

Support of Child Victims of Sexually Motivated Crime

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Abstract

Sexually motivated crimes against child victims in the Czech Republic prove to be a weighty society-wide problem. This paper analyses the development of sexually motivated crimes against child victims in the Czech Republic, and on the basis of the assessment of the case interpretation were set principles for the support of a child victim during the process of investigation of the crime committed on the child. Emphasis is put on the specific approach and aids used in the work with child victims.

Keywords: Endangered child; Victim; Sexually motivated crime

Introduction

Children are very vulnerable; therefore the crimes committed against them are assessed as very serious. Especially when it comes to a sexually motivated crime committed against children. The process of investigation of such crime itself can permanently damage the child – here we are speaking about secondary victimization of the victim. The basic used terms will be defined in the beginning of this paper and then the used methods will be stated. The used analysis of the available statistical data will be used and a related case interpretation will be assessed. The practical recommendations will be stated in the conclusion. The objective of this paper is to find a strategy in the work with child victims and methods minimalizing the consequences of secondary victimization.

Definitions of the Basic Terms

This section consists of definitions of the basic terms of the subject concern with the support of child victims of sexually motivated crimes. The terms are: child, child as a crime victim, vice crime, and secondary victimization.

A child

This article focuses on the support of a child that falls a victim to a crime and who is vulnerable concerning the negative impact of this act to his/her life, which can negatively influence his/her following positive and propitious development and progress. For this article purpose I will give priority to using the term of an endangered child. I result from the work of Matoušek et al. [1] where he writes about an endangered child or multi-troubled families. As an endangered child there is described a child, whose life or health is endangered somehow. In this context there is a terminology shift (a change) mentioned there, where usually used definition of health WHO defines health as both the lack of illness and a complex health state, inclusive of a good physical, mental state (the feeling of good well-being) and a new definition from the year of 2000 provided us another adding to the definition: a health is the ability to lead a socially and economically productive life. In this article I am going to use the term of an endangered child which I consider to be concise.

A child that falls a victim to a crime

The situation, when a child falls a victim to a crime, can be described as follows: a culprit comes from his/her family constituency or he/she is a person responsible for the upbringing and education of a child, eventually a child's kin – in this case we talk about a battered, abused and neglect child syndrome, in the other case a child is not familiar

with a culprit and a child falls a victim of accidental act.

Sexual abuse can be simply described as conduct (behaviour) when an adult person satisfies his/her a sexual need via a child or a child is misused for the purpose of prostitution and pornography. The silence of a child is exacted from a child with a psychological intimidation, extortion and threats, with various treats and punishments. A child is so discomforted by this adult's behaviour, so, despite the fact no physical power against a child is usually used, a child remains silent, does not say a word, being afraid of the environment reactions, which is often much worse than an act itself [2].

The term of a battered, abused and neglect child syndrome has become common and deep-rooted definition for a child endangered in the situations of the above mentioned reasons. The term of syndrome evokes a medicine branch, its symptom or the complex of symptoms appeared together in this case. I would tend to the effort to describe a factual situation of a child because there cannot be stated, these features always occur at the same time. The term of an endangered child with the inscription of a particular endangering situation seems to be adequate.

In case the conduct of a criminally liable person accomplishes the elements and bodies of a crime, the child having been affected with this conduct has a status of an injured person in the running criminal proceedings because pursuant to this conduct he/she has suffered damage to the health or a moral and other harm has been caused to him/her. To protect minors (children under the age of 15), when carrying out an interview (asking the questions forcing them to revive unpleasant facts and memories in their minds that might influence their psychical and physical development negatively), it is necessary to put on the development and psychic specifics into the legal regulations concerning the interview of a minor person [3].

In the above mentioned cases a child has a status of an injured person in the criminal proceedings, which is defined in the Rules of Criminal Procedure. Bodies of social and legal child protection start to care for such a child as well. In the above described situations there

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is also recommended to contact and involve the other bodies subjects (organizations, bodies) focused on the work with children and youth that could cooperate with social and legal protection authorities.

