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TESTIMONY WITHOUT FEAR (?)

NON-REVICTIMIZING CULTURES AND PRACTICES:

**A MAP OF PRACTICES FOR TAKING SPECIAL TESTIMONY
FROM CHILDREN AND ADOLESCENTS**

1st edition

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São Paulo, SP

Childhood Brasil (Instituto WCF – Brasil)

2009

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Rimante Salaseviciuté, Ombudsman for the Children's Rights of the Republic of Lithuania

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To protect children against abuse and sexual exploitation

Childhood Brasil (Instituto WCF-Brasil) is the Brazilian arm of the World Childhood Foundation, a not-for-profit organization set up in 1999 by Queen Silvia of Sweden. It aims to promote and defend the rights of children and adolescents in situations of risk throughout the world.

In addition to Brazil, the World Childhood Foundation is present in Sweden, the United States, and Germany, and supports more than 100 projects in 14 countries.

Childhood Brasil, which has its headquarters in São Paulo, aims to protect childhood focusing on abuse and sexual exploitation, including highway and tourism-related exploitation, online abuse, and child pornography on the Internet.

In Brazil, 27 million children and adolescents live below the poverty line, and the country has 241 child and adolescent trafficking routes into sexual exploitation and 1,819 federal highway sites of exploitation. There is more alarming data such as a monthly average of 2,700 reports of child/adolescent abuse and sexual exploitation, and around 30,000 reports of online abuse and child pornography only in the first half of 2008.

Such practices are unfortunately common the world over; despite causing indignation, they continue to happen, and most often these cases are treated with indifference by society or with a frightened silence by those who live side by side with the victims. Since these practices represent an aggression against the rights of children and adolescents, and consequently jeopardize their normal development, they must be identified, reported, fought, and prevented.

Childhood Brasil works to solve the problems that shock society and everyone is aware of but not everyone knows how to stand up to them.

CHILDHOOD

INSTITUTO WCF-BRASIL

www.wcf.org.br

CHILDHOOD BRASIL'S MISSION, VISION, AND VALUES

The **Mission** of Childhood Brasil is to promote and defend the rights of children and adolescents, to develop and support programs that preserve their physical, psychological, and mental integrity, focusing on sexual violence.

Our **Vision** is to be a respected organization due to the relevance, merit, and impact of its actions as well as its struggle on behalf of children and adolescents whose dignity and integrity has been abused or threatened.

Our **Values** are ethics, transparency, and integrity; citizenship and social responsibility; quality and commitment to results and towards the community; disseminating knowledge and experience.

HOW DOES IT ACT?

Three verbs summarize Childhood Brasil's activities:

Inform: through activities and campaigns that highlight our cause and bring it to the forefront, improving society's general understanding of it.

Educate: expressing, mobilizing, and guiding the efforts of business enterprises, governments, and social organizations to build more efficient solutions to combat sexual violence against children and adolescents.

Prevent: developing innovative projects that can be replicated, strengthening institutions that protect children and adolescents at risk.

Inform to educate, educate to prevent: this is Childhood Brasil's motto.

Ana Maria Drummond

Executive Officer

SEDH

Combating sexual violence against children and adolescents has been a well-known federal government priority in recent years. Under the coordination of the Special Human Rights Secretariat of the Presidency of the Republic (*Secretaria Especial dos Direitos Humanos da Presidência da República*), or SEDH, since 2003 a multidisciplinary program manages a channel for reporting sexual violence against children and adolescents through the Dial 100 (Disque 100), encourages initiatives by several ministries and also promotes the implementation of referenced and integrated measures at municipal level.

However, during this time, it became clear that the aim of providing greater interaction within the protection network for child and adolescent victims of sexual violence was ineffective if not accompanied with policies to humanize the process in which children and adolescents participated in the safety and justice systems. In other words, the route showed that, together with the guarantee of attending the victims and holding their aggressors to account, it was also necessary to minimize the revictimizing process that children and adolescents were exposed to and in which they have to relive their suffering to provide evidence.

The Stockholm document (1996) and its Action Plan refer to taking measures to safeguard the rights of children and adolescents in court cases and this was also affirmed in the final document of the III World Congress on Combating Sexual Exploitation of Children and Adolescents, in Rio de Janeiro in November 2008.

Because of this, in 2007 a partnership was established between SEDH and Childhood Brasil (Instituto WCF-Brasil) to carry out two awareness measures on the subject: research and a seminar. This publication, *Testimony without fear(?)*: Non-revictimizing cultures and practices, records this joint action through a map of Brazilian and international experiences in the taking of special testimony from children and adolescents.

We believe that disseminating these different practices may help lay a path to building new procedures in the justice and security systems in Brazil. It is more than this: at this time in which the National Plan for the Combat of Sexual Violence is being reviewed, on the commemoration of the passing of 20 years of the Convention on the Rights of the Child and the holding of the 8th National Conference on the Rights of the Child and Adolescent, this publication signals the necessary social commitment by reaffirming that protecting Brazilian children and adolescents requires a constant review of public policies. We therefore need to accept and be prepared for the challenges ahead. Enjoy the book!

Carmen Silveira de Oliveira

Subsecretariat for the Promotion of the Rights of the Child and Adolescent

Preface

We present to all those interested in the search for non-revictimizing methods, techniques, and practices for taking testimony from children and adolescents in the justice process this bilingual version of the research 'Testimony without fear (?): Non-revictimizing cultures and practices: A map of practices for taking special testimony from children and adolescents. This publication is the expression of deep solidarity with children and adolescents who are victims or witnesses of sexual violence. It is the result of the search for methods to take testimony that present alternatives to conventional proceedings, which invariably submit these children and adolescents to revictimization when they have to recollect their suffering during the evidence production stage of the justice process.

At the same time, it is a reaffirmation of the right to have their voices valued as witness evidence and also the result of a search for efficiency in breaking the cycle of impunity of those who commit sexual violence, since many of them are not held responsible due to lack of material evidence.

Finally, this book is the result of a collaborative process involving several activists, professionals, and organizations committed to the radical and perseverant defense of the rights of the child and adolescent. It is consistent with the recommendations of the main Brazilian and international rules on the protection of child victims of sexual violence such as the International Convention on the Rights of the Child, Estatuto da Criança e do Adolescente [Children and Adolescent Statute], and the directives of the United Nations Social Economic Council on justice for child victims and witnesses of violence.

Its initial proposal came from Childhood Brasil (Instituto WCF-Brasil), a Public Interest Civil Society Organization founded in 1999, with headquarters in São Paulo, the Brazilian arm of World Childhood Foundation, set up by H. M. Queen Silvia of Sweden to promote and defend the rights of children and adolescents in situation of vulnerability throughout the world. The organization, with offices in Germany, the United States, Sweden, and Brazil, supports projects in 14 countries and, in Brazil, also develops programs that have regional and national impact.

Since the beginning, the project involved the important participation of Associação Brasileira de Magistrados, Promotores de Justiça e Defensores Públicos da Infância e da Juventude [Brazilian Association of Child and Youth Justice Judges, Prosecutors, and Defense Attorneys], whose mission is to promote fundamental human values as well as the principles of the doctrine to fully protect childhood and youth in the practices of the justice system and the system to support children and adolescents.

After that, the project has gone into partnership with Secretaria Especial dos Direitos Humanos da Presidência da República [Special Human Rights Secretariat of the Presidency of the Republic], which has been contributing, in a fundamental manner, to increase the scope of the project, make fund raising feasible, and support its content. This Secretariat, regulated by Decree 5174, of August 9, 2004, is aimed at coordinating the National Human Rights Policy in accordance with the directives of the National Human Rights Program,

and within its organizational structure it includes the Subsecretaria de Promoção dos Direitos da Criança e do Adolescente [Subsecretariat for the Promotion of the Rights of the Child and Adolescent].

The effort to carry out this first worldwide mapping of knowledge, documentation, and reflection on international programs about alternative cultures and practices for taking special testimony from children and adolescents happens precisely at a time when Brazil is searching for new, non-revictimizing, investigative methodologies.

We expect that this map, which is the first of its kind in the world, serves as a reference guide for: the assessment of ongoing programs; the heated debate generated by the usage of methods for taking special testimony from child and adolescent victims or witnesses of sexual violence; the improvement of these methods; and the training of those involved in the process of taking special testimony. We also hope that it presents the challenges we should face collectively so that the courts of law validate this special testimony as legal evidence. And finally, we wish that it can be used as the basis to formulate policies to combat sexual violence against children and adolescents.

A preliminary version of this publication was released during the III World Congress for the Combat of Sexual Exploitation of Children and Adolescents, in November 2008, in Rio de Janeiro. Representatives from more than 150 countries were present, most of them signatories of the United Nations International Convention on Child Rights.

The present edition, released simultaneously in Portuguese and English, basically maintains the same content presented in the first edition released only in Portuguese, although it is expanded, since the catalogued programs were updated, which was required by the dynamic nature of this research and by the inclusion of new countries that have been developing methodologies for taking special testimony from children and adolescents in the justice process.

We predict that this project will continue in subsequent years, when we intend to add new partnerships and follow up the studies on alternative methods for the questioning of children and adolescents in the justice process in many countries around the world, as well as the production of support to formulate public policies, recommendations for conduct protocols, and training of operators of the system that guarantees the rights of children and adolescents.

Childhood Brasil [Instituto WCF-Brasil]

Associação Brasileira de Magistrados, Promotores de Justiça e Defensores Públicos da Infância e da Juventude [Brazilian Association of Child and Youth Judges, Prosecutors, and Public Defenders]

Subsecretaria de Promoção dos Direitos da Criança do Adolescente/Secretaria Especial dos Direitos Humanos – Presidência da República [Subsecretariat for the Promotion of the Rights of Children and Adolescents/Special Secretariat for Human Rights – Office of the President of Brazil]

Presentation

“Please leave me alone. Don’t ask me any more questions about this. I want to forget.” This is the testimony of an 8-year-old girl that is registered in one of the cases at the Child and Adolescent Protection Police of Goiânia, which is the capital of the state of Goiás, in Brazil, analyzed by the research team of the project *Reversing the route: actions to combat the sexual exploitation of children and adolescents in Goiás*, of the Universidade Católica de Goiás. Testimonies like this echo in hundreds of other voices.

The discomfort and psychological stress that child and adolescent victims of sexual violence suffer when providing evidence in the current justice system, to a great extent the result of intertwined complex feelings, often contradictory, of fear, embarrassment, anger, pain, and resentment, largely originates from the adult-centric and formalist culture that permeates the traditional judicial practices. This discomfort is in turn based on the difficulty that children and adolescents experience in providing and defending their testimony during the investigative and trial phases. The difficulty in obtaining consistent evidence partly explains the low conviction rates for sexual violence against children and adolescents. Therefore, the discomfort, the psychological stress, and the fear that children and adolescents feel on providing testimony in court cases are connected to impunity. It is also worth remembering that the protection of children and adolescents against suffering during the justice process is a right guaranteed by the international rule approved by the United Nations on the questioning of child and adolescent victims and witnesses of violence (Ecosoc Resolution 2005/20).

All these facts together led the researcher Professor Dr. Benedito Rodrigues dos Santos to prepare, in 2007, in a partnership with Childhood Brasil, the project *Non-revictimizing cultures and practices: Reflection and socialization of alternative methodologies to question children and adolescents in court cases*, whose general goal, already expressed in the title, is to “systematize and socialize alternative methodologies to question children and adolescents in court cases”. Its long-term goals are to reduce the revictimization of children and adolescents in the justice process and stimulate the creation of rules, public policies, and social practices that can break the cycle of violence perpetrated against children and adolescents.

To achieve these objectives the following measures were planned: mapping the experiences of specialists and academics with alternative practices for taking special testimony, in national (Brazil) and international spheres, as well as the existing literature on the theme and sites that may facilitate the Internet research for those who wish to go deeper into the taking of testimony from children and adolescents in the justice process; promoting exchange visits from representatives of the project's partner organizations and the research team to know the pioneering experiences that are a reference in national (Brazil) and international spheres; holding the I International Symposium on the Taking of Special Testimony from Children and Adolescents in the Justice Process; documenting all the actions taken with this project through publications prepared by an academic documentation and research team; and producing support to train agents using the results of this project published in books and teaching material and recorded in videos.

The project has been implemented since 2008 and this publication socializes its first results, which represent the efforts to map the production of knowledge and the programs to serve as an instrument for those who may want, either due to academic reasons or to produce public social policies, to study the subject more deeply. This book has taken the format of a map in the sense attributed to it by the United Nations, as being a set of studies and scientific, technical, and artistic operations used in the preparation of maps, charts, and other forms of expression or representation. Nevertheless, a better definition for this publication would be a "first draft" of a map showing alternative programs to take special testimony from children and adolescents in the justice process, since its authors do not propose to detail the essence of each of the topics mapped out, but offer a locator of people, programs, and documental productions that are contributing to new social cultures and practices.

The first section of this book, the article **Child victims in the judiciary system: optimizing accuracy, avoiding revictimization**, is devoted to a brief review of the literature aiming at mapping out the production of academic knowledge on the subject. However, this review was written taking into consideration the goal of this book, which is to support the formulation of social policies and practices for taking testimony from child and adolescent victims or witnesses of sexual violence. Therefore, it is far removed from the classical examination models, more reflexive and analytical, related to the subject, and it focuses on two axes: on the one hand, the revictimization caused by the traditional investigative processes, and on the other hand, a survey on the use of alternative methodologies to take testimony from children and adolescents.

One of the most highly renowned and specialized personalities on this subject, Professor Dr. Gail Goodman, of the University of California in Davis, was invited to carry out this task. The scientific production of this honorable professor is a mandatory reading for anyone who is researching this theme. The depth of her work can be corroborated by the text in this section and the volume of her production can be confirmed by all the titles listed in the literature consulted for this publication. Professor Goodman gives territorial and empirical basis to

her work when she reports the experience of the Child Advocacy Centers (CACs), American non-governmental organizations (NGOs) that develop a variety of programs to support child and adolescent victims or witnesses of violence who need to provide testimony in court. Her two main arguments are: (a) contrary to what many people think, the recording of testimony for use as evidence in the justice process may reach the same degrees of trustworthiness as testimony given live at police stations and courts; (b) both scientific research and social practice confirm that these alternative methods for the taking of testimony minimize the levels of children and adolescents revictimization during the justice process.

The second section of this publication, **Catalog of alternative experiences for taking special testimony from children and adolescents around the world: Socio-anthropological reading and summary chart**, maps the alternative experiences for taking special testimony from children and adolescents around the world. More than merely its geography, we also present its main constitutive characteristics, such as its name in the original language, date of implementation, its legal basis, the type of physical environment and methodology used for the taking of testimony, the types of professionals who carry out the forensic interview, the number of times the child/adolescent testifies, and the criteria to validate the special testimony as evidence in the justice process.

This section demanded significant effort from all of the team and the methodology was built up throughout the research process itself. We used the method called “snow ball”, which consists in making a first selection referenced in the literature and expertise of researchers, academics, and professionals with a recognized experience on the subject and, using these indications, finding new references. It is worth highlighting that this methodological option, considered more appropriate for our project, does not allow us to generalize the results presented herein to apply to the universe of the existing countries, because our objective is to map paradigmatic cultures and practices for taking special testimony from child and adolescent victims of sexual violence in the justice system.

The number of experiences found far exceeded our initial estimates. While we hoped to find around six to eight programs, we documented the existence of 28 and we were informed that many more are in the process of implementation. Nonetheless, we only documented those that are already in operation. Based on these catalog cards, attached to this publication, we prepared a summary chart containing the main characteristics as well as a socio-anthropological analysis, both presented in the body of the second section of this book.

Anticipating the content that will be presented in the second section, we conclude that the most relevant numbers of experiences are found in Europe (36%), South America (25%), and Asia (14%). Within this universe, there is a clear predominance of two models that are being implemented in several countries around the world: one following the line of the English law, massively using closed-circuit television (CCTV) for taking video recorded testimony (61%); and the other following the American model, using a room with two-way mirrors (39%). The difference between these two models is expressed in the laws that provide the legal basis for taking special testimony.

CCTV is the most used system and avoids contact between children/adolescents with the public in the court houses. This contributes to resolving the difficulties these individuals have in testifying in an open court room. In this modality for the taking of testimony, the children/adolescents, as witnesses or victims, may have the benefit of having a person present to accompany them while providing their testimony through the use of CCTV or behind the screen.

A room with a two-way mirror is a device created by the American psychologist Arnold Gesell (1880-1961) to study child development stages. It is made up of two rooms divided by a two-way mirror that allows people to see what is happening on one side, but not the other way around. The room with a two-way mirror has been constitutionally recognized for the taking of testimony from child/adolescent victims or witnesses of sexual violence. In a room prepared in this manner, children and adolescents are listened to by the court authorities, using specialized hearing, carried out only by a psychologist. During the taking of testimony, this professional's attention is directed at obtaining a trustworthy account that may be accepted as credible in order to constitute witness evidence in the proceedings. Thus, it is very important to have electronic equipment, such as video and audio recorder, television, remote control panel, digital CD, VHS, and audio cassette mixing desk to register image and sound, cabling, manual zoom control, air conditioning system to guarantee the performance of the electronic equipment, and qualified technical support to use the equipment.

In 46% of the selected countries these special rooms for the taking of testimony are located at police stations and at courthouses, the remainder being spread among the prosecutors' offices, executive branches, and even NGOs. In 35% of the experiences, the police hear the child/adolescent at the first instance and posteriorly, the judge, prosecutor, and defense attorney hear him or her if the case goes to trial and a new testimony is considered necessary. Following the police officers, the psychologists are the professionals that most often take part in cognitive interviews for the production of evidence in the justice system.

In the third section, called **Report on reference experiences: England and Argentina**, we highlight two experiences that constitute paradigmatic matrixes and have been disseminated in an adapted manner to many other countries. First, the English experience, which not only inspires many other English-speaking countries and some nations in Asia, but also strongly influenced the Cuban experience. Second, the Argentine experience, which has been serving as a base for the implementation of similar projects in many Spanish-speaking countries in Latin America as well as in Brazil.

In the fourth section, called **Source guide: Specialists and researchers**, we mapped the specialists who are most often quoted by researchers with whom we have had contact and also cited in publications considered as references in this field. Information gathering was carried out using a catalog-card containing the following categories: name of specialist/researcher, expertise, main publications, and contacts. We noted that the highest number of specialists on the subject is in the United States (37%), Argentina (13.5%), Brazil (13.5%) and England (13.5%).

The fifth section, **Source guide: Publications and analysis of titles**, maps Brazilian and international literature on the subject. The drawing up of the collected titles was organized in the following categories: social victimization of children and adolescents and institutional revictimization; victimization of children and adolescents from the perspective of justice; testimony from children and adolescents victims of sexual violence in court cases; forensic practice in the development of listening techniques and expert investigation technologies; forensic method applied by psychologists in listening to children and adolescents; discussion concerning child/adolescent memories and factors that influence false and/or hidden and suggestible memories; validation of the testimony from children and adolescents about sexual violence (abuse and sexual exploitation); and the main Brazilian and international legal basis for the defense and guarantee of the rights of children and adolescents, regulatory law bodies for subjects that involve child and adolescent victims and witnesses of crimes, such as the International Convention on the Rights of the Child and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crimes of the United Nations Economic and Social Council.

We found 226 titles, of which 76% written in English, and the production of knowledge in this language is split between the United States (55%) and England (17%), even though the second country is far from the first. The remaining titles are divided between the production in Spanish, with a large incidence in Spain and Argentina, and the production in Portuguese, with the predominance of Brazil.

The sixth and final section, **Source guide: Pages of interest on the Internet**, maps the principal electronic addresses in which readers, researchers, social policy makers, and operators of the system that guarantees the rights may find information directly related to the subject of the taking of special testimony from children and adolescents in the justice system. This section offers instructions on how to operate sites in 28 countries, the largest number of which is cited for England followed by Argentina. However, it is worth emphasizing that the highest number of sites on this theme can still be found in the United States due to its pioneering efforts to implement this practice.

Our surprise to find a higher number of alternative experiences for taking testimony from children/adolescents in the justice system, experts in this subject, and documentary sources regarding this theme than our initial forecasts is the cause for hope and an indicator of a new practice that has been emerging in several countries around the world. However, like all innovative practices, the taking of special testimony from children and adolescents faces enormous challenges to be legitimated by society as a whole and to be transformed into a universal social practice. Unfortunately, the conventional practices of taking testimony are still widespread in a large contingent of police institutions and justice systems in several parts of the world.

Among the challenges is the internal expansion of the experiences for taking special testimony from children and adolescents in the countries where they have already been implemented. Even in countries where these methodologies have been used for more than a decade, such as Argentina and England, this practice is still restricted to only a few of their geographical areas, mostly in the capital cities and/or in the regions where they were first implemented.

Nevertheless, the most recalcitrant challenges are: first, in those countries where the methodology was implemented in the courts of justice that it may also be used in the early production of evidence during the investigative phase; second, for all the countries, whether it was implemented in the police or court phase, that the methodology be validated as sufficient material evidence and eliminates the need for live testimony from children and adolescents in other phases of the justice process. Only daily reflection and training of the operators of the systems for the guarantee of rights, accompanied by the demonstration of the efficacy of these new experiences may change the culture of conventional, secular practices of the judicial system.

One final challenge is the registration, documentation, monitoring, and evaluation of these new practices for taking special testimony from children and adolescents. Even considering those countries where this methodology is already implemented and consolidated, this challenge is still present because there is very little statistical data available on the testimony taken in these special rooms. There are few reports of the experiences beyond the information that is available on the Internet. While knowing that evaluations that are more or less systematic are carried out, we found almost no documents or articles reflecting possible evaluations of the process, product, and impact of these experiences.

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Professor and Researcher at Universidade Católica de Goiás

Itamar Batista Gonçalves

Program Coordinator of Instituto WCF-Brasil

Contents

Section I

Child victims in the judiciary system: Optimizing accuracy, avoiding revictimization 19

Section II

Catalog of alternative experiences for taking special testimony from children and adolescents around the world: Socio-anthropological reading and summary chart 35

Section III

Report on reference experiences: England and Argentina 85

Section IV

Source guide: Specialists and researchers 111

Section V

Source guide: Publications and analysis of titles 149

Section VI

Source guide: Pages of interest on the Internet 187

Appendices

Catalog-cards of experiences for taking special testimony from children and adolescents 209



The organizations that developed this research intend that the data published here stimulate a profound reflection on the existing programs that, consequently, brings about their improvement, and that this serve as a source of information for researchers and workers in the system of guaranteeing rights. They also intend that the project continue so that it may contribute in the search for solutions for the challenges that are presented above.

A photograph of four green plastic chairs arranged in a row against a yellow wall. The chairs are simple, modern in design, and appear to be made of a durable plastic material. The lighting is soft, creating a warm atmosphere. The floor is a light-colored, possibly wooden or polished concrete, reflecting some of the light. The overall composition is clean and minimalist.

Appendices

Catalog-cards of experiences for taking special testimony from children and adolescents



ARGENTINA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Witness statement – forensic interview in a room with two-way mirrors.

2) DATE THE PROGRAM WAS IMPLEMENTED

2003

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Federal Law 25852/2004 incorporates article 250(2) to the Criminal Code expressly prohibiting sexual abuse victims below 16 years of age being questioned directly by the court or parties, setting the conditions for obtaining testimony that must be performed by a specialized psychologist, by video and sound recording in a room with two-way mirrors.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

ARGENTINA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Oversight Department of the Attorney General's Office.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) "tell everything" that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Only a specialized psychologist.

ARGENTINA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Microphone; television and transmission by live link; CD recording; VHS recording; video recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Monitor/prosecutor; the defense attorney is notified but is not required to appear; child/adolescent's representative; documentation experts.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; court employees present when the interview is recorded; durability of the material.

ARGENTINA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Course on victimology: crimes against the sexual integrity of children and adolescents, forensic interview in a room with two-way mirrors for experts, psychological experts, judges, and criminal law workers.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Ministerio Público, Unidad Fiscal para la Investigación de Delitos Contra la Integridad Sexual y Prostitución Infantil (UFI-INTSEX)
Promotor Fiscal Dr. Julio Cesar Castro – Director Adjunto
<http://www.mpf.gov.ar/>
ufiprosinf@mpf.gov.ar
Sede funcional: Tacuarí 163, Piso 6°, Ciudad Autónoma de Buenos Aires, Argentina
Tel.: (+54) 011 4331-4462/4638/5082/4811/5207/5208

AUSTRALIA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Interviews for evidence recorded on videotape "I care" project (interviewing children and recording) – videotaped interviews for evidence.

2) DATE THE PROGRAM WAS IMPLEMENTED

1999

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Evidence Act 1958 and Child Protection Act 1999, Section 14 are laws that regulate the audio and video recording interviews with child victims or witnesses who have been threatened with some kind of personal attack.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room separated from the control room by a two-way mirror.
In court, live link – CCTV.

AUSTRALIA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Queensland Police Service and Court of Justice.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

AUSTRALIA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; remote video camera, technology developed by SVT Video Systems Pty Ltd (Sydney); microphones; small remote control panel; recording – combined audio and video recording system; recording on master compact and two recordings in VHS.

9) OFFICIALS (COURT AND/ OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A ruling is made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview.

AUSTRALIA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes, the training is for police officers.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Children's Court of Victoria, Australia
Judge Paul Grant
www.childrenscourt.vic.gov.au
477 Little Lonsdale Street, Melbourne, Victoria
3000 Australia
Tel: (+61) 3 8601-6700
Fax: (+61) 3 8601-6720

BRAZIL

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Special testimony or special questioning – testimony without harm.

2) DATE THE PROGRAM WAS IMPLEMENTED

2003

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Based only on the general rules of the Statute of the Child and the Adolescent (especially article 98), and the Brazilian Constitution (articles 5, 226, and 227).
Article 156(I) of the Criminal Procedure Code allows the early admission of evidence through Law 11690 of 2008. This change allows the video recording of testimony when the evidence is presented to the court, with the aim of being part of the case.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Themed interview room (live-link – CCTV).

BRAZIL

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Experience gathered in a pioneering manner by the Child and Youth Court of the state of Rio Grande do Sul is expanding to other Brazilian states: most recently in Goiás, and being introduced in Rio de Janeiro, São Paulo, Rondônia, Bahia, Rio Grande do Norte, and Acre.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologists and social workers.

BRAZIL

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; CCTV; headphone; microphone; CD recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Judge; prosecutor; defense attorney; technician responsible for operating the electronic equipment and recording the hearing; in some cases the defendant will be present.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once in a special room during the judicial phase, although the child will be heard other times (three or four times) from the notification/report of the crime, before the child protection council, specialized police department, and institute forensic medicine. During the trial, when the prosecutor offers the evidence collected and makes the charge, a ruling is made on the admissibility of the evidence. At this phase, to guarantee the constitutional principles of adversary proceedings and the right to make a broad defense, the victim, the witnesses, and the defendant are called to give testimony. The child victim/witness testifies in a special room outside of the courtroom by CCTV.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; professionals present during the recording.

BRAZIL

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes, but it is not institutional. It is done sporadically and on the initiative of the professionals themselves: psychologists, social workers, and some prosecutors.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Poder Judiciário – Tribunal de Justiça/RS
Comarca de Porto Alegre, 2º Juizado da Infância e da Juventude
Juiz José Antônio Daltoé Cezar – Juizado da Infância e da Juventude
daltoe@tj.rs.gov.br
<http://www.tj.rs.gov.br>
Rua Márcio Veras Vidor, nº 10, Sala 1043, Porto Alegre-RS
Tel.: (+55) 51 3210-6947

CANADA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Remote testimony for evidence to the court – expert testimony/the witness project.

2) DATE THE PROGRAM WAS IMPLEMENTED

2004

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Bill C-2/2004 (an act to amend the criminal code-protection of children and other vulnerable persons) and the Canada Evidence Act, which applies to changes proposed to section 486 of the criminal code: Section 15: 1) Exclusion of the public – section that recognizes that giving evidence in an open courtroom is extremely difficult for a child witness; 2) Child witnesses will have the benefit of a person to accompany them while providing evidence by CCTV or behind a screen; 3) Remote testimony – the taking of testimony via CCTV.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room – CCTV.

CANADA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview room) at police stations to take oral testimony during the investigation phase.
The other special rooms are at the courthouses when the case goes to trial, and the children/adolescents may give evidence again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Interagency protocol; child psychologist; police officer; and social worker.

CANADA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; remote video camera; microphones; small remote control panel; recording – combined audio and video recording system; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, which will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the audio and video recording; placement of the microphones; visual coverage of the interview.

CANADA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes, training manuals are used for educators and criminal law professionals about children, family violence, help for child witnesses in court, and cognitive and behavioral conduct.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

London Family Court Clinic
Center for Children & Families in the Justice System
Director Pamela Hurley
pamela.hurley@lfcc.on.ca
<http://www.lfcc.on.ca>
254 Pall Mall St., Suite 200
London, Ontario N6A 5P6 Canada
Tel.: (+1) 519-679-7250
Fax: (+1) 519 675-7772

CHILE

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview – child testimony.

2) DATE THE PROGRAM WAS IMPLEMENTED

2003

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

The new, accusatory criminal system allows material that was video recorded using three cameras as evidence in oral court hearings – the introduction of video recording of testimony coincided with a change in the accusatory proceedings. When the training program was concluded, responsibility for pressing charges passed to the Attorney General's Office.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Digital interview room – room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

CHILE

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Sexual crimes and crimes against children investigatory team (Brisexme) – government body that is part of the National Crimes against the Family Organization (JENAFAM).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist.

CHILE

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; three video cameras; microphone; transmission by live link; CD recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Monitor/prosecutor; defense attorney, who is notified but not required to appear; child/adolescent's representative; documentation experts.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; professionals present during the recording.

CHILE

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes, organized by the Superior Court of the Province of Mendoza and the Oversight Department of the Attorney General's Office with the objective of training the courts' body of mediators.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Brigada Investigadora de Delitos Sexuales y Menores
Sub-prefecto Juan Espinoza Guerrero
brisexme@investigaciones.cl
<http://www.investigaciones.cl/paginas/brigadas/bg-brisexme/bg-brisexme.htm>
General Borgoño 1204, Independencia
Tel.: (+56) 5657425/5657671

COLOMBIA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview – recorded testimony.

2) DATE THE PROGRAM WAS IMPLEMENTED

2008

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

New, accusatory criminal system allows material that was video recorded and presented to an oral court hearing.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

COLOMBIA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Dedicated Attendant Centers for Victims of Sexual Offenses; Oversight Department of the Attorney General's Office.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) "tell everything" that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist.

COLOMBIA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; television/transmission by live link; CD recording; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Monitor/prosecutor; defense attorney; expert responsible for the documentation.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; court employees present when the interview is recorded.

COLOMBIA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

There is training for court employees, but not specifically for interviews in a room with two-way mirrors since this has been only recently implemented.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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COSTA RICA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child testimony.

2) DATE THE PROGRAM WAS IMPLEMENTED

2006

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Bill of Law 15867/2007 provides the directives to reduce the revictimization of minors in criminal matters. The rules are obligatory for court employees. Law for the protection of children/adolescents victims/witnesses in criminal proceedings. Law 15867/2007 – for the protection of children/adolescents victims/witnesses during all proceedings introduced in Chapter IV of the Criminal Procedure Code.

Article 90 states that during the interview and to avoid contradictions, questions cannot be repeated, and for the interview to be held, an interdisciplinary team of professionals must be involved. Article 97 allows the early production of evidence on exceptional basis, on express recommendation of the Forensic Psychiatry section of the court's Social Psychology Department if this modality is used, and if the technical resources are used to the full to reduce the revictimization of the children/adolescents.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview and video recording room.

COSTA RICA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

The special video recording rooms are at the courthouses when the case goes to trial.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist or forensic psychiatrist.

COSTA RICA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras; microphone; wireless headphone; transmission by live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Judge responsible for taking evidence; prosecutor; defense attorney.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the interview; credibility of the witness; quality of the filming; quality of the audio.

COSTA RICA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training workshops are held periodically to sensitize court employees regarding not revictimizing children/adolescents victims/witnesses.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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CUBA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview – recorded testimony.

2) DATE THE PROGRAM WAS IMPLEMENTED

2005

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

There is no specific legal basis. Criminal Proceedings Law 63, which decriminalized children and adolescents, is used.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Special recording and video recording interview room (live link – CCTV).

CUBA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

The Child and Adolescent Protection Center; the Childhood and Adolescence Directorate of the Ministry of the Interior – the body responsible for the country’s internal security.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Trained criminal instructor who is an employee of the Interior Ministry.

CUBA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras with different angles; microphones; wireless earphone; transmission by live link – CCTV; CD recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Psychologists; psychopedagogues; prosecutor; defense attorney; Director of the Section for Children and Adolescence of the Interior Ministry; the judge may appear, but it is not usual.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recorded material; civil servants and court employees present during the recording.

CUBA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Criminal instruction technicians, psychologists, and psychopedagogues.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Ministério do Interior
Coronel Enrique Pérez Medina
Chefe da Diretoria para Criança e Adolescente do Ministério do Interior de Cuba
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ECUADOR

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Video and audio based testimony – forensic interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

2008

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

New accusatory criminal system, through article 119(1) of the new Criminal Procedure Code allows evidence to be produced based on testimony of people who are sick, absent from the country, or any other cause, in which it is demonstrated that they are not capable of being exposed to an open court hearing.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

ECUADOR

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Oversight Department of the Attorney General's Office – victim and witness protection and assistance unit.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist.

ECUADOR

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; transmission by live link; CD recording; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Monitor/prosecutor; defense attorney; experts in documentation technology.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; professionals present during the recording.

ECUADOR

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Training for prosecutors regarding the implementation of international human rights instruments, for the purpose of providing better service to those reporting crimes, to the accused, and to other participants in the criminal process.

Training modules for prosecutors: the general objectives are to reinforce legal due process for victims of domestic violence, in the case of crimes, to prepare a group of trainers made up of prosecutors to develop a training program for all prosecutors in regard to human rights, sexual violence, the law regarding violence against women and families, based on the role of the Attorney General's Office and the effect of the New Code of Criminal Procedure.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Instituto de la Niñez y la Familia (INFA)

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ENGLAND – UNITED KINGDOM

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving oral evidence by child witness – interview to evidence by video recording or live link.

