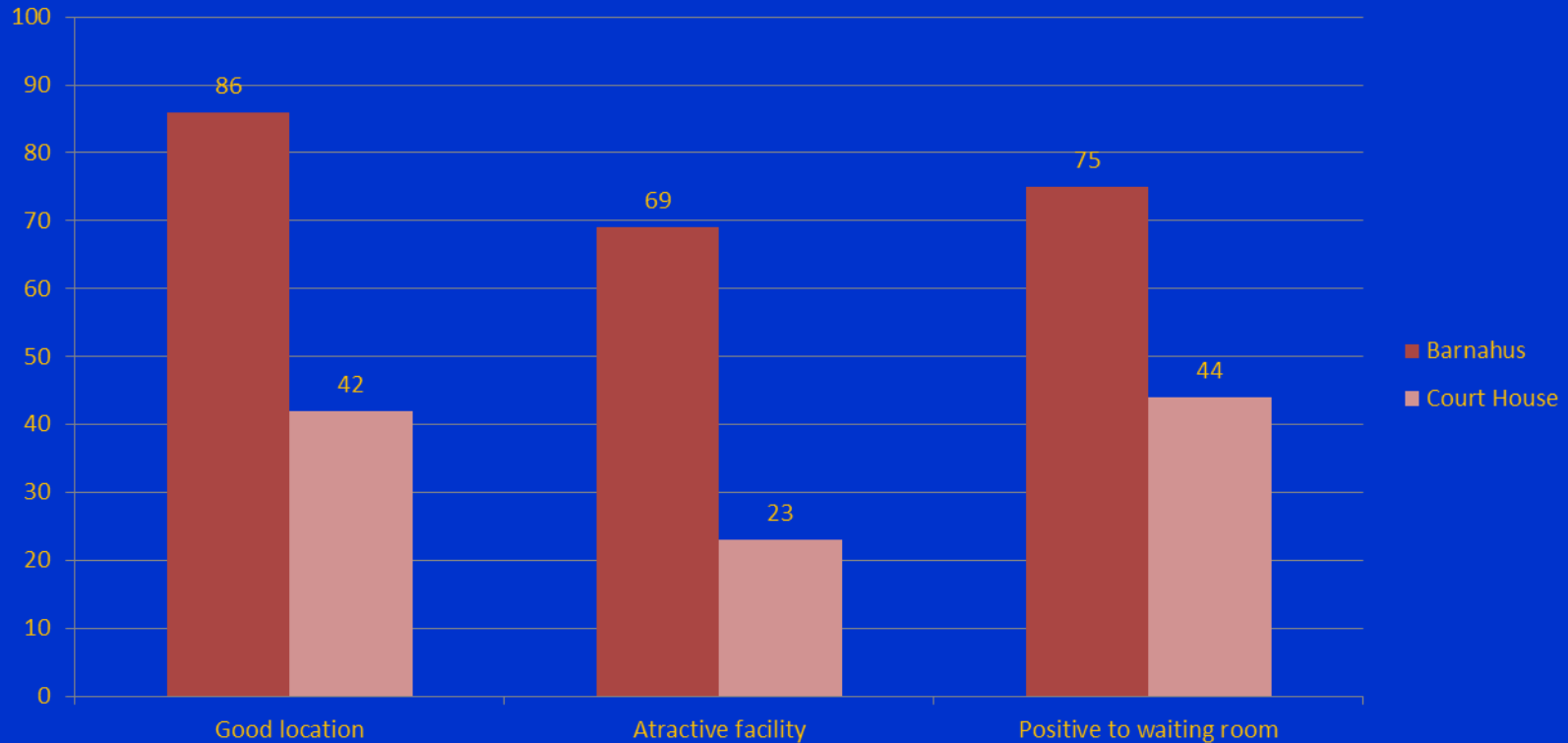
Child-friendly testimony

Giving testimony (%)



Child-friendly environment

Environment for testifying (%)



Other considerations

- Prevention
- Therapy for perpetrators
- Monitoring „high risk“ offenders
- Confidentiality