Crimes against morality

Within the context of sexual criminality it is necessary to define the fundamental terms. Some criminology schools also use the term of sexual criminality, the generic term of crimes against morality is most frequently used, though. Therefore the category of sexual criminality includes all kinds of human behaviour that are not accepted by a society. But it is not a criminological equivalent of a psycho-pathological term of sexual deviation. Not all the sexual deviations are punished by the penal law and not all the sexual deviants break the codified social rules with their sexual behaviour. The opposite statement is also valid, namely, not all the sexual crimes are committed by sexual deviants. Thus sexual criminality can be closely defined as the category of crimes motivated by sexual needs [4].

In the Czech Criminal Code there are crimes against a human dignity in a sexual sphere exactly defined: rape, sexual constraint, sexual abuse, incest, procuring and soliciting prostitution, prostitution endangering a moral development of child, promoting pornography, production and handling child pornography, and abuse of children for pornography production. The presented paper mostly focuses on crimes of rape and sexual abuse.

The motivation for committing vice crimes, mainly crime of rape, which is also a violent crime, can be similar as in the case of violent crimes: it can be fear, unrestrained anger of greed to increase domination or power over others [5].

Secondary victimization

Person affected by a crime is called a victim. The study of victimization is victimology (lat. *victima* - victim). The criminology literature talks about primary and secondary victimization. Primary victimization means the actual attack against the victim. Researches and practices document that from the psychological perspective the damage done by the crime is an opening act, which is followed by other damaging incidents. The process of victimization has its own dynamic that exceeds the immediate and direct consequences of the committed crime. Even though the secondary victimization is very common, it is not a necessary phase of victimization. It occurs in the period of time after committing a crime and it is not connected with the offender's actions. Although, most of the crime victims encounter it, it does not have to occur in the optimal case [6].

Victimization consists of several phases. The first phase – „primary victimization“ – consists of all the interactions that happened between the offender and the victim while the crime was committed, and the impact on the victim arising from this interaction or the crime itself. Another phase consists of the victim's reaction to the crime, including all of the changes in the perception of themselves, the following consequences, and the search for answers to the question of “How could the victim influence the offender's behaviour?”. The situation, when the victim is dealing with the crime and is deciding what to do next, can be included in the primary acts. Potential secondary victimization occurs in the third phase of victimization when due to this situation the victim comes to a contact with other institutions (authorities active in criminal proceedings, medical examination, and expert examination). When these interactions have a negative impact on the victim, we are talking about secondary victimization, which means secondary harm [7].

Research Questions

How has the vice crime committed against children under 18 years of age in the Czech Republic developed over the last ten years? Is the portion of sexually motivated crimes committed against children growing? What are the specifics of child victims of vice crime?

Method

Instruments

The analysis of crime statistics in the Czech Republic was used (2003-2013). Crimes within the vice crimes committed against children were compared, specifically the crime of rape committed against children of 15 years and younger and the crime committed against children of age from 15 to 18 years. Then the statistical data of the sexual abuse crime, which can be committed only against children younger than 15 years, were assessed. The age threshold of 15 years in the Czech Republic is set for criminal responsibility. 18 years is the age threshold of full legal age – adulthood. The used data are from the statistical surveys of the Ministry of the Interior of the Czech Republic; these data are released every year on the Ministry's website.

The used case interpretation was developed on the basis of the analysis and study of documents–files of the Regional Police Directorate of the Hradec Králové Region.

Research sample

The statistical data published by the Ministry of the Interior of the Czech Republic for the years 2003–2013 were compared. The population of the Czech Republic was 10 517 408 at the 31st of March 2015, of which were 1 560 000 children under 15 years of age. The population of children less than 15 years of age constitutes about 15% of the total population. The number of persons between 15 and 18 years of age is not cited. (Population, www.csu.cz)

Procedure

Categories that would be compared were determined. Categories of crimes: rape and sexual abuse, were selected.