2) DATE THE PROGRAM WAS IMPLEMENTED

1991

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Criminal Justice Act 1991 provided the legal basis for allowing the video recording of the taking of testimony from child witnesses to be used in criminal proceedings. The Youth Justice and Criminal Evidence Act 1999 - Part II: Giving of Evidence or Information for Purposes of Criminal Proceedings – Chapter I Special Measures Directions in Case of Vulnerable and Intimidated Witnesses, provided special measures for the video recording of a witness interview to be admitted as witness evidence, among which some special provisions relating to child witnesses deserve highlighting: [...] A “relevant recording”, in relation to a child witness, is a video recording of an interview of the witness made with a view to its admission as evidence in chief of the witness.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview video suite separated from the control room (special room/police unit separated by control room); courtroom (special room/Court of Justice); CCTV.

ENGLAND – UNITED KINGDOM

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) at police stations to take oral testimony during the investigation phase.

The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

ENGLAND – UNITED KINGDOM

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras with different angles; microphone; wireless earphone; transmission by live link – CCTV; CD recording; small remote control panel; audio recording on a cassette tape; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interview; clarity in the facial expressions of the child witness; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview; excessive noise on the tapes; placement of the microphones.

ENGLAND – UNITED KINGDOM

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Police officers and social workers.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Child Protection Unit
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Tel.: (+44) 01242-276725/276086

FRANCE

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Special hearing at the child victims of sex offenses court.

2) DATE THE PROGRAM WAS IMPLEMENTED

No special room was introduced, but since 2000 there have been new rules and procedures to collect children's testimony.

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Law of June 17, 1998 creates an audiovisual recording for the testimony of a child victim only with his or her consent, or through the legal representative and, if he or she is unable to provide it, the authorization can be given by the judge responsible for the enquiry.

Circular of April 20, 1999 clarified the conditions for the audiovisual recording of the testimony of children victims of sex offenses and, more recently, the Circular of May 2, 2005 improved the treatment of court cases involving sex offenses. Finally, the law of March 5, 2007, to reinforce the equilibrium in the criminal process, amended Article 706-52 of the Criminal Procedure Code, which states that "during the investigation and discovery, the taking of testimony from a child victim of a sex offense must be recorded audiovisually". The 2007 law removes the child's right to object to the recording.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

There is no specific location. There are video conference rooms in municipal hospitals in which the child may testify in the presence of an adult.

FRANCE

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Interview rooms (live link – CCTV) for special cases are located in municipal hospitals that are connected to the Ministry of Justice.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

For the interview, a protocol named *Procédure Mélanie* is used.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Police officer and/or judge trained in interviewing using the *Procédure Mélanie*.

FRANCE

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; audiovisual recording; VHS; cassette tape; drawings.
The audio recording is used exceptionally and is done for pornography cases involving photographs or audiovisual recordings.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The judge must go to the hospital where the interview will be conducted to take testimony and order any procedure necessary. The child is represented by an adult who is present.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

There is no single response. Depending on the case, the child will be interviewed more than one or two times if there is no availability for a special hearing in a special unit for the victims in the municipal hospital.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual quality of the interview; credibility of the report; quality of the audio.

FRANCE

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. The number of specialists trained is insufficient. There are 800 trained interviewers and 47 trained people in both the national police forces. Judges have also been trained in the *Procédure Mélanie*.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Brigade des Mineurs de Paris
Commissaire Divisionaire
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GERMANY

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Interviews for evidence recorded on videotape or by video conference (giving oral evidence by child witness – interview to evidence by video recording or live link).

2) DATE THE PROGRAM WAS IMPLEMENTED

1998

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Amendment of the Criminal Code in 1993 and 1998 stated that those committing sexual violence against children are subject to criminal proceedings in Germany. On December 1, 1998, the new Witness Protection Act came into force making it easier to question children/adolescents witnesses, introducing measures to regulate the use of video hearings recorded abroad and financial assistance during the taking of evidence from witnesses.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room by live link – CCTV, separated from the control room.

GERMANY

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) at police stations to take oral testimony during the investigation phase under the coordination of the prosecutor.
The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Investigative interview using protocol/guide.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Trained professional (who may be a police officer, social worker, or other interpreter) who carries out the interview under the coordination of the judge.

GERMANY

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording using two cameras with different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; combined audio and video recording system; videotape; telephone.

9) OFFICIALS (COURT AND/ OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court under the supervision of the judge who may order that the parties (prosecutor, doctor, police officer, attorney who is the child's legal representative, and defense attorney) gather the evidence, or if it is still judged to be necessary, the judge may accept responsibility to produce the evidence. In this case, the evidence will be admissible when the judge holds the hearing/interview that is facilitated by an "interpreter" by video conference (by live link) in which the admissibility of the oral testimony will be decided, validating it or not as evidence in the criminal proceedings.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

The interview to collect evidence may be performed at the police investigation phase, coordinated by the prosecutor, generally being repeated by the judge responsible for the proceedings before the court of justice.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Facial coverage of the interviewee; quality of the interview video – picture sharpness; coherence of the child witness account; audio quality of the recordings; credibility of the testimony; quality of the forensic interview.

GERMANY

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training is directed to police officers, social workers, prosecutors, and judges.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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ICELAND

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child's testimony by forensic interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

1998

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

The Icelandic Child Protection Law is a national general law on children's rights complemented by the Child Protection Act 80/2002 that contains specific provisions for special procedures for children in legal proceedings. In 1998, the Icelandic government created a national organization called The Children's House, based on the American Children's Advocacy Center model that treats child sexual abuse. An inter- and multi-disciplinary agency was created within the Social Matters Ministry (which has the status of a court), the focus of which is the protection of child victims of violence and abuse. Its main objective is to avoid revictimizing children who are traditionally submitted to multiple interviews to explain their experiences of violence.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Two sets of special rooms, one for the holding of interviews in CCTV, connected to another room for the recording and listening of technicians and authorities responsible for taking the testimony.

ICELAND

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Several of these rooms have been installed in the Children's House, at the Social Matters Ministry (multi-interdisciplinary government agency) and another at the courthouse.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Investigative interview using protocols to avoid suggestibility in the child's testimony and to increase the witness's trustworthiness.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

May be a psychologist, social worker or even a criminologist who carries out the interview under the coordination of the judge.

ICELAND

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording using two cameras with different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; combined audio and video recording system; videotape; telephone.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Iceland's constitution provides for an independent judicial system. There are two levels of courts: the District Courts administered by the Ministry of Justice and the Supreme Court that maintains its independence and impartiality. The formal taking of the evidence is performed in the Children's House under the supervision of the judge who may order that the parties (prosecutor, doctor, police officer, the attorney who is the child's legal representative, and defense attorney) gather the evidence, or if it is still judged to be necessary, the judge may accept responsibility to produce the evidence. In this case, the evidence will be admissible when the judge holds the hearing/interview that is facilitated by the psychologist, social worker or criminologist by live link in which the admissibility of the oral testimony will be decided, validating it or not as evidence in a criminal proceedings.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

The interview to collect evidence is carried out once and in a joint manner at the Children's House by the judge responsible for the case, but can be repeated at the Court of Justice depending on the seriousness of the case and the judge's decision.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Facial coverage of the interviewee; coherence of the child witness account; audio quality of the recordings; video quality of the recordings; credibility of the testimony; quality of the interview.

ICELAND

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training is provided for police officers, social workers, psychologists, doctors, prosecutors, and judges.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Ministry of Social Affairs and Social Security
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INDIA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Children's testimony – videotaped interview of the child.

2) DATE THE PROGRAM WAS IMPLEMENTED

2003

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

In 1960 the Goa Children's Act (1960) was created, a law that proposed the setting up of the Children's Court. The Goa Children's Act of 2003 is the law against child sexual abuse. There was also a legal amendment to the Code of Criminal Proceedings (Criminal Law Amendment Bill, in the Rajya Sabha) that included the recommendations from report 172 of the Rights Commission (2000) that suggested that the testimony of children/adolescents in sexual abuse cases should be recorded as soon as possible in the presence of a judge. To take testimony from children/adolescents, the court must allow the use of the video recorded interview or testimony via CCTV.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

CCTV.

INDIA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) at police stations to take oral testimony during the investigation phase.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

INDIA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Live link – CCTV; video camera; microphones; small remote control panel; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Judge; prosecutor; defense attorney.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase (without evidentiary value); the recorded interview is given at court, during the trial, and on appeal.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Credibility of the witness; technical quality of the interview.

INDIA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS? Yes.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Smt. N. Renuka
Bar Council of Andhra Pradesh,
High Court Building,
Hyderabad
<http://barcouncilofindia.nic.in/statebarlist.pdf>
Tel.: (+91) 040 24524116, 23731721

ISRAEL

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving evidence; live link by the courtroom; the video recording of children's oral evidence in chief; use of intermediaries to give evidence.

2) DATE THE PROGRAM WAS IMPLEMENTED

1985

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

The Surrogate Witness approach was introduced in Israel in 1955. Its primary purpose is to protect children victims from the trauma associated with the taking of testimony. However, it was the Knesset, the Israeli parliament, which passed basic laws, outlining the characteristics that established the protection against threats to a person's life, body or dignity. The legislative superiority of basic laws over ordinary legislation was confirmed in 1980. In this law, the victim's role in judicial proceedings was defined, which can be through providing testimony in advance, and later the victim can be called to testify in the Court of Justice to establish his or her right to compensation. The Knesset regulates the protection of vulnerable witnesses, allowing special safeguards for a victim/witness of sex offenses. Under this law, the taking of the testimony of a child witness may be performed through CCTV.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

CCTV, interview room separated from the control room by a two-way mirror.

ISRAEL

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Police service and Court of Justice.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive/NICHD evaluation protocol, structured investigative interview – technique developed with the aim of increasing the quantity and precision of the information provided by witnesses.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the initial phase of the investigation, a child who is a victim of a sexual crime is interviewed by a youth interrogator, who may be a police officer trained in investigative interviewing. The child is not required to testify in court; if the case goes to trial, the interview will be conducted during a hearing with the judge, prosecutor and defense attorney through a video conference and an intermediary who facilitates the testimony.

ISRAEL

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; remote video camera, technology developed by SVT Video Systems Pty Ltd (Sydney); microphones; small remote control panel; recording – combined audio and video recording system; recording on master compact and two recordings in VHS.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview.

ISRAEL

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training in cognitive evaluation of structured investigative interviews; NICHD protocol.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Rabbinical Court Procedures
Council of Young Israel Rabbis
Rabbinical Court Procedures
webmaster@aish.com
<http://www.knesset.gov.il/>
De domingo a quinta-feira, das 9h00 às 15h00
Beit Kiach Agripas 42, Suite 203, Jerusalem
Tel.: (+972) 02 6254983

JORDAN

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving evidence; live link by the courtroom; the video recording of children's oral evidence in chief; use of intermediaries to give evidence.

2) DATE THE PROGRAM WAS IMPLEMENTED

2003

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Child Law – the first initiatives that the introduction of the video recording of the testimony of child witnesses began in 1997, but not in an institutional manner. Then a dedicated family protection department was created in Amman. When the building was finished, the interview rooms (video suite) were introduced in 2003.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

CCTV; video suite; interview room.

JORDAN

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Police service and Court of Justice.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive/NICHHD evaluation protocol, structured investigative interview – technique developed with the aim of increasing the quantity and precision of the information provided by witnesses.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the initial phase of the investigation, a child who is a victim of a sexual crime is interviewed by a youth interrogator, who may be a police officer trained in investigative interviewing. The child is not required to testify in court; if the case goes to trial, the interview will be conducted during a hearing with the judge, prosecutor and defense attorney through a video conference and an intermediary who facilitates the testimony.

JORDAN

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; remote video camera, technology developed by SVT Video Systems Pty Ltd (Sydney); microphones; small remote control panel; recording – combined audio and video recording system; recording on master compact and two recordings in VHS.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview.

JORDAN

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training in cognitive evaluation. The initial training was provided by a police officer from the English police force and, since then, complementary training in interview techniques and other related matters has been conducted.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Ministry of Justice
inquiry@mfa.gov.jo
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PO Box 6040
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Fax: (+962) 6 568 0238

Ministry of Foreign Affairs
PO Box 35217
Amman, Jordan
Tel.: (+962) 6 5735150
Fax: (+962) 6 5735163

LITHUANIA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child sexual abuse investigative interviews.

2) DATE THE PROGRAM WAS IMPLEMENTED

2004

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Article 186 of the Code of Criminal Procedure of the Republic of Lithuania –CCP no. 37-1341, 2002) states that a witness or victim younger than 18 years of age may be questioned before trial no more than once during the enquiry. The questions may be recorded on video or audio cassette.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Child interview room (live link – CCTV).

LITHUANIA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

NGO Vaiko Namas/Child House. It is also being implemented by the police.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Trained psychologist.

LITHUANIA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

CCTV; remote video camera; microphones; small remote control panel; recording – combined audio and video recording system; recording in compact master and to recordings in VHS; two or three audio and video cassette tapes.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Prosecutor; judge responsible for taking evidence; psychologist who records the testimony.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

It is important that the interview be very detailed; well-trained interviewer who asks well-formulated questions; quality of the audio and video.

LITHUANIA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Psychologists responsible for conducting the interview.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Vaiko Namas (Child House) [Casa da Criança]
Evaldas Karmaza
Info@children.lt
<http://www.Children.lt/>
Zemaites 21-203
Lt-03118, Vilnius, Lithuania
Tel.: (+370) 60400920
Fax: (+370) 52338396

MALAYSIA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving oral evidence by child witness – interview to evidence by video recording or live link.

2) DATE THE PROGRAM WAS IMPLEMENTED

2002

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Project involves a multiagency base. The Royal Malaysian Police provides the physical premises for the interview room (video suite) for the video recording. Through the multiagency project management group, other changes have been recommended specifically to amend the law, to allow video recordings to be used in court as evidence. Approved in 2007 the Child Witness Act 2007 (“the Act”), the law that regulates the procedures for the taking of testimony from child witnesses in court cases. Its preamble establishes criteria for the taking of testimony following procedural rules. The following procedures were adopted: a recorded interview can be admitted as evidence; testimony in the Court of Justice, in a special room through live link, or in the courtroom using a screen that prevents visual contact between the defendant and the child victim.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room, live link – CCTV; video suite (special room/police unit); courtroom (special room/Court of Justice).

MALAYSIA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview room) located at the police stations allocated for the collection of oral evidence during the investigation phase.
The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

MALAYSIA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras with different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview.

MALAYSIA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Initially, 12 police officers, including men and women, were trained. A team of social workers was also trained to provide support to children before and during their participation in court.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Royal Malaysian Police Headquarters,
Police Chief Tan Sri Musa Hassan
Bukit Aman, 50560, Kuala Lumpur
Tel.: (+603) 2262 6222/6015
Fax: (+603) 2070 7500/2272-5613

NEW ZEALAND

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving oral evidence by child witness – interview to evidence by video recording or live link.

2) DATE THE PROGRAM WAS IMPLEMENTED

2006

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Evidence Act 2006 made changes allowing judges to preside at criminal sex offense trials, guaranteeing that children/adolescents under 17 years of age may give evidence by previously video recorded interview. Taking of testimony using questions asked by defense attorneys, channeled by audiolink in which a person next to the child repeats the question so that the child may answer, using a screen so that the child cannot see the defendant, but through which the judge and jury may see the child. The law states that the judge must take into consideration the need to minimize the stress on the victim but, at the same time, guarantee the defendant a fair trial.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room separated from the control room; courtroom (live link – CCTV).

NEW ZEALAND

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) located at the police stations, designated for the collection of oral evidence during the investigation phase.

The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

NEW ZEALAND

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras with different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system; videotape; telephone.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview; credibility of the testimony; quality of the interview.

NEW ZEALAND

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. The training is for police officers and court employees.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Supreme Court
Dr. Lesley McTurk
supremecourt@justice.govt.nz
<http://www.courtsofnz.govt.nz/utilities/contact/courts.html>
<http://www.justice.govt.nz/contacts/index.html>
PO Box 61, Wellington
Tel.: (+64) 04 9188222
Fax: (+64) 04 9143560

NORWAY

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child sexual abuse investigative interviews.

2) DATE THE PROGRAM WAS IMPLEMENTED

2004

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Principal rule is the Protection of Witnesses Act – children younger than 14 years of age do not have to appear at court in sex cases. In these cases, the testimony of children must be provided outside of the main hearing. During the hearing, the judge may appoint a specially qualified person to help during the questioning. The questioning is recorded on video or audio cassette to be used as evidence during the trial. The witnesses or the defendant's lawyer may attend a hearing through a mirror, but are not authorized to put questions directly to the child. The law specifies that the testimony must be recorded on video or audio cassette when the witness is the victim of a sexual offense. It also specifies that repeatedly taking testimony must be avoided as far as possible in the circumstances. Trials involving sexual abuse must be held in camera.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

A child-oriented room with a two-way mirror; court room.

NORWAY

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Police Station; Magistrates' Court.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) "tell everything" that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer; if the case goes to court, then by live link – CCTV: judge, prosecutor, defense attorney, and there may also be an interpreter.

NORWAY

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording by two cameras with different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system; videotape; telephone.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview; credibility of the testimony; quality of the interview.

NORWAY

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. The training is for police officers and court employees.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Norges Høyesterett – Supremo Tribunal

Erik Mose – advogado e procurador

Besøksadresse: Høyesteretts plass 1

post@hoyesterett.no

http://www.domstol.no/default___2916.aspx?epslanguage=EN [http://www.domstol.no/](http://www.domstol.no/default___2916.aspx?epslanguage=EN)

[default___2916.aspx?epslanguage=EN](http://www.domstol.no/default___2916.aspx?epslanguage=EN) [asp?id=9703&epslanguage=NO](http://www.domstol.no/default___2916.aspx?epslanguage=EN)

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Tel.: (+47) 2 2332355

PARAGUAY

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview in a room with two-way mirrors.

2) DATE THE PROGRAM WAS IMPLEMENTED

2008

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Amendment of the Criminal Procedure Code under the new accusatory model of justice allows the admission of testimony given in advance.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

PARAGUAY

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Victim and Witness Service Center, Attorney General's Office.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Forensic interview techniques in a room with two-way mirrors. Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) "tell everything" that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist.

PARAGUAY

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; transmission by live link – CCTV; CD recording; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Judge; prosecutor/monitor; defense attorney; expert in documentation.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; professionals present during the recording.

PARAGUAY

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. The manual of procedures against child abuse is used to train professionals.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

Centro de Atención a Víctimas y Testigos del Ministerio Público
Proyecto de Asistencia Integral a Menores de Alto Riesgo (AMAR)
Secretaría de Acción Social – Presidencia de la República
Co-Director Nacional Fiscal Eduardo Cazaneva
arestivo@pamar.org.py
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PERU

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

2008

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Amendment of the Criminal Procedure Code under the new accusatory model of justice. Law 906 of 2004 allows the production of evidence in advance and governs victim rights. Article 11. Victim's rights. The victim will have the right to:

- a) Receive humane and dignified treatment;
- b) Protect his or her privacy, guarantee his or her safety, as well as the safety of their family members and witnesses they call;
- c) Rapid and full indemnification for the harm, from the defendant, or person who took part in the wrong, or a third party held liable under the terms of this Code;
- d) To be heard and that the production of evidence is facilitated.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Sole interview room – room with two-way mirrors, designed for specialized listening of children/adolescents victims/witnesses.

PERU

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

National Institute of Forensic Medicine of the Attorney General's Office.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) "tell everything" that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist.

PERU

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; transmission by live link – CCTV; recording on CD; recording on VHS; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Prosecutor; defense attorney; documentation specialists.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the interview; quality of the recording; court employees and civil servants present during the recording.

PERU

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Courses are sponsored by the Attorney General' Office School for prosecutors, family, and Institute of Forensic Medicine professionals.

Content: single interview procedures in a room with two-way mirrors. Support networks for victims of sexual abuse and of the commercial sexual exploitation of children; lessons learned in single interviews in a room with two-way mirrors in Colombia.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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POLAND

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child-friendly interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

2005

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

The child-friendly procedure is established by law. Article 185 of the Code of Criminal Proceedings that applies to crimes of sexual abuse, physical abuse and abandonment of any child younger than 15 years of age at the time of the hearing, provides: the interview must be performed [...] in a session with the participation of an expert psychologist, that the interview must be performed during the main hearing and the victim must not be interviewed more than once. Based on this legislation, in 2005 the Nobody's Children Foundation introduced the Child Victim Advocate Program and created the child-friendly interview protocol, which are interviews carried out in rooms with a two-way-mirror and a camera for video recording conducted by a psychologist, but under the coordination of the judge or prosecutor.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

A child-suitable room with a two-way mirror on one side.

POLAND

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

A special room for interviewing children is located at the headquarters of the NGO The Nobody's Children Foundation and another at the courtroom.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview using the child-friendly protocol – method used to assist the memory and to treat the interviewee sensitively. This method is used to interview witnesses, including child witnesses.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

May be a psychologist or a therapist who carries out the interview under the coordination of the judge or prosecutor responsible for the case.

POLAND

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; two-way-mirror; CD recording; small remote control panel; audiocassette recording; combined audio and video recording system; videotape; telephone.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The formal taking of the evidence is in a special room with two-way mirrors and a camera for video recording, installed at The Nobody's Children Foundation. The interview is carried out by a psychologist or therapist trained in cognitive interviewing under the supervision of the judge or prosecutor, who, during the interview, are on the other side of the mirror, and in constant contact with the interviewer so that they may put questions to the child. The interview is admissible when the judge decides that the oral testimony is admissible, validating it or not as evidence in the criminal proceedings.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

The interview to collect evidence is generally carried out at the headquarters of The Nobody's Children Foundation under the coordination of the judge prosecutor, but may be repeated at the Court of Justice.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Facial coverage of the interviewee; coherence of the child witness account; audio quality of the recordings; video quality of the recordings; credibility of the testimony; quality of the interview.

POLAND

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training is given to police officers, social workers, psychologists, doctors, prosecutors, and judges.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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SCOTLAND - UNITED KINGDOM

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Investigative interview witness and suspect.

2) DATE THE PROGRAM WAS IMPLEMENTED

2004

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Vulnerable Witness (Scotland) Act] 2004.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Video conference room (live link – CCTV).

SCOTLAND - UNITED KINGDOM

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) located at the police stations, designated for the collection of oral evidence during the investigation phase.

The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive/NICHD evaluation protocol, structured investigative interview – technique developed with the aim of increasing the quantity and precision of the information provided by witnesses.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

A police officer conducts the interview during the investigation; if the case goes to court: magistrate, prosecutor and defense attorney.

SCOTLAND - UNITED KINGDOM

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Live link – CCTV; remote video camera; microphones; small remote control panel; recording – combined audio and video recording system; DVD recorder; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

They are frequently done in the presence of a judge, police detective, and social worker responsible for protecting the child.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Usually, only once during the investigation phase, but in some cases the child may testify at several times.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recorded interview; quality of the transcribed interview.

SCOTLAND - UNITED KINGDOM

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Police officers and social workers.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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SOUTH AFRICA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Giving evidence by video conference in a special room for the court of justice; video recording of the oral evidence of children; use of intermediaries to provide evidence.

2) DATE THE PROGRAM WAS IMPLEMENTED

1991

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Article 170A was included in the Criminal Procedure Act article 51 of 1977, allowing children under stress or who are suffering to testify by electronic means in a place other than the courtroom. This law provides for these measures: a previous video recording of a child witness can be admissible evidence, testimony can be given from a special room by live link – CCTV. and judges and lawyers remove their wigs and gowns. Decree 135 was approved in 1991, amending the Criminal Law of 1991. This decree provides for the use of intermediaries to give evidence to protect children in cases of sexual abuse when their testimony is needed in court.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Interview room (special room); courtroom (special room).

SOUTH AFRICA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) located at the police stations to take oral testimony during the investigation phase.
The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive/NICHHD evaluation protocol. Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

During the investigation phase: a police officer together with a social worker – both of whom are trained in interviewing children to gather evidence; if the case goes to trial, by live link – CCTV: judge, prosecutor, defense attorney, with the assistance of an intermediary who has also been trained to interview children to gather evidence. A professional who has been trained to interview children will be aware of the above developmental limitations and will incorporate techniques into the style of questioning that will address these issues.

SOUTH AFRICA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video filming done with two cameras at different angles; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/ OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A decision will be made as to whether it is admissible as evidence that will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording. If there is a trial, the child will testify again by live link: judge, prosecutor, defense attorney, through an intermediary trained to interview children for evidence.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence, once at trial, and once on appeal if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child's testimony; quality of the audio recordings; quality of the video of the interview.

SOUTH AFRICA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Education and training: service for social workers, judges, defense attorneys, prosecutors, police, local authorities, healthcare organizations trained on the new law about how to deal with people with special needs in court. Introducing gatekeepers – experienced upper-level officials to evaluate the work done by the mentioned professionals.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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SPAIN - CATALONYA

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Judicial exploratory interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

2000

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

There is no specific law that regulates the use of rooms with two-way mirrors and the role of psychologists. There is a law on criminal advice that regulates the services offered by the Department of Justice – team of psychologists whose involvement is requested by the judges during preliminary hearing.

New law on civil court proceedings (2000) allows new types of evidence produced using technological support such as video, DVD, CD, films.

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Room with two-way mirrors/observation room, designed for specialized listening of children/adolescents victims/witnesses.

SPAIN - CATALONYA

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Court for taking testimony – Department of Justice.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Psychologist trained in investigative cognitive interviewing.

SPAIN - CATALONYA

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Video recording; microphone; transmission by live link – CCTV; CD recording; VHS recording; audiocassette recording.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

Judge responsible for taking evidence; prosecutor; defense attorney; child/adolescent's representative; documentation technician.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Because there is a court for taking testimony, the child/adolescent victim generally testifies only once. This testimony is recorded on video and is normally accepted as evidence in court, though there can be exceptions in which, if the case goes to trial, the panel of judges may ask that the child/adolescent testify again.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Quality of the recording; quality of the interview; professionals present during the recording.

SPAIN - CATALONYA

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Every two months a knowledge management workshop is organized: analysis of the content of interviews, studies regarding the credibility of the content, and review of knowledge.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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SWEDEN

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Child-friendly interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

2008

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

A new sexual crime law came into force in April 2005 with the aim of clarifying the right to personal and sexual integrity and to reinforce the protection of child and adolescent victims of sexual violence. There is no specific legal basis for the taking of testimony from children in legal proceedings. However, the Swedish criminal code does provide for the participation of an expert witness/interpreter for the purpose of evaluating the credibility of a witness before the court. Bill 2004/05: 131, which was transformed into law and came into force in November 2008 (*En modernare rättegång – Videoinspelningarna ska som huvudregel utgöra den muntliga bevisningen i hovrätten – Videodokumentation/Videokonferens*) [a more modern trial with video documentation and video conference] established a change in the procedures that regulate how a case reaches court. This law provides for the technological modernization of all courts in the country and gives video recorded testimony the evidentiary weight of oral testimony. The main argument used for this change was that the use of modern technology in court would allow for better opportunities to adjust the work of the justice system to the needs of each individual.

SWEDEN

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

Intervjurum – Interview room separated from the control room; *Domstolen room* – Courtroom (special room in the courthouse).

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

There are special rooms (interview rooms) located at the police stations, designated for the collection of oral evidence during the investigation phase. The other special rooms are at the courthouses when the case goes to trial and the children/adolescents may testify again (courtroom/live link).

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Cognitive interview (CI): technique developed with the aim of increasing the quantity and precision of the information provided by witnesses. Includes four main categories: 1) cognitive prompting to reconstruct the context; 2) “tell everything” that the witness remembers of the episode; 3) memory prompting in a differentiated manner, occurring from different view points, and 4) prompting to change perspective, through which the interviewee is asked to imagine going to a different place in the scene.

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

Investigation phase *polisier*/Police officers. If the case goes to trial and through *Videokonferens* – live link – CCTV, it will be viewed by: *magister domsto* (judge), *prosecuter* (prosecutor), *defenser* (defense attorney), and there may be an interpreter.

SWEDEN

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

Filming through video camera; microphone; live link – CCTV; CD recording; small remote control panel; audiocassette recording; recording – combined audio and video recording system.

9) OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

The evidence is only sent to court when the Magistrates' Court receives the video of the interview conducted by the police from the prosecutor. A ruling is made as to whether it is admissible as evidence, and it will be viewed by the judge, prosecutor and defense attorney, who will either validate or not validate the video recording.

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Once during the investigation phase to collect evidence and once at trial if the video of the interview is not admitted as valid evidence.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

Visual coverage of the interviewee; coherence of the child witness' testimony; quality of the audio recordings; quality of the video of the interview; credibility of the testimony; quality of the interview.

SWEDEN

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. Training is for police officers and court employees.

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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UNITED STATES

1) TERM USED FOR TAKING TESTIMONY (SPECIAL EXAMINATION)

Forensic interview.

2) DATE THE PROGRAM WAS IMPLEMENTED

The first Child Advocacy Center (CAC) was founded in Huntsville, Alabama, in 1985. Since then, various multidisciplinary CACs have been founded in the United States. In the United States each state has its own child protection program. In the state of New York alone, at least 70 CACs for children who have been victims of sexual violence have been established. Among the oldest of them is the CAC in Ithaca, which was founded in 1987. Because of the variety of centers and the lack of nationwide comparative studies, this survey will limit itself to information regarding the states of California and New York, and in the case of New York the focus will be on the Jacobi Medical Center Family Advocacy Program. The Jacobi Medical Center is a hospital in the Bronx, and its CAC was founded in 2000.

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

Each state writes its own criminal procedural rules and few states have statutes that authorize or require multidisciplinary investigation of sexual abuse of children. For example, the California Criminal Code, Section 11166.3 (which is part of the model law regarding child sexual abuse) expresses a public policy in favor of county prosecutors and police officers working together to investigate cases. In the late 1980s and early 1990s, the California legislature passed a law creating pilot projects administered by the Department of Justice to study multidisciplinary interview

UNITED STATES

3) LEGAL BASIS (IF THERE IS A SPECIFIC LAW THAT GOVERNS THE USE OF SPECIAL ROOMS)

centers, or MDICs, and the use of video recorded interviews. However, there is no law in California authorizing MDICs. In the state of New York a special standard of care also applies to children, who are interviewed in a child-friendly room. The interview is observed through a two-way mirror.

Although there is no nationwide law on the subject, in 1992 CACs became the model recommended by the federal law (Children's Justice Act Grant Program) that subsidizes the implementation of multidisciplinary organizations or agencies based on the CAC model. The main objective of CACs is to guarantee that cases of child sexual abuse are handled in a multidisciplinary way during the investigation phase. There is currently a wide variety of centers and agencies that use the recommended CAC model.

On the basis of the Children's Justice Act (CJA), since 2000 the US Department of Justice makes payments to the 50 states for the purpose of improving the investigation, prosecution and trial of cases of abuse and abandonment, particularly in regard to the sexual abuse of children. This is one of the main government strategies to support efforts to confront child abuse. To receive CJA funds, a state must be approved to receive the basic state subsidy, and must also have established a multidisciplinary task force with a close relationship with the various levels of the justice system that serve children victims.

A recent US Supreme Court decision (*Crawford v. Washington*) supports the position that forensic interviews with videotape should be conducted at CACs, or by the police, or by social workers, and that these cannot be used at trial unless the children testify live in court.

UNITED STATES

4) NAME OF THE PHYSICAL ENVIRONMENT USED TO TAKE TESTIMONY (ROOM WITH TWO-WAY MIRRORS, LIVE LINK, CCTV, OTHERS)

A child-oriented room with a two-way mirror. At some centers, like the one at the Jacobi Medical Center, the interviews are generally not video recorded, although there is audiovisual recording equipment present. Audiovisual recordings are made only in exceptional cases, when another jurisdiction requires by law that the interview be video recorded.

5) LOCATION OF THE INSTITUTION RESPONSIBLE FOR PROGRAM MANAGEMENT

Forensic interviews are conducted at CACs, which are often affiliated with the National Children's Alliance. CACs are usually related to the county child protective services agency or to the county district attorney's office. Other CACs operate as nonprofit organizations, or in partnership with some type of government-related agency or organization, such as a prosecutor's office, a hospital structured along the lines of a CAC, etc.

6) TECHNIQUES ADOPTED FOR TAKING TESTIMONY (INTERVIEW TECHNIQUE)

Each CAC is able to determine its own interview protocols. Some have adopted the NICHD structured cognitive interview protocol, while others use a semi-structured "finding words" interview based on cognitive neuroscience and psychology. The state of New York has its own forensic interview protocol based on the New York State Children's Justice Task Force on Forensic Interviewing Best Procedures.

UNITED STATES

7) PROFESSIONAL RESPONSIBLE FOR INTERVIEWING THE CHILD/ ADOLESCENT

The majority of interviews (99%) are conducted by social workers trained in forensic interviewing. Occasionally, a child protection specialist, police officer, or lawyer will conduct the interview with the child.

8) TECHNOLOGIES USED TO RECORD THE TESTIMONY (LIVE LINK, CCTV, AUDIO AND VIDEO RECORDING, OTHERS)

The majority of CACs make DVD or video recordings. However, some centers, such as the Jacobi Medical Center, in general do not use technology to record interviews, which are done in writing by the professionals responsible for conducting the interview. Only occasionally is audiovisual technology used.

9) OFFICIALS (COURT AND/ OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

A police detective and lawyer from the district attorney's office are frequently at the interviews. If it is necessary to protect the child, a social worker may also participate in the interview. With a few exceptions, any person may be present at a criminal trial when a child is testifying. With a few exceptions, children generally do not testify at a family court. When they do, only the people responsible for the case, lawyers, and parents are present.

UNITED STATES

10) HOW MANY TIMES DOES THE CHILD TESTIFY DURING THE COURT CASE?

