

Sexuality and Human Rights

Editors:

JUAN J. BORRÁS-VALLS

and

MARÍA PÉREZ-CONCHILLO



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CHILD SEXUAL ABUSE

MODEL OF EXPERT PSYCHOLOGICAL REPORT ON SEXUAL ABUSE AGAINST MINORS.

Miguel Ángel Cueto. *Clinical Psychologist. Sexual Therapist.*
Eva Carbajo Álvarez. *Clinical Psychologist. Sexual Therapist.*

CEPTECO.

Plaza Cortes Leonesas. 9-6° Dcha.

Tel. (987) 26 15 62. Fax: (987) 26 05 66.

24003 LEÓN (SPAIN).

E-mail: cepteco@jet.es

Stages of the Psychological-Judicial Report.

Judicial Psychology in Spain has existed for 12 years, contrasting its experience with Medical Forensic Report which has given legal advice to Court of Justice for over a century.

In the evaluation of sexual abuses, its definition is uncertain, apart from technical difficulties we find the social pressure. Likewise, it is very frequent that the psychologist's report is asked to clarify what could not be proved by other means, such as organic consequences.

The stages of a psychological-judicial report in Spain are:

- Appointment by the Judge.
- Acceptance: answer to the official plea by means of which the expert accepts to study, evaluate or diagnose one or several persons. It involves responsibility.
- Handing in of the Expert Report in Court.
- Ratification of the Report: the expert endorses the written report.
- Summons: time and day are given to attend the trial, where declarations are taken to the parties by lawyers.
- Until the handing in of Report, these are the experts psychologist's steps:
- Study of proceedings.
- Formulation of Hypothesis about the existence or non-existence of sexual abuses against a minor.
- Our model of work is the study of the victim.
- Collection of information by using interviews (by means of previous summons to the minor), direct observation and psychological tests.
- Analysis and Evaluation of the results.
- Conclusions based on the data we have got.

General Characteristics of Expert Reports.

Since the Psychological Report is not addressed to Psychologists, it must be written in a comprehensible technical language to be understood by lawyers and judges. Methodology, terms and concepts, bibliography, explanatory theories, and the professional experience must be explained by answering whatever the judge asks an avoiding superfluous matters.

- Clear
- Concise
- Bald
- Appropriate
- Comprehensible
- Modest
- In accordance with the Deontologic Code.

Our Model of Expert Report on Sexual Abuse.

- Data: name and age of the minor, proceedings, date of acceptance, roll, summary or brief proceedings, the reason for the report and whom it is applied for by (court, tribunal or one party).
- Methodology: including the psychological school the expert belongs to, the scientific scheme and the team of professional who have carried out the report.
- Personal Evaluation: Interviews (dates, persons, place and whether these were recorded).

To carry out this valuation several fields must be studied:

- Personal: Anamnesis and clinical background.
- Familiar: members, social background, social-economic level, relationships.
- Academic (of the minor): level of learning.
- Social Environment.
- Psychological exploration: psychological tests must be evaluated (intellectual competence and personality) and the alleged abuses he/she has suffered.
- Diagnosis: we evaluate whether he/she has suffered sexual abuses and its consequences.
- Conclusion.
- Orientation (if asked):
 - Educational.
 - Therapy
 - Judicial.

Associated Symptoms in Sexual Abuse.

- They are not specific for sexual abuse.
- Several of them must happen simultaneously.
- They may occur at short, medium or long term, depending on how the subject faces it.

They show on several fields, appearing physical, sexual, social, sleep or nutrition, psychological and school consequences. Sometimes the minor feels guilty, either because of the conducts or because he is saying nothing about them or lying.

Main contents of the interview -sexual abuse-.

It is essential the study of the alleged victim. These are the main points:

- Name of the alleged aggressor.

- Relationship between both.
- Possible observers: if any, related to the abuse carried out (circumstances or person who have permitted the abuse). It is necessary to evaluate the active observers (those who have taken part) or the passive ones (mothers who hide the problem).
- Specify type of aggression: touching, anal or vaginal penetration.
- Frequency of aggression.

In case there has been a single abuse it is necessary to point out:

- Place
- Time
- Persons nearby, in order to reject hypothesis about other possible aggressors.
- Victim's reaction
- Specific type of aggression.

The infant's testimony and indicators of veracity.

Infant's testimony: We have to evaluate it before any conclusion:

- Verbal and non-verbal conducts (coherence between what he says and what he feels).
- Analytical capacity of the minor: if what he says it is
 - Reliable: there must be coherence, realism and richness of details.
 - Valid: it should be probable, within a context, showing a progression in time, and finally if the vocabulary used by the minor is characteristic of his age.

Interview:

- Possibility of recording (video or audio) in order to evaluate incongruities and avoid later sufferings in the minor (statements in court, later expert reports...).
- First, the interview must be free so that it does not interfere in the account of facts. Then, it must become semi-guided to concrete information, and later on to compare the information and the details.
- The environment where the interview takes place ought to be relaxed to help empathy.
- Finally it is necessary to discard errors, inventions and contradictions.