A case of interpretation that completes the specifics of vice crime's child victims was chosen for the evaluation process.

Results

There are crimes having been committed towards children filed. Sexual crimes present – in this sense – a significant category. Let's describe some statistics data concerning children as victims of sexual criminality. The statistics data come from the Criminality statistics of the Police of the Czech Republic from the term of 2003-2013 and they relate to the entire Czech Republic. Although measurements of IFT and ST in protein-surfactant solution blends may look, at a first glance, as a merely an academic exercise, the following few examples will serve as demonstration of the significance of this approach as a rationale and a predictive tool for major industrial implications.

We can see Figure 1 the data from the last decade (2003-2013) relating to the crimes of rape committed towards children at the age till 15 years in comparison with the crimes committed towards children at the age from 15-18 years (till their full legal age). It can be states both the groups are relatively equal- concerning the number of committed crimes. Crimes of rape committed towards children at the age of 15+ slightly prevail. Since 2011 there has been an evident increase of crimes of rape committed towards children at the age till 15 years recorded.

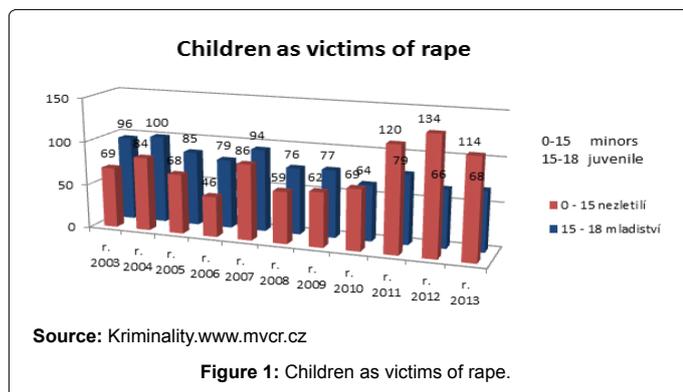


Figure 1: Children as victims of rape.

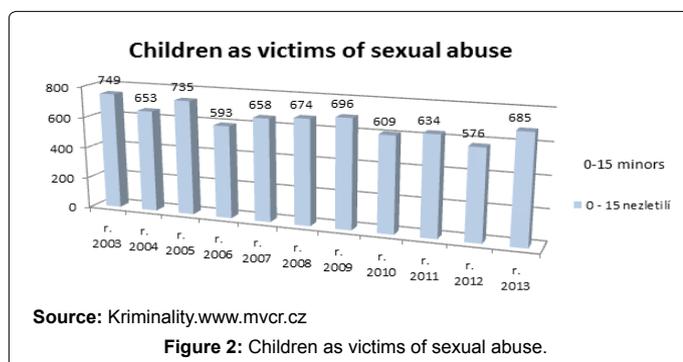


Figure 2: Children as victims of sexual abuse.

Since 2010 the re-enactment of the Criminal code has been done, therefore it is possible that the higher number of acts of sexual violence committed towards children at the age under 15 rather relates to this fact [8].

Figure 2 illustrates a crime of sexual abuse that is committed towards a child at the age under 15 years. This crime neither presumes violence or a threat of violence or other damage nor vulnerability of a child. It is widely discussed crime, when persons involved in a sexual intercourse are nearly of the same age, one of them is slightly over the age of 15 years and therefore he is criminally liable then. It is evident that the percent occurrence of this crime shows just a small change and variation [8].

It can be stated the frequency of crimes related to the category of sexual criminality committed towards children has not been changed. Everything relates to detecting this criminality, which is really difficult. Sexual criminality is enacted between two persons, without witnesses. If a witness does not open his/her heart to anyone and the act is not reported to the police, it is not possible to punish this find of criminality. The exemptions are the gynaecology examinations, when the insult of hymen can be detected; it is not totally obvious in such cases that the crime has been committed, though.

