



## **Enforcing Children's Rights**

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The discussion has demonstrated how complex task we are facing when fighting child sexual abuse and exploitation. There is no one way, one path that we can pursue, but many that we need to direct our efforts at if we are to make progress. The complexity of the phenomenon of child sexual abuse requires comprehensive and holistic approach. This should complexity must not, however, defer us from action as we can make progress. When looking back we can see that an enormous progress has been made.

We need not go long back in history to recognise this great progress that has been achieved. We can identify different stages in the evolution of social consciousness with regard to child sexual abuse that societies seem to go through. First is the stage of denial where sexual abuse of children is not seen, or heard of nor talked about. Incidence of sexual abuse were even explained by putting the blame on the child due to sexually aggressive behaviour or seduction as can be seen in some court rulings from early 20<sup>th</sup> century. Then we can identify the stage of admittance when society has reach the stage of facing the fact that sexual abuse of children is a reality. But at this stage there is still the tendency of minimizing and explain the problem away as being limited to the deviant sexual behaviour of few paedophiles or the upbringing of children in dysfunctional families. The third stage of this evolution, the stage of social recognition, the one we hopefully near reaching, is recognizing that child sexual abuse and sexual exploitation is a complex phenomenon that fundamentally has social roots and therefore demands social solutions based on protecting the human rights of the child. This is the key message of the Lanzarote Convention; the responsibility of every state to fight sexual violence of children by measures of prevention, effective response without re-victimizing the child, as well as prosecution of those who violate the rights of children by inflicting assaults to their well-being.

The complexities involved in developing uniformed strategies and plans of action on the European level derive partly from the different child protection systems, legal environments, institutional structures and traditions in work practices among the different member states. The juxtaposition of the functions of central, regional and local governments and the role of the civil society: the NGO and the private sector create diversities that need to be mapped. At the risk of oversimplification it is possible to identify historically at least two trends in child protection in Europe. One can be referred

to as the “Child Rescue” tradition which focuses on risks posed to children, interventions with the aim of removing children from the risk situation and thus saving them from further harm. The other tradition can be characterized as “Family Support” as it puts more emphasis on the preservation of the family and service delivery to parents in need of support for the benefit of children. While the former approach tends to be police driven, bureaucratic and insensitive to children and families the latter tends to be less child focus oriented and somewhat naïve on protective as well as participatory rights of the children.

We have to realize that in spite of some diversity, the development during the past two decades has overwhelmingly been toward more congruence in terms of child protection in Europe. During my 25 years of professional life I have witness how changed perception of the child, increased knowledge, dissemination of information and sharing of experience by domestic and international collaboration of professionals from different disciplines have contributed toward a more uniformed efforts in child protection approaches in Europe. The UN CRC has had great impact in this respect as well as international conventions, guidelines and recommendations such as the important tools from the Council of Europe. The European Convention on Human Rights, the Social Charter and the ruling of the Court are examples of this that have greatly affected national legislations.

It is to be expected that the Lanzarote Convention will contribute to this development of congruency. The monitoring role of the Committee of partners as well as the proactive role of identifying good practices and disseminate information among the parties to the Convention is for the purpose of enhancing the efforts of governments and civil society in the fight against sexual violation of children. The overall aim must be to maximize child friendly strategies without compromising the fundamental human rights to the “due process” or fair trial. An example was taken in this plenary session by my colleague Ms Ksenija Turkovic of the Court’s ruling concerning a particular case in which failure to ensure fair trial lead to negative outcome for the child victim in the end.

My concluding remarks will relate to an example of how a child-friendly strategy under strict conditions of the due process can yield positive results. In Iceland we are proud of our Barnahus (Children’s House) in which the child has the opportunity to give court testimony in a child friendly environment, taken by trained psychologist in accordance with evidenced based forensic protocol. The investigative interview is designed to increase reliability of the disclosure by avoiding suggestive and/or misleading questions. The interview is carried under the auspice of court judge who together with representatives of the relevant agencies and the defence are located in different room and observe the interview via closed circuit television. Few years ago a girl aged 3.5 year was referred for investigation due to sexually inappropriate behaviour at her play school. In spite of the fact that the little girl had a very limited vocabulary and thus verbal communication skills, the interviewer was able to elicit an account of the heart-breaking experience that she had been subjected to. The child’s disclosure was so powerful that there was no doubt in the minds of the judges of neither the district court or the appeal

court in their ruling of guilt beyond reasonable doubt in this case. This is particularly interesting in light of the absence of medical or other hard evidence. Also there were no witness statements other than from the little girl's testimony and the accused consistently denied any wrongdoing. There are probably not many cases like this, but it reinforces research findings that children can be very reliable witnesses. It is up to us to facilitate the disclosure of child victims of sexual abuse and exploitation that is the key to ensure their safety as well as their recovery.