Normally only one interview is conducted at the CAC. In a criminal trial, the child testifies twice: once before a grand jury and the second time at trial. By law, the child is required to testify in a criminal trial. Before this, there will be an initial interview conducted by a police officer or social worker. If the district attorney's office decides to prosecute, testimony with probative value will be given in court. However, in general, several interviews are conducted between the first interview at the CAC and the testimony given in court. The interview at the CAC cannot replace the child's testimony in court. However, often the child ends up not testifying in court.

11) MATTERS TAKEN INTO CONSIDERATION TO VALIDATE THE RECORDED TESTIMONY

The rules are less strict during the preliminary interviews. At some centers in the state of New York the recording of the witness statement includes the name of the child interviewed, the name of the interviewer, title, place and date of the interview. The video is copied and one copy is sent to the requester through the jurisdiction in which the medical center is located (the video is part of the medical report). A written summary of the interview is also included in the report.

12) ARE TRAINED PROFESSIONALS INVOLVED? (YES OR NO) WHO ARE THE PROFESSIONALS?

Yes. There are various centers that provide forensic interview training on the basis of psychology and cognitive neuroscience. At the Jacobi Medical Center in New York, the employees responsible for the interview are trained in audiovisual documentation.

UNITED STATES

13) CONTACT INFORMATION, LEVEL AND PROFESSIONAL RESPONSIBLE FOR COORDINATING THE SPECIAL ROOM (E-MAIL, ADDRESS AND TELEPHONE NUMBER)

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National Children's Alliance [Aliança Nacional pela Infância]
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Jacobi Medical Center
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A row of empty green plastic chairs against a green wall. The chairs are arranged in a line, and the background is a solid green color. The lighting is soft, creating a calm and somewhat somber atmosphere.

Section I

Child victims in the judiciary system:
Optimizing accuracy, avoiding revictimization

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Children become involved in legal investigations and criminal court typically after witnessing or experiencing unlawful events. For example, experiencing child physical abuse, witnessing domestic violence, or being kidnapped can bring children into the judiciary system. However, the most likely reason for children to enter the legal milieu is when allegations arise of child sexual abuse. In such cases, the child victim is typically the key witness for the prosecution. Increased interest in protecting children from sexual abuse and in preventing revictimization of children within the legal system has resulted in important changes in legal practice, supported by a growing body of scientific research.

The main goal of this opening paper is to review current practices and scientific literature relevant to the topic of children in criminal investigations and prosecutions. First, important developments in investigative practices, particularly concerning forensic interviewing of children, are described. Second, procedures are described that aim to avoid revictimization when children testify at trial. Third, the paper ends with a set of recommendations for helping children through the legal process. The goals of the recommendations are to maintain accuracy in children's statements, reduce legal-system revictimization of children, protect innocent defendants from false accusations, and promote justice overall.

INVESTIGATIVE INTERVIEWS

Legal procedures that alleviate children's emotional distress throughout a criminal prosecution can promote the well-being of child victims and also enable children to provide reliable testimony. These interventions include use of child advocacy centers (CACs) and forensic interview protocols during the investigation phase. Such interventions have been the subject of considerable research.

CHILD ADVOCACY CENTERS (CACs)

The CAC multidisciplinary approach is designed to reduce secondary victimization of children by: (a) facilitating collaboration between relevant agencies (e.g., child protective services, law enforcement, prosecution, mental health, and medicine), (b) providing child sensitive interview settings, and (c) limiting the number of interviews child victims must undergo (Cross, Jones, Walsh, Simone, & Kolko, 2007). The first CAC was established in the United States in 1985; now over 700 CACs exist in the United States alone (Faller & Palusci, 2007). An additional core component of the CAC model is the coordination of specialized therapeutic services to children and their families, including victim support and advocacy (Connell, 2009a; Jackson, 2004; Newman, Dannenfelser, & Pendleton, 2005).

As explained by Connell (2009a), to achieve CAC accreditation, an agency is required to demonstrate 10 program components:

- 1) Child-Appropriate/Child Friendly Facility.** A comfortable, private, child-friendly, safe setting must be provided.
- 2) Multidisciplinary Team (MDT).** An MDT must exist that coordinates representatives from law enforcement, child protective services, prosecution, mental health, medical, victim advocacy, and the CAC. MDT members must be routinely involved in legal investigations.
- 3) Organizational Capacity.** The CAC must demonstrate it is both fiscally and programmatically organized so as to operate efficiently.
- 4) Cultural Competency and Diversity.** The CAC staff must have the ability to understand, appreciate, and interact with members of culturally diverse populations.
- 5) Forensic Interviews.** The forensic interviews must be legally sound, neutral, fact finding, and coordinated to avoid duplicative interviewing. Use of a specific, nationally approved interview protocol is not required. Collaborative case planning should also be carried out. In many CACs, the interviews are recorded on videotape or DVDs so as to document the interviewer's questioning and the child's answers.
- 6) Medical Evaluations.** It is recommended that during medical evaluations, forensic documentation as well as collection and preservation of evidence takes place. One goal is to share the findings of the medical evaluation with legal professionals on the MDT in a timely manner.
- 7) Therapeutic Intervention.** It is required that specialized mental health services are made available either at the CAC or through other treatment providers. Families seen at the CAC should be screened for needed mental health services. Mental health evaluation and treatment are to be provided to all CAC clients at reduced fee or at no fee, as appropriate. However, it is important that the forensic interview or assessment is clearly separate from mental health treatment.
- 8) Victim Support/Advocacy.** Victim support/advocacy for the child and family include helping to prepare the child for court, accompanying the child to court, arranging for crime victim compensation, and providing information about civil and criminal legal proceedings.

9) Case Review. On a routine basis, the MDT discusses the investigations, case status, and services needed by the children and families served.

10) Case Tracking. Each CAC should have a system for monitoring case progress and tracking case outcomes.

Although CACs serve several vital purposes, the child forensic interview is fundamental. Children find repeated forensic interviewing to be stressful (Tedesco & Schnell, 1987). In principle, CACs can thereby reduce the trauma associated with the investigative process by coordinating agencies' needs for information in such a way as to reduce the number of child interviews.

In most CACs, child forensic interviews are conducted by specially trained interviewers (e.g., social workers with advanced training). The interviews take place in a child-friendly room that is typically equipped with a one-way mirror, a microphone, and a videocamera, but without toys or other such distractions. A law enforcement officer, an assistant district attorney, and/or a child protective service worker view the interviews from behind the one-way mirror. The forensic interviewer questions the child, taking breaks during which those viewing the interview can provide the interviewer with additional questions. The interviewer then translates the questions into age-appropriate language. Law enforcement and/or child protective services use the information gained to further their investigations. The district attorney's office later decides if the case will proceed to prosecution.

Evaluations of the efficacy of the CAC model relative to traditional methods of child protective services and investigative interviewing in which agencies work independently reveal that CACs may decrease the delay between law enforcement report and indictment date (Walsh, Lippert, Cross, Maurice, & Davison, 2008; Wolfteich & Loggins, 2007), increase the receipt of medical examinations (Smith, Witte, & Fricker-Elhai, 2006; Walsh, Cross, Jones, Simone, & Kolko, 2007), improve prosecution rates (Smith et al., 2006), improve the experience of non-offending parents during child sexual abuse investigations (Jones, Cross, Walsh, & Simone, 2007), and decrease the level of fear experienced by children during interviews (Jones et al., 2007). Overall, data are accumulating that CACs are likely to be helpful to children and families who enter the criminal justice system.

CHILD FORENSIC INTERVIEW PROTOCOLS

CACs may or may not use a standardized, well-researched interview protocol for questioning children. Yet a large and growing body of scientific research exists on how to question children about criminal events (e.g., Eisen, Quas, & Goodman, 2002; Goodman, 2006; Lamb, Hershkowitz, Orbach, & Esplin, 2008; Poole & Lamb, 1998). Based on this research, a number of standardized protocols have been developed, including the revised Cognitive Interview (CI; Fisher & Geiselman, 1992); the Step-Wise Interview (Yuille, Hunter, Joffe & Zaparniuk, 1993); Narrative Elaboration (Saywitz & Snyder, 1996); the National Institute of Child Health and Human Development (NICHD) Investigative Interview Protocol (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, 2007); the Corner House RATACTM Protocol, also known as the Finding Words technique (Walters, Holmes, Bauer, & Vieth, 2003); the Achieving the Best Evidence (ABE) in Criminal Proceedings protocol (Home Office, 2000); and the NCAC Forensic Interview (Carnes, 2000). In some countries, a standardized interview protocol has been adopted as the national standard (e.g., in Israel, the NICHD protocol is used). In other countries, such as the United States, each agency is free to determine how children are interviewed.

In general, child forensic interview protocols include such components as: rapport building; developmental assessment; truth-lie discussion (e.g., obtaining the child's agreement to tell the truth); instructions regarding the interview (e.g., explaining that it is OK to say "I don't know"); practice in answering free recall questions about neutral topics); substantive questioning about the alleged abuse incidents, with reliance primarily on free recall and open-ended questions using a "funnel" approach (e.g., starting with free recall and open-ended questions, but asking more specific questions as needed, while returning as soon as possible to free recall and open-ended questions); and closure (e.g., thanking the child for answering questions but not for specific content; explaining what will happen next). Although use of body diagrams, anatomical dolls, and drawing are sometimes included, these techniques can be considered controversial.

Most child forensic interview protocols are geared toward a single interview. However, the Extended Forensic Evaluation model (also called the National Child Advocacy Center protocol [NCAC protocol]; Carnes, Wilson, & Nelson-Gardell, 1999; Connell, 2009b) has been developed for child sexual abuse cases in which there is evidence of abuse but the child fails to provide, in the initial interview, sufficient information for the investigation to proceed. This approach is not widely researched, nor is it widely used in the United States. Nevertheless, 50 CACs have adopted it.

In the Extended Forensic Evaluation model, a therapist conducts further interviews with the child (Carnes et al., 1999). Although this approach generally includes five weekly sessions, the exact number and length of sessions is determined

by the therapist on a case-by-case basis (Carnes, Nelson-Gardell, Wilson, & Orgassa, 2001). Because the sessions take place with a therapist, it is hoped that the repeated interviews will be less stressful for children. There is a small amount of research on this specific interview approach (for review, see Connell, 2009b). Recent studies indicate that repeated interviewing can result in further information and keep memories alive (Goodman & Quas, 2008; La Rooy, Pipe, & Murray, 2005), although multiple strongly misleading interviews, especially as memory fades, hold the potential to substantially increase memory report errors (Bruck, Ceci, & Principe, 2007). Due to the realities of legal investigations, care should be taken before adopting a multiple-interview approach.

GOING TO COURT

Many children express fears about testifying in court (Saywitz & Nathanson, 1993; Spencer & Flin, 1993). Children also tend to have quite limited understanding of the legal process, which can add to their anxiety (e.g., Flin, Stevenson, & Davies, 1989). To spare children from court appearances, in some countries, young children (e.g., children younger than 14 years of age) rarely enter the criminal courtrooms during hearings or trials. For instance, in Israel, the forensic interviewer testifies in place of the child and describes what the child has said. In England, the prosecution presents the videotaped forensic interview in court. Cross examination by the defense attorney is conducted outside the courtroom in a separate courthouse chamber from which the questioning of the child can be shown via closed-circuit television (CCTV) to those in the courtroom. In Norway, specially trained police officers interview children for forensic purposes. The interview is conducted in a room equipped with a one-way mirror. The judge, prosecutor, and defense attorney watch and listen to the interview from behind the mirror. They can submit questions to the interviewer at that time, and this serves as direct and cross examination of the child.

In the United States, the 6th Amendment of the federal Constitution requires that children, like adults, testify live in court at trial. Although children do not necessarily have to testify in pretrial hearings, if the case goes to trial and the child is a key witness (e.g., the alleged victim of child sexual abuse), the child is very likely to have to take the stand and testify face-to-face with the defendant and submit to direct and cross examination in the formal, open courtroom. There are risks of emotional harm to children if they are exposed to repeated, hostile courtroom treatment especially in severe, intrafamilial child sexual abuse cases (Brennan & Brennan, 1988; Goodman et al., 1992; Quas et al., 2005). To help children through this stressful process, several supports have been utilized, as explained next.

VICTIM / WITNESS ASSISTANTS

A victim-witness assistant is an individual appointed (e.g., by the court or district attorney's office) to pursue the rights entitled to the child victim and to assist children in overcoming the anxiety and trauma associated with testifying in court. According to the National Organization of Victim Assistance (Young, 2001), victim-witness assistants typically provide emotional support to the child before and during court proceedings. In addition, advocates help prepare children for court by educating them about court procedures and their role as witnesses, providing them with case scheduling information, and giving child witnesses a tour of the courthouse. After the court has reached a decision, the victim advocate meets with children and their families to answer questions about the verdict and to facilitate the delivery of services available in the greater community.

A national survey in the United States of victim-witness assistants, conducted by McAuliff and his associates, found that having a support person, often a victim-witness assistant, during prosecutions is common for children of all ages, particularly in cases involving child abuse and adult domestic violence. Prosecution-based victim-witness assistants typically serve as support persons and tend to provide more informational (e.g., referrals to community resources, courtroom visit/orientation, procedural information) than emotional (e.g., comforting the child, accompanying child to hearings) support to children (McAuliff, Nicholson, Amarilio, & Ravanshenas, 2008).

Studies have documented the benefits to child victims of a supportive adult in the courtroom (e.g., Goodman et al., 1992; Goodman et al., 2003). Moreover, Sas, Wolfe, and Gowdey (1996) report that the most influential protective factor for child witnesses is the presence of a support person, typically the mother, during the trial proceedings. To the extent that a victim-witness assistant can serve as a support person for child witnesses, the presence of this type of victim advocate in the courtroom may become increasingly influential in reducing the adverse outcomes of testifying in court. However, preliminary research indicates that jurors perceive children as less trustworthy when they are accompanied by a support person than when they testify alone (Nefas, Neal, Maurice, & McAuliff, 2008). These findings reflect a more general principle for children in court: Procedures that are often helpful for children emotionally may at the same time adversely affect their perceived credibility.

COURT PREPARATION PROGRAMS

A few jurisdictions have implemented court preparation programs for children who are likely to testify (e.g., Sas, 1991, 1993). Child victims of sexual abuse seem to benefit from such programs. For example, recipients of a child witness court preparation program conducted in Canada that included individually tailored court preparation better understood legal procedures and terminology than child witnesses who received the standard court preparation services (Sas et al., 1996). In addition, the stress reduction component of the program, which involved deep breathing exercises, deep muscle relaxation, and cognitive restructuring and empowerment, significantly reduced generalized and abuse-related fears compared to the standard court preparation services offered to the control group. However, relatively few jurisdictions maintain such programs, perhaps because of the cost involved and defense challenges as to possible effects on the children's testimony (Goodman, Quas, Bulkley, & Shaprio, 1999). Thus, again, children's perceived credibility must be considered.

OUT-OF-COURT STATEMENTS

To help alleviate potential trauma for child witnesses, statements given out of the criminal courtroom (e.g., hearsay evidence, testimony via CCTV) are at times accepted as evidence in United States court cases involving child victims. Although hearsay is generally frowned upon within the adversarial criminal court system, it is used somewhat more freely in the European "inquisitorial" legal system. The admission of some forms of hearsay testimony allows children's out-of-court statements (e.g., to their mothers) to be entered into trial on behalf of child victims (Myers, Redlich, Goodman, Prizmich, & Imwinkelreid, 1999; Ross, Lindsay, & Marsil, 1999; Warren, Nunez, Keeney, Buck, & Smith, 2002). In addition, videotaped forensic interviews with child witnesses may be presented as hearsay evidence at trial (Davies, Wilson, Mitchell, & Milsom, 1995), although in the United States the children typically must testify live in court as well. CCTV allows the child to give evidence outside the courtroom by means of a camera; the child's image is then relayed to the courtroom for viewing while the child undergoes direct and cross examination.

Overall, extant literature does not provide support for the common assumption that testimony given via videotaped forensic interviews or CCTV decreases child witness accuracy compared with face-to-face live confrontation in court. Indeed, face-to-face confrontation in some cases may hamper, rather than facilitate, children's ability (and

willingness) to provide complete and accurate testimony (Goodman et al., 1998; Zajac & Hayne, 2003). However, the use of hearsay evidence and CCTV can be controversial. Concerns center around several assumptions including that: (a) it is harder for a witness to lie in the presence of the accused than outside his or her presence; (b) the stress of testifying on the stand improves the quality and accuracy of witness testimony; (c) the jury's ability to detect deception is impeded unless the witness testifies live in court; and (d) the introduction of out-of-court statements may negatively bias the jury's perception of the defendant and adversely affect case outcome.

In contrast, research across several countries indicates that a negative outcome of hearsay evidence and CCTV concerns, if anything, the loss of immediacy and emotional impact of children's testimony (Cashmore & De Haas, 1992; Davies & Noon, 1991; Landström, Granhag, & Hartwig, 2007). That is, children's testimony loses some of its emotional impact when delivered via a videotape, an adult, or CCTV than when given live in open court. Moreover, when children's statements are provided indirectly (e.g., via hearsay or CCTV), child witnesses are rated by potential jurors as less accurate, less believable, less consistent, less confident, less attractive, and less intelligent than children who testify in open court. Thus, despite the risk of revictimization of children by further legal involvement, children may be viewed as more credible witnesses if they testify live in court rather than when their evidence is presented via hearsay or CCTV (Goodman et al., 2006; Goodman et al., 1998; but see Clifford, Davies, Westcott, & Garratt, 1992; Davies, 1999; Westcott, Davies, & Clifford, 1991). There is little evidence, however, that actual trial verdicts are adversely affected, and cultural expectations about how children's evidence should be obtained could change the findings of these studies' results.

It is also important to consider that some children prefer to take the stand and later regret not testifying, especially if the defendant is found not guilty or receives a lenient sentence (Berliner & Barbieri, 1984; Goodman et al., 1992; Quas et al., 2005). Children may profit from a choice regarding how their evidence is introduced at trial (Cashmore & De Haas, 1992). If children are sufficiently prepared emotionally for a courtroom appearance, are handled with respect and age-appropriate consideration within the legal context, have sufficient coping strategies and support so as not to be too frightened, receive needed services and protection after court involvement, and are motivated to testify, then testifying in court could potentially be an empowering experience. Much depends on how well the courts, the legal professionals, and of considerable importance, the child's family can accommodate to children's emotional needs before, during, and after children enter the courtroom.

RECOMMENDATIONS

Based on current research, the following recommendations are offered:

- 1) **Establish** CACs to (a) facilitate collaboration between relevant agencies (e.g., child protective services, law enforcement, prosecution, mental health, and medicine), (b) provide child sensitive interview settings, and (c) limit the number of interviews a child victim must undergo.
- 2) **Develop** a standardized interview protocol or interview guidelines that are culturally sensitive and that emphasize such features as rapport building, instructions, practice in free recall, and open-ended questioning.
- 3) **Videotape** all forensic interviews with children. (Audio recording is not sufficient.)
- 4) For children who go to court, **provide** highly trained and child-friendly victim-witness assistants who can serve as support persons.
- 5) **Working** with the courts, the district attorneys, and defense attorneys, consider offering child preparation programs for children who testify.
- 6) **Consider** the judicious use of hearsay exceptions in child sexual abuse cases so as to permit the showing of videotaped forensic interviews in court and introduction of children's previous disclosures.
- 7) **Consider** the use of CCTV for children who would be traumatized by testifying in open court.
- 8) **Determine** children's wishes, fears, abilities, trauma-level, mental health, legal understanding, family situation, and so forth in considering options for children's legal involvement, realizing that children's short- and long-term needs and reactions may differ.
- 9) **Provide** needed services (e.g., therapy by qualified clinical psychologists) and supports for children after legal involvement.
- 10) **Evaluate** the legal procedures and programs implemented – through grants to independent, objective researchers – to determine societal success in reducing revictimization of children in the judiciary process.

CONCLUSIONS

Specific legal practices, as backed by scientific research, can maximize children's accuracy while minimizing revictimization of children who become involved in the criminal justice system. Although providing statements to authorities and testifying in court can be stressful for anyone, there are many ways to make children's legal involvement less traumatic. The key is to avoid revictimization of children while at the same time assuring justice.

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A row of four green plastic chairs is positioned against a solid orange background. The chairs are simple in design, with a curved backrest and a seat. The lighting is soft, creating a slight shadow on the floor beneath the chairs. The overall mood is calm and minimalist.

Section II

Catalog of alternative experiences
for taking special testimony from children
and adolescents around the world:
Socio-anthropological reading
and summary chart



This study presents the first outline of the programs for taking special testimony from children and adolescents in court cases in various countries around the world. The United Nations' Guidelines on justice in matters involving child victims and witnesses of crime (Ecosoc Resolution no. 2005/20) served as a parameter to identify innovative programs. We now highlight some of the recommendations that are most consistent with the purposes of this study:

a) Professionals should implement measures to limit the number of interviews, using special procedures for collection of evidence from child victims and witnesses in order to reduce the number of interviews, statements, hearings and, specifically, unnecessary contact with the justice process, such as through use of video recording;

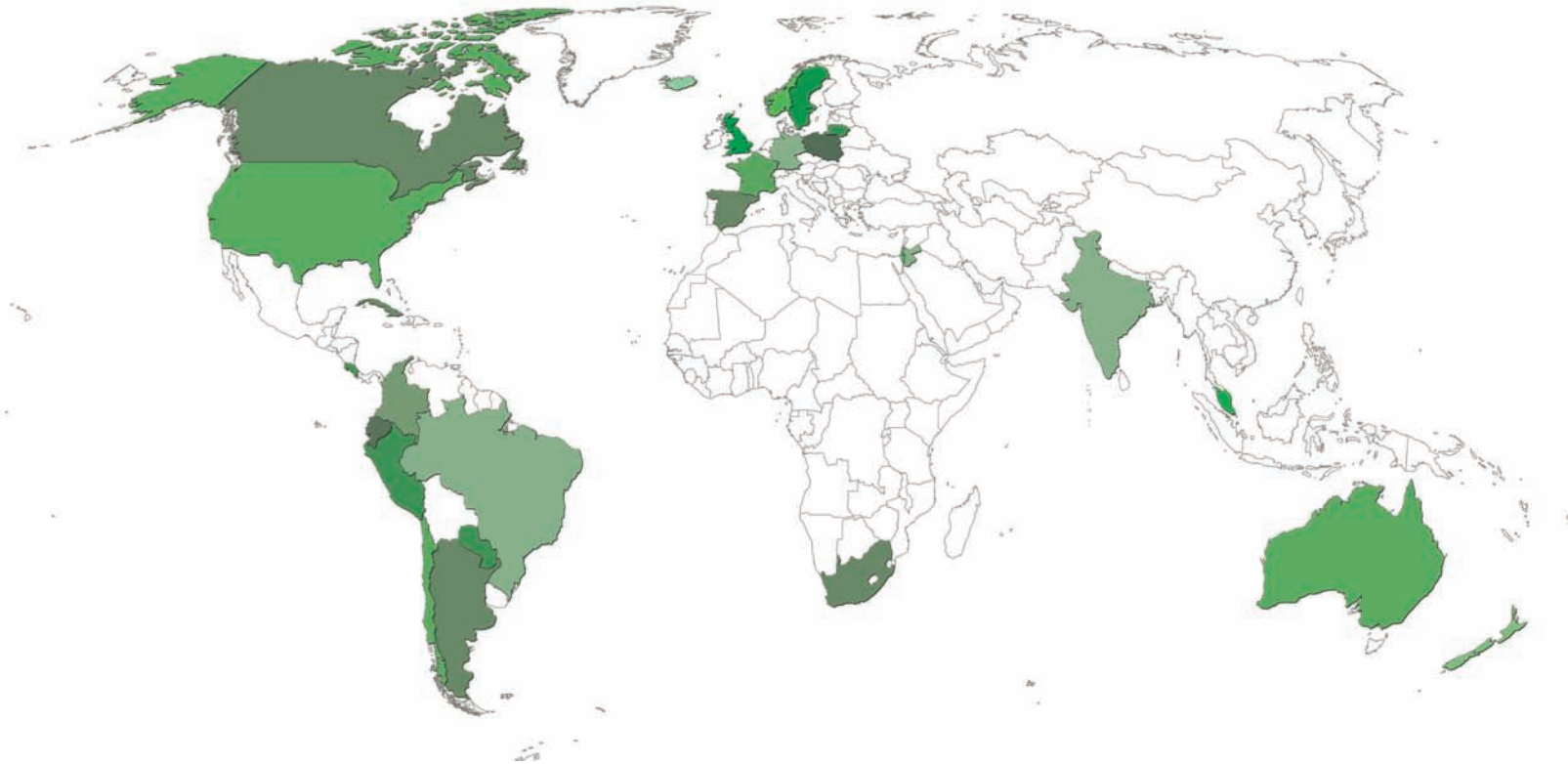
b) Professionals should ensure that child victims and witnesses are questioned in a child-sensitive manner and allow for the exercise of supervision by judges, facilitate testimony, and reduce potential intimidation, for example by using testimonial aids or appointing psychological experts;

c) Professionals should be trained to acquire knowledge on: relevant human rights norms, standards, and principles, including the rights of the child; principles and ethical duties of their office; signs and symptoms that indicate crimes against children; special measures and techniques to assist child victims and witnesses in the justice process; appropriate adult-child communication skills; interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child; Methods to protect and present evidence and to question child witnesses;

d) Professionals should consider utilizing these guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses involved in the justice process.

In Brazil, the social practice discussed in this publication is called “special testimony” or “special enquiry” of children and adolescents in court cases. In a significant number of countries, it is known as “testimony” or “witness statements”, words that can also be qualified with adjectives in a variety of expressions such as: “recorded child testimony,” as used in Colombia, the United States, India, and Chile; “remote testimony for evidence at court,” as used in Canada; and “witness statement in a room with two-way mirrors,” as used in Argentina. A larger portion of countries prefers to call this an “interview” in association to a series of different adjectives such as “forensic interview” (Colombia), “exploratory judicial interview” (Spain), “investigative interviews” (Lithuania, Scotland, Norway), and “interviews for recorded oral evidence” (Australia).

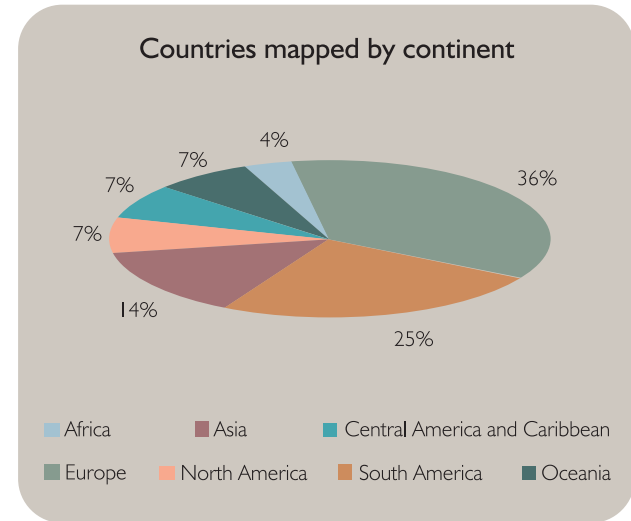
We identified and registered programs for taking special testimony from children and adolescents in court cases in 28 countries in the five continents: Africa, North, South and Central America and the Caribbean, Asia, Europe, and Oceania. We aimed at finding a way to give this phenomenon visibility; which has grown steadily in the countries that signed the Convention on the Rights of the Child, as if it were a compass signaling the way toward achieving citizenship. The results are presented in the map below:



The colored countries use alternative methods for taking special testimony from children and adolescents.

ANALYSIS

Most of the programs have been implemented in countries in Europe (36%), with South America coming in second place (25%), and Asia in third (14%). Even though North America and Oceania presented lower percentages of experiences in taking special testimony from children and adolescents, this methodology is spread in these two continents since the two largest countries in both of them already adopt it. Check the geographic distribution of these programs by country and continent:



Countries that use the taking of special testimony mapped by continent

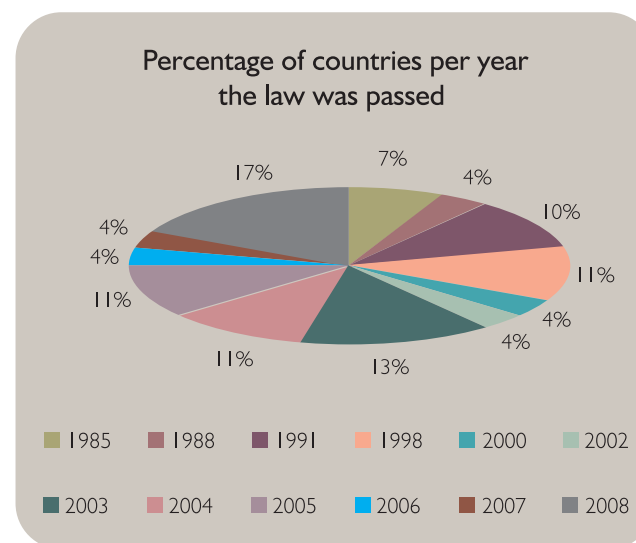
CONTINENT	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
Africa	South Africa	1	4
Asia	India, Israel, Jordan and Malaysia	4	14
Central America and the Caribbean	Costa Rica and Cuba	2	7
Europe	England, France, Germany, Iceland, Lithuania, Norway, Poland, Scotland, Spain and Sweden	10	36
North America	Canada and United States	2	7
South America	Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay and Peru	7	25
Oceania	Australia and New Zealand	2	7

A study of how long these practices for taking special testimony have existed shows that they began recently. The oldest date to the 1980s and were registered in Israel, Canada, and the United States. It is interesting to note that the pioneering countries began to look for alternative methods to avoid revictimizing child and adolescent victims of violence (abuse and sexual exploitation) even before the approval of the Convention on the Rights of the Child, a law that catalyzed measures defending children's rights throughout the world.

Special testimony practices were introduced only gradually until 2000, after which the process was carried out at a faster pace. From 2005 onwards, with the advent of Ecosoc Resolution no. 2005/20, the number of programs practically doubled in the first half of the 21st century.

In Latin America, the milestone in the taking of special testimony has occurred in Argentina. Despite the fact that the law introducing this type of testimony in that country was approved in 2003, the same year in which the first special room was installed in Brazil, rooms with two-way mirrors had already been used for therapeutic purposes with child victims of violence in Argentina since the end of the 1990s. Since 2003, this type of room has reached the status of a justice apparatus for the production of evidence. Today, the Argentine experience is a leading reference for all South American countries.

The years 2003, 2004, and 2008 were particularly productive for introducing these programs throughout the world as it can be seen in this graph:



Check the years and countries in which the laws on special testimony were passed:

Countries mapped per year the law was passed

YEAR	COUNTRY	ABSOLUTE NUMBER
2008	Colombia, Ecuador, Paraguay, Peru, and Sweden	5
2007	Costa Rica	1
2006	New Zealand	1
2005	Cuba, India, and Poland	3
2004	Lithuania, Norway, and Scotland	3
2003	Argentina, Brazil, Chile, and Jordan	4
2002	Malaysia	1
2000	Spain	1
1998	France, Germany, and Iceland	3
1991	Australia, England, and South Africa	3
1988	Canada	1
1985	Israel and United States	1

In most countries (61%), these programs are founded on specific laws on the taking of special testimony from children, while others (18%) insert similar provisions in legal documents that protect the rights of vulnerable people. Less than one third (21%) of the countries covered by this study have rules that deal with the early production of evidence.

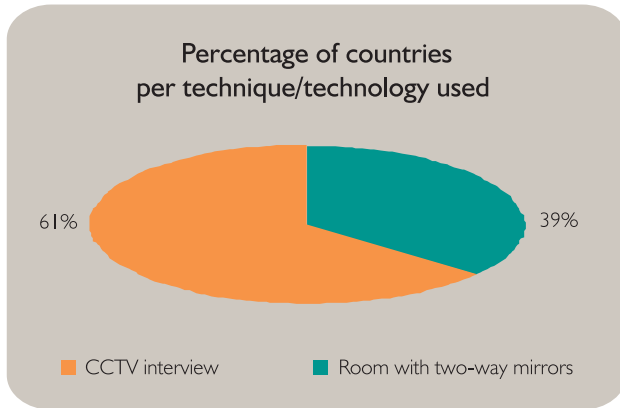
The laws in many countries have been amended to ensure that international norms on taking testimony from children are implemented. Thus, they potentialize the guarantees provided in Article 12 of the Convention on the Rights of the Child, which affirms that the “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child” and that “the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”.¹

What the law regulates

CHARACTERISTIC OF THE LAW	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
Countries in which the law specifies the protection of the child and adolescent witness in court cases	Argentina, Australia, Costa Rica, England, France, Germany, Iceland, India, Israel, Jordan, Lithuania, Malaysia, New Zealand, Norway, Poland, South Africa, and United States (California)	17	61
Countries in which the early production of evidence is guaranteed by the Criminal Code (for all citizens)	Brazil, Chile, Colombia, Ecuador, Paraguay, and Peru	6	21
Countries in which the law is aimed at vulnerable witnesses without specifying protection for the child/adolescent	Canada, Cuba, Scotland, Spain, and Sweden	5	18

The laws on taking special testimony from children and adolescents define the methods and techniques that should be used to ensure that they are able to give their testimony in suitable environmental and cognitive atmosphere respecting their special situation of young people who are growing up. The methods and techniques established by law for the taking of special testimony from child/adolescent victims/witnesses in court cases in the researched countries fall into two types shown in the following graph: CCTV interview and use of a room with two-way mirrors (shown in the Presentation).

¹ Unicef. (1989). *Convention on the rights of child*. New York. Available at: <<http://www2.ohchr.org/english/law/pdf/crc.pdf>>.



The testimony using CCTV is the most-used system, present in 61% of the countries that use special testimony methodology, while rooms with two-way mirrors are used by 39% of the countries. Observing the distribution of these methodologies by continent and country, it is possible to conclude that rooms with two-way mirrors are mostly used in South American countries, since 55% of the countries that use them are on this continent. On the other hand, the CCTV system has been used in a higher number of countries and continents: 40% of them are in Europe, 24% in Asia, and 12% in Central America and the Caribbean. Check the geographic distribution of these practices by country and continent:

Countries that use rooms with two-way mirrors

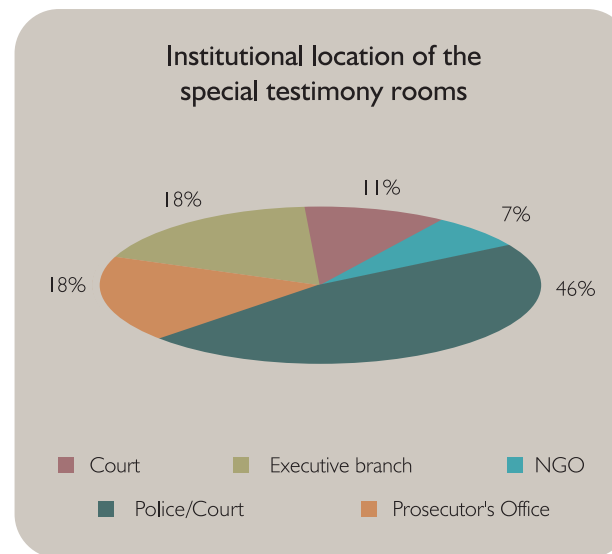
CONTINENT	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
Europe	Norway, Poland, and Spain	3	27
North America	United States	1	9
Oceania	Australia	1	9
South America	Argentina, Chile, Colombia, Ecuador, Paraguay, and Peru	6	55

Countries that use CCTV

CONTINENT	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
Africa	South Africa	1	6
Asia	India, Israel, Jordan, and Malaysia	4	24
Central America and the Caribbean	Costa Rica and Cuba	2	12
Europe	England, France, Germany, Iceland, Lithuania, Scotland, and Sweden	7	40
North America	Canada	1	6
Oceania	New Zealand	1	6
South America	Brazil	1	6

The analysis of the institutional locations for taking testimony from child and adolescent victims/witnesses of violence showed that, in most countries, these places are located within the police station (46%). In these countries, which mostly follow the common law model originating in England, it is frequent to find two rooms for taking testimony: one at special police units for the early production of evidence; and the other at the courts for serious crimes when it is necessary to take another testimony. The second highest percentage of countries (18%), mainly in South America, chose to set up their special rooms in the Prosecutor's Office and at the executive branch.

In Cuba, the room for this purpose is to be found at the Ministry of the Interior, the body responsible for the country's internal security. In France, the rooms are in hospitals and the judge must travel to them to take the testimony. In an even lower number of countries, the special testimony can be taken at an NGO. For example, in Lithuania some rooms for taking special testimony were installed at the NGO Vaiko Namai/Children's House. The United States has specialized support centers for taking testimony from children and adolescents.



Institucional location of the special testimony rooms

INSTITUTIONAL LOCATION	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
Police/Court	Australia, Canada, England, Germany, India, Israel, Jordan, Malaysia, New Zealand, Norway, Scotland, South Africa, and Sweden	13	46
Prosecutor's Office	Argentina, Colombia, Ecuador, Paraguay, and Peru	5	18
Executive branch	Chile, Cuba, France, Iceland, and United States	5	18
Court	Brazil, Costa Rica, and Spain	3	11
NGO	Lithuania and Poland	2	7

In relation to the techniques used to take special testimony, there is a predominance of the forensic method in all of the countries researched, in which the cognitive interview is adopted. However, Scotland and Israel use the structured investigative interview based on the NICHD protocol, a technique designed to increase the quantity and precision of the information witnesses provide. In the United States, each CAC is free to set its own interview protocols. Thus, some adopt the NICHD protocol (structured cognitive interview), while others use the Finding Words protocol (semi-structured interview).

In most of the countries in the study (35%), the testimony of the child and adolescent is taken by the police at the first instance and, if the case goes to trial, the witness must be heard by the judge, prosecutor, and defense attorney, and other technicians such as social workers may also take part. In another very large group of countries, the professional who carries out the interviews is a psychologist who is specialized in forensic psychology methods and techniques. Other countries also use psychologists, but not on an exclusive basis, and other professionals such as social workers, psychiatrists, psychopedagogues, doctors, and investigators may participate. Only Cuba always demands the presence of an interdisciplinary team, which includes a criminal supervisor, an employee of the Ministry of the Interior, responsible for taking the testimony; however, all of the team must take part in taking the testimony and a judge may also attend the procedure, although this is unusual.

Professional responsible for taking the testimony

PROFESSIONAL RESPONSIBLE	COUNTRY	ABSOLUTE NUMBER	PERCENTAGE
At first instance, police; judge, prosecutor and defense attorney if the case goes to trial, and others	Australia, England, India, Israel, Jordan, Malaysia, New Zealand , Norway, South Africa, and Sweden	10	35
Psychologist	Argentina, Chile ,Colombia, Ecuador, Paraguay, and Peru	6	21
Police officer, doctor, psychologist, and social worker	Canada, France, and Germany	3	10
Psychologist, social worker	Brazil, Iceland, and Poland	3	10
Psychologist or psychiatrist	Costa Rica	1	4
Psychologist, psychopedagogue, prosecutor, defense attorney, director of the section for children and adolescents of the Interior Ministry, judge (not usual)	Cuba	1	4
Prosecutor, judge, psychologist	Lithuania	1	4
Judge, police detective, social worker	Scotland	1	4
Judge responsible for taking evidence, prosecutor, defense attorney, child/adolescent's representative, documentation technician	Spain	1	4
Police investigator, attorney from the District Attorney's Office, social worker (not usual)	United States	1	4

The number of times the child/adolescent testifies may vary, depending on the specificity of each crime. In a large proportion of the countries the testimony is video recorded during the initial investigation phase, when the evidence is already being submitted to the court to be admissible. Therefore, the need to provide testimony again is avoided in other administrative and/or judicial spheres. However, there are many countries that still require children and adolescents to testify more than once.

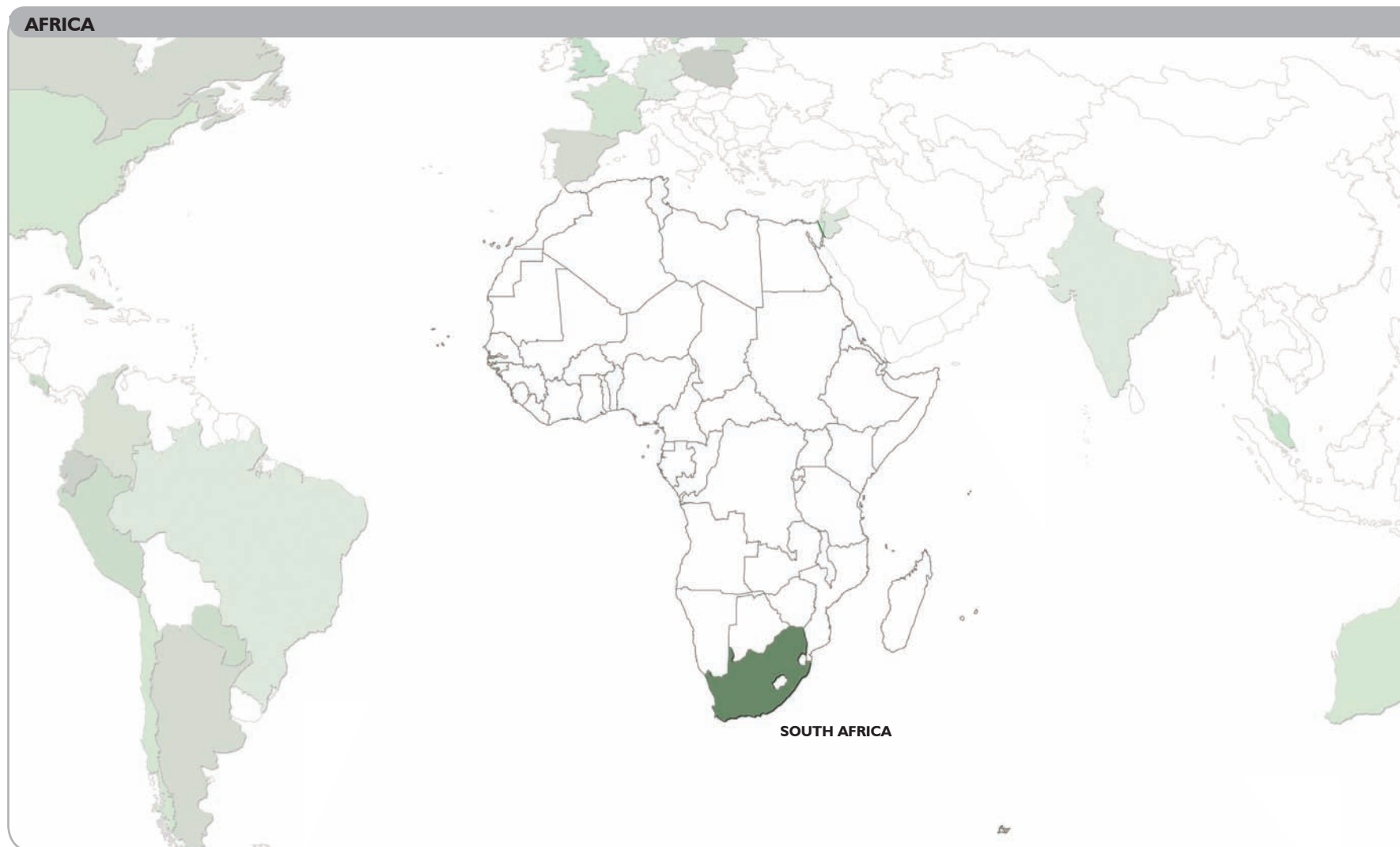
In this regard, there is a basic difference that separates most of the countries in the study: in 39% of them the video recorded testimony, taken in a separate room and by a specialized professional, tends to occur only once, during the initial investigation phase, in the presence of the judge/prosecutor, the defendant, and their defense attorney. This assures the defendant's right to adversary proceedings and to present a technical defense, and for this reason this testimony is normally accepted as evidence in the court case, although there may be exceptions depending on the particular circumstances of the case. Nevertheless, in 53% of the countries in the study, the child/adolescent victim/witness testifies during the police investigation phase to gather evidence, which may or may not be of probative value to try the charge, depending on the judge's discretion. Because the evidence is not submitted for admission to the court during the investigation, for it to be admissible when the case goes to trial, the child/adolescent may testify at court at least once in the first court hearing, and may have to do it a second time if the interview during the evidentiary phase of the justice process is held not to be admissible.

Only two countries (8%) do not fall within these two models. In Brazil, the child/adolescent is still heard numerous times from the moment the crime is reported by institutions such as the child protection council, the specialized police force, and the institute of forensic medicine. When the case reaches the court phase, and the testimony is given the weight of evidence, the child/adolescent testifies again. However, it is worth emphasizing that some courts have been increasingly using new, non-revictimizing methodologies to take special testimony. In these locations, after the prosecutor presses charges, the child/adolescent will be heard again in a special room using CCTV. In the United States there is normally only one video recorded interview carried out in the CACs or other institutions that use the same multidisciplinary approach. Nonetheless, before this the child/adolescent may be heard by the police or social worker. If the prosecutor decides to continue with the charges, there may be several interviews and even a testimony at the courtroom. Considering the general aim of reducing the number of testimonies, both countries need to be challenged to improve their methodologies and laws.

Number of times the child/adolescent testifies

COUNTRY	NUMBER OF TIMES THE CHILD/ADOLESCENT TESTIFIES	ABSOLUTE NUMBER	PERCENTAGE
Australia, Canada, England, Germany, Iceland, India, Israel, Jordan, Malaysia, New Zealand, Norway, Poland, Scotland, South Africa, and Sweden	In the investigation/evidence gathering phase and, if necessary, at the trial	15	53
Argentina, Chile, Colombia, Costa Rica, Cuba, Ecuador, France, Lithuania, Paraguay, Peru, and Spain	Generally only once. This video recorded testimony is normally accepted as evidence, but there may be exceptions if the testimony was not obtained within the terms of the law	11	39
Brazil	The child is heard between three and six times, from the moment the crime is reported, by institutions such as the child protection council, specialized police department, institute of forensic medicine, specialized child and youth jurisdiction and courts	1	4
United States	Child victims need to testify several times. There is growing acceptance of the video recorded interviews carried out by the CACs. When validated, only one interview is sufficient. However, the courts often demand new testimony from children on the basis that the testimony obtained from the CACs does not replace the child's testimony before the court. In the investigation/evidence collection phase and, if necessary, at the trial	1	4

SUMMARY OF RECORDED EXPERIENCES



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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1) SOUTH AFRICA					
<p>ARTICLE 170A OF THE CRIMINAL PROCEDURE AND ARTICLE 51 OF THE 1977 LAW WERE INTRODUCED STATING THAT DUE TO THE STRESSFUL OR PAINFUL SITUATION, CHILDREN/ADOLESCENTS SHOULD PROVIDE EVIDENCE ELECTRONICALLY, IN A PLACE OTHER THAN THE COURTROOM. DECREE 135 WAS APPROVED IN 1991, AMENDING THE CRIMINAL LAW OF 1991, PROVIDING FOR THE USE OF INTERMEDIARIES TO GIVE EVIDENCE TO PROTECT CHILDREN/ ADOLESCENTS IN CASES OF SEXUAL ABUSE.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK, FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE: A POLICE OFFICER TOGETHER WITH A SOCIAL WORKER, BOTH TRAINED IN INTERVIEWING CHILDREN TO GATHER EVIDENCE; IF THE CASE GOES TO TRIAL, BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, WITH THE ASSISTANCE OF AN INTERMEDIARY WHO HAS ALSO BEEN TRAINED TO INTERVIEW CHILDREN TO GATHER EVIDENCE.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING. IF THERE IS A TRIAL, THE CHILD WILL TESTIFY AGAIN BY LIVE LINK: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, THROUGH AN INTERMEDIARY TRAINED TO INTERVIEW CHILDREN FOR EVIDENCE.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

ASIA



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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2) INDIA					
<p>IN 1960, THE GOA CHILDREN'S ACT/1960 WAS CREATED, A LAW THAT PROPOSED THE SETTING UP OF THE CHILDREN'S COURT. THE GOA CHILDREN'S ACT OF 2003 IS THE LAW AGAINST CHILD SEXUAL ABUSE. THERE WAS ALSO A LEGAL AMENDMENT TO THE CODE OF CRIMINAL PROCEEDINGS (CRIMINAL LAW AMENDMENT BILL, IN THE RAJYA SABHA) THAT INCLUDED THE RECOMMENDATIONS FROM REPORT 172 OF THE RIGHTS COMMISSION (2000), WHICH SUGGESTED THAT THE TESTIMONY OF A CHILD/ ADOLESCENT IN CASES OF SEXUAL ABUSE SHOULD BE RECORDED AS SOON AS POSSIBLE IN THE PRESENCE OF A JUDGE. TO TAKE TESTIMONY FROM A CHILD/ADOLESCENT, THE COURT MUST ALLOW THE USE OF THE VIDEO RECORDED INTERVIEW OR TESTIMONY BY CCTV.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER TOGETHER WITH A SOCIAL WORKER, BOTH TRAINED IN INTERVIEWING CHILDREN/ ADOLESCENTS. IF THE CASE GOES TO TRIAL, BY <i>LIVE LINK</i>-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>3) ISRAEL</p> <p>THE SURROGATE WITNESS APPROACH WAS INTRODUCED IN ISRAEL IN 1955. ITS PRIMARY PURPOSE IS TO PROTECT CHILD VICTIMS FROM THE TRAUMA ASSOCIATED WITH TESTIFYING. HOWEVER, IT WAS THE KNESSET, THE ISRAELI PARLIAMENT, WHICH PASSED BASIC LAWS OUTLINING THE CHARACTERISTICS THAT ESTABLISHED THE PROTECTION AGAINST THREATS TO A PERSON'S LIFE, BODY, OR DIGNITY. THE LEGISLATIVE SUPERIORITY OF BASIC LAWS OVER ORDINARY LEGISLATION WAS CONFIRMED IN 1980. IN THIS LAW, THE VICTIM'S ROLE IN JUDICIAL PROCEEDINGS WAS DEFINED, WHICH CAN BE THROUGH PROVIDING TESTIMONY IN ADVANCE, AND LATER THE VICTIM CAN BE CALLED TO TESTIFY IN THE COURT OF JUSTICE TO ESTABLISH HIS OR HER RIGHT TO COMPENSATION. THE KNESSET REGULATES THE PROTECTION OF VULNERABLE WITNESSES, ALLOWING SPECIAL SAFEGUARDS FOR VICTIM WITNESSES OF SEX OFFENSES. UNDER THIS LAW, THE TAKING OF TESTIMONY OF A CHILD WITNESS MAY BE PERFORMED THROUGH CCTV.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE/NICHD EVALUATION PROTOCOL.</p>	<p>DURING THE INITIAL PHASE OF THE INVESTIGATION, A CHILD/ADOLESCENT VICTIM OF A SEXUAL CRIME IS INTERVIEWED BY A YOUTH INTERROGATOR, WHO MAY BE A POLICE OFFICER TRAINED IN INVESTIGATIVE INTERVIEWING. THE CHILD/ADOLESCENT IS NOT REQUIRED TO TESTIFY IN COURT; IF THE CASE GOES TO TRIAL, THE INTERVIEW WILL BE CONDUCTED DURING A HEARING WITH THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY BY LIVE LINK AND AN INTERMEDIARY WHO FACILITATES THE TESTIMONY.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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4) JORDAN					
<p>CHILD LAW – THE FIRST INITIATIVES TO INTRODUCE THE VIDEO RECORDING OF THE TESTIMONY OF CHILD WITNESSES BEGAN IN 1997, BUT NOT IN AN INSTITUTIONAL MANNER. THEN A DEPARTMENT DEDICATED TO FAMILY PROTECTION WAS CREATED IN AMMAN. WHEN THE BUILDING WAS FINISHED, THE INTERVIEW ROOMS (VIDEO SUITE) WERE INTRODUCED IN 2003.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE EVALUATION PROTOCOL.</p>	<p>DURING THE INITIAL PHASE OF THE INVESTIGATION, A CHILD VICTIM IS INTERVIEWED BY A POLICE OFFICER TRAINED IN INVESTIGATIVE INTERVIEWING. IF THE CASE GOES TO TRIAL, BY LIVE LINK.</p>	<p>THE CHILD IS NOT REQUIRED TO TESTIFY IN COURT; IF THE CASE GOES TO TRIAL, THE INTERVIEW WILL BE CONDUCTED DURING A HEARING WITH THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY BY LIVE LINK AND AN INTERMEDIARY WHO FACILITATES THE TESTIMONY.</p>	<p>ONCE AT THE INVESTIGATION PHASE O COLLECT EVIDENCE AND MAY BE CALLED TO TESTIFY AT TRIAL.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
5) MALAYSIA					
<p>THE CHILD WITNESS ACT 2007 ("THE ACT") IS THE LAW THAT REGULATES THE PROCEDURES FOR THE TAKING OF TESTIMONY FROM CHILD WITNESSES IN COURT CASES. ITS PREAMBLE ESTABLISHES CRITERIA FOR THE TAKING OF TESTIMONY FOLLOWING PROCEDURAL RULES, OR IN OTHER WORDS, AS THE TESTIMONY SHOULD BE COLLECTED DURING THE INVESTIGATION PHASE (WITHOUT PROBATIVE VALUE), AS WELL AS IN THE EVIDENTIARY PHASE OF THE PROCEEDINGS AND THE ORAL TRIAL, THERE IS A HEARING TO DETERMINE THE ADMISSIBILITY OF THE EVIDENCE PROVIDED BY THE PROSECUTOR. IN THIS PHASE, THE LAW STATES THAT THE FOLLOWING PROCEDURES CAN BE USED: AN INTERVIEW WITH THE CHILD WITNESS MAY BE RECORDED FOR THE PURPOSE OF ITS ADMISSIBILITY AS EVIDENCE; TESTIMONY IN THE COURTROOM, IN A SPECIAL ROOM THROUGH VIDEO CONFERENCE (EVIDENCE BY LIVE LINK), OR IN THE COURT ROOM USING A SCREEN THAT PREVENTS VISUAL CONTACT BETWEEN THE DEFENDANT AND THE CHILD VICTIM.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

CENTRAL AMERICA AND THE CARIBBEAN



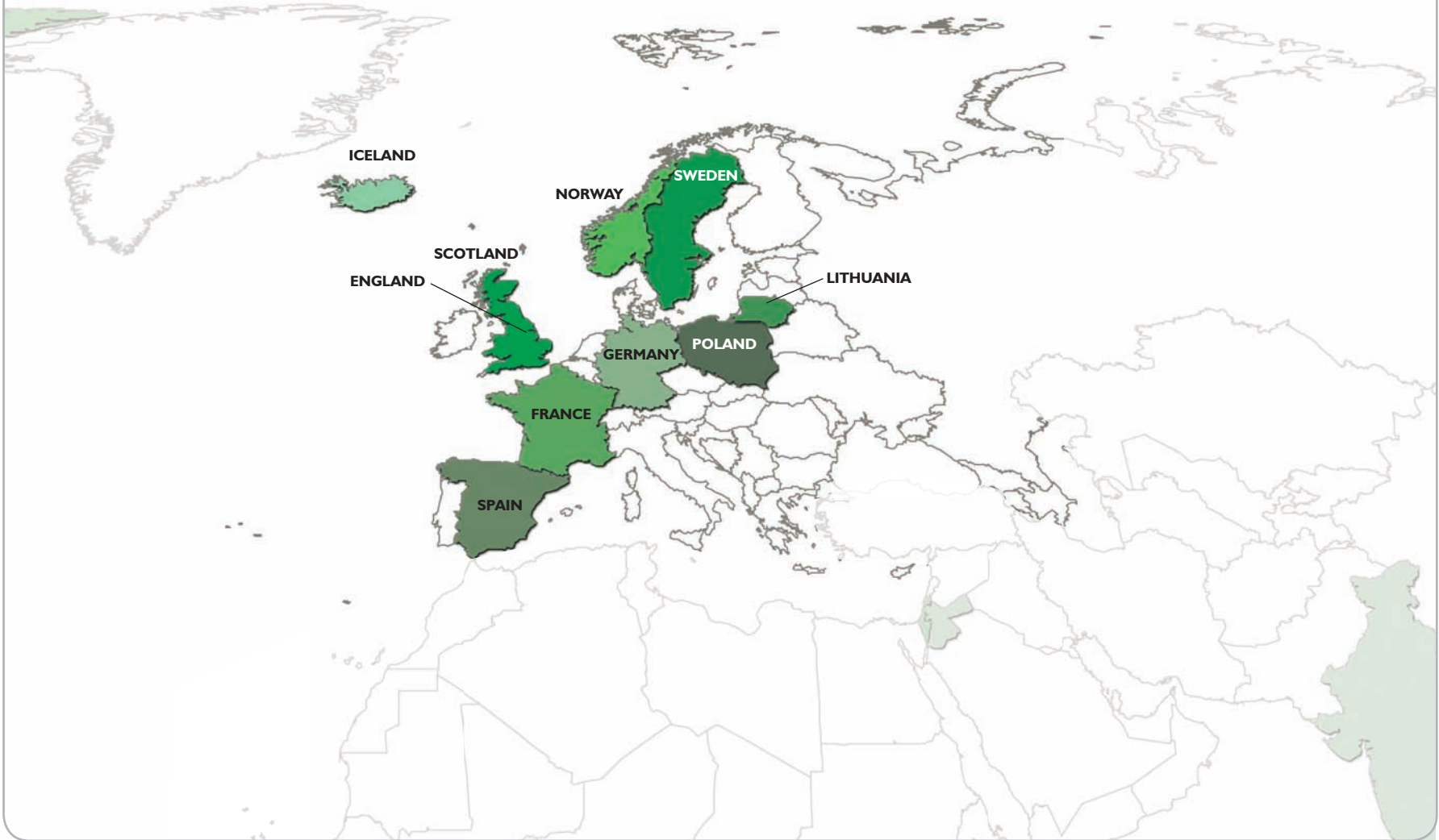
LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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6) COSTA RICA					
<p>LEY PARA LA PROTECCIÓN DE LAS NIÑAS, NIÑOS Y ADOLESCENTES VICTIMAS Y TESTIGOS EN LOS PROCESOS PENALES, EXPEDIENTE N° 15.867/2007 [LAW FOR THE PROTECTION OF CHILD AND ADOLESCENT VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS, LAW 15867/2007], INTRODUCED IN CHAPTER IV OF THE CRIMINAL PROCEDURE CODE, PROVIDES THE DIRECTIVES TO REDUCE THE REVICTIMIZATION OF MINORS IN CRIMINAL MATTERS. THE RULES ARE MANDATORY FOR COURT EMPLOYEES. ARTICLE 90 STATES THAT DURING THE INTERVIEW AND TO AVOID CONTRADICTIONS, QUESTIONS CANNOT BE REPEATED, AND FOR THE INTERVIEW TO BE HELD, AN INTERDISCIPLINARY TEAM OF PROFESSIONALS MUST BE INVOLVED.</p>	<p>THE SPECIAL VIDEO RECORDING ROOMS ARE AT THE COURTHOUSES FOR WHEN THE CASE GOES TO TRIAL.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST OR FORENSIC PSYCHIATRIST.</p>	<p>JUDGE RESPONSIBLE FOR TAKING EVIDENCE, PROSECUTOR, DEFENSE ATTORNEY.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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7) CUBA					
<p>THERE IS NO SPECIFIC LEGAL BASIS; CRIMINAL PROCEEDINGS LAW N° 63, WHICH REMOVES CHILDREN AND ADOLESCENTS FROM THE CRIMINAL SYSTEM, IS USED.</p>	<p>THE CHILD AND ADOLESCENT PROTECTION CENTER – THE CHILDHOOD AND ADOLESCENCE DIRECTORATE OF THE MINISTRY OF THE INTERIOR – THE BODY RESPONSIBLE FOR THE COUNTRY'S INTERNAL SECURITY; SPECIAL RECORDING AND VIDEO RECORDING INTERVIEW ROOM (CCTV).</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>TRAINED CRIMINAL INSTRUCTOR WHO IS AN EMPLOYEE OF THE INTERIOR MINISTRY.</p>	<p>PSYCHOLOGIST, PSYCHOPEDAGOGUE, PROSECUTOR, DEFENSE ATTORNEY, DIRECTOR OF THE SECTION FOR CHILDREN AND ADOLESCENCE OF THE INTERIOR MINISTRY. THE JUDGE MAY APPEAR, BUT IT IS NOT USUAL.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

EUROPE



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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8) ENGLAND - UNITED KINGDOM

<p>LAWS OF 1991 AND 1999 INTRODUCED SPECIAL MEASURES FOR THE VIDEO RECORDING OF A WITNESS' INTERVIEW TO BE ADMISSIBLE AS EVIDENCE. SPECIAL PROVISIONS RELATING TO CHILD WITNESSES: [...] A "RELEVANT RECORDING" IN RELATION TO A CHILD WITNESS IS A VIDEO RECORDING OF A WITNESS' INTERVIEW VIDEO, FOR THE PURPOSE OF ITS ADMISSION AS EVIDENCE; [...] THE VIDEO WILL BE RECORDED AS MAIN EVIDENCE.</p>	<p>THERE ARE SPECIAL ROOMS (VIDEO SUITE INTERVIEW) AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>
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LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>9) FRANCE</p> <p>LAW OF JUNE 17, 1998, CREATES AN AUDIOVISUAL RECORDING FOR THE TESTIMONY OF A CHILD VICTIM ONLY WITH HIS OR HER CONSENT, OR THROUGH A LEGAL REPRESENTATIVE. IF HE OR SHE IS UNABLE TO PROVIDE THIS AUTHORIZATION, IT CAN BE GIVEN BY THE JUDGE RESPONSIBLE FOR THE ENQUIRY.</p> <p>CIRCULAR OF APRIL 20, 1999, CLARIFIES THE CONDITIONS FOR THE AUDIOVISUAL RECORDING OF THE TESTIMONY OF CHILD VICTIMS OF SEX OFFENSES. MORE RECENTLY, THE CIRCULAR OF MAY 2, 2005, IMPROVED THE TREATMENT OF COURT CASES INVOLVING SEX OFFENSES. FINALLY, THE LAW OF MARCH 5, 2007, TO REINFORCE THE EQUILIBRIUM IN THE CRIMINAL PROCESS, AMENDED ARTICLE 706-52 OF THE CRIMINAL PROCEDURE CODE, WHICH THAT STATES THAT "DURING THE INVESTIGATION AND DISCOVERY, THE TAKING OF TESTIMONY FROM A CHILD VICTIM OF A SEX OFFENSE MUST BE AUDIO VISUALLY RECORDED". THE 2007 LAW REMOVES THE CHILD'S RIGHT TO OBJECT TO THE RECORDING.</p>	<p>THERE IS NO SPECIFIC LOCATION. ROOMS WITH LIVE LINK/CCTV, USED FOR SPECIALCASES, ARE LOCATED IN MUNICIPAL HOSPITALS, CONNECTED TO THE MINISTRY OF JUSTICE.</p>	<p>THE <i>MÉLANIE PROCEDURE</i> PROTOCOL IS USED FOR THE INTERVIEW.</p>	<p>POLICE OFFICER AND/OR JUDGE TRAINED IN <i>MÉLANIE PROCEDURE</i> INTERVIEWING.</p>	<p>THE JUDGE MUST GO TO THE HOSPITAL, WHERE THE INTERVIEW WILL BE CONDUCTED TO TAKE TESTIMONY AND ORDER ANY PROCEDURE NECESSARY. THE CHILD IS REPRESENTED BY A PERSON WHO WILL BE PRESENT.</p>	<p>THERE IS NO SINGLE RESPONSE. DEPENDING ON THE CASE, THE CHILD WILL BE INTERVIEWED MORE THAN ONE OR TWO TIMES IF THERE IS NO AVAILABILITY FOR A SPECIAL HEARING IN A SPECIAL UNIT FOR THE VICTIMS IN THE MUNICIPAL HOSPITAL.</p>



10) GERMANY

THE AMENDMENT OF THE CRIMINAL CODE IN 1993 AND 1998 STATED THAT THOSE COMMITTING SEXUAL VIOLENCE AGAINST CHILDREN BE SUBJECT TO CRIMINAL PROCEEDINGS IN GERMANY. ON DECEMBER 1998, THE ZEUGENSCHUTZGESETZ BGBL. 1998 I . 820 [WITNESS PROTECTION ACT], A NEW LAW CAME INTO FORCE MAKING IT EASIER TO QUESTION CHILD AND ADOLESCENT WITNESSES, INTRODUCING MEASURES TO REGULATE THE USE OF VIDEO RECORDED HEARINGS ABROAD AND FINANCIAL ASSISTANCE DURING THE TAKING OF EVIDENCE FROM WITNESSES.

THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.

INVESTIGATIVE INTERVIEW USING PROTOCOL-GUIDE.

TRAINED PROFESSIONAL (WHO MAY BE A POLICE OFFICER, SOCIAL WORKER, OR OTHER INTERPRETER) WHO CARRIES OUT THE INTERVIEW UNDER THE COORDINATION OF THE JUDGE.

THE EVIDENCE IS SENT TO THE COURT UNDER THE SUPERVISION OF THE JUDGE, WHO MAY ORDER THAT THE PARTIES (PROSECUTOR, DOCTOR, POLICE OFFICER, CHILD/ADOLESCENT'S REPRESENTATIVE, AND DEFENSE ATTORNEY) GATHER THE EVIDENCE, OR IF HE OR SHE IS STILL FINDS NECESSARY, THE JUDGE MAY ACCEPT RESPONSIBILITY TO PRODUCE THE EVIDENCE. IN THIS CASE, THE EVIDENCE WILL BE ADMISSIBLE WHEN THE JUDGE HOLDS THE HEARING/INTERVIEW THAT IS FACILITATED BY AN INTERPRETER BY LIVE LINK-CCTV, IN WHICH THE ADMISSIBILITY OF THE ORAL TESTIMONY WILL BE DECIDED, VALIDATING IT OR NOT AS EVIDENCE IN THE CRIMINAL PROCEEDINGS.

THE INTERVIEW TO COLLECT EVIDENCE MAY BE PERFORMED AT THE POLICE INVESTIGATION PHASE, COORDINATED BY THE PROSECUTOR'S OFFICE, GENERALLY REPEATED BY THE JUDGE RESPONSIBLE FOR THE PROCEEDINGS BEFORE THE COURT OF JUSTICE.

LEGAL BASIS**INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY****TECHNIQUES ADOPTED FOR TAKING TESTIMONY****PROFESSIONAL RESPONSIBLE FOR INTERVIEWING****OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)****HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES****11) ICELAND**

THE ICELANDIC CHILD PROTECTION LAW WAS COMPLEMENTED BY THE CHILD PROTECTION ACT 80/2002, WHICH CONTAINS SPECIFIC PROVISIONS FOR SPECIAL PROCEDURES FOR CHILDREN IN LEGAL PROCEEDINGS. IN 1998 THE ICELANDIC GOVERNMENT CREATED A NATIONAL ORGANIZATION CALLED THE CHILDREN'S HOUSE, BASED ON THE AMERICAN CAC MODEL, WHICH TREATS CHILD SEXUAL ABUSE. IT IS AN INTER- AND MULTIDISCIPLINARY AGENCY CREATED WITHIN THE SOCIAL MATTERS MINISTRY (WHICH HAS THE STATUS OF A COURT), WHOSE FOCUS IS THE PROTECTION OF CHILD VICTIMS OF VIOLENCE AND ABUSE. ITS MAIN OBJECTIVE IS TO AVOID REVICTIMIZING CHILDREN WHO ARE TRADITIONALLY SUBMITTED TO MULTIPLE INTERVIEWS TO EXPLAIN THEIR EXPERIENCES OF VIOLENCE.

THERE ARE TWO SETS OF SPECIAL ROOMS, ONE FOR THE HOLDING OF INTERVIEWS IN LIVELINK/ CCTV CONNECTED TO ANOTHER ONE FOR THE RECORDING AND LISTENING OF TECHNICIANS AND AUTHORITIES RESPONSIBLE FOR TAKING THE TESTIMONY. ON SET OF THESE ROOMS IS INSTALLED IN THE CHILDREN'S HOUSE, AT THE SOCIAL MATTERS MINISTRY (MULTI- INTERDISCIPLINARY GOVERNMENT AGENCY) AND ANOTHER AT THE COURTHOUSE.

INVESTIGATIVE INTERVIEW USING PROTOCOLS TO AVOID SUGGESTIBILITY IN THE CHILD'S TESTIMONY AND TO INCREASE THE WITNESS' TRUST WORTHINESS.

A PSYCHOLOGIST, A SOCIAL WORKER, OR EVEN A CRIMINOLOGIST WHO CARRIES OUT THE INTERVIEW UNDER THE COORDINATION OF THE JUDGE.

ICELAND'S CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIAL SYSTEM. THERE ARE TWO LEVELS OF COURTS: THE DISTRICT COURTS, ADMINISTERED BY THE MINISTRY OF JUSTICE; AND THE SUPREME COURT, WHICH MAINTAINS ITS INDEPENDENCE AND IMPARTIALITY. THE FORMAL TAKING OF THE EVIDENCE IS PERFORMED IN THE CHILDREN'S HOUSE, UNDER THE SUPERVISION OF THE JUDGE, WHO MAY ORDER THAT THE PARTIES (PROSECUTOR, DOCTOR, POLICE OFFICER, CHILD/ ADOLESCENT'S REPRESENTATIVE, AND DEFENSE ATTORNEY) GATHER THE EVIDENCE, OR IF HE OR SHE IS STILL FINDS NECESSARY, THE JUDGE MAY ACCEPT RESPONSIBILITY TO PRODUCE THE EVIDENCE. IN THIS CASE, THE EVIDENCE WILL BE ADMISSIBLE WHEN THE JUDGE HOLDS THE HEARING/ INTERVIEW THAT IS FACILITATED BY A PSYCHOLOGIST, SOCIAL WORKER, OR CRIMINOLOGIST BY LIVE LINK-CCTV, IN WHICH THE ADMISSIBILITY OF THE ORAL TESTIMONY WILL BE DECIDED, VALIDATING IT OR NOT AS EVIDENCE IN THE CRIMINAL PROCEEDINGS.

THE INTERVIEW TO COLLECT EVIDENCE IS CARRIED OUT ONCE AND IN A JOINT MANNER AT THE CHILDREN'S HOUSE BY THE JUDGE RESPONSIBLE FOR THE CASE. BUT IT CAN BE REPEATED AT THE COURT OF JUSTICE DEPENDING ON THE SERIOUSNESS OF THE CASE AND THE JUDGE'S DECISION.

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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12) LITHUANIA					
<p>ARTICLE 186 OF THE CODE OF CRIMINAL PROCEDURE OF THE REPUBLIC OF LITHUANIA, CPC 37-1341, 2002 STATES THAT A WITNESS OR VICTIM YOUNGER THAN 18 YEARS OF AGE MAY BE QUESTIONED BEFORE TRIAL NO MORE THAN ONCE DURING THE ENQUIRY. THE QUESTIONS MAY BE RECORDED ON VIDEO OR AUDIO CASSETTE.</p>	<p>NGO VAIKO NAMAS / CHILD HOUSE; A CHILD INTERVIEW ROOM BY LIVE LINK/CCTV IS BEING IMPLEMENTED BY THE POLICE.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>TRAINED PSYCHOLOGIST.</p>	<p>PROSECUTOR, JUDGE RESPONSIBLE FOR TAKING EVIDENCE, PSYCHOLOGIST WHO RECORDS THE TESTIMONY.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>13) NORWAY</p> <p>AS THE PRINCIPAL RULE, PROTECTION OF WITNESSES ACT, CHILDREN YOUNGER THAN 14 YEARS OF AGE DO NOT HAVE TO APPEAR AT COURT IN CASES OF SEX OFFENSE. IN THESE CASES, THE TESTIMONY OF CHILDREN MUST BE PROVIDED OUTSIDE OF THE MAIN HEARING. DURING THE HEARING, THE JUDGE MAY APPOINT A SPECIALLY QUALIFIED PERSON TO HELP DURING THE QUESTIONING, WHICH IS RECORDED ON VIDEO OR AUDIO CASSETTE TO BE USED AS EVIDENCE DURING THE TRIAL. THE WITNESSES OR THE DEFENDANT'S LAWYER MAY ATTEND THE HEARING THROUGH A TWO-WAY MIRROR, BUT ARE NOT AUTHORIZED TO PUT QUESTIONS DIRECTLY TO THE CHILD. THE LAW SPECIFIES THAT THE TESTIMONY MUST BE RECORDED ON VIDEO OR AUDIO CASSETTE WHEN THE WITNESS IS THE VICTIM OF A SEXUAL OFFENSE. IT ALSO SPECIFIES THAT REPEATEDLY TAKING TESTIMONY MUST BE AVOIDED AS FAR AS POSSIBLE IN THE CIRCUMSTANCES. TRIALS INVOLVING SEXUAL ABUSE MUST BE HELD IN CAMERA.</p>	<p>THERE ARE SPECIAL ROOMS (CHILD-ORIENTED ROOM) AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. WHEN THE CASE GOES TO TRIAL AND THE CHILD/ADOLESCENT MAY TESTIFY AGAIN, LIVE LINK BY COURTROOM IS USED.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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14) POLAND					
<p>THE CHILD-FRIENDLY PROCEDURE IS ESTABLISHED BY LAW. ARTICLE 185 OF THE CODE OF CRIMINAL PROCEEDINGS, WHICH APPLIES TO CRIMES OF SEXUAL ABUSE, PHYSICAL ABUSE, AND ABANDONMENT OF ANY CHILD YOUNGER THAN 15 YEARS OF AGE AT THE TIME OF THE HEARING, STATES THAT: THE INTERVIEW MUST BE PERFORMED [...] IN A SESSION WITH THE PARTICIPATION OF AN EXPERT PSYCHOLOGIST; THE INTERVIEW MUST BE PERFORMED DURING THE MAIN HEARING; AND THE VICTIM MUST NOT BE INTERVIEWED MORE THAN ONCE. BASED ON THIS LEGISLATION, IN 2005 THE NGO THE NOBODY'S CHILDREN FOUNDATION INTRODUCED THE CHILD VICTIM ADVOCATE PROGRAMME AND CREATED THE CHILD-FRIENDLY INTERVIEW PROTOCOL, WHICH ARE INTERVIEWS CARRIED OUT IN ROOMS WITH A TWO-WAY MIRROR AND A CAMERA FOR VIDEO-RECORDING CONDUCTED BY A PSYCHOLOGIST, BUT UNDER THE COORDINATION OF THE JUDGE OR PROSECUTOR.</p>	<p>CHILD-ORIENTED ROOMS WITH A TWO-WAY MIRROR A SPECIAL ROOM FOR INTERVIEWING CHILDREN ARE LOCATED AT THE HEADQUARTERS OF THE NGO THE NOBODY'S CHILDREN FOUNDATION AND AT THE COURT ROOM.</p>	<p>COGNITIVE INTERVIEW USING THE CHILD-FRIENDLY PROTOCOL, A METHOD USED TO ASSIST THE MEMORY AND TO TREAT THE INTERVIEWEE SENSITIVELY. THIS METHOD IS USED TO INTERVIEW WITNESSES, INCLUDING CHILD WITNESSES.</p>	<p>A PSYCHOLOGIST OR A THERAPIST WHO CARRIES OUT THE INTERVIEW UNDER THE COORDINATION OF THE JUDGE OR PROSECUTOR RESPONSIBLE FOR THE CASE.</p>	<p>THE FORMAL TAKING OF THE EVIDENCE OCCURS IN A SPECIAL ROOM WITH TWO-WAY MIRRORS AND A CAMERA FOR VIDEO RECORDING INSTALLED AT THE NGO THE NOBODY'S CHILDREN FOUNDATION. THE INTERVIEW IS CARRIED OUT BY A PSYCHOLOGIST OR THERAPIST TRAINED IN COGNITIVE INTERVIEWING. THE INTERVIEW IS CARRIED OUT UNDER THE SUPERVISION OF THE JUDGE OR PROSECUTOR, WHO ARE ON THE OTHER SIDE OF THE MIRROR DURING THE INTERVIEW AND IN CONSTANT CONTACT WITH THE INTERVIEWER SO THAT THEY MAY PUT QUESTIONS TO THE CHILD. THE INTERVIEW IS ADMISSIBLE WHEN THE JUDGE DECIDES THAT THE ORAL TESTIMONY IS ADMISSIBLE, VALIDATING IT OR NOT AS EVIDENCE IN THE CRIMINAL PROCEEDINGS.</p>	<p>THE INTERVIEW TO COLLECT EVIDENCE IS GENERALLY CARRIED OUT AT THE HEADQUARTERS OF THE NGO THE NOBODY'S CHILDREN FOUNDATION UNDER THE COORDINATION OF THE JUDGE PROSECUTOR, BUT MAY BE REPEATED AT THE COURT OF JUSTICE.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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15) SCOTLAND - UNITED KINGDOM

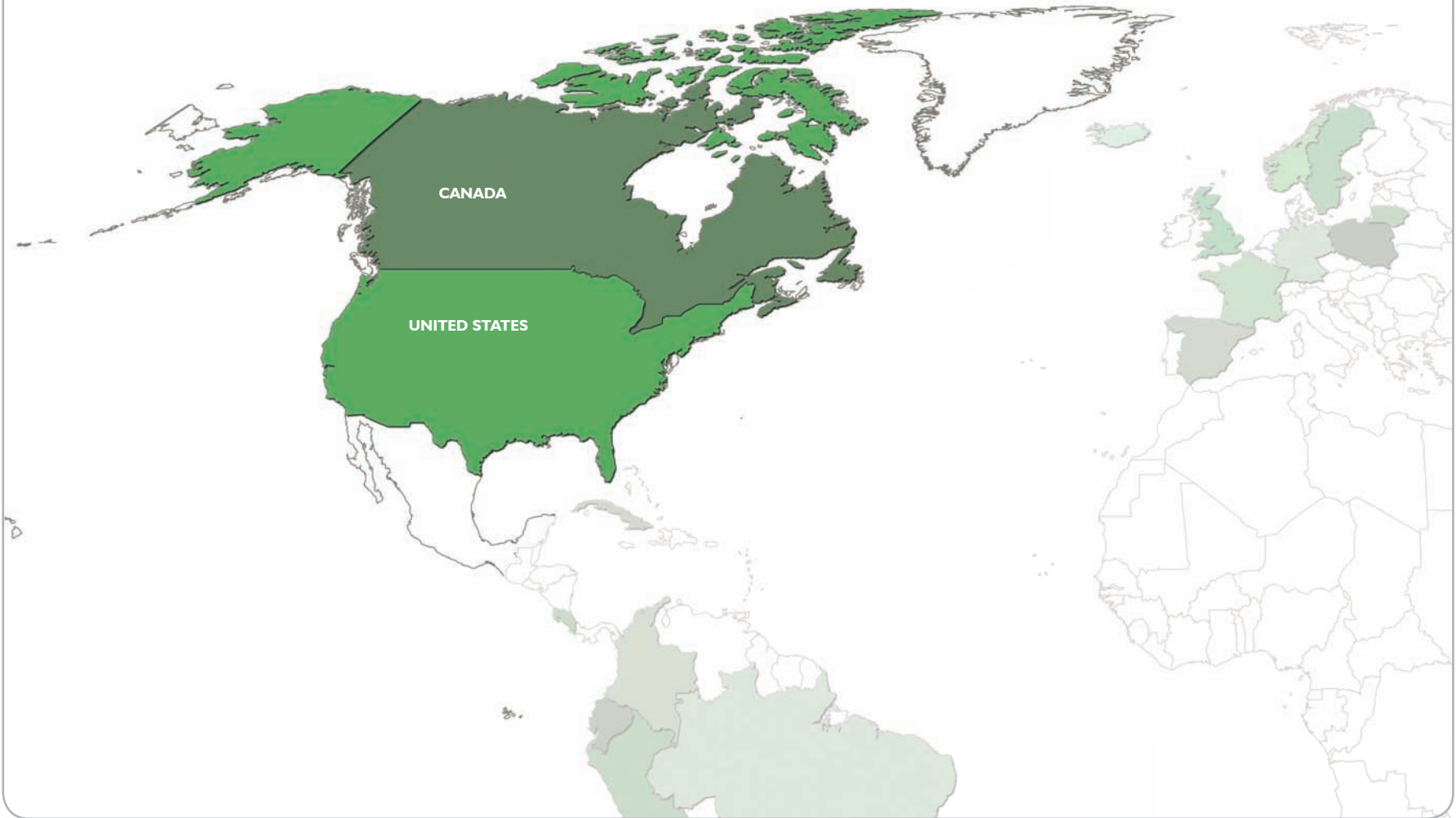
<p>VULNERABLE WITNESS (SCOTLAND) ACT 2004</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE/NICHD EVALUATION PROTOCOL.</p>	<p>A POLICE OFFICER CONDUCTS THE INTERVIEW DURING THE INVESTIGATION PHASE. IF THE CASE GOES TO COURT: JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY CARRY OUT THE INTERVIEW.</p>	<p>THEY ARE FREQUENTLY DONE IN THE PRESENCE OF A JUDGE, POLICE DETECTIVE, AND SOCIAL WORKER IN ORDER TO PROTECT THE CHILD.</p>	<p>USUALLY, ONLY AT THE INVESTIGATION PHASE, BUT IN SOME CASES THE CHILD MAY TESTIFY SEVERAL TIMES.</p>
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LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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16) SPAIN - CATALONIA					
<p>THERE IS NO SPECIFIC LAW THAT REGULATES THE USE OF ROOMS WITH TWO-WAY MIRRORS AND THE ROLE OF PSYCHOLOGISTS. THERE IS A LAW ON CRIMINAL ADVICE THAT REGULATES THE SERVICES OFFERED BY THE DEPARTMENT OF JUSTICE. A TEAM OF PSYCHOLOGISTS IS REQUESTED BY THE JUDGES DURING THE PRELIMINARY HEARING. A NEW LAW ON CIVIL COURT PROCEEDINGS (2000) ALLOWS NEW TYPES OF EVIDENCE PRODUCED USING TECHNOLOGICAL SUPPORT SUCH AS VIDEO, DVD, CDS, FILMS.</p>	<p>THERE IS AN INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE COURT FOR TAKING TESTIMONY OF THE DEPARTMENT OF JUSTICE.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST TRAINED IN INVESTIGATIVE-COGNITIVE INTERVIEWING.</p>	<p>JUDGE RESPONSIBLE FOR TAKING EVIDENCE, PROSECUTOR, DEFENSE ATTORNEY, CHILD/ ADOLESCENT'S REPRESENTATIVE, DOCUMENTATION TECHNICIAN.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>17) SWEDEN</p> <p>A NEW SEXUAL CRIME LAW CAME INTO FORCE IN APRIL 2005 WITH THE AIM OF CLARIFYING THE RIGHT TO PERSONAL AND SEXUAL INTEGRITY AND TO REINFORCE THE PROTECTION OF CHILD AND ADOLESCENT VICTIMS OF SEXUAL VIOLENCE. THERE IS NO SPECIFIC LEGAL BASIS FOR THE TAKING OF TESTIMONY FROM CHILDREN IN LEGAL PROCEEDINGS. HOWEVER, THE SWEDISH CRIMINAL CODE PROVIDES FOR THE PARTICIPATION OF AN EXPERT WITNESS/ INTERPRETER FOR THE PURPOSE OF EVALUATING THE CREDIBILITY OF A WITNESS BEFORE THE COURT. BILL 131 2004/05, WHICH WAS TRANSFORMED INTO LAW AND CAME INTO FORCE IN NOVEMBER 2008, <i>EN MODERNARE RÄTTEGÅNG – VIDEOINSPELNINGARNA SKA SOM HUVUDREGEL UTGÖRA DEN MUNTliga BEVISNINGEN I HOVRÄTTEN - VIDEODOKUMENTATION/ VIDEOKONFERENS</i>, [A MORE MODERN TRIAL WITH VIDEO DOCUMENTATION AND VIDEO CONFERENCE] ESTABLISHED A CHANGE IN THE PROCEDURES THAT REGULATE HOW A CASE REACHES COURT. THIS LAW PROVIDES FOR THE TECHNOLOGICAL MODERNIZATION OF ALL COURTS IN THE COUNTRY AND GIVES VIDEO RECORDED TESTIMONY THE EVIDENTIARY WEIGHT OF ORAL TESTIMONY. THE MAIN ARGUMENT USED FOR THIS CHANGE WAS THAT THE USE OF MODERN TECHNOLOGY IN COURT WOULD ALLOW FOR BETTER OPPORTUNITIES TO ADJUST THE WORK OF THE JUSTICE SYSTEM TO THE NEEDS OF EACH INDIVIDUAL.</p>	<p>THERE ARE SPECIAL INTERVIEW ROOMS TO TAKE ORAL TESTIMONY FROM CHILDREN AT POLICE STATIONS AND AT THE <i>MAGISTER DOMSTOL</i> [COURTHOUSE], <i>INTERVJU RUM</i> [SPECIAL ROOM AT AT POLICE UNITS SEPARATED FROM THE CONTROL ROOM] AND <i>DOMSTOLEN RUM</i> [ROOM THE COURTHOUSE/LIVE LINK-CCTV]. WHEN THE CASE GOES TO TRIAL., THE CHILD/ADOLESCENT MAY TESTIFY AGAIN. TESTIMONY USING LIVE LINK BY COURT ROOM.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT VALIDATE THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

NORTH AMERICA



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>18) CANADA</p> <p>BILL C-2/2004 - AN ACT TO AMEND THE CRIMINAL CODE (PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS), THE CANADA EVIDENCE ACT, APPLIES TO CHANGES PROPOSED TO SECTION 486 OF THE CRIMINAL CODE, SECTION 15: PROVIDING EVIDENCE BY CLOSED CIRCUIT TELEVISION OR BEHIND A SCREEN.</p>	<p>THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>CHILD PSYCHOLOGIST, POLICE OFFICER, AND SOCIAL WORKER USE INTERAGENCY PROTOCOL.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>

LEGAL BASIS

INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY

19) UNITED STATES

IN THE UNITED STATES, EACH STATE WRITES ITS OWN CRIMINAL PROCEDURAL RULES AND FEW STATES HAVE STATUTES THAT AUTHORIZE OR REQUIRE MULTIDISCIPLINARY INVESTIGATION OF SEXUAL ABUSE OF CHILDREN. FOR EXAMPLE, THE CALIFORNIA CRIMINAL CODE, SECTION 11166.3 (WHICH IS PART OF THE MODEL LAW REGARDING CHILD SEXUAL ABUSE) EXPRESSES A PUBLIC POLICY IN FAVOR OF COUNTY PROSECUTORS AND POLICE OFFICERS WORKING TOGETHER TO INVESTIGATE CASES. IN THE LATE 1980S AND EARLY 1990S, THE CALIFORNIA LEGISLATURE PASSED A LAW CREATING PILOT PROJECTS ADMINISTERED BY THE DEPARTMENT OF JUSTICE TO STUDY MULTIDISCIPLINARY INTERVIEW CENTERS (MDICS), AND THE USE OF VIDEO RECORDED INTERVIEWS, ALTHOUGH THERE IS NO LAW IN CALIFORNIA AUTHORIZING MDICS. IN THE STATE OF NEW YORK A SPECIAL STANDARD OF CARE IS APPLIED TO CHILDREN, WHO ARE INTERVIEWED IN A CHILD-FRIENDLY ROOM AND THE INTERVIEW IS OBSERVED THROUGH A TWO-WAY MIRROR. ALTHOUGH THERE IS NO NATIONWIDE LAW ON THE SUBJECT, IN 1992 CACS BECAME THE MODEL RECOMMENDED BY THE FEDERAL LAW (CHILDREN'S JUSTICE ACT GRANT PROGRAM) THAT SUBSIDIZES THE IMPLEMENTATION OF MULTIDISCIPLINARY ORGANIZATIONS OR AGENCIES BASED ON THE CAC MODEL. THE MAIN OBJECTIVE OF CACS IS TO GUARANTEE THAT CASES OF CHILD SEXUAL ABUSE ARE HANDLED IN A MULTIDISCIPLINARY WAY DURING THE INVESTIGATION PHASE. IN THE UNITED STATES THERE IS CURRENTLY A WIDE VARIETY OF CENTERS AND AGENCIES THAT USE THE RECOMMENDED CAC MODEL. BASED ON THE CHILDREN'S JUSTICE ACT (CJA), SINCE 2000 THE US DEPARTMENT OF JUSTICE MAKES PAYMENTS TO THE 50 STATES FOR THE PURPOSE OF IMPROVING THE INVESTIGATION, PROSECUTION, AND TRIAL OF CASES OF ABUSE AND ABANDONMENT, PARTICULARLY IN CASES OF SEXUAL ABUSE OF CHILDREN. THIS IS ONE OF THE MAIN GOVERNMENT STRATEGIES TO SUPPORT EFFORTS TO CONFRONT CHILD ABUSE. CJA FUNDS ARE GRANTED TO THE STATES THAT HAVE BEEN APPROVED TO RECEIVE THE BASIC STATE SUBSIDY, AND THAT HAVE ALSO ESTABLISHED A MULTIDISCIPLINARY TASK FORCE WITH A CLOSE RELATIONSHIP WITH THE VARIOUS LEVELS OF THE JUSTICE SYSTEM THAT SERVE CHILD VICTIMS. A RECENT US SUPREME COURT DECISION (CRAWFORD V. WASHINGTON) SUPPORTS THE POSITION THAT VIDEOTAPED FORENSIC INTERVIEWS SHOULD BE CONDUCTED AT CACS, OR BY THE POLICE OR BY SOCIAL WORKERS, AND THAT THESE CANNOT BE USED AT TRIAL UNLESS THE CHILDREN TESTIFY LIVE IN COURT.

FORENSIC INTERVIEWS ARE CONDUCTED AT CACS, WHICH ARE OFTEN AFFILIATED WITH THE NATIONAL CHILDREN'S ALLIANCE. IN THE UNITED STATES, CACS ARE USUALLY RELATED TO THE COUNTY CHILD PROTECTIVE SERVICES AGENCY OR TO THE COUNTY DISTRICT ATTORNEY'S OFFICE. OTHER CACS OPERATE AS NONPROFIT ORGANIZATIONS, OR IN PARTNERSHIP WITH SOME TYPE OF GOVERNMENT-RELATED AGENCY OR ORGANIZATION, SUCH AS A PROSECUTOR'S OFFICE, A HOSPITAL STRUCTURED ALONG THE LINES OF A CAC, ETC. A CHILD-ORIENTED ROOM WITH A TWO-WAY MIRROR. AT SOME CENTERS, LIKE THE ONE AT THE JACOBI MEDICAL CENTER, THE INTERVIEWS ARE GENERALLY NOT VIDEO RECORDED, ALTHOUGH THERE IS AUDIOVISUAL RECORDING EQUIPMENT PRESENT. AUDIOVISUAL RECORDINGS ARE MADE ONLY IN EXCEPTIONAL CASES, WHEN ANOTHER JURISDICTION REQUIRES BY LAW THAT THE INTERVIEW BE VIDEO RECORDED.

TECHNIQUES ADOPTED FOR TAKING TESTIMONY

PROFESSIONAL RESPONSIBLE FOR INTERVIEWING

OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/INTRODUCTION IN COURT AS EVIDENCE)

HOW MANY TIMES THE CHILD/ADOLESCENT TESTIFIES

19) UNITED STATES

EACH CAC IS ABLE TO DETERMINE ITS OWN INTERVIEW PROTOCOLS. SOME HAVE ADOPTED THE NICHD STRUCTURED COGNITIVE INTERVIEW PROTOCOL, WHILE OTHERS USE THE SEMI-STRUCTURED PROTOCOL FINDING WORDS BASED ON COGNITIVE NEUROSCIENCE AND PSYCHOLOGY. THE STATE OF NEW YORK HAS ITS OWN FORENSIC INTERVIEW PROTOCOL BASED ON THE NEW YORK STATE CHILDREN'S JUSTICE TASK FORCE ON FORENSIC INTERVIEWING BEST PROCEDURES.

MOST INTERVIEWS ARE CONDUCTED BY SOCIAL WORKERS TRAINED IN FORENSIC INTERVIEWING. OCCASIONALLY, A CHILD PROTECTION SPECIALIST, POLICE OFFICER, OR LAWYER WILL CONDUCT THE INTERVIEW WITH THE CHILD.

A POLICE DETECTIVE AND LAWYER FROM THE DISTRICT ATTORNEY'S OFFICE ARE FREQUENTLY PRESENT DURING THE INTERVIEW. IF IT IS NECESSARY TO PROTECT THE CHILD, A SOCIAL WORKER MAY ALSO PARTICIPATE IN THE INTERVIEW. ANY PERSON MAY BE PRESENT AT A CRIMINAL TRIAL WHEN A CHILD IS TESTIFYING (WITH A FEW EXCEPTIONS), CHILDREN GENERALLY DO NOT TESTIFY AT FAMILY COURT, WITH A FEW EXCEPTIONS, AND ONLY THE PEOPLE RESPONSIBLE FOR THE CASE, LAWYERS, AND PARENTS ARE PRESENT.

NORMALLY ONLY ONE INTERVIEW IS CONDUCTED AT THE CAC. IN A CRIMINAL TRIAL, THE CHILD TESTIFIES TWICE: FIRST, BEFORE A GRAND JURY AND SECOND, AT TRIAL. BY LAW, THE CHILD IS REQUIRED TO TESTIFY IN A CRIMINAL TRIAL. BEFORE THIS, THERE WILL BE AN INITIAL INTERVIEW CONDUCTED BY A POLICE OFFICER OR SOCIAL WORKER. IF THE DISTRICT ATTORNEY'S OFFICE DECIDES TO PROSECUTE, TESTIMONY WITH PROBATIVE VALUE WILL BE GIVEN IN COURT. HOWEVER, IN GENERAL, SEVERAL INTERVIEWS ARE CONDUCTED BETWEEN THE FIRST INTERVIEW AT THE CAC AND THE TESTIMONY GIVEN IN COURT. THE INTERVIEW AT THE CAC CANNOT REPLACE THE CHILD'S TESTIMONY IN COURT. NEVERTHELESS, OFTEN THE CHILD ENDS UP NOT TESTIFYING IN COURT.

OCEANIA



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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20) AUSTRALIA					
<p>EVIDENCE ACT 1958 AND CHILD PROTECTION ACT 1999, SECTION 14 ARE LAWS THAT REGULATE THE AUDIO AND VIDEO RECORDING INTERVIEWS WITH CHILD VICTIMS/ WITNESSES WHO HAVE BEEN THREATENED WITH SOME KIND OF PERSONAL ATTACK.</p>	<p>THERE ARE SPECIAL ROOMS (CHILD-ORIENTED ROOM) AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. WHEN THE CASE GOES TO TRIAL AND THE CHILD/ADOLESCENT MAY TESTIFY AGAIN, LIVE LINK BY COURTROOM IS USED.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.</p>	<p>THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT VALIDATE THE VIDEO RECORDING.</p>	<p>ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.</p>



21) NEW ZEALAND

EVIDENCE ACT 2006 MADE CHANGES ALLOWING JUDGES TO PRESIDE AT CRIMINAL SEX OFFENSE TRIALS, GUARANTEEING THAT A CHILD/ ADOLESCENT UNDER 17 YEARS OF AGE MAY GIVE EVIDENCE BY PREVIOUSLY VIDEO RECORDED INTERVIEW. TAKING OF TESTIMONY USING QUESTIONS ASKED BY DEFENSE ATTORNEYS, CHANNELED BY AUDIO LINK IN WHICH THE PERSON NEXT TO THE CHILD REPEATS THE QUESTION SO THAT THE CHILD MAY ANSWER, USING A SCREEN SO THAT THE CHILD CANNOT SEE THE DEFENDANT, BUT THROUGH WHICH THE JUDGE AND JURY MAY SEE THE CHILD. THE LAW STATES THAT THE JUDGE MUST TAKE INTO CONSIDERATION THE NEED TO MINIMIZE THE STRESS ON THE VICTIM BUT, AT THE SAME TIME, GUARANTEE THE DEFENDANS A FAIR TRIAL.

THERE ARE SPECIAL ROOMS CALLED INTERVIEW ROOMS AT POLICE STATIONS TO TAKE ORAL TESTIMONY DURING THE INVESTIGATION PHASE. THE OTHER SPECIAL ROOMS ARE AT THE COURTHOUSES, AND ARE NAMED COURT ROOM/ LIVE LINK , FOR WHEN THE CASE GOES TO TRIAL AND THE CHILD/ ADOLESCENT MAY TESTIFY AGAIN.

COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.

DURING THE INVESTIGATION PHASE, A POLICE OFFICER; IF THE CASE GOES TO TRIAL, TESTIMONY BY LIVE LINK-CCTV CONDUCTED BY: JUDGE, PROSECUTOR, DEFENSE ATTORNEY, AND THERE MAY ALSO BE AN INTERPRETER.

THE EVIDENCE IS ONLY SENT TO COURT WHEN THE MAGISTRATES' COURT RECEIVES FROM THE PROSECUTOR THE VIDEO OF THE INTERVIEW CONDUCTED BY THE POLICE. A DECISION WILL BE MADE AS TO WHETHER IT IS ADMISSIBLE AS EVIDENCE THAT WILL BE VIEWED BY THE JUDGE, PROSECUTOR, AND DEFENSE ATTORNEY, WHO WILL EITHER VALIDATE OR NOT VALIDATE THE VIDEO RECORDING.

ONCE DURING THE INVESTIGATION PHASE TO COLLECT EVIDENCE, ONCE AT TRIAL, AND ONCE ON APPEAL IF THE VIDEO OF THE INTERVIEW IS NOT ADMITTED AS VALID EVIDENCE.

SOUTH AMERICA



LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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22) ARGENTINA					
CHANGE IN THE CRIMINAL PROCEEDINGS LAW: A NEW FEDERAL LAW PROHIBITS ANY PROFESSIONAL OTHER THAN A PSYCHOLOGIST FROM TAKING TESTIMONY FROM CHILD/ADOLESCENT VICTIMS OR WITNESSES IN LEGAL PROCEEDINGS.	PROSECUTOR'S OFFICE, WHICH IS PART OF THE JUDICIAL BRANCH OF GOVERNMENT, HAS ROOMS WITH TWO-WAY MIRRORS.	COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.	ONLY A SPECIALIZED PSYCHOLOGIST.	PROSECUTOR, CHILD/ ADOLESCENT'S REPRESENTATIVE, THE DEFENSE ATTORNEY IS NOTIFIED BUT IS NOT REQUIRED TO APPEAR, AND TECHNICIANS RESPONSIBLE FOR THE RECORDING OF THE EVIDENCE.	ONCE AT THE INVESTIGATION PHASE AND MAY BE REPEATED AT THE TRIAL PHASE.

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>23) BRAZIL</p> <p>ARTICLE 156, FIRST OF THE CRIMINAL PROCEDURE CODE, ALLOWS THE EARLY PRODUCTION OF EVIDENCE THROUGH LAW N° 11.690 OF 2008. THIS CHANGE ALLOWS THE VIDEO RECORDING OF TESTIMONY WHEN THE EVIDENCE IS PRESENTED TO THE COURT AIMING AT OF BEING PART OF THE CASE.</p>	<p>EXPERIENCE GATHERED IN A PIONEERING MANNER BY THE CHILD AND YOUTH COURT OF THE STATE OF RIO GRANDE DO SUL. IS EXPANDING TO OTHER BRAZILIAN STATES: MOST RECENTLY IN GOIÁS, AND IS BEING INTRODUCED IN RIO DE JANEIRO, SÃO PAULO, RONDÔNIA AND BAHIA. THEMED INTERVIEW ROOM (TESTIMONY BY CCTV).</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST AND SOCIAL WORKER.</p>	<p>JUDGE, PROSECUTOR, DEFENSE ATTORNEY, TECHNICIAN RESPONSIBLE FOR OPERATING THE ELECTRONIC EQUIPMENT AND RECORDING THE HEARING, AND, IN SOME CASES THE DEFENDANT WILL BE PRESENT.</p>	<p>ONCE IN A SPECIAL ROOM DURING THE JUDICIAL PHASE, ALTHOUGH THE CHILD MAY BE HEARD THREE OR FOUR TIMES, FROM THE REPORT OF THE CRIME, BEFORE THE CHILD PROTECTION COUNCIL, SPECIALIZED POLICE DEPARTMENT, AND INSTITUTE OF FORENSIC MEDICINE. DURING THE TRIAL, WHEN THE PROSECUTOR OFFERS THE EVIDENCE COLLECTED AND MAKES THE CHARGE, A RULING IS MADE ON THE ADMISSIBILITY OF THE EVIDENCE. AT THIS PHASE, TO GUARANTEE THE CONSTITUTIONAL PRINCIPLES OF ADVERSARY PROCEEDINGS AND THE RIGHT TO MAKE A BROAD DEFENSE, THE VICTIM, THE WITNESSES, AND THE DEFENDANT ARE CALLED TO GIVE TESTIMONY. THE CHILD VICTIM OR WITNESS TESTIFIES IN A SPECIAL ROOM.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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24) CHILE					
<p>THE NEW ACCUSATORY CRIMINAL SYSTEM ALLOWS MATERIAL THAT WAS VIDEO RECORDED USING THREE CAMERAS AS EVIDENCE IN ORAL COURT HEARINGS.</p>	<p>THERE IS A DIGITAL INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE BRIGADA INVESTIGADORA DE DELITOS SEXUALES Y MENORES (BRISXME) [SEXUAL CRIMES AND CRIMES AGAINST CHILDREN INVESTIGATORY TEAM], GOVERNMENT BODY THAT IS PART OF THE JEFATURA NACIONAL DE DELITOS CONTRA LA FAMILIA (JENAFAM) [NATIONAL CRIMES AGAINST THE FAMILY ORGANIZATION].</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST.</p>	<p>PROSECUTOR/MONITOR, DEFENSE ATTORNEY, WHO IS NOTIFIED BUT NOT REQUIRED TO APPEAR, CHILD/ADOLESCENT'S REPRESENTATIVE, DOCUMENTATION EXPERTS.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
25) COLOMBIA					
NEW ACCUSATORY CRIMINAL SYSTEM ALLOWS MATERIAL THAT WAS VIDEO RECORDED AS EVIDENCE IN ORAL COURT HEARINGS.	THERE IS AN INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE CENTER FOR VICTIMS OF SEXUAL OFFENSES, OF THE FISCALIA DE LA NACIÓN [DEPARTMENT OF THE ATTORNEY GENERAL'S OFFICE].	COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.	PSYCHOLOGIST.	PROSECUTOR/MONITOR.	BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
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26) ECUADOR					
<p>NEW ACCUSATORY CRIMINAL SYSTEM, THROUGH ARTICLE 119 OF THE NEW CRIMINAL PROCEDURE CODE, ALLOWS EVIDENCE TO BE PRODUCED BASED ON TESTIMONY OF PEOPLE WHO ARE SICK, ABSENT FROM THE COUNTRY, OR ANY OTHER CAUSE, IN WHICH IT IS DEMONSTRATED THAT THEY ARE NOT CAPABLE OF BEING EXPOSED TO AN OPEN COURT HEARING.</p>	<p>THERE IS AN INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE DEPARTMENT OF THE ATTORNEY GENERAL'S OFFICE, VICTIM AND WITNESS PROTECTION AND ASSISTANCE UNIT.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST.</p>	<p>PROSECUTOR/MONITOR, DEFENSE ATTORNEY, EXPERTS IN DOCUMENTATION TECHNOLOGY.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

LEGAL BASIS	INSTITUTION RESPONSIBLE AND ENVIRONMENT USED TO TAKE TESTIMONY	TECHNIQUES ADOPTED FOR TAKING TESTIMONY	PROFESSIONAL RESPONSIBLE FOR INTERVIEWING	OFFICIALS (COURT AND/OR OTHER OFFICIALS PRESENT DURING THE TAKING OF TESTIMONY/ INTRODUCTION IN COURT AS EVIDENCE)	HOW MANY TIMES THE CHILD/ ADOLESCENT TESTIFIES
<p>27) PARAGUAY</p> <p>THE AMENDMENT OF THE CRIMINAL PROCEDURE CODE UNDER THE NEW ACCUSATORY MODEL OF JUSTICE ALLOWS THE ADMISSION OF TESTIMONY GIVEN IN ADVANCE.</p>	<p>THERE IS AN INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE VICTIM AND WITNESS SERVICE CENTER OF THE ATTORNEY GENERAL'S OFFICE.</p>	<p>FORENSIC INTERVIEW TECHNIQUES IN A ROOM WITH TWO-WAY MIRRORS AND COGNITIVE INTERVIEW (CI).</p>	<p>PSYCHOLOGIST.</p>	<p>JUDGE, PROSECUTOR/ MONITOR, DEFENSE ATTORNEY, EXPERTS IN DOCUMENTATION.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

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28) PERU					
<p>AMENDMENT OF THE CRIMINAL PROCEDURE CODE UNDER THE NEW ACCUSATORY MODEL OF JUSTICE, LAW 906 OF 2004, WHICH ALLOWS THE PRODUCTION OF EVIDENCE IN ADVANCE AND GOVERNS VICTIM RIGHTS. ARTICLE 11. VICTIM RIGHTS. THE VICTIM WILL HAVE THE RIGHT TO:</p> <p>A) RECEIVE HUMANE AND DIGNIFIED TREATMENT;</p> <p>B) HAVE HIS OR HER PRIVACY PROTECTED, HIS OR HER SAFETY AND THAT OF THEIR FAMILY MEMBERS AND WITNESSES THEY CALL GUARANTEED;</p> <p>C) RECEIVE RAPID AND FULL INDEMNIFICATION FOR THE HARM, FROM THE DEFENDANT, OR PERSON WHO TOOK PART IN THE WRONG, OR A THIRD PARTY HELD LIABLE UNDER THE TERMS OF THIS CODE;</p> <p>D) BE HEARD AND THAT THE PRODUCTION OF EVIDENCE IS FACILITATED.</p>	<p>THERE IS AN INTERVIEW ROOM WITH TWO-WAY MIRRORS AT THE NATIONAL INSTITUTE OF FORENSIC MEDICINE OF THE ATTORNEY GENERAL'S OFFICE TO CARRY OUT A SOLE INTERVIEW WITH THE CHILD/ADOLESCENT.</p>	<p>COGNITIVE INTERVIEW (CI) FOR CHILDREN'S EVIDENCE.</p>	<p>PSYCHOLOGIST.</p>	<p>PROSECUTOR; DEFENSE ATTORNEY; EXPERTS IN DOCUMENTATION.</p>	<p>BECAUSE THERE IS A COURT FOR TAKING TESTIMONY, THE CHILD/ADOLESCENT VICTIM OR WITNESS GENERALLY TESTIFIES ONLY ONCE. THIS TESTIMONY IS RECORDED ON VIDEO AND IS NORMALLY ACCEPTED AS EVIDENCE IN COURT, THOUGH THERE CAN BE EXCEPTIONS IN WHICH, IF THE CASE GOES TO TRIAL, THE CHILD/ADOLESCENT IS ASKED TO TESTIFY AGAIN.</p>

A photograph of a row of teal plastic chairs against a blue wall, with a blue gradient overlay on the left side of the page.

Section III

Report on reference experiences:
England and Argentina



From the many recorded programs, we selected two that are considered to be paradigmatic for a brief report aimed at giving the reader a more detailed vision of the methodology used. The English program has been one of the most broadly disseminated and most used in English-speaking countries, in some parts of Asia and other Spanish-speaking countries. The program in Argentina has been disseminated throughout South and Central American countries.

UNITED KINGDOM – ENGLAND

BRIEF HISTORY OF THE PROGRAM

Since 1991, the United Kingdom has produced know-how and developed innovative social practices involving video recording technology to produce evidence in the justice process. England was one of the pioneers in producing evidence based on special testimony in cases involving child victims or witnesses of violent crime. The procedures used in England became paradigmatic and became a model that has been adapted and disseminated to many other countries such as Cuba, Malaysia, Costa Rica, Jordan, Dominican Republic, Jamaica, Chile, and other countries.

The underlying purpose of taking special testimony is to allow children and adolescents, who are victims or witnesses, to provide testimony with certain protections. For child victims of crimes this means taking their testimony in a way that prevents their revictimization, which is normally associated with traditional procedures for the taking of testimony. This type of testimony ensures that the children's voice is heard, is an additional support for the children's rights movement and, at the same time, ensures that evidence is obtained in a coherent manner. The ultimate objective in producing evidence is to break the chain of impunity that allows perpetrators of sexual violence against children and adolescents to offend due to lack of material evidence.

THE METHODOLOGY FOR TAKING TESTIMONY IN ENGLAND

Because the child or adolescent must be heard as soon as possible after the crime is reported, a forensic interview takes place during the police investigation. It is the police, under the guidance of the Crown Prosecution Service (CPS), who are responsible for collecting evidence of probable violence. The interview is conducted by a specially trained professional who, during the investigation phase, is almost always a police officer.

It is important to mention that the CPS is a very new institution, having been created in 1986. Unlike most countries whose legal systems are based on the Roman-Germanic model, the CPS is not staffed by career civil servants, but by lawyers who have specialized in preparing pleadings. The CPS is made up of lawyers from both branches of the English legal profession: (a) solicitors (who can usually only advocate at trial and first appeals, and who are generalists), and (b) barristers (who may advocate before all levels of courts and who are often specialists). Prosecutors may be solicitors or barristers.

Special testimony is given in interview rooms designed for the purpose in certain police units. The police unit interview suites are not inside police stations but within other suitable buildings that children and adolescents find more sympathetic and friendly. The rooms have temperature control, special carpets, and hermetically sealed windows to ensure they are soundproofed against external noise. Special care is given to ensuring these rooms have subdued lighting, light colors, comfortable furniture and non-anatomical dolls and non-violent, silent toys. To avoid the toys distracting the child or adolescent, the interviewer will only use them as a last resort to help the child describe his or her experience and assist the process of describing embarrassing details. The room will generally have a two-seat sofa and an armchair, in which the child victim or witness will normally sit to provide his or her testimony.

Our research team visited one of the interview video suites in the county of Gloucestershire, UK, which, just like the other video suites in the country, is equipped with CCTV. The interviews are video recorded using two video cameras: one giving a wide angle, installed in the top corner of one of the walls, and the second fixed right below the wide angle camera, about 1.8 meters from the floor level. This camera has a pan, tilt, and zoom capability and can record the interview from different angles to provide the best possible quality. The microphones are placed near to the seating to ensure good quality audio recording. In the room there is also an intercom connected to an adjoining room, the monitoring or control room, which houses the video and audio recording equipment.

For the video recorded interview at the investigation stage, police officers work in pairs; one is responsible for interviewing the child, and the other for operating the equipment, recording pictures and intervening through the intercom. As a general rule, only the child/adolescent and the interviewer are allowed into the interview suite. However, in some cases it may be appropriate for another adult, a parent, carer, or social worker, to sit with the child in the interview room. When this happens the person has to sign an undertaking about the rules that govern their presence in the room.

The monitoring room contains the evidential recording equipment, the controls, and a monitor to view the interview as it takes place. The evidential recording machine meets the requirements of the criminal justice system in terms of quality and security of the recording to prevent unauthorized editing. There is equipment to move the camera and adjust the zoom, pan, and tilt during the interview. The evidential recorder includes a range of self checking procedures to ensure that should there be any problems during

the recording, alarms sound, although this is an extremely rare event. There are also warnings to ensure that the equipment is set up correctly when the recording is started. The interview is recorded on DVD and VHS tape and, in addition, there is a facility to record the audio on cassette tapes, generally used to assist with any transcription of the interview that may be required. The room also has air conditioning.

Recorded interviews last an average of 50 minutes to one hour, but can occasionally last 90 minutes. Recorded on digital DVD format and also on VHS, the quality of the recording is controlled by the police officers responsible for documentation in the criminal investigation.

Inside the monitoring room there may be, in addition to the police officer who controls the equipment, a CPS representative, and in some cases one of the victim's family, who will watch the interview through the video monitor.

Before the interview is video recorded, the police officer will explain to the victim or witness why they are there. The officer will also ensure with the child's parent or carer that they do not talk about the events before the recording so that the witness is not influenced by the family. Of the many basic procedures used at this stage, we highlight:

- Explanation of the reasons for the interview;
- Explanation of the conversation between the witness and the technician for a specific period;
- Explanation of the technological procedures used and who are the police staff who are in the control room to which the interview is being transmitted;
- Explanation that the interview will be interrupted by the intercom so that the interviewer can be sure that all questions and doubts have been clarified.

According to the protocol *Achieving the best evidence in criminal proceedings*,² used by the police, the four stage interview process should be applied. Following a standard introduction set out in the guidance, which includes an exploration of "truth and lies" and an explanation of the roles to be played by the interviewer and the witness, the interviewer will undertake a rapport stage to enable the child to become relaxed and familiar with talking to the officer. Great care must be taken in by the officer to obtain facts relevant to the investigation from the child. The officer has to be patient to wait for a disclosure because he or she cannot use leading questions

² Home Office (2000). *Achieving the best evidence in criminal proceedings: Guidance for vulnerable and intimidated witnesses, including children*. London.

to introduce issues under investigation. All officers undertaking the interviews have received training to national standards and have learnt the skills of gaining disclosures without breaching the rules of evidence. Officers are encouraged to gain as much information as possible during free in narrative disclosures by the child. Questioning is entirely appropriate providing it follows the clear rules of evidence.

Before officers are assigned to interview child victims and witnesses, they receive comprehensive training to a national standard. This training also includes role-playing exercises in simulated interview scenarios. Consequently, when officers interview child victims or witnesses, they use interviewing skills that are suitable for the child or adolescent's intellectual capacity, acting as someone who helps elicit the account of the violence that the child suffered or witnessed. The interviewer should also take into account factors such as: the child or adolescent's special needs, cognitive ability, memory, attention span, etc. The national guidance expressly recommends interviewers not make written notes during the interview to avoid distracting the child or communicating any intention cues.

The changes to the legislation that led to the introduction of video recording of child witness interviews in October 1992 also recommended that children should use a remote video room within the court building to give their evidence and cross-examination by live link.

Hearings [trials] may use the following procedures to take testimony: the recorded interview taken during the investigation for the purpose of its admission as evidence, is played to the court and the jury as the child's evidence in chief; when it is necessary to cross examine the child this testimony is taken in a special interview suite at the courthouse through video conference or even in the court room itself using a screen that prevents visual contact between the defendant and the child victim. The testimony from a video recorded interview or the questioning of the child by video conference, will be watched by the judge, the prosecuting barrister and the defense lawyer who have the opportunity to question the child's testimony.

LEGAL BASIS

In 1991 England introduced the Criminal Justice Act 1991 to allow the video recording of the testimony of child witnesses in criminal proceedings and its use during a criminal trial as evidence in chief. In 1999, the passing of the Youth Justice and Criminal Evidence Act 1999, Part II – Giving of Evidence or Information for Purposes of Criminal Proceedings, introduced further procedures relating to video recorded interviews to be used as evidence. It also extended the provisions of the use of video recording of

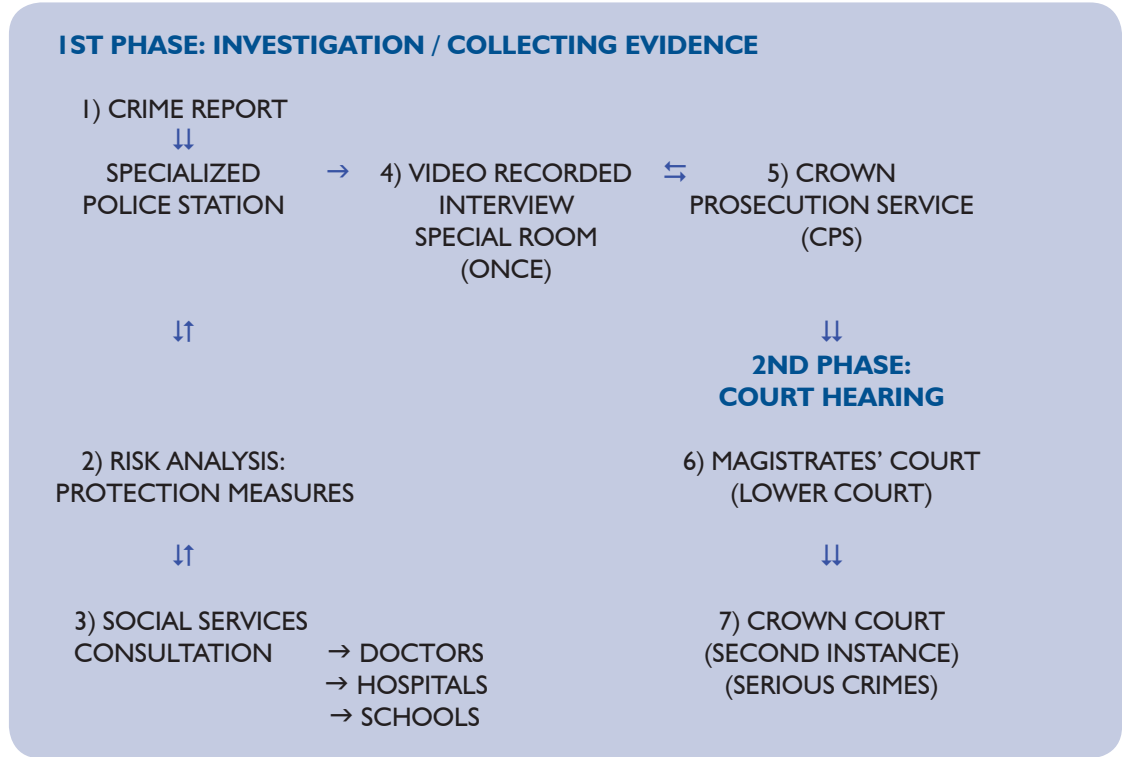
witnesses' interviews during the investigation where there were "intimidated or vulnerable witnesses". Chapter I – Special measures and directions in case of vulnerable and intimidated witnesses, states the measures that are to be used if there are vulnerable witnesses, to ensure the admissibility of the recorded interview as evidence to be presented to the Magistrates' Court or Crown Court.

The change to the law, initially in 1991, was a significant legal change and was the result of an interdisciplinary commission for law reform made up of Crown Court judges, Crown Prosecutors, other legal professionals, the police, and child protection NGOs. The law amended court procedures throughout England and Wales, and stated that the child's first testimony should be recorded on videotape and that this recording could be admissible in both the Magistrates' Court and the Crown Court.

FLOWCHART

In the United Kingdom, evidence is collected during the investigation when it is then passed to the CPS, who will decide whether to prosecute the charges and present the evidence to the Magistrates' Court. The Magistrates' Court either hears the case or commits certain serious cases to the Crown Court, but if it accepts jurisdiction, it will then decide whether the evidence is admissible. If it commits the case to the Crown Court, there will be a separate hearing there to decide if the evidence is admissible. As the English legal system is based on common law, it has a long tradition of oral hearings. It is basically split into two jurisdictions: of lower and higher courts. Both the Crown and the Magistrates' Court are courts of first instance, in which the former hears and sentences more serious crimes and also hears occasional appeals from the latter. The Crown Court only hears serious crimes, and not all sexual offenses get to this instance. If the case is sent to the Crown Court for trial, it will be heard before a judge and a jury of 12 individuals, in which the judge will decide issues of law and the jury will decide questions of fact. If, on the other hand, the magistrates accept jurisdiction, the trial will normally be heard by three magistrates. There is a whole institutionalized protection system to guide and protect child/adolescent victims/witnesses. The justice process can take up to four years to reach a final decision.

Here is a step-by-step explanation of the criminal court procedure in England and Wales:



- 1) The police are responsible for recording the crime report, which can be made personally, by telephone, fax or in writing. Investigations of sexual violence against children and adolescents begin once a report is made by the police;
- 2) and 3) Immediately after the crime has been reported, two processes are undertaken simultaneously. The police will initiate the police enquiry and the social services will look for information about the family and the child/adolescent's background. This includes checking the child/adolescent family history by contacting local health services, schools, local hospitals and other sources. Within hours of the report being made, the police, social services, and if necessary other agencies will undertake a strategy meeting to map out the next stages in the process. At this moment they will also consider the immediate needs to protect the child/adolescent based on information provided by social services and the police in the background of the alleged offender. Also, the timing of the interview with a child/adolescent victim or witness will be considered, and the investigator and the social worker will develop an interview plan as a guide during the interview with the child/adolescent victim or witness. When a decision has been made to undertake the interview with the child/adolescent, a pre-interview is carried out with the victim. During this pre-interview, the police interviewer will not talk to the child/adolescent about the violence he or she has suffered or witnessed so not to contaminate the evidence. A note will be made by the police officer of the conversation with the child/adolescent and if any spontaneous disclosures of abuse are made, these will be recorded but not pursued at this time;
- 4) The exact timing of the interview will be decided on a case-by-case basis, but the interview is usually conducted after an average of four days following the crime report. The video recorded interview is held with the victim in a special room at the police unit. The following people will be present: the trained police interviewer, the police officer responsible for the recording, and, on occasions, a CPS representative;
- 5), 6) and 7) After the CPS has reviewed the case, the evidence is submitted to the Magistrates' Court, which evaluates the admissibility of evidence. they either hear the case decided to transfer it to the Crown Court. If there is a challenge to the admissibility of the video recording, this can be made either at the Magistrates' Court or the Crown Court and this may lead to the interview not be admitted in its entirety, or certain elements being edited from the recording. If the crime is contested and a trial is held,, the child victim can decide to give his or her evidence in the courtroom, or the evidence can be given through special interview suite via CCTV into the courtroom.

EVIDENCE FORMAT

The interview process carried out by the police is governed by nationally agreed guidance that presents the criteria and procedures to be used. Once the special testimony has been recorded, two copies are made. For each copy a police-only form is used stating the interview date, the time at which the recording started and finished, the location of the special room in which the child provided his or her testimony, the interviewee's name and age, the name of the police interviewer, the names of the professionals who watched the interview from the video conference room and their respective job titles, and the signature of everyone who took part in the process. One of the copies of the interview, designated as the "master copy", will be retained by the police for up to 25 years and will only be opened by order of a judge should there be some challenge to the integrity of the recording used in the criminal trial. The other copy, known as the "working copy", will be retained by an investigating officer while he is conducting his investigations and, at the end of it, will be transferred to the CPS. If the case proceeds to a trial, a copy can be made and given to the defense lawyer. However, there are strict conditions controlling the possession of this recording, one of which specifically prevents the defense lawyer from physically giving a copy of the recording to an accused person. The recording equipment register and other security measures are applied to the recording, which enables the source to be identified. The fact that the police officer who recorded the interview personally delivers the second copy to the CPS drew our attention.

The CPS review the case file sent by the police investigator. They have to determine if the evidence of the whole investigation is sufficient "to give a realistic prospect of a conviction". As part of this process they will view the video recording to ensure that the interview complies with the rules of evidence. All interviews are undertaken by specially trained police officers. Where there are some parts that may be inadmissible because they relate to matters not relevant to the specific offenses charged, the CPS will edit these elements from the recording. In addition to the evidential quality of the interview, the CPS will also be making an assessment of the communication skills of the child, his or her intellectual capacity, and the opinion of the CPS about the child's ability to be cross examined. The main concern of the CPS is to ensure that the child is able to present a credible description of the alleged facts.

Once the prosecution is initiated, the child or adolescent will be prepared for his or her visit to the Magistrates' Court of the Crown Court, at which it might be necessary to hear them again during the trial if the judge consider the video recorded testimony is inadmissible. In these cases, the child or adolescent will testify outside of

the courtroom, in a special room, via CCTV. There are, however, situations in which the child or adolescent is not required to be physically present in the courthouse, when they may be interviewed in a different building such as the police station, hospital, or even at their own home if it is decided that their appearance at court would be excessively traumatizing. The victim is also guaranteed not to have any contact with the defendant.

PROFESSIONAL TRAINING

In the United Kingdom it is accepted that no single professional is fully trained to conduct interviews based purely on their academic qualifications. For this reason, police services have systematic training courses in forensic interviews for police officers.

It bears highlighting that when this methodology was introduced, some of the interviews were carried out by social workers. Nevertheless, since these were interviews for evidence, and because of the specific characteristics of how social services operate, it was common for important factors in the police investigation to go by unnoticed. As a consequence of this experience, and to ensure greater legal admissibility of the video recorded interviews with child witnesses, it was decided that only properly trained police officers with technical training in investigative-cognitive interview techniques should carry out the video recorded interviews.

Indeed, there is in the United Kingdom an official training course for police officers in interviewing child victims of violence, to ensure that the police do not “go trampling over the evidence.” All police officers, who are the main responsible professionals for interviewing children, are trained in forensic, investigative-cognitive interview techniques and the training takes an average of 10 days. The first four days are dedicated to theory and the officers are basically taught about child psychology, skills with children, and cognitive skills. On the fifth day, they are taught investigative-cognitive interview techniques. From the sixth day on the officers select real cases to work and create different scenarios for role-playing. The remaining four days involve interview and recording practices in interview rooms. The police officers take turns performing different roles: one takes on the role of the child, a second one of the interviewer, while a third one handles the equipment and the others watch the interview being transmitted by videoconference, taking on the roles of the prosecutor and the victim’s family. All the participants simulate situations taking on the roles of victim or witness and interviewer. In the last phase of their training cour-

se, the police officers review their performance on how to carry out the interview and also develop skills on how to check their own work.

These training methods have had a positive effect on the police officers because when they have to play the role of a child victim or witness of violence, they are able to put words to their transference: “I now understand how difficult it is to talk about this and to explain what happened.” Officers also use this experience in their daily professional activities, acquiring better listening skills and empathizing better to the accounts given by child victim or witness of violence.

The procedures for taking special testimony, as well as the training courses, are inter and trans-disciplinary to overcome the complex social problem of sexual violence against children. For this very reason, it is fundamentally important that the training also include the protection network in which the child is found.

MONITORING AND EVALUATION

How many interviews have been carried out in these rooms throughout England? What is the impact on the feelings of pain that the children and adolescents in England felt on having to recount the facts dozens of times? What impact have they had on the conviction rates of those charged with sexual violence against children and adolescents? These are questions that spark our socio-anthropological imagination into investigating.

There have been a number of evaluations since the introduction of video recording of child witness interviews in 1992. Nonetheless, England has not developed a more permanent longitudinal evaluation of their system of interviewing and its impact both on the child and the administration of justice. On the other hand, it is important to point out that positive evaluations can be made by everybody involved in the program. A number of research reports relating to the experience in the United Kingdom can be found in Lamb, Hershkowitz, Orbach, and Esplin (2008).³

³ Lamb, M. E., Hershkowitz, I., Orbach, Y., & Esplin, P. W. (2008). *Tell me what happened: Structured investigative interviews of child victims and witnesses*. West Sussex: John Wiley & Sons.

This type of interviewing process has many advantages when compared to traditional testimony, such as the impact on the child who, on providing his or her testimony under protection and with some guarantees such as not having contact with the defendant, has become less susceptible to emotions such as crying, continuous fear, and excessive nervousness.

Another noteworthy characteristic, also originating from the impact of this practice, has reflected on the quality of the child's testimony as evidence, which has been increasingly accepted by Crown Prosecutors and judges due to criteria such as sensitivity, coherence of the account, and credibility of the interviewees assured in the recordings. In this context, both the recorded interviews as well as the training itself of the police officers have served as an instrument in sensitizing and even training other people employed in the administration of justice, because this type of inquiry has managed to circumvent some of the conservatism of the courts in relation to the admissibility of this type of evidence.

Within five years of the introduction of video recorded interviews with child witnesses as evidence in chief, judges and prosecutors have increasingly accepted that the same recording should be used in the trial rather than requiring the child to describe details of his or her experience as evidence in chief. There is also evidence to support the hypothesis that as the credibility of child witness interviews recorded on video increased this practice has encouraged alleged offenders to plead guilty at trial. When this happens, the child is not required to attend trial at court.

For this methodology to be successful, continuous efforts have been invested to guarantee the joint approach between the special interview suite, the video recording technology, and the training of the police interviewers.

PHOTOS - ENGLAND



Interview video suite equipped with CCTV, in the Child Unit Protection, Gloucestershire, UK.



Interview room equipped with CCTV, Gloucestershire, UK.

ARGENTINA

THE USE OF TWO-WAY MIRRORS IN ARGENTINA: A BRIEF HISTORY OF THE PROGRAM

Since the end of the 1990s, two-way mirrors have been used in Argentina to conduct interviews with children and adolescents as part of therapy. Beginning in 2003, the courts of the province of Buenos Aires and the Federal Capital have been adopting new forensic investigation methods using two-way mirrors to take special testimony from children/adolescents who are victims/witnesses of sexual violence. These interview areas are composed of two rooms divided by a two-way mirror that allows people on one side to see what is happening on the other, but not vice versa. One of the rooms is intended for behavioral observation. In this room, which is for taking special testimony from children/adolescents who are victims/witnesses, there is no special decoration. In general, there is a table with a few chairs placed in front of a large, mirrored window through which nothing can be seen except one's own reflection. There is a video camera in front of the table to make a video recording and microphones to make an audio recording of the interview. There are also shelves to hold resources like games and paper that may or may not be used by the psychologist as a strategy during the forensic interview. On the other side of the two-way mirror is an observation room with a large window through which one can watch everything happening in the interview room. All of the electronic equipment (video and audio recorders, a television, and a remote control panel) are in the observation room. There is also a medium-sized table with several chairs so that the court employees and technicians will have a place to sit.

The rooms with two-way mirrors were originally installed at the Public Prosecutor's Office, which is autonomous although it is part of the judicial branch. Currently, of the 23 provinces in Argentina, 13 recognize the constitutionality of rooms with two-way mirrors and have been increasingly implementing this type of judicial intervention for the purpose of protecting child victims. It is hoped that the method will be adopted nationwide. The 13 provinces that have already adopted it are: Buenos Aires, Santa Fé, Rio Negro, Tucumán, Santiago del Estero, Catamarca, Chubut, Corrientes, Córdoba, Entre Ríos, Mendoza, Neuquén, Salta, and the autonomous city of Buenos Aires, which is the Federal Capital and has the status of a province.

LEGAL FRAMEWORK: THE ADVENT OF THE USE OF ROOMS WITH TWO-WAY MIRRORS IN THE PROTECTION OF CHILDREN AND ADOLESCENTS WHO ARE VICTIMS OR WITNESSES OF SEXUAL VIOLENCE

In light of the new paradigms for providing complete protection for children, and within the legal framework provided for by the Argentinean Constitution, the practice of *toma especial de declaraciones testimoniales* [taking special testimony] from children and adolescents who are victims or witnesses of sexual violence in rooms with two-way mirrors was made law in 2003. Since then it has been the center of continuous discussion, gaining greater recognition and compliance from professionals involved in the complex task of questioning children and adolescents in judicial proceedings. This method of judicial intervention arose as a new strategy to protect children and adolescents who are the victims or witnesses of violence and guarantee their right to a dignified hearing that is appropriate to their condition as developing individuals.

From a legal perspective, Federal Law no. 25852/2003⁴ incorporated Article 250 bis into the Criminal Procedure Code, regulating new procedures for taking testimony from children and adolescents who are the victims of sexual violence. A new law proposed and drafted by Judge Carlos Rozanski, who pioneered the introduction in Argentina of the mandatory use of rooms with two-way mirrors as a judicial tool to avoid children being mistreated during the time they are involved with the justice system. It requires that testimony be given within the courthouse or at the office of the public prosecutor, thus disallowing all types of questioning in administrative areas, at police stations, at schools or in other places. According to Rozanski, this strategy aims to avoid the re-victimization of children and adolescents who, when they enter the justice system, will inevitably be subject to questioning. By using a room with two-way mirrors, children and adolescents give their testimony at the beginning of the investigation, a single time, and it is recorded audio-visually. In this way, the recording is put into the case file and is valid evidence for all the later steps that are necessary.

⁴ Federal Law no. 25852/2003 governs the procedures for taking special testimony from children who have been the victims of violence. It was proposed and drafted by Carlos A. Rozanski, a federal judge and current chief judge of the La Plata Oral Court. He is also a specialist in the law regarding violence against children (mistreatment and abuse). Law: Honorable Congreso de la Nación Argentina (4 dic. 2003). Código Procesal Penal de la Nación Modificación. Boletín Oficial, 8 ene. 2004. Resumen: Incorporase al Libro II, Título III, Capítulo IV del Código Procesal Penal de la Nación, Artículo 250 bis, y el Artículo 250 ter..

THE NEW TEXT INCORPORATED AS LAW STATES:

“When dealing with victims of crimes within the framework of the Criminal Code,⁵ Book II, Title I, Chapter II, and Title III, who by the time of their appearance is required have not attained 16 years of age, the following procedure must be adopted:

- a) The child in question will only be interviewed by a psychologist specialized in children and/or adolescents designated by the court that orders the interview, and cannot, under any circumstances, be questioned directly by the court or the parties;
- b) The event will take place in a room equipped with appropriate tools for the age and stage of development of the child;
- c) By the deadline the court states, the professional will prepare a detailed report with the appropriate conclusions;
- d) At the request of the parties, or if the court makes it available, the alternatives in the questioning can be followed from outside of the room, through a two-way mirror, microphone, video or other available technical means.

In the current Argentine context, Federal Law no. 25852/2003 introduced a legal reform in the procedures to be followed for taking testimony from children and adolescents who are victims of sexual violence in legal proceedings. The use of this tool has presented a new and more humane perspective in the legal treatment offered to them. However, it should be pointed out that this is a federal law and applies at the federal level and in the province of Buenos Aires. Each of the other provinces has its own criminal procedure code.

The entire program is based on the issue of protecting children and adolescent victims and not revictimizing them institutionally. This is in accordance with the United Nations Convention on the Rights of the Child, of which Argentina is a signatory. One hopes that the mentioned law will be applied throughout the country.

HOW THE PROCEDURAL RULES OPERATE IN ARGENTINA IN CASES OF SEXUAL VIOLENCE AGAINST CHILDREN AND ADOLESCENTS

Argentine criminal procedure for cases of sexual violence against children and adolescents provides for the idea of a court of inquisition, the purpose of which is to determine whether crimes have been committed. It operates under the supervision of a judge, who is called the “investigatory judge.” In this case, the prosecutor is part of the judicial branch and, therefore, has the authority of an investigatory prosecutor and is responsible for gathering all the evidence to support the prosecution. The police have the role of co-

⁵ Updated Criminal Procedure Code.

operating in the investigation and preventing or immediately stopping a crime from happening. This type of court system emphasizes protecting the victim since the testimony is only taken once. By contrast, testimony is taken more than once in the Brazilian criminal system since there is, as a rule, a preliminary investigation without evidentiary value, which is to say, a police investigation.

In Argentina, the crime can be reported to the police, a prosecutor, a judge or any competent governmental authority. By law, when any of these people or institutions receive a report of a crime, they must take the appropriate legal action. By request of the Public Prosecutor's Office, the judicial police tend to take action from the moment a particular act of violence becomes public, beginning the legal procedures.⁶

The person responsible for providing the evidence for the case (and the investigatory prosecutor) will always control the recording of the video. It is suggested that this information be passed on and explained to the child or adolescent witness. The video will be the only testimony from the child or adolescent for legal purposes, regardless of the nature of the proceeding with relation to the sexual abuse of the victim. All technical precautions should be taken in recording the testimony and preserving the recording in such a way as to avoid it deteriorating or being destroyed. This is necessary so that its evidentiary value is preserved.

The recorded testimony is valid evidence at trial unless the guidelines for taking such testimony are not followed, in which case the judge or defense attorney may ask that the recording not be admitted as evidence. In the province of Buenos Aires, the testimony can also be taken as "extraordinary anticipated evidence," in accordance with Article 274 of the Civil Procedure Code.

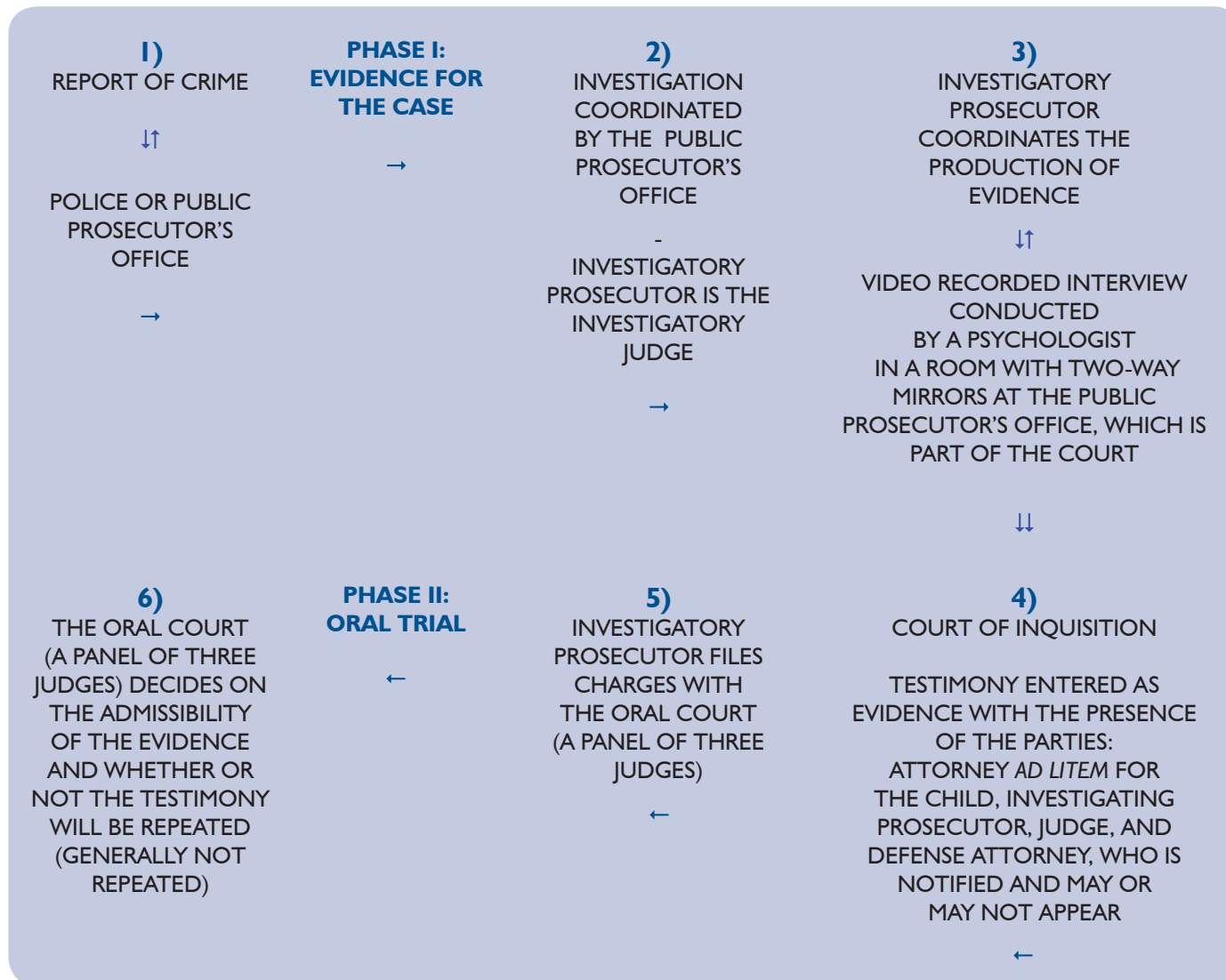
Once the investigation is concluded, with the CD and VHS recording being filed on the record, under the supervision of an investigatory prosecutor who is responsible for gathering all the evidence to support the criminal case, a charge will be filed before the Oral Court (a panel of three judges), which will decide whether the case will proceed. The judicial phase may take months or even years to complete; however, as a rule, the child or adolescent victim or witness will give special testimony only at the beginning of the investigation.

FLOWCHART

It bears mentioning that the room with two-way mirrors visited by this research team, which is located at the court of Lomas de Zamora, in the province of Buenos Aires, was totally equipped with technical supports, such as a video camera, mixing equipment, microphones, audio, television, and cables necessary to make an audiovisual recording of the testimony.

⁶ Rozanski, C. A. (2005). A menina abusada diante da justiça. In: J. R. Volnovich (Org.), *Abuso sexual na infância* (pp. 110-111). Rio de Janeiro: Lacerda Editores.

Here is a step-by-step explanation of the criminal court procedure in Argentina:



The Public Prosecutor's Office has also been making increasing use of a room with two-way mirrors allocated exclusively to take testimony from victims and witnesses of sexual crimes in the Autonomous City of Buenos Aires, Federal Capital. It is located at the Unidad Fiscal para la Investigación de Delitos Contra la Integridad Sexual, Trata de Personas y Prostitución Infantil (Ufisex) [Unit of the Prosecutor's Office for the Investigation of Crimes Against the Sexual Integrity, Human Trafficking and Child Prostitution], which was created in February 2007 as the result of a cooperation agreement between the Public Prosecutor's Office of the Republic of Argentina and the government of the Autonomous City of Buenos Aires.

Because it is a unit of the Public Prosecutor's Office specialized in sexual crimes and the abuse of children, Ufisex has gained a strategic position in confronting sexual violence against children and adolescents. Since it was implemented, there have been more reports of crimes and more guilty verdicts, although this has not yet been shown through statistics. According to Ufisex's experience, false reports do not usually go forward and the tests generally show whether what was said is true, as well as the profile of a probable sexual aggressor. The Office of the Prosecutor General of Argentina also has a department to provide full assistance to the victims of crimes.

THE METHOD USED IN ARGENTINA: THE DYNAMIC OF TAKING TESTIMONY IN A ROOM WITH TWO-WAY MIRRORS

In Argentina, psychology is increasingly adding scientific value to its role in helping the courts, with it being the responsibility of the judges to make a decision. In his or her activity as an expert, the so-called "forensic" psychologist must be capable of facilitating the dialogue between the child or adolescent victim or witness of violence, the judge, and the parties in such a way as to offer answers for the understanding of questions that, often, go beyond the law.

The forensic interviews are conducted by psychologists only and follow the guidelines of the protocol for taking testimony from people younger than 16 years old, who are the victims of sexual abuse, which states the criteria to be adopted by the professionals. The protocol says that taking testimony from the victim will imply a guarantee that all necessary care will be taken to protect the child or adolescent, avoiding his or her revictimization. It also says that the testimony must be taken by a properly educated professional who has been specifically trained for this purpose. The professional's education must include theoretical aspects regarding sexual offenses, abuse and categories of knowledge about the development of children, psychology, language, communication, and aspects of the management of procedural rules regarding crimes against sexual integrity.

According to Intebi (2008, p. 25),⁷ “[...] often the work of diagnosis is similar to the work of an investigator who follows various clues (indicators) to obtain a view that is as close as possible to what actually occurred”. Thus, for a psychologist to be qualified to carry out his or her task as a court-appointed expert, it is considered fundamental that he or she have and articulate basic knowledge of legal psychology and cognitive/investigatory exploration techniques.

At the time of the hearing/interview, in general the child or adolescent victim or witness and the psychologist responsible for the case are in the observation room. The psychologist generally seeks to ask open questions, and in exceptional cases uses closed and hypothetical questions. On the other side of the mirror, in the room for the court participants, are the prosecutor, the attorney *ad litem* for the child, in some cases, the defense attorney, and sometimes, though not as a rule, the judge. The interview is formal in nature. There is no audio link with the psychologist, who interrupts the interview two or three times to go to the room on the other side of the mirror to find out what questions the parties wish him or her to ask (prosecutor, attorney *ad litem* for the child, and defense attorney).

The investigatory strategy in taking the testimony is up to the psychologist, who talks to the witness in a gentle voice, slowly, taking into consideration the witness’s cultural differences and stage of development. The first questions are generally more generic, until the more concrete questions that are of interest in the case are reached, seeking to validate a suspicion of sexual abuse. If the interview is long, the psychologist seeks to decrease the child or adolescent victim or witness’s level of fear and anxiousness, making positive comments and telling the witness whether his or her presence will be required again or whether this testimony will be his or her last participation in the court case.

Once all of the parties’ doubts have been clarified (prosecutor, attorney *ad litem* for the child, and defense attorney), the interview is concluded with a request that a family member who is accompanying the child giving testimony enter the room, so that necessary guidance, such as a recommendation to see a psychologist, can be given. After the interview is recorded, the child or adolescent does not need to give further testimony unless the case goes to trial and the testimony is not admitted as evidence on the basis of well-founded arguments by the defense, in which case the child or adolescent will be called to testify again.

⁷ Intebi, I. V. (2008). *Valoración de sospechas de abuso sexual infantil*. Colección Documentos técnicos. Santander: Gobierno de Cantabria.

ADVANTAGES AND DISADVANTAGES

The program conducted using forensic professionals in rooms with two-way mirrors has been described by Argentine specialists as still being the best alternative to take testimony from children and adolescents in court proceedings. Sexual abuse is being ever more frequently reported in the Autonomous City of Buenos Aires and, in four years, this type of accusation has increased by 60%.

Among the main advantages and disadvantages of this method, Alicia Ganduglia (apud Volnovich, 2005, p. 42-43)⁸ emphasizes:

ADVANTAGES:

- Strict recording of the interview;
- Visual record of the gestures and facial expressions that accompany the child's words;
- Visual and oral record that can be reviewed much later by other professionals;
- Reduction in the number of interviews by other professionals;
- Form of continuous training for the interviewers;
- Effective help to make defendants admit their guilt;
- Instrument that helps the non-offending or offending family member understand what did and did not happen.

DISADVANTAGES:

- The process is intrusive and the child could feel inhibited from revealing information;
- The logistical complications of obtaining an appropriate technical team and a special room;
- The technical quality of the videos is generally very poor;
- Information can frequently be lost because of equipment failure;
- The filmed interview can be used to leave the child exposed;

⁸ Volnovich, J. R. (2005). Abuso sexual de crianças pequenas: da suspeita à validação. In: J. R. Volnovich (Ed.), *Abuso sexual na infância* (pp. 33-56). Rio de Janeiro: Lacerda Editores.

- The interviewer's technique can become more central to the case than the suspicion of sexual abuse;
- The video could fall into the wrong hands (sensationalist media);
- Its use inhibits conducting more than one interview because of the idea that "everything has already been seen" in a single interview.

One of the aspects considered essential to guarantee the rights of the child or adolescent victim or witness concerns the importance of having a general protocol regarding the main procedures, levels, and protection mechanisms. The specialists interviewed by the team conducting this survey stated that, once a protocol is defined and approved, the main difficulties are minimized.

Another question that is considered sensitive refers to the need to invest in training a professional in the real possibilities of working with the question of child subjectivity in relation to the judicial apparatus. In this regard, the psychologist should work as the main adviser in the process of validating the suspicions of sexual abuse because he or she is a professional scientifically qualified to understand this subjectivity, so long as he or she is a child psychologist. In some cases, it can be any professional who has knowledge about questions of abuse and sexual violence, so long as he or she is advised by a specialist in psychology.

However, even though the absolutely necessary character of the training for the psychologists responsible for taking special testimony with specific knowledge relative to the dynamics of abuse, sexual violence, and experience in work as a court expert is considered essential, day-to-day practice shows that this training is usually autodidactic in nature. There has been much talk about educating and training the agents involved, but the action in this regard continues to be sporadic and incipient. Among some of the courses registered, the following stand out: those about crime against the sexual integrity of children and adolescents, forensic interviews in rooms with two-way mirrors, and some on victimology.

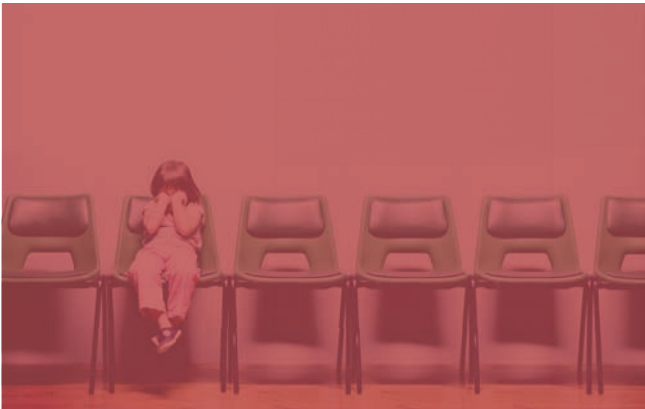
MONITORING AND EVALUATION

According to the specialists interviewed by the team conducting this survey, currently, the abuse of children and adolescents in Argentina is not systematically monitored, which causes serious difficulties in centralizing the data. This fact is mainly due to the absence of specific protocols for such centralization which, since 1994, is contained in the Family Violence Law applied in the Federal Capital, but which was never put into effect. As to the evaluation of the work of intervention in rooms with two-way mirrors that has been done, it was emphasized that this tool has not yet been generalized throughout Argentina. It is effectively used in Buenos Aires, Federal Capital, and its adoption has been making progress in other provinces and jurisdictions, but the time that has passed since these rooms began being used is still too short to evaluate their performance in various aspects.

PHOTOS - ARGENTINA



Two-way mirror room, at the Unidad Fiscal para la Investigación de Delitos Contra la Integridad Sexual y Prostitución Infantil (Ufisex) [Unit of the Prosecutor's Office for the Investigation of Crimes Against the Sexual Integrity, Human Trafficking and Child Prostitution], Autonomous City of Buenos Aires, Federal Capital, Argentina.



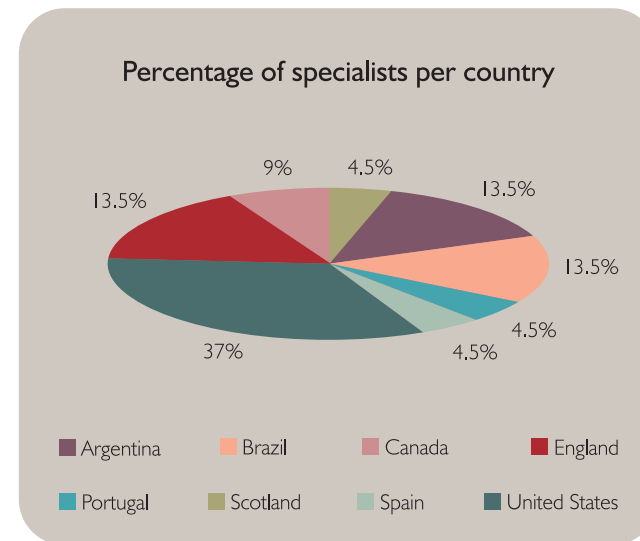
A photograph of four empty, light-colored plastic chairs arranged in a row against a solid red wall. The chairs have a simple, modern design with a curved backrest and a seat. The floor is a light-colored wood or laminate. The entire image is overlaid with a semi-transparent red filter.

Section IV

Source guide:
Specialists and researchers



We believe that sharing existing knowledge is the only way to achieve quality in implementing new programs. This guide is therefore an instrument to provide readers with information about researchers and specialists who work directly with taking special testimony from children and adolescents. Here the readers will find the names of some of those who are producing knowledge about subjects such as: the social victimization of children and adolescents and institutional revictimization; the victimization of children and adolescents from the perspective of justice; the testimony from children and adolescents victims of sexual violence in court cases; the forensic practice in the development of listening techniques and expert investigation technologies; the forensic method applied by psychologists in listening to children and adolescents; the discussion concerning child/adolescent memories and factors that influence false and/or hidden and suggestible memories; the validation of the testimony from children and adolescents about sexual violence (abuse and sexual exploitation); and the main Brazilian and international legal basis for the defense and guarantee of the rights of children and adolescents.



The guide contains the names of 22 specialists from eight countries: Argentina, Brazil, Canada, England, Portugal, Scotland, Spain, and the United States. This study shows a geographic concentration of specialists in the United States (37%), Argentina (13.5%), Brazil (13.5%), and England (13.5%), whereas the other four countries together have 22.5% of the total. It bears noting that all the information included in this guide was collected from public documents, directly from the authors, and/or from universities and websites. The information organized is in alphabetical order according to the name of the specialist, providing the subjects in which the specialist is an expert, his or her main publications, and contact information.

ALICIA GANDUGLIA

- Background** Child-juvenile clinical psychologist, a former resident at the Ricardo Gutiérrez Children's Hospital in Buenos Aires and a former member of the inter-consulting group at that hospital.
- Expert in** Mistreatment of children; child abuse.
- Activities** Lecturer in the Department of Psychoanalysis at the French School II of the Universidad de Buenos Aires, psychologist at the Mistreatment of Children Assistance Program within the Department for Women of the City of Buenos Aires.
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aliciaganduglia@gmail.com
- Selected titles on the subject**
(publications, scientific articles, books, chapters)
- Ganduglia, A. (1995). *En los bordes de la clínica Psicoanalítica: el abuso sexual infantil. El psicoanálisis y la subjetividad de nuestros días. Encuentro teórico - clínico*. Buenos Aires: Ateneo Psicanalítico.
 - Ganduglia, A. (2001). Maltrato infanto juvenil. *Revista Propuesta*, 4.
 - Ganduglia, A. (2003). El backlash: un nuevo factor de riesgo. In: S. Lamberti (Ed.), *Maltrato infantil. Riesgos del compromiso profesional*, Buenos Aires: Editorial Universidad.

ALISON CUNNINGHAM & PAMELA HURLEY (THE CHILD WITNESS PROJECT)

Background

Alison Cunningham, M.A. (Crim.) – Specialist in ethical matters; ways of helping people who are vulnerable and marginalized; methodologies for the production of better evidence; child protection; mediation; children who are victims of sexual abuse.

Pamela Hurley, M.Ed. (The Child Witness Project) – Specialist in matters related to child victims/witnesses. Involved with clinical and investigatory work and the development of resources on this topic for the justice system.

Expert in

Child witnesses and their preparation to go to court; taking testimony from children in court; revictimization; individual evaluation of children; methods to assist the understanding of child victims who are witnesses and their concerns about the judicial process; in-depth interview with the parents; standardized psychometric tests; stress reduction for children and cognitive restructuring.

Activities

Alison Cunningham – Director of Research and Planning for the Centre for Children and Families in the Justice System.

Pamela Hurley – Director of The Child Witness Project.

The Child Witness Project offers: preparatory services for children and adolescents; helping children at the taking of testimony testifying it outside of the courtroom (e.g. CCTV); witness and video recorded evidence; preparation of indicators; expert and testimony; provision of forensic evidence and competence of the child testimony; technological testimony (e.g. CCTV), related to questions of memory and suggestibility; opinions on the impact of the victimization according to protocol guidelines; support to reduce stress for parents/family members of child witnesses; full defense of and advice to child witnesses within the justice system; participation in the child victim/witness network; manuals for training police officers; support for young people in providing evidence in court; help for courts in taking the testimony of children; improvement of an innovative quality service model, capable of identifying the particular needs of each young person; legal advice for young people on matters such as giving testimony, support, and referrals to appropriate services.

ALISON CUNNINGHAM & PAMELA HURLEY (THE CHILD WITNESS PROJECT)

Contact

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e-mail: alison.cunningham@lfcc.on.ca / pamela.hurley@lfcc.on.ca / info@lfcc.on.ca
www.lfcc.on.ca/cwp.htm

Selected titles on the subject (publications, scientific articles, books, chapters)

- Manuals for training court employees, prosecutors, victim support personnel, judges and others. Seeks to develop specific abilities for the understanding and proposition of solutions for the needs of child witnesses in court.
- Cunningham, A., & Hurley, P. (2007). *A full and candid account: Using special accommodations and testimonial aids to facilitate the testimony of children. Overview of issues related to child testimony*. Book 1. Ontario: Centre for Children and Families in the Justice System. Available at: <http://www.lfcc.on.ca/1_Overview.pdf>.
- Cunningham, A., & Hurley, P. (2007). *A full and candid account: Using special accommodations and testimonial aids to facilitate the testimony of children. Testimony outside the courtroom*. Book 2. Ontario: Centre for Children and Families in the Justice System. Available at: <http://www.lfcc.on.ca/2_OutsideCourtroom.pdf>.
- Cunningham, A., & Hurley, P. (2007). *A full and candid account: Using special accommodations and testimonial aids to facilitate the testimony of children. Video recorded evidence*. Book 4. Ontario: Centre for Children and Families in the Justice System. Available at: <http://www.lfcc.on.ca/4_VideorecordedEvidence.pdf>.

AMINA MEMON

Background

B.A. and PhD in psychology; specialist in social and cognitive psychology.

Expert in

Investigatory interviews of child witnesses; police interviews; performance of elderly witnesses; social memory and cognition; therapy.

Activities

Professor of Psychology at the University of Aberdeen, Scotland, United Kingdom. Professor in the Psychology Department at the University of Southampton, United Kingdom. Member of the British Psychological Society. Her research is internationally recognized (Australia, Brazil, New Zealand, United States, and Sweden). She has received prizes and research grants from the Economic and Social Research Council, the National Science Foundation, the Nuffield Foundation, and others.

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Gabbert, F., Memon, A., Allan, K., & Wright, D. (2004). Say it to my face: examining the effects of socially encountered misinformation. *Legal and Criminological Psychology*, 9, 215-227.
- Hafstad, G., Memon, A., & Logie, R. (2004). The effects of post-identification feedback on children's memory. *Applied Cognitive Psychology*, 18, 901-912.
- Memon, A. & Bull, R. (Eds.), (1999). *Handbook of the psychology of interviewing*. Chichester: Wiley.
- Memon, A., & Gabbert, F. (2003). Improving the identification accuracy of senior witnesses: do pre-lineup questions and sequential testing help? *Journal of Applied Psychology*, 88(2), 341-347.
- Memon, A., & Gabbert, F. (2003). Unravelling the effects of a sequential lineup. *Applied Cognitive Psychology*, 6, 703-714.
- Memon, A., Hope, L., & Bull, R. H. C. (2003). Exposure duration: effects on eyewitness accuracy and confidence. *British Journal of Psychology*, 94, 339-354.
- Memon, A., Vrij, A., & Bull, R. (2003). *Psychology & law: truthfulness, accuracy and credibility of victims, witnesses, and suspects*. (2nd ed.) Chichester: Wiley.

BRIAN R. CLIFFORD

Background

B.A. in psychology from the London University (1974), MSc in artificial intelligence and natural language process from the Brunel University (1987), and PhD in sentence processing from the Birkbeck College, University of London (1990).

Expert in

Applied memory; eyewitness testimony; cognitive interview techniques; investigatory interviews; forensic psychology; Professor Emeritus at the University of East London and Research Professor at the University of Aberdeen.

Activities

Supervises postdoctoral students at both the University of East London and the University of Aberdeen.

Contact

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Clifford, B. R. (2002). Methodological issues in the study of children's testimony. In H. Wescott, G. Davies, & R. Bull (Eds.), *Children's testimony in context* (pp. 331-344). Chichester: Wiley.
- Clifford, B. R. (2002). Methodology. Law's adopting of and adapting to psychology's methods and findings. In D. Carson, & R. Bull (Eds.), *Handbook of psychology in legal contexts*. (2nd ed.). Chichester: Wiley.
- Clifford, B. R. (2003). *Forensic psychology*. In R. Bayne & I. E. Horton (Eds.), *Applied psychology: Current issues and new directions*. London: Sage.
- Clifford, B. R. (2003). Law's adaption and adoption of psychology's methodology and findings. In D. Carson & R. H. C. Bull (Eds.), *Handbook of psychology in legal contexts* (2nd ed.). Chichester: Wiley.

BRIAN R. CLIFFORD

- Clifford, B. R. (2003). The verbal overshadowing effect: in search of a chimera. In M. Vanderhallen, G. Vervaeke, P. J. van Koppen, & J. Goethals (Eds.), *Much ado about crime: Chapters on psychology and law* (pp. 151-161). Brussels: Politeia.
- Clifford, B. R. (2007). Reasoning and decision making in legal contexts. In *Forensic psychology M.Sc. Distance learning handbook*. Leicester: Leicester University.
- Clifford, B. R. (2008). The role of the expert witness. In G. Davies, C. Hollin, & R. Bull (Eds.), *Forensic psychology*. Chichester: Wiley.
- Clifford, B. R., Butterworth, G., & Siegal, M. (2003). Mental models or fragments of knowledge? Children's understanding of the earth in a multicultural community. *Developmental Science*, 6(1), 72-85.
- Emmett, D., & Clifford, B. R. (2003). The effect of field dependence and independence on recall and recognition. In M. Vanderhallen, G. Vervaeke, P. J. van Koppen, & J. Goethals (Eds.), *Much ado about crime: Chapters on psychology and law* (pp. 125-131). Brussels: Politeia.
- Emmett, D., Clifford, B. R., & Gwyer, P. (2003). The influence of field dependency on eyewitness accuracy in free and cued recall. In M. Vanderhallen, G. Vervaeke, P. J. van Koppen, & J. Goethals (Eds.), *Much ado about crime: Chapters on psychology and law*. Brussels: Politeia.
- Emmett, D., Clifford, B. R., Young, K., & Potton, A. (2004). The use of a computer presented virtual license plate to improve eyewitness accuracy in the recall of licence plate details. In A. Czerederacka, R. Jaskiewicz-Obydzinska, R. Roesch, & J. Wojcikiewicz (Eds.), *Forensic psychology and law: Facing the challenges of a changing world* (pp. 125-139). Krakow: IFR Publishers.
- Nobes, G., Moore, D., Martin, A., Clifford, B. R., Butterworth, & G. Siegal, M. (2003). Mental models or fragments of knowledge? Children's understanding of the earth in a multicultural community. *Developmental Science*, 6(1), 72-85.
- Ridley, A. M., Clifford, B. R., & Keogh, E. (2002). The effects of state anxiety on the suggestibility and accuracy of child eyewitnesses. *Applied Cognitive Psychology*, 16(5), 547-558.

CARLOS ROZANSKI

Background Lawyer and judge at the Federal Court since 2001, currently Chief Judge of the Federal Criminal Oral Court no. I of La Plata, province of Buenos Aires, Argentina.

Expert in Lecturer since 1998, in Argentina and abroad, regarding judicial activity, child mistreatment and sexual abuse, family violence, and political corruption. He has been working without interruption, since 1998 to the present, in training judges, prosecutors, and professionals in general in human rights, child mistreatment, and abuse in Argentina, Uruguay, Bolivia, Paraguay, and Honduras.

Activities From 1992 to July 20, 2001, Judge of the First Criminal Court of São Carlos de Bariloche (Rio Negro Province, Argentina); Chief Judge of the First Criminal Court in São Carlos de Bariloche (1998); Chief Judge of the Criminal Superintendency Court for the Third Judicial District of Rio Negro Province (1998); Chief Judge of the General Superintendency Court for the Third Judicial District of Rio Negro Province (1998); Member of the Judicial Council of Rio Negro Province (1998); Founding Member of the Asociación Argentina de Prevención del Maltrato Infanto-Juvenil Argentine (ASAPMI) [Association for the Prevention of Child-Juvenile Mistreatment]; Founding Member of the Foro para la Justicia Democrática (Fojude) [Forum for Democratic Justice]; Honorary Member of the Association Against Child Mistreatment in Bogotá, Colombia; Graduate lecture in the Psychology Department, Universidade Nacional de Buenos Aires in the family violence and child sexual abuse specialization; Lecturer at Universidade Nacional de Mar Del Plata (Argentina) in child sexual abuse; Lecturer at Universidad Nacional de La Matanza (Argentina) in child sexual abuse.

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Selected titles on the subject (publications, scientific articles, books, chapters)

- Author of the text of Law 25852, which reformed the Argentine Civil Procedure Code and governs the taking of special testimony from child/adolescent victims of sexual abuse at police stations and in court.
- Coauthor of the books *Abuso sexual en la infancia*; *Evaluando acciones: impulsando proyectos*; *Abuso sexual en la infancia: el que hacer y la ética*; *Maltrato infantil: Riesgos del compromiso profesional*; *Violencia familiar, Abuso sexual y malos tratos contra niños, niñas y adolescentes*.
- Rozanski, C. A. (2003). *Abuso sexual infantil. ¿Denunciar o silenciar?* Buenos Aires: Ediciones B. Summit.
- Rozanski, C. A. (2005). A menina abusada diante da justiça. In J. R Valnovich (Ed.), *Abuso sexual na infância* (pp. 91-115). Rio de Janeiro: Lacerda Editores.

GAIL GOODMAN

Background

PhD from the University of California, Los Angeles

Expert in

Perception; cognition and cognitive neuroscience. These subjects are divided into two major areas: development of memory and abilities and experiences of child victims as witnesses. In the field of memory, her work explores theoretical questions regarding the relationship between trauma and memory, attachment and memory, implicit and explicit memory, semantic memory, as well as the relationship between emotion and memory. As to victims/witnesses, she centers on the child's capacity to testify about events he or she has gone through or witnessed, especially those related to the psychological effects of testimony in the court environment.

Activities

Distinguished Professor in the Psychology Department at the University of California, Davis, she teaches the following disciplines: psychology and law; research applied to psychology; themes in developmental psychology. Current Director of the Center for Public Policy Research at the University of California, Davis; Consultant at the Special Criminal Evaluation Center (formally Multidisciplinary Interview Center), Sacramento County, Child Protection Services; Professor of Forensic Psychology at the University of Oslo, Norway 1996-2004; Member of the Society for Research in Child Development; American Professional Society on the Abuse of Children (APSAC); Founding member of the International Society for Prevention of Child Abuse and Neglect.

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Selected titles on the subject

(publications, scientific
articles, books,
chapters)

- Goodman, G. S. (1984). Children's testimony in historical perspective. *Journal of Social Issues*, 40, 2-32.
- Goodman, G. S. (1984). The child witness: Conclusions and future directions for research and legal practice. *Journal of Social Issues*, 40, 157-175.
- Goodman, G. S., & Bottoms, B. L. (Eds.), (1993). *Child victims, child witnesses. Understanding and improving testimony*. New York: Guilford.
- Goodman, G. S., Golding, J. M., & Haith, M. M., (1984). Jurors' reaction to child witnesses. *Journal of Social Issues*, 40, 139-156.
- Goodman, G. S., Golding, J. M., Hegelson, V. S., Haith, M. M., & Michellie, J. (1987). When a child takes the stand: Jurors' perceptions of children's eyewitness testimony. *Law and Human Behavior*, 11, 27-40.
- Goodman, G. S., & Hahn, A. (1987). Evaluating eyewitness testimony in adults and children. In I. E. Weiner & A. K. Hess (Eds.), *Handbook of forensic psychology* (pp. 258-292). New York: John Wiley & Sons.
- Goodman, G. S., & Hahn, A. (1987). Evaluating eyewitness testimony in adults and children. In I. E. Weiner & A. K. Hess (Eds.), *Handbook of forensic psychology* (pp. 258-292). New York: John Wiley & Sons.
- Goodman, G. S., & Helgeson, V. S. (1985). *Child sexual assault: children's memory and the law*. Denver: University of Denver.
- Goodman, G. S., Hepps, D. H., & Reed, R. S. (1986). The child victim's testimony. In A. Haralamic (Ed.), *New issues for child advocates* (pp. 167-176). Phoenix: Arizona Council of Attorneys for Children.
- Goodman, G. S., & Lloyd, D. W. (1988). The child witness: evaluation and preparation. In D. C. Bross, R. D. Krugman, M. R. Lenherr, D. A. Rosenberg, & B. Schmitt (Eds.), *The new child protection team handbook* (pp. 414-441). New York: Garland.
- Goodman, G. S., & Rosenberg, M. S. (1987). The child witness to family violence: clinical and legal considerations. In D. J. Sonkin (Ed.), *Domestic violence on trial* (pp. 97-126). New York: Springer.

IRENE INTEBI

Background

B.A. in psychology with a clinical orientation from the Universidad Nacional de Buenos Aires (Argentina) and child and adolescent psychiatrist.

Expert in

She has experience in the investigation process, evaluation and intervention in cases of child protection and sexual abuse. From a clinical viewpoint, she deals both with the victims who suffer mistreatment and sexual abuse and with the aggressors (adults and adolescents), using an individual, familial, and group focus. She also works intensively at an international level as a trainer for professionals from various disciplines in child protection in both developed and developing countries. She has worked and directed various interdisciplinary programs for public services and volunteers in Latin America and Europe. She has been working with child mistreatment and abandonment in the areas of prevention, treatment, and interdisciplinary training since 1985.

Activities

Child-juvenile psychiatry, she was the coordinator for the Area for the Mistreatment of Children of the General Directorate for Women of the government of the city of Buenos Aires (Argentina) from 1993 to 2006. Member of the Executive Committee of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) since 1998. She was responsible for the Education, Training and Resources Area (2000-2008). She was recently elected president of ISPCAN for 2010-2012. Co-director of ISPCAN's International Training Project (PROCAPI/ITPI) since 2000 and Director of ISPCAN's International Training Project (PROCAPI) in Argentina, conducted in the Chubut Province from 2000 to 2004, she is currently the co-director of professionals in Chubut Province. In Spain, she is responsible for the clinical area of the Dartingtoni Association and a clinical consultant to the Arbutz Association, where she is technical director for the Full Attention for Children and Adolescents with Risky Sexual Conduct Project (Municipality of Pasaia, Guipúzcoa). In 2007, she was responsible for the clinical supervision of the Regional Childhood and Adolescents Groups (EZIA) of Guipúzcoa (Basque Country). She is also responsible for training professionals of the Services for Attention to Childhood, Adolescence and Family and the Territorial Groups for Infancy and Family of the Government of Cantabria (from 2006 to the present).

IRENE INTEBI

Contacts

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Intebi, I. (1996). *Abuso sexual infantil en las mejores familias*. Buenos Aires: Editorial Granica.
- Intebi, I. (2008). *Valoración de sospechas de abusos sexual infantil*. Colección Documentos técnicos. Santander: Gobierno de Cantabria.
- Intebi, I., & Arruabarrena, M. A. (2006). *La protección infantil: I papel de la escuela*. Pamplona: Gobierno de Navarra.
- Intebi, I., & Arruabarrena, M. A. (2006). *Nuestro compromiso como padres y madres: Consejos sobre cómo ejercer nuestra función de protección con responsabilidad*. Pamplona: Gobierno de Navarra.
- Intebi, I., & Osnajanski, N. (2003). *Maltrato de niños, niñas y adolescentes. Familias del nuevo siglo*. Buenos Aires: ISPCAN.

JOHN BRIERE

Background

Professor, PhD from the Manitoba University.

Expert in

Victims of violence; psychological trauma; sexual abuse; posttraumatic states; psychological evaluation.

Activities

Member of the American Association for the Advancement of Science; member of the American Psychological Association; member of the International Society for Traumatic Stress Studies; member of the Professional Society on the Abuse of Children.

Contact

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JOHN BRIERE

Selected titles on the subject
(publications, scientific articles,
books, chapters)

- Briere, J. (1992). *Child abuse trauma: theory and treatment of the lasting effects*. Newbury Park: Sage Publications.
- Briere, J. (1992). Methodological issues in the study of sexual abuse effects. *Journal of Consulting and Clinical Psychology*, 60, 196-203.
- Briere, J. (1996). *Therapy for adults molested as children* (2nd ed). New York: Springer Publishing.
- Briere, J. (1997). *Psychological assessment of adult posttraumatic states*. Washington, D.C.: American Psychological Association.
- Briere, J. (2004). *Psychological assessment of adult posttraumatic states: Phenomenology, diagnosis, and measurement* (2nd ed.). Washington, D.C.: American Psychological Association.
- Briere, J., & Elliott, D. M. (1993). Sexual abuse, family environment, and psychological symptoms: On the validity of statistical control. *Journal of Consulting and Clinical Psychology*, 61, 284-288.
- Briere, J., & Scott, C. (2006). *Principles of trauma therapy: A guide to symptoms, evaluation, and treatment*. Thousand Oaks: Sage Publications.
- Lanktree, C. B. & Briere, J. (2008). *Integrative treatment of complex trauma for children (ITCT-C): A guide for the treatment of multiply-traumatized children aged eight to twelve years*. Long Beach: MCAVIC-USC, National Child Traumatic Stress Network. Available at: <[http://www.johnbriere.com/Child%20Trauma%20Tx%20Manual%20\(LC%20PDF\).pdf](http://www.johnbriere.com/Child%20Trauma%20Tx%20Manual%20(LC%20PDF).pdf)>.

JOSÉ ANTÔNIO DALTOÉ CEZAR

- Background** Judge in the state of Rio Grande do Sul, Brazil since 1988; graduate specialization in child and adolescent law at Fundação Superior Escola do Ministério Público do Rio Grande do Sul [Higher School Foundation of the Attorney General's Office for the State of Rio Grande do Sul].
- Expert in** Matters concerning human rights, especially in regard to children and adolescents; the right to live in a family and community, to education, to health care, to a normal and healthy sexual development; adoption; family power; domestic violence.
- Activities** Children and Youth Judge in Porto Alegre, state of Rio Grande do Sul, Brazil
- Contact** Poder Judiciário da Comarca de Porto Alegre
2º Juizado da Infância e da Juventude
José Antônio Daltoé Cezar, Juiz da Infância e da Juventude
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- Selected titles on the subject**
(publications, scientific articles, books, chapters)
- Cezar, J. A. D. (2007). A criança vítima de abuso sexual pode ser inquirida em juízo de forma humanizada? In A. C. Oliveira, & N. C. B. Fernandes. (Orgs.). *Violências contra crianças e adolescentes: Redes de proteção e responsabilização* (pp. 55-71). Rio de Janeiro: Nova Pesquisa e Assessoria em Educação.
 - Cezar, J. A. D. (2007). *Depoimento sem dano: Uma alternativa para inquirir crianças e adolescentes nos processos judiciais*. Porto Alegre: Livraria do Advogado.
 - Dias, M. B. (Coord.). (2007). *Incesto e alienação parental: Realidades que a justiça insiste em não ver*. São Paulo: Revista dos Tribunais.

JULIE CHERRYMAN

Background

Coordinating Professor in psychology, PhD in investigative interviews of suspects (2000).

Expert in

Forensic psychology; psychology and law; investigative police interviews of children and adult suspects; visual identification by witnesses and audio identification by witnesses; investigative interviews of vulnerable witnesses.

Activities

She teaches forensic psychology and child forensic study; advisor for research projects on these subjects; member of the International Centre for Forensic Psychology within the Department of Psychology.

Contact

International Centre for Research in Forensic Psychology
Department of Psychology
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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Bull, R., & Cherryman, J. (1996). *Helping to identify skills gaps in specialist investigative interviewing: Enhancement of professional skills*. London: Home Office.
- Cherryman, J. & Bull, R. (2000). Reflections on investigative interviewing. In F. Leishman, B. Loveday, & S. Savage (Eds.), *Core issues in policing* (2nd ed). London: Longman.
- Cherryman, J., & Bull, R., (2001). Police officers' perceptions of specialist investigative interviewing skills. *International Journal of Police Science and Management*, 3, 199-212.
- Cherryman, J., King, N., & Bull, R. (1999). Child witness investigative interviews: An analysis of the use of children's video recorded evidence in North Yorkshire. *International Journal of Police Science and Management*, 2, 50-56.

JULIE CHERRYMAN

- Philippon, A., Cherryman, J., Bull, R., & Vrij, A. (2007). Earwitness identification performance: the effect of language, target, deliberate strategies, and indirect measures. *Applied Cognitive Psychology, 21*, 539-550.
- Vrij, A., Mulder, M. R., & Cherryman, J. (1998). Explaining conversation rules as a method to reduce suggestibility of the child witness. In J. Boros, I. Munnich, & M. Szegedi (Eds.) *Psychology and criminal justice: International review of theory and practice*. New York: Walter de Gruyter.

KAREN J. SAYWITZ

Background

PhD from the University of Illinois, Master's from the University of Wisconsin, B.A. from the University of Michigan.

Expert in

Children and the justice system; preparation of children to testify in court; child abuse; communication abilities.

Activities

Director of Mental Health Research Services at University of California; professor in residence, Department of Psychiatric and Behavioral Sciences at University of California; former Director of Child and Adolescent Psychology at the University of California Medical Center; former President of the American Psychological Association's Child, Youth and Family Services Division; chairs the APA Interdivisional Task Force on Child and Adolescent Mental Health for the national crises in children's mental health highlighted in reports from the Clinton and Bush administrations; consultant for the US Department of Health and Human Services, US Department of Justice, State Justice Institute and the Office of Juvenile Justice and Delinquency Prevention; she has received grants from the US Department of Health and Human Services, National Center on Child Abuse and Neglect, and the US Department of Justice; 2003 winner of the Career Research Achievement Award from the American Professional Society on the Abuse of Children; 2006 winner of the Nicholas Hobbs Award for the Defense of Children from APA's Child, Youth and Family Services Division; received an award from the California Attorney General for her research and consulting in the areas of child abuse and neglect; she provides services to the National Judicial College.

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Selected titles on the subject (publications, scientific articles, books, chapters)

- Geiselman, R. E., & Saywitz, K. J. (1991). *Cognitive interview techniques for use with children as victims and witnesses of crime*. Paper presented at the Biennial Meeting of the Society for Research in Child Development, Seattle.
- Saywitz, K. J., Goodman G. S., Nicholas E., & Moan S. F. (1991). Children's memories of a physical examination involving genital touch: Implications for reports of child sexual abuse. *Journal of Consulting and Clinical Psychology, 59*, 682-691.
- Saywitz, K. J., Mannarino, A. P., Berliner, L., & Cohen, J. A. (2000). Treatment for sexually abused children and adolescents. *American Psychologist, 55*(9), 1040-1049.
- Saywitz, K. J., & Nathanson, R. (1993). Children's testimony and their perceptions of stress in and out of the courtroom. *Child Abuse & Neglect, 17*, 613-22.
- Saywitz, K. J., Nathanson, R., & Snyder, L. (1993). Credibility of child witnesses: The role of communicative competence. *Topics in Language Disorders, 13*, 59-78
- Saywitz, K. J., Snyder, L., & Lamphear, V. (1990). *Preparing child witnesses: The efficacy of memory strategy training*. Paper presented at the 98th Annual Convention of the American Psychological Association, Boston.

KRISTEN WEEDE ALEXANDER

- Background** PhD in investigative methods in human development and child cognitive development from the Department of Child Development at California State University in the United States.
- Expert in** Investigative methods in human development; cognitive development; child development; interviews with children; neglect and child abuse; guidelines for the identification, preparation of reports, and management of children in situations of abuse and neglect for hospitals, clinics, and healthcare professionals; emotion and memory; eyewitnesses; memory and emotion.
- Activities** Professor in the Department of Child Development, California State University, Sacramento, California, United States; member of the American Psychological Association; member of the Cognitive Development Society; member of the Society for Research in Child Development.
- Contact** Department of Child Development, California State University
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- Selected titles on the subject** (publications, scientific articles, books, chapters)
- Alexander, K. W., Redlich, A. D., Christian, P., & Goodman, G. S. (2003). Interviewing children. In M. Peterson, M. Durfee, & K. Coulter (Eds.), *Child abuse and neglect: Guidelines for the identification, reporting, and management of child abuse and neglect for hospitals, clinics, and health professionals*. Los Angeles: Volcano Press.
 - Edelstein, R. S., Alexander, K. W., Newton, J., & Goodman, G.S. (2004). Emotion and eyewitness memory. In D. Reisberg & P. Hertel (Eds.), *Memory and emotion* (pp. 308-346). London: Oxford University Press.
 - Edelstein, R. S., Alexander, K. W., Shaver, P. R., Schaaf, J. M., Quas, J. A., Lovas, G. S., & Goodman, G. S. (2004). Adult attachment style and parental responsiveness during a stressful event. *Attachment and Human Development*, 6, 31-52.
 - Goodman, G. S., Ghetti, S., Quas, J. A., Edelstein, R. S., Alexander, K. W., Redlich, A. D., Cordon, I. M., & Jones, D. (2003). A prospective study of memory for child sexual abuse: New findings relevant to the repressed memory controversy. *Psychological Science*, 14, 113-118.

LILIAN MINISLTSKY STEIN

Background

PhD in cognitive psychology (1994-1998), University of Arizona, Tucson, United States, title: Memory falsification in children: A developmental study of spontaneous and implanted false memories, year: 1998, advisor: Charles J. Brainerd, CNPq grant recipient; MSc in applied cognitive science (1987-1989), Ontario Institute for Studies In Education, OISE, Canada, title: The nature of mathematical problem solving: A comparison of learning disabled and normally achieving children, year: 1989, advisor: Linda Siegel, CAPES grant recipient; graduate specialization in school psychology (1984-1985), Pontifícia Universidade Católica do Rio Grande do Sul, Brazil; B.A. in psychology (1978-1983), Universidade Federal do Rio Grande do Sul, Brazil; research productivity grant recipient from CNPq-IC (2001 until the present moment).

Expert in

Witness psychology: studies of applied memory in the field of forensic psychology; cognitive interview: promoting human rights through investigative techniques for the hearing of witnesses and victims; education and training for professionals who conduct witness and victim interviews, whether during the investigation or at court, on the basis of scientific knowledge, investigative practices scientifically based on Cognitive Interviewing (CI).

Activities

Professor and researcher in the graduate psychology program at the Pontifícia Universidade Católica do Rio Grande do Sul; coordinator of the cognitive processes research group program at the Pontifícia Universidade Católica do Rio Grande do Sul, whose research focus centers on memory and its distortion processes applied to the field of witness psychology; coordinator of the training team on investigative techniques for the hearing of witnesses and victims.

LILIAN MILNITSKY STEIN

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Selected titles on the subject

(publications, scientific
articles, books,
chapters)

- Brainerd, C. J., Stein, L. M., Silveira, R. A. T., Rohenkohl, G., & Reyna, V. F. (2008). How does negative emotion cause false memories? *Psychological Science, 19*, 919-925.
- Nygaard, M. L. C., Feix, L. F., & Stein, L. M. (2006). Contribuições da psicologia cognitiva para a oitiva da testemunha: Avaliando a eficácia da entrevista cognitiva. *Revista Brasileira de Ciências Criminais, 61*, 147-180.
- Pisa, O., & Stein, L. M. (2006). Entrevista forense de crianças: Técnicas de inquirição e qualidade do testemunho. *Revista da Associação dos Juizes do Rio Grande do Sul, 23*, 217- 55.
- Pisa, O., & Stein, L. M. (2007). Abuso sexual infantil e a palavra da criança vítima: Pesquisa científica e a intervenção legal. *Revista dos Tribunais, 857*, 456-477.
- Stein, L. M., & Nygaard, M. L. (2003). A memória em julgamento: Uma análise cognitiva dos depoimentos testemunhais. *Revista Brasileira de Ciências Criminais, 11*, 151-164.
- Stein, L. M., & Memon, A. (2006). Testing the efficacy of the cognitive interview in a developing country. *Applied Cognitive Psychology, 20*, 597-605.

MAGGIE BRUCK

Background

B.A. in psychology from the Wheaton College, Massachusetts (1967), MSc (1969) and PhD in experimental psychology (1972) from the McGill University, Montreal, Canada.

Expert in

Developmental psychology with a primary interest in the field of memory and language in children developing normally and in children with developmental disorders and psychiatric disorders; development of children's memory.

Activities

Professor in the Psychology Department of McGill University, Montreal, Canada, associate professor of psychiatry at the Johns Hopkins Medical institute, in Baltimore, Maryland.

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Selected titles on the subject (publications, scientific articles, books, chapters)

- Bruck, M. (1982). Language impaired children's performance in an additive bilingual education program. *Applied Psycholinguistics*, 3, 45-60.
- Bruck, M., & Ceci, S. J. (2004) Forensic developmental psychology: Unveiling four scientific misconceptions. *Current Directions in Psychology*, 13, 229-232.
- Bruck, M., Ceci, S., & Francoeur, E. (1999). The accuracy of mothers' memories of conversations with their preschool children. *Journal of Experimental Psychology: Applied*, 5(1), 89-106.

MAGGIE BRUCK

- Bruck, M., Ceci, S. J., & Francoeur, E. (2000). Children's use of anatomically detailed dolls to report genital touching in a medical examination: Developmental and gender comparisons. *Journal of Experimental Psychology: Applied*, 6(1), 74-83.
- Bruck, M., & Genesee, F. (1995). Phonological awareness in young second language learners. *Journal of Child Language*, 22, 307-324.
- Bruck, M., Genesee, F., & Caravolas, M. (1997). A cross-linguistic study of early literacy acquisition. In B. Blachman (Ed.), *Foundations of reading acquisition and dyslexia: Implications for early intervention* (pp. 145-162). Mahwah: Erlbaum.
- Ceci, S., & Bruck, M. (1995). *Jeopardy in the courtroom: The scientific analysis of children's testimony*. Washington, DC: American Psychological Association.
- London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy and Law*, 11(1), 194-226.

MICHELLE McCAULEY

Background

PhD and MSc from the Florida International University; B.A. from the University of Iowa (1985).

Expert in

Child victims and witnesses; child memory; children and the justice system.

Activities

Associate professor of applied psychology; she has currently been developing a scale system to evaluate individual differences in a disposition for credibility in child witnesses.

Contacts

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Fisher, R. P., Brennan H. K., & McCauley, M. R. (2002). The cognitive interview. In M. Eisen, G. Goodman, & J. Quas (Eds.), *Memory and suggestibility in the forensic interview*. Mahwah: Lawrence Erlbaum Associates.
- Fisher, R. P., Chin, D., & McCauley, M. R. (1991). Enhancing eyewitness recollection with the cognitive interview. *National Police Unit Review*, 6, 3-12.
- Fisher, R. P., & McCauley, M. R. (1995a). Information retrieval: Interviewing witnesses. In N. Brewer, & C. Wilson (Eds.), *Policing and psychology* (pp. 81-99). Hillside: Lawrence Erlbaum Associates.
- Fisher, R. P., & McCauley, M. R. (1995b). Improving child eyewitness testimony with the cognitive interview. In M. Zaragoza, J. R. Graham, G. C. N. Hall, R. Hirshman, & Y. S. Ben-Porath (Eds.), *Memory and testimony in the child witness* (pp. 141-159). Thousand Oaks: Sage Publication.
- Fisher, R. P., McCauley, M. R., & Geiselman, R. E. (1994). Improving eyewitness testimony with the cognitive interview. In D. Ross, J. D. Reed, & M. Toglia (Eds.), *Adult eyewitness testimony: Current trends and developments*. London: Cambridge University Press.

MICHELLE McCAULEY

- Fisher, R. P., Mello, E. W., & McCauley, M. R. (1999). Are jurors' perceptions of eyewitness credibility affected by the cognitive interview? *Psychology, Crime and Law*, 5, 167-176.
- McCauley, M. R. (1996). Review of "Team investigation of child sexual abuse" by Donna Pence & Charles Wilson. *Criminal Justice Review*, 21, 280-282.
- McCauley, M. R., & Fisher, R. P. (1995a). Enhancing children's eyewitness testimony with the cognitive interview. In G. Davies, S. Lloyd-Bostock, M. McMurrin, & C. Wilson, (Eds.), *Psychology, law and criminal justice* (pp. 127-134). Berlin: DeGruyter.
- McCauley, M. R., & Fisher, R. P. (1995b). Facilitating children's recall with the revised cognitive interview. *Journal of Applied Psychology*, 80, 510-516.
- McCauley, M. R., & Parker, J. F. (2001). When will a child be believed? The impact of case, victim age and mock jurors' gender on children's credibility and verdict. *Child Abuse & Neglect*, 25, 523-539.
- McCauley, M. R., Schwartz-Kenney, B. M., Epstein, M. A., & Tucker, E. J. (2001). An overview of child abuse and neglect in the United States. In B. M. Schwartz-Kenney, M. R., McCauley, & M. A. Epstein, (Eds.), *Child abuse: A world view of social issues*. Abingdon: Greenwood Publishing.

MYRIAM HERRERA MORENO

Background

Professor of criminal law.

Expert in

Violence in violation: theoretical and victimological aspects.

Activities

Associate professor of criminal and procedural law, Universidad de Sevilla, Spain, research group: criminal and victimological studies, Subdirector of the Instituto Andaluz Interuniversitario de Criminología (IAIC).

Contact

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Selected titles on the subject

(publications, scientific
articles, books,
chapters)

- Moreno, M. H. (2001). La “conciliación menor-víctima” en el ámbito de la desviación juvenil: reflexiones en torno a su controvertida plasmación en la ley orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores. *Anuario de Justicia de Menores*, 1, 425-442.
- Moreno, M. H. (2002). Violencia en la violación. Aspectos dogmáticos y victimológicos. *Portal Noticias Jurídicas, Boletín Electrónico*, 168. Available at: <<http://noticias.juridicas.com/articulos/55-Derecho%20Penal/200206-p9561326510231761.html>>.
- Moreno, M. H. (2006). Historia de la victimología. In E. Baca, E. Echeburúa, & J. M. Tamarit (Coord.), *Manual de victimología* (Vol. I.) (pp. 51-74). Valencia: Tirant lo Blanch.
- Moreno, M. H. (2006). Rehabilitación y restablecimiento social. Valoración del potencial rehabilitador de la justicia restauradora desde planteamientos de teoría jurídica terapéutica. *Cuadernos de Derecho Judicial*, 14, 167-222.

PHILLIP ROBERT SHAVER

Background

B.A. in psychology from the Wesleyan University, 1966; PhD in social psychology from the University of Michigan, 1970

Expert in

Introductory psychology; personality; social psychology; emotions; close relationships; affective and social neuroscience.

Activities

Distinguished professor of psychology, University of California; 2002 winner of the Distinguished Career Award from the International Association for Relationship Research; member of these organizations: American Psychological Association, American Psychological Society, Association for Researching Personality, Society for Experimental Social Psychology, Society for the Psychological Study of Social Issues, International Society for Justice Research, International Society for Research on Emotions, International Association for Relationship Research.

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Athanasiou, R., Shaver, P. R., & Tavis, C. (1970). Results: sexual attitudes and behavior. *Psychology Today*, 4, 37-52.
- Caballero, C., Giles, P., & Shaver, P. R. (1975). Sex-role traditionalism and fear of success. *Sex Roles*, 1, 319-326.
- Geller, V., & Shaver, P. R. (1976). Cognitive consequences of self-awareness. *Journal of Experimental Social Psychology*, 12, 99-108.
- Shaver, P. R. (1972). Review of cognition and affect. *American Journal of Psychology*, 85, 297-299.

PHILLIP ROBERT SHAVER

- Shaver, P. R. (1973). Review of social psychology: an interdisciplinary approach to human behavior by L. Marlow and Principles and methods of social psychology by E. P. Hollander. *Contemporary Psychology*, 18, 228-229.
- Shaver, P. R. (1975). Alternative conceptions of personality. In K.W. Fischer, P. R. Shaver, & A. Lazerson (Eds.), *Psychology today: An introduction* (3rd ed.). Del Mar: CRM Books.
- Shaver, P. R. (1975). Emotional experience and expression. In K.W. Fischer, P. R. Shaver, & A. Lazerson (Eds.), *Psychology today: An introduction* (3rd ed.). Del Mar: CRM Books.
- Shaver, P. R. (1975). Motivation and action. In K.W. Fischer, P. R. Shaver, & A. Lazerson (Eds.), *Psychology today: An introduction* (3rd ed.). Del Mar: CRM Books.
- Shaver, P. R. (1975). Psychoanalytic theories of personality. In K.W. Fischer, P. R. Shaver, & A. Lazerson (Eds.), *Psychology today: An introduction* (3rd ed.). Del Mar: CRM Books.
- Shaver, P. R. (1975). Psychology and jury selection. In G. Lindzey, C. Hall, & R. F. Thompson (Eds.), *Psychology*. New York: Worth.
- Shaver, P. R. (1975). Two approaches to memory failure. In G. Lindzey, C. Hall, & R. F. Thompson (Eds.), *Psychology*. New York: Worth.
- Shaver, P. R., French, J. R. P., Jr., & Cobb, S. (1970). Birth order of medical students and the occupational ambitions of their parents. *International Journal of Psychology*, 5, 197-207.
- Shaver, P. R., Pierson, L., & Lang, S. (1975). Converging evidence for the functional significance of imagery in problem solving. *Cognition*, 3, 359-375.
- Schulman, J., Shaver, P. R., Colman, R., Emrich, B., & Christie, R. (1973). Jury selection for the Harrisburg Conspiracy Trial. *Psychology Today*, 6, 37-44, 77-84.
- Schulman, J., Shaver, P. R., Colman, R., Emrich, B., & Christie, R. (1974). Jury selection for the Harrisburg Conspiracy Trial. In C. H. Pritchett & W. F. Murphy (Eds.), *Courts, judges, and politics: An introduction to the judicial process*. New York: Random House, 1974.

STEPHEN J. CECI

Background

B.A. from the University of Delaware, MSc from the University of Pennsylvania, and PhD from the University of Exeter, England.

Expert in

Child testimony in court; sexual abuse; intelligence and memory.

Activities

Psychologist and Professor of Psychology at Cornell University; member of five national guidance committees: White House Task Force on Federal Funds for Child and Adolescent Research; National Science Foundation (Social, Economic and Behavioral Sciences); Canadian Institute for Advanced Research; Board of the National Academy of Social Sciences on Cognitive, Comportmental and Sensory Sciences; National Research Council, Strategic Educational Research and Planning Committee).

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Bruck, M. & Ceci, S. J. (in progress). *Double jeopardy: analysis of children's testimonial competence*. Washington, D.C.: American Psychological Association.
- Ceci, S. J. & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, D.C.: American Psychological Association.

TEREZA MAGALHÃES

Background

M.D. with a degree in forensic medicine, Porto, Portugal; PhD in medicine from the Medical School of the Universidade do Porto, Portugal; specialist in forensic medicine; course in evaluation of posttraumatic damage in civil law, Coimbra.

Expert in

Interviews with children who are the victims of sexual abuse; mistreatment of children; medical-legal aspect; intra-familial sexual abuse; information collection, physical and laboratory evidence; investigatory process; psychosocial reorganization of the victim.

Activities

Assistant professor at the Medical School of the Universidade do Porto; lecturer at the Institute of Forensic Medicine, Porto, Portugal; secretary general of the Forensic Medical Society of Portugal; oversight committee Member of the Portuguese Society for Forensic Medicine; director of the cooperative Mais Criança; member of the board of directors of the Forensic Medicine Specialty College of the Portuguese Medical Association; member of the Scientific Committee of the General Clinical Department of the Porto Medical School; member of the editorial board of Boletim de Medicina Legal e Toxicologia Forense; member of the Scientific Committee of Revista Portuguesa do Dano Corporal; alternate delegate to the European Council of Legal Medicine; founding member of the Associação Portuguesa de Avaliação do Dano Corporal; cooperative of professionals who work with at-risk children Mais Criança; Groupe International de Reflexion sur le Handicap; member of the following organizations: Sociedade Portuguesa de Medicina Legal; Sociedade Médico-Legal de Portugal; International Academy of Legal Medicine; Académie Internationale de Droit et de Santé Mentale; Sociedad Española de Medicina Legal y Forense; International Society for Prevention of Child Abuse and Neglect; Collectif de Recherches sur le Handicap et l'Éducation Spécialisée; educational work: Master's in forensic medicine (Universidade do Porto and Coimbra); upper-level course in forensic medicine (Porto); course in the evaluation of post-traumatic damage in civil law; course in the evaluation of bodily harm at the Universidade Lusíada (Porto); courses in psychology and dental medicine at the (North).

TEREZA MAGALHÃES

Contact

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Selected titles on the subject (publications, scientific articles, books, chapters)

- Costa, J. P., Sousa, M. J. C., Magalhães, T., & Ribeiro, C. (1998). Violence within the family. *Advances in Forensic Sciences*, 2, 291-294.
- Grams, A. C., Sousa, M. J. C., & Magalhães, T. (1995). Effects of violence against women in the family: two cases. *Advances in Forensic Sciences*, 2, 244-246.
- Magalhães, T. (1998). Maus tratos em menores. Aspectos médico-legais. *Boletim de Medicina Legal e Toxicologia Forense*, 12, 111-128.
- Magalhães, T., Carneiro de Sousa, M. J., Gomes da Silva, A., Pinto da Costa, D., Grams, A.C., Ribeiro, C., et al. (1998). Child sexual abuse. A preliminary study. *Journal of Clinical Forensic Medicine*, 5, 176-182.
- Magalhães, T. G. S. A., Sousa M. J. C., González, R., & Costa, J. P. (1998). La entrevista a niños víctimas de abuso sexual. Algunas sugerencias. *Boletín Galego de Medicina Legal*, 8, 37-42.
- Oliveira, J. B., Sousa, M. J. C., Santos, A., Magalhães, T., & Costa J. P. (1996). Violência familiar. Crimes contra a vida em jovens e crianças. *Boletim de Medicina Legal e Toxicologia Forense*, 10, 115-118.

TONY BUTLER

Background

B.A. from the University of Birmingham, joint degree in psychology and sociology, (1972-1975); Graduate work in psychology from the University of Birmingham (1975-1979); PhD in philosophy.

Expert in

Police social psychology; police organizational management; child protection within the police environment; sexual abuse and delinquents.

Activities

Independent consultant for the British Department of Foreign Affairs for child protection matters; Consultant for the British Council in a project dealing with family protection in Jordan; Associate member of the British Psychological Society; psychology expert; visiting professor in the Psychology Department of the University of Gloucestershire; member of the Royal Society of Arts; honorary member of the University of Gloucestershire; visiting professor at the Centre for Applied Psychology, University of Leicester; decorated in 1993 with the Queen's Police Medal for important services provided; became a CBE or Commander of the British Empire in 2000.

Contact

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Selected titles on the subject (publications, scientific articles, books, chapters)

- Butler, A. J. P. (1980). Police 'professionalism'; what do we mean? *Police*, 20-22.
- Butler, A. J. P. (1980). Strong arm of the law? *Police Review*, 1000.
- Butler, A. J. P. (1981) The development of change in police operations. *Police Review*, 2062-2064.
- Butler, A. J. P. (1982). *Racial attitudes among the police*. Paper presented at the British Sociological Society, Race and Ethnic Relations Group Conference, Birmingham.

TONY BUTLER

Selected titles on the subject

(publications, scientific articles, books, chapters)

- Butler, A. J. P. (1982). *An examination of the influence of training and work experience on the attitudes and perceptions of police constables*. Paper presented at the International Conference on Law and Psychology, Swansea.
- Butler, A. J. P. (1991). *Cautioning of young offenders*. Paper presented at the Association of Chief Officers of Probation conference on Youth Courts, London.
- Butler, A. J. P. (1992). Integrated criminal justice computing: A practitioner's perspective. In R. Scherpenzeel (Ed.), *Computerization of criminal justice information systems*. (Vol. II.) The Hague: Heuni. (Publications Series no. 20).
- Butler, A. J. P. (1993). *The video recording of child witness evidence: The police perspective*. Paper presented at the NSPCC Conference Is the Memorandum of Good Practice Working?, London.
- Butler, A. J. P. (1994). Juvenile delinquency: The reflections of practitioners - The police officer. *Deviance et Societe*, 18, 89-84.
- Butler, A. J. P. (1995). *Positive role for the police and their relationship with other statutory agencies*. Paper presented at the conference The future of children's services - Policing or caring, London.
- Butler, A. J. P. (1995). *The child witness*. Paper presented at the International Bar Association, 8th Biennial Conference, Edinburgh.
- Butler, A. J. P. (1996). Some current issues in child protection investigations. *Child Abuse Review*, 5, 15-17
- Butler, A. J. P. (1997). *The police perspective: how can we achieve justice for child victims?* Paper presented at the conference Cleveland ten years on: Child protection really matters?, National Council for Family Proceedings, London.

TONY BUTLER

Selected titles on the subject

(publications, scientific articles, books, chapters)

- Butler, A. J. P. (1997). *Tendencias, datos, medidas y problemas*. Paper presented at the III Conferencia para el Desarrollo Gerencial de los Cuadros Policiales del Mercosur, Bolivia y Chile, Montevideo.
- Butler, A. J. P. (1997). *The implementation of the Sex Offenders Act 1997 in Britain*. Paper presented at the First Conference on Combating Paedophile Information Networks in Europe, Dublin.
- Butler, A. J. P. (1998). *International coordination*. Paper presented at the conference ASEM-Action for Children, London.
- Butler, A. J. P. (1998). *Policia Comunitaria en Gran Bretana*. Paper presented at the Conferencia Sobre Policia Comunitaria, Buenos Aires.
- Butler, A. J. P. (2000). *Reducing the risks posed by sex offenders*. Paper presented at the conference ASEM Child Welfare Law Enforcement Agencies, Seoul.
- Butler, A. J. P., & Cochrane, R. (1977). An examination of some elements of the personalities of police officers and their implications. *Journal of Police Science and Administration*, 5, 441-450.
- Lester, D., Babcock, S. D., Cassisi, J. P., Genz, J. L., & Butler, A. J. P. (1980). The personalities of English and American police. *Journal of Social Psychology*, 111, 153-154.
- Manning, P. K., & Butler, A. J. P. (1982). Perceptions of police authority. *Police Journal*, 55, 333-334.

VELEDA DOBKE

Background

Law degree from the Universidade Federal de Pelotas, Rio Grande do Sul, Brazil, in 1979; became a judge in the state of Rio Grande do Sul in 1982, serving as a justice of the peace until 1984, when she joined the Rio Grande do Sul Attorney General's Office; graduate specialization in criminal procedure from the Escola Superior do Ministério Público, jointly with the Universidade Luterana do Brasil in 1999; graduate specialization in community health psychology from the Instituto de Psicologia at the Universidade Federal do Rio Grande do Sul.

Expert in

Questioning children who are victims of sexual abuse; child sexual abuse: concept, type, and dynamic of abuse; entry of the report of a child victim of sexual abuse as evidence; taking statements; procedural rules; court investigations; improvements of the justice system in dealing with cases of children who are victims of sexual violence.

Activities

Prosecutor at the Attorney Office of Restinga, in Porto Alegre; graduate specialization in community health psychology from the Instituto de Psicologia at the Universidade Federal do Rio Grande do Sul; member of the Núcleo de Estudos e Pesquisa em Adolescência in the same institute; and guest professor at the Universidade Luterana do Brasil in the family and succession specialization course.

Contact

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Selected titles on the subject

(publications, scientific articles, books, chapters)

- Dobke, V. (2001). *Abuso sexual: a inquirição das crianças - uma abordagem interdisciplinar*. Porto Alegre: Ricardo Lenz Editor.

A row of four green plastic chairs is positioned against a solid orange background. The chairs are simple in design with a curved backrest and a seat. The lighting is soft, creating a slight shadow on the floor beneath the chairs. The overall composition is minimalist and modern.

Section V

Source guide:

Publications and analysis of titles



One of the goals of this project, which is being reached and made available to the reader (workers in the system of guaranteeing rights, public policy makers, and researchers) in this section, is a group of titles of publications on the subject that is the object of this study. Its socialization is aimed at offering an instrument that can guide and be a shortcut to those who wish to deepen their knowledge.

Our research uncovered 226 titles, including articles in periodicals, chapters of books, and books directly related to this study. Using the incipient Brazilian literature as a parameter, this volume was a positive surprise to the research team. The methodology used in drawing up the titles was diversified: consultations with specialists, consulting publications that are often quoted, and subject searches on the Internet search engines, following the snowball or network method which, to summarize, consists in making a first random selection using more general terms, such as child/witness, interview methods and techniques, and sexual violence, after this identifying certain key authors and reference titles and, from these, generating information on new authors and titles that are cited in this section.

From this point, new searches were made using the links in the sites, including institutions and/or other similar works and recent experiences. The virtual research modality that uses the Internet as a means of worldwide access, forces the researcher to confront a reality that requires a coherent methodological approach so not to compromise carrying out the proposal. The researcher is overwhelmed with each new link that offers the choice of thousands of possibilities.

One of the advantages of this methodology is that, if at first it seems vague, in a short time it is easy to identify new authors and titles, which also helps to quickly but reliably prepare a