Casuistry

The following case study proves the needs of a special approach to the victims of crimes against morality. It mirrors the necessity of special demonstrative aids and special interview rooms for children victims to be used during an investigation.

An 11-year old girl was growing up with her 16-year old brother, her mother and brother in the dormitory for socially deprived people. She attended the elementary school with average school results. Her

mother was deaf, she took a disability pension and her father was unemployed. One day her mother caught girl's brother making an intercourse with her. She reported this incident at the police.

This girl was refusing to make her statement at the beginning. She refused to talk with a man about what had happened to her. The girl was interviewed by an investigator-woman, a social worker (a woman as well) was present at this interview as well. The whole interview was transmitted to the next-door room via a video camera, where a culprit's defense lawyer, a state attorney (a prosecutor) and a psychologist were present. The girls had problems to expressing her statement; she did not have enough vocabulary. For her interview there had been demonstrative aids in the form of dolls with secondary sexual characters used. The room for dolls had also been used and the girl - via this doll room - was adding her statement, showing and describing the incident at this place.

During the course of the investigation there had been revealed, this incident with her brother was not the only one. This girl was being repeatedly raped by her brother during 1 year; her brother got off this behaviour from her father. The girl was being repeatedly raped by her father for a longer term. Everything was happening when her mother was in the other room or was sleeping. The interview should have been repeated because of the change of accused person's defense lawyers and again the girl was refusing to testify to a different person than an investigator - woman who had already recorded the interview.

The task of a social worker, taking part at the interview, was to ensure a following psychological support. A psychotherapist was working with this girl for a long time. The after-effects came out in the form of girl's improper behaviour towards persons of the same age. The girls behaved aggressive and moody.

Assessment of the case interpretation

The victim of sexually motivated crime (specifically rape) in the stated case was an eleven years old girl. It is worth noticing, that the number of child victims younger than 15 years of age in the Czech Republic has increased over the last three years. The offenders were her father and her brother. The acts were repeated and went on for more than a year. The girl was emotionally attached to both of the offenders; they were members of her family. During the investigation it was discovered that the girl would testify only in the contact with a woman that is with a woman that would have her trust. Such trust was gained by abiding by the rules of holding conversation with a minor. Demonstrational tools were used during the interrogation which supported the girl's imperfect expressing abilities and helped her to reduce her shyness of verbalization of the experienced incidents. Thanks to these facts it was possible to describe, for the purpose of the criminal proceedings, the crime that was committed against the girl, and the offenders were penalized.

It was not possible to prevent the negative impact on the psyche and further development of the girl. Given the use of a specific sensitive approach (its principles are stated below) and the use of demonstrational tools, we can assume that the damage done by secondary victimization was minimized to the smallest degree possible. The girl was damaged more by the primary victimization.

The above presented case of sexual violence committed towards a child shows features common to other cases, it could be said the cases of a rape of a child at the age under 15 are nearly the same in many respects.

Discussion

As follows from the above mentioned statistical data, the number of child victims of rape increased in the last three years. Rape is a serious vice crime, during which criminal proceedings is assessed the level of violence used against the victim. It is possible that this fact is related to the legislative change that happened in the Czech Republic. The increased number of child victims of rape younger than 15 years of age is, however, alarming and should give us pause for thought. The interrogation of children needs to be purposefully comprised of approaches minimizing the risks of secondary victimization. The goal of the mentioned case interpretation is to substantiate the necessity of special approach to the process of interrogation of child victims of vice crimes. If these differences were not taken into consideration, the child would not state the truths important for the criminal proceedings and the crime might stay unsolved.

