



CHILD SEXUAL ABUSE in Mauritius

Observations & Recommendations

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This document has been reviewed with different stakeholders: psychologists, legal experts and members of the police force, NGOs working in the field of Child Protection etc.

LAWYERS

- Boolell Vikash : in house lawyer
- Desvaux de Marigny Angélique: Barrister at Law
- Desvaux de Marigny Carolyn : Barrister at Law
- Pertab Lovania: Lawyer

PSYCHOLOGISTS

- Chakowa-Cardella Natasha : Clinical psychologist
- Duval Emilie : Doctor in clinical psychology
- Lim KongTeresa : Clinical psychologist
- Vigier de Latour-Bérenger Mélanie : Psychosociologist. President of Pédostop

NGO's

- Schaub Alexandra: Secretary of Pédostop, NGO
- Venkatasawmy Rita : Director of CEDEM, NGO

Observations – Recommendations/Actions

- **1. Local figures of children being sexually abused and number of CDU Officers**
- **2. Investigating child abuse sexual allegations**
- **3. Means of contacting the child victim for an assessment**
- **4. Placement of the child victim at the shelter**
- **5. Child sexual abuse cases can be very difficult to prove**
- **6. Testimony of psychologists**
- **7. Amendment of laws**

I. Observations: Local figures of children being sexually abused and number of CDU Officers

About 6000 cases of children victims of maltreatment every year. 300 cases of child sexual abuse are reported to the CDU every year.

There are about 4000 cases of children victims in previous years that are needs follow-up.

There are about 10 000 children/year who need help and protection.

To date, there are about 30 officers (psychologists, Family Protection Welfare Officers, Assistant Child Programme Officer and office field officer) which indicates a lack of professional staff in terms of giving adequate and professional help to children victims.

I. Recommendations/Actions

There is an urgent need to recruit more professional and specialized staff in the area of child protection at the CDU.

2. Observations: Investigating child abuse sexual allegations

- Interviewing techniques (not based on scientifically acceptable procedures for determining the validity of child sexual abuse allegations)

- Length of interviews (can last 3 hours)

- Inappropriate questions and comments asked to the child victim and/or parent non-abuser

Officers (March, 2012): « Y-avait du sang quand ton papa a mis son doigt avec toi ? », « Il ne faut pas fatiguer la tête de l'enfant avec tout ça, elle va oublier », « Il faut pardonner au papa et lui redonner une chance », when the father in those cases, sexually abused his daughter.

- The children's testimonies are not often very clear in cases of child sexual abuse, because in more than 70 % it is someone they love, trust and respect. This is a cause of great suffering for the child. They often remain silent about the abuse trying to protect their family members.

- Research clearly indicates that an abuser continues to abuse except in case of a long imprisonment and chemical castration along with expert therapeutic help.

- There is no conferencing going on with witnesses who are not police officers. It's important that State Law Officers prosecuting cases where children are victims have meetings with them.


2.Recommendations/Actions

2.a.Have well-trained and experienced interviewing experts in the CDU to carry the assessment of the child victim.

-The collection of the testimony of a presumed sexually abused child requires a great rigor on behalf the expert. Indeed, its statement can have significant consequences on the legal, psychological, relational and economic levels for the child, the presumed offender and the whole family.


-Several experts have offered what they considered to be scientifically acceptable procedures for determining the validity of child sexual abuse allegations (eg: statement validity analysis, Rasking & Esplin, 1991; Consensus statement, Lamb, 1994)

-It is paramount to conduct a valid examination of child sexual abuse allegations that will be both admissible and defensible in a court of law.



2.b. Offer professional and specialized training to child protective services in the field of child protection and sexual abuse to CDU Officers

CDU officers involved in working with child victim of sexual abuse need to work in a multi-disciplinary team with other professionals (e.g: psychologists, social workers, general medical practitioners, gynecologist, lawyers, psychiatrist) to ensure that the validity and reliability of the assessment of the child victim.




2.c. Ensure the **environmental conditions** where the assessment of child victim is carried. Adopt procedures according to “Salle Mélanie” as in France from 1999 where a child victim only has to reveal details of abuse once (the session is filmed) in a private and confidential environment.

2.d. Ensure **specialized and on-going training in various fields like:** child protection, psychology, listening and counselling skills, violence, most effective therapy etc. to officers of CDU/FPU/POLICE Officers.

-These sessions could be delivered by local and/or international professionals in psychology/psychiatry (minimum qualifications: Masters/Doctorate).

-One of the most appropriate therapeutical approach to child sexual abuse is systemic family therapy which treats the systemic context rather than the isolated behaviour. A training for the CDU psychologists in this approach will be particularly beneficial.



2.e. Make it possible for State Law Officers prosecuting cases where children are victim to be able to have conference with child victim

3. Observations: Means of contacting the child victim for an assessment

- When a case is referred to the CDU, the CDU/FPU often contact the child victim by sending a letter to the child's residential address. If the alleged abuser has the same residential address as the child victim this can be problematic.

