



Understanding How Children Describe Bodily Contact in the Forensic Context of Sexual Abuse Cases: Legal Professional's Perspectives

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Background

- Child sexual abuse:
 - molestation, penetration, exposure, and exposing children to porn
- Stats: almost 60% of the 12,000 reported sexual assaults involving minors according to MOHW of TW.

Background

- Challenges of Investigation/Prosecution of Child Sexual Abuse (Pipe et al., 2013)
 - Lack of physical/medical evidence
 - Inaccessibility of crime scenes
 - Intra-family power relationship: dependence (economic), tolerance (cultural), and/or fear (physical)
 - tendency of repetition over an extended timeline
 - languages used in contexts – children vs forensic

Background:

Languages in Contexts

- **Victim** vs. Forensic Contexts:
 - Natural language (under development) for body parts and contacts – vague (Teoh et al., 2014; Teoh et al., 2010)
 - Limited by victim's education/intellectual capacities/memory
 - Attention span of children

Background: Languages in Contexts

- Victim vs. Forensic Contexts:
 - "Criminal elements" and "due process" dictate
 - Use of anatomical dolls/body diagram
 - Style of interview questions (Lamb et al., 2008; Poole and Lamb, 1998,)
 - repeated interviews/questionings

Background:

Languages in Contexts

- Victim vs. Forensic Contexts: Results
 - Errors of commission (false positive – wrongful prosecution/conviction)
 - Omission (false negative → abuse unfound)

Background: the Demand of Proposed Research

- Little is known about children's reports of bodily contact in forensic interviews in Taiwan (Teoh et al., 2014).
- Practical need of TW legal professionals on child sexual abuse case interview/questioning.

Goals

- To provide legal professionals' perspectives on how children describes (verbal/non-verbal) sexual abuse and their credibility.
- To serve as an integral part of a three-part in-depth study for the understanding of how children learn and describe bodily contacts in sex abuse cases.

Methods of Research

- Sample: 300 legal professionals
 - 100 judges (Judges Academy/courts), prosecutors (Prosecutors Office/MOJ), and lawyers (Bar), respectively;
 - Information packs to be sent including instruction, ethical approval, questionnaire, consent form, and return posts;
 - no compensation due to conflict of interests; will inform research results.
 - anonymity guaranteed.

Methods of Research

- Procedure: A semi-structured questionnaire (pre-piloted) will be designed to assess legal professionals knowledge and views of:
 - sufficiency and clarity of alleged victims' naming of body parts and sexually abusive acts, and
 - the effectiveness of the verbal questions and non-verbal techniques (e.g., drawing/pictures, dolls) in getting info about the alleged abuse.

Methods of Research

- Procedure (Cont'd):
 - Ethical Review Approval: Granted (NTU-REC No. 201505HS089).
 - Semi-Structured Questionnaire: Drafted to 1) mirror the issues found in the past years of data collection presented in the other two studies, and 2) explore the (in-)consistency of subjective (victim) and objective (legal professionals) languages in forensic contexts.

⑥ 司法實務從業人員（法官、律師、檢察官）問卷題目摘錄（摘自初稿）

- ⑥ 1. 接到疑似兒少性侵害案件時，通常您對此類案件的反應或想法為何？
- ⑥ 2. 請問您對於性侵害案件之「兒少被害人」有甚麼印象或了解？
- ⑥ 3. 對於「兒少本人經歷性侵／猥褻事件之記憶」，您有何看法？
- ⑥ 4. 您認為兒少對於「性侵害」（法定意義之「性交」）行為之描述能力程度為何？為什麼？
- ⑥ 5. 您認為兒少對於「猥褻」（法定意義之「猥褻」）行為之描述能力程度為何？為什麼？
- ⑥ 6. 請列出您聽過兒少被害人使用的私密部位名稱（亦即涉及性侵害或猥褻情節之生理部位，如陰莖、陰道、肛門、胸部等，從兒少口語或書寫當中所呈現的表達方式，如「那裡」「尿尿地方」「鳥鳥」「害羞部位」...等）
- ⑥ 7. 請列出您聽過兒少被害人描述性侵（亦即法定性器插入行為）行為的詞語
- ⑥ 8. 請列出您聽過兒少被害人描述猥褻行為的詞語
- ⑥ 9. 依據您承辦或處理相關案件的經驗，您認為：什麼證據可以成為兒少性侵害案件的判案關鍵？對於「將兒少陳述性侵／猥褻事件之證詞（也就是供述證據），作為判案關鍵」的觀點，您有何想法？
- ⑥ 10. 對於詢問者（警察或檢察官）使用「偵訊娃娃」進行詢問，您有何看法？
- ⑥ 11. 對於詢問者（警察或檢察官）使用畫畫（人體圖）進行詢問，您有何看法？

Methods of Research

- Data Coding/Analysis: Standards
 - Perceived sufficiency of information about a sexually abusive act
 - Clarity of alleged victims' naming of body parts and sexually abusive acts
 - effectiveness of the verbal questions and non-verbal techniques in getting info about the alleged abuse

Anticipated Issues and Proposed Solutions

- Lack of access to certain courts:
collaboration with judicial officials and bars for access
- Poor return of informed consent forms or questionnaires: emphasize the practical importance of the forensic psychology study

Potential Contribution

- To provide empirical evidence on how legal professionals view children victims' description of sexual abuse
- To add to existing scientific literature and address the scarcity of research
- To address the concerns of legal professionals on the credibility of children's testimony in alleged sexual abuse cases, disclose limitations of current proceedings, and thereby reduce relevant wrongful convictions
- To provide directions on how Taiwanese children should be questioned about personal experience of sexual abuse

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Thank you.