Support for a victim within the investigation of crimes committed towards a child

In cases, when a child is becomes a witness or a victim of a crime against morality, it is necessary to act while detecting and investigating these incidents very sensitively. The interviews of children always call for a sensitive approach of police officers- specialists in this branch. During the interviews of endangered children special aids and demonstrational utilities are used; it is also very important to carry out such interviews in a pleasant environment and rooms, which do not evoke fears in children. For this reason special interview rooms have been built [9] features as very important issues in the methodology of the interview of a child:

Suitably chosen environment;

- Ensure undisturbed interview course;
- When approaching and communicating with a child, take a child's age into account, inclusive of vocabulary untestable for children, to form brief, clear and well-arranged questions;
- To set a logical questions sequence;
- To run an interview or a dialogue the way, to ensure spontaneity;
- To avoid emotionally affected reactions, to avoid emotions;
- In case a child is tired, to make a break and find other activities for a child;
- To strengthen positive issues of children;
- Take some memory uncertainty into account and not to consider untruth and distortions as willful lies.

The author also refers to a child's different sense of time, place and clothes details. A child has got his/her own fantasy and he/she assimilates. During an interview of a child there is necessary to use a clear pronunciation, a calm and peaceful voice. A police officer carrying out such an interview should be aware of the fact; there is a need to avoid hurried interpretations under the influence of sympathy or antipathy with a child [9].

An interesting topic of lie and memory addresses Aronson and Wilson [10]. Research on constructive memory indicates they errors in source monitoring can occur, whereby people become confused about where they saw or heard something. Jurors often place a great deal of faith in eyewitness testimony, even though jurors are not very good at telling when someone is lying. Because the poly graph is also

an imperfect measure of lie detection, false testimony by eyewitnesses and others sometimes goes undetected. Because of these problems with eyewitness testimony, researches have tried to develop ways of improving it.

Psychological support

To minimize the risks of primary and secondary victimization the well-timed intervention offered to victims of crimes is very important; the essential rules and principles of crisis interventions apply to such situations [11,12]. So called victimology intervention (i.e. an intervention offered to victims of a crime) has its own specifics. Resulting from the following presumption: If mental injuries are not well and early cured, various physical, mental or social problems and disorders can appear in a victim's life later. According to the above mentioned authors, even the time shortly after a critical event plays an important role and that is the reason why so called psychology of the first care has been deeply developed lately. There are two fields distinguished: the first psychological help and therapy of an acute trauma. The first psychological help (situation intervention, early intervention) is run just at the place, where the crime was committed and it is provided by psychologists called in but also by professionals at the place, e.g. police officers, doctors or other members or rescue teams. The therapy of an acute trauma is provided by specialists then (psychologists, psycho therapists) and can begin in about two days after the incident or within a few forthcoming weeks. In both cases there are the same aims: mental victim's stabilization, the moderation of stress state and stress symptoms. They struggle to start a common, usual train of experience processing and they focus on victim's own power (sources) stimulation. For both the helping methods there have been specific techniques worked out.

Effects from sexual abuse and symptoms of posttraumatic stress disorder (PTSD) describes in detail in his book Kearney [13].

Conclusion

By following specific approaches to child victims of sexually motivated crimes can be prevented psychological harm children at a later age. Use of demonstrative aids, special examination rooms and principles of conducting interviews with child minimizes the risk of secondary victimization. Psychological support for victims in cases of investigation vice crime committed against a child id very important both during criminal proceedings, and after the completion of the investigation. The child should feel the support from the society. What is important is the follow assistance to victims. Generally, a child should feel that this type of conduct in relation to him is inadmissible and can expect support in the form of professional conduct by a network of cooperating institutions - police, social and legal protection and organizations dealing with victims of crime. Commitment on the part of these institutions is to educate and improve in work with child victims.

Results of this study can be generalized in a broader international context. The paper may lead to exchanges of experience and practical skills used in the investigation of vice crimes committed against children in various countries. The paper was written in order to expand the knowledge in the area of work with child victims of vice crime.

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