

Strengthening Mandatory Reporting of Child Sexual Abuse in Europe

A Study Setting the Scene for Further Action
Responding to Violence against Children

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Overview

- **Background**: legal, theoretical, empirical research on nature and effects of mandatory reporting laws for child sexual abuse
- **Sexual abuse**: definition, nature, prevalence, adverse outcomes
- **Mandatory reporting laws**: nature, purpose, advantages
- **Required features** of a sound mandatory reporting law
- **Recommendations** to member states
- **Questions**

My background: major studies on mandatory reporting since 2004

- **Legal, theoretical, empirical studies** (Australia, UK, Ireland, Royal Commission, WHO)
- 7-year analysis of sexual abuse report numbers and outcomes pre- and post-MR law
- 20-year analysis in the State of Victoria
- 10-year national study of reports by all reporter groups of CSA, other kinds of child maltreatment - Australian Government
- Study of 930 nurses (2005): knowledge and attitudes towards mandatory reporting; past and anticipated reporting; training
- 3-state study, 470 teachers (2006-08): knowledge and attitudes; reporting practices; training
- Comparative studies – Australia v Ireland; other MR v no MR
- Royal Commission study (2014): historical legislative analysis, sexual abuse reporting laws
- NSW Government study (2018) – reporting practices, all forms of maltreatment, all reporter groups; policy and practitioner needs analysis; legislative reform
- Problems, progress, hotspots of concern, needs analyses for policy-makers, practitioners

Sexual Abuse

Definition (Mathews & Collin-Vezina, 2019)

- contact and non-contact sexual acts
- done to obtain sexual or physical gratification for the abuser or any other person, whether immediately or deferred in time and space
- done by any adult or child in a position of power over the victim
- when the child either does not have full capacity to provide consent, or has capacity but does not provide consent
- Does **not** include:
 - genuinely consensual behavior between adolescent peers
 - developmentally normal play in young children

Nature and Prevalence

Penetrative sexual abuse

- Body parts
- Other objects
- Vaginal, oral, anal intercourse

Girls: 15–20%

Boys: 5–10%

Average age of onset: 9-10

Non-penetrative sexual abuse

- Masturbation
- Touching
- Exposure
- Voyeurism

CSA is Hidden

- Occurs in secret (criminal acts, in private, no witnesses)
- Non-disclosure by child
- Delayed disclosure
- Fear, threats, shame

CSA often a continuing experience

Adverse outcomes of child sexual abuse

- **Mental health** outcomes: depression, anxiety, PTSD, self-harm, suicide
- **Physical health** outcomes and long-term disease from:
 - coping strategies (smoking, alcohol, drug abuse, overeating)
 - chronic stress (coronary artery disease, inflammation)
- Impaired brain development
- Academic performance - economic achievement - adult relationships
- Lifelong disease burden with intergenerational effects

Mandatory reporting laws

- A **public health** intervention to respond to a widespread, severe, hidden problem
- The goal is to identify cases that otherwise would remain **hidden**
- Ultimately, the goal is **child protection** (interrupt abuse, assist the child, health rehab)
- MR laws - in *child protection laws* - are part of a systematic approach to child protection

Mandatory reporting laws:

- require **designated persons** to report known and suspected cases of child sexual abuse to child protection agencies
- suspicion gained from: indicators, behaviours, disclosures, consistent with abuse
- give **legislative protections** for reporters (immunity; confidentiality)
- do **not** require reporters to investigate, or to be certain
- are supported by **sector-wide professional education** about CSA, and the duty
- are different from, and superior to, duties in occupational policy, and criminal law

Advantages of a mandatory reporting law for child sexual abuse

Overall, a remarkably successful measure of public health law

1. Substantial increase in identified cases (2-3 times)
2. Sustained performance over time (positive outcomes 20 yrs: 12x boys; 5x girls)
3. Far superior outcomes compared to a system without MR law (4.73x)
4. Far superior outcomes compared to a duty based only in occupational policy
5. Far superior outcomes compared to a duty based only in criminal law
6. Manageable rates of reports for child protection agencies (5%; 1 in 210)
7. Superior protections for those who report cases of known/suspected CSA
8. Professionalisation of workforces for child welfare generally
9. Promotes children's rights; UN SDGs; Lanzarote Convention art 12(2): *Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report these facts to the competent services.*

Required features of a mandatory reporting law for child sexual abuse

The full report lists 16 features and elsewhere I have written a model law. In sum:



Clearly drafted central concepts (“child”, “child sexual abuse”, state of mind)



Apply to known/suspected past, present and future cases



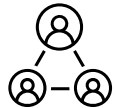
Apply to members of professional groups dealing with children



Strong protections for reporters (immunity, confidentiality, anti-reprisals)



Require and provide excellent education and training for reporters, and customised resources



Ensure support by integrated agency response systems

Recommendations (Agenda item 6.1)

1. Should the Council of Europe urge member states that do not yet do so to ensure a legal mandatory duty to report VAC?

Yes, without question. (Note: here, I am only discussing a mandatory reporting law requiring reports of child sexual abuse. There may be different issues for other types of maltreatment/violence).

2. (a) Given that many Council of Europe member states already have legal mandatory duties to report, should they be urged to better implement relevant legislation or rather to follow policy-oriented approaches relying on different professions and professionals? (b) How to effectively assess the application of reporting duties, and follow and support the implementation and education of mandated reporters?

(a) **Optimal implementation is essential.** The way to facilitate this is to adopt a system of evaluation and cyclical improvement, consistent with a rigorous public health approach. (Note: policy-oriented approaches are **not** recommended). (b) **Effective assessment** requires analysis of five core domains: (1) the legal provisions; (2) reporting data; (3) reporter knowledge; (4) reporter attitudes; and (5) reporter education systems.

3. Is more research on reporting mechanisms by way of a survey among member states needed, in order to answer the previous question?

Yes. Research on the nature, implementation and outcomes of reporting mechanisms is essential to identify actual practice, trends, positive outcomes, areas of concern, legal and practical reform needs, and ways in which the system can be continuously improved.

Recommendations (Agenda item 6.1)

4. *Should there be a duty to report for all forms of violence?*

No.

5. *Who should be mandated reporters: all professionals, designated categories of professionals or any person?*

Designated categories of professionals who work with children. (Consistent with *Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence*: “6.4. Reporting of violence: 2. Reporting of violence should be mandatory for all professionals working for and with children... Where mandatory reporting already exists, the extent to which various agencies fulfil their reporting obligations should be examined and kept under regular review.”)

6. *How should the working group CDENF-GT-VAE and the CDENF as the Steering Committee that would be submitting a draft instrument to the Committee of Ministers move forward from here?*

An evidence-based approach consistent with a public health law analysis would assist. Initial steps could include:

- (1) a legislative analysis to identify variation and gaps in the mandatory reporting legislation across member states;
- (2) a short survey of member States, to:
 - gain insights into implementation challenges
 - audit education approaches
 - consider reporting data and its availability
 - identify reform needs.

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Current major study: [Australian Child Maltreatment Study 2019-23](#)

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- Mathews, Lee, & Norman, 2016 (the 7-year pre- and post- study);
- Mathews, Bromfield, Walsh, Cheng, & Norman, 2017 (the 20-year study);
- Mathews, Bromfield, Walsh, & Vimpani, 2015 (the 10-year nation-wide study of eight states and territories).

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