E.g (March, 2012) An adolescent reports being sexually and physically assaulted by her biological father. The case was referred to the CDU through the school of the adolescent. The CDU sent a letter to the adolescent at her residential address. The biological mother received the letter, gave it to the biological father who threw it away. The adolescent was in a situation where she was even more at risk of being physically assaulted by her father.

3. Recommendations/Actions

If the school refers a case to the CDU, it is best for the CDU to have contact with the child victim at the school premises. (e.g: telephone, visit at the school or letter sent at the school)

4. Observations: Placement of the child victim at a shelter

It is very traumatizing for a child to be placed in a shelter.

The 1st trauma is to be battered/abused,

the 2nd is to be removed from the family,

and the 3rd is not to be given proper care in the shelter (Cyrulnik, 2008).

Helping the whole family is the priority, assessing if the parent non-abuser is stable and loving enough for the child.

If it is not the case and the child has to be placed, the child must be given explanations in regards to:

- reasons that he/she will be placed in a shelter

- the length of the stay

- the frequency of contact with family members (other than abuser), school and friends.




4. Recommendations/Actions

4a. If there is no other solution than to place the child in a shelter, it would be essential for the **CDU to communicate clearly** and regularly with the child on reasons for being place in a shelter.

In addition the child should be regularly updated on possible outcomes (giving an approximate time-frame) and on how the situation is evolving.

4b. **The CDU should maximize child-parent contact**, if possible, by encouraging non-abusive parent to visit his/her child on a weekly basis (under supervision if needed) control. If the parents are reluctant, it would be important to contact another family member/family friend who is willing to keep contact the child. This is of up most importance to promote healthy secure relationships for the child's emotional well-being of the child.



4.c. The CDU could give permission to **school teachers to have regular contact** with the child. This enables the child to still feel partly connected to his/her school community, and to feel cared for.

4.d. If a child who has been placed in the shelter has **had contact with the school counsellor/psychologist** beforehand, the CDU should allow the child to continue sessions with this professional at the shelter on a weekly basis.

4.e The Ministry of Gender Equality, Child Development and Family Welfare could provide an additional budget for more regular, and professional psychological support for the child victim in the shelters. There is an association which regroups professional psychologists in Mauritius

(“Membres de la Société des Professionnels en Psychologie” [http:// sppmaurice@blogspot.com](http://sppmaurice.blogspot.com))



5. Observation: Child sexual abuse cases can be very difficult to prove.

5.Recommendations/Actions

5.a. When sexual abuse occurs, the child victim may be the only witness and the child's statements may be the only evidence. The material proof can be rare. Children hardly ever lie about being victim of sexual abuse .The child victim often provides detail in their statements that could not have been gained without having been a victim of sexual abuse and/or details that strongly suggest they were in a particular place where the abuse is alleged to have taken place. Their statements must be believed and investigated further. If not, the child could be more traumatized.



5.b Expedition

Delay can cause unnecessary distress to the child witness and adversely affect the quality of the child's evidence.

Cases should be expedited through the court process where possible, particularly when the child is very young.

Cases involving such young complainants **must be fast-tracked.**

6. Testimony of psychologists

The legislation in force is unclear as to the legal status of psychologists/ counsellors and psychotherapists, and the approach to adopt with regards to the duty of disclosure or non-disclosure in cases involving child abuse.

Whilst the Child Protection Act does not explicitly mention psychologists (this category not seemingly being part of either the medical nor paramedical profession) thus perpetrating the confusion, the Criminal Code implies at Article 300 that psychologists in virtue of being potential "depositories of secrets" are precluded from disclosing such secrets but for a court order. Moreover under Article 39 A of the Criminal Code, it is uncertain whether a psychologist may be guilty of culpable omission if he fails to report a case of child abuse.

6. Recommendations/Actions

It is recommended that psychologists be expressly included in the category of those having a positive obligation to denounce any potential cases of child abuse under the Child Protection Act

7. Amendment of laws

7.Recommandations/Actions

7a. Ask for the cases related to sexual abuse happen in 'huis clos'

7.b. Public information: Identity of victims and abusers, and details of the abuse should be preserved/not publicized

7. c. If for a case of sexual abuse there is more than one victim with an alleged abuser, to be able to regroup all the victims to facilitate the prosecution

7.d.Add the 'psychologists, counsellors, therapist.etc. in the Child Protection Act

7. e Train State Law Officers (barristers) in the handling of vulnerable and/ or very young witnesses to facilitate the conferencing between the barristers and their witnesses

7. f Set up guidelines for Magistrates on how to conduct cases involving sexual abuse of minors

7. g Ask for the "medical examination" not be automatic (there are occasions when medical examination would be inconclusive- eg. when abuse is brought to light some time after the event) and/or limited to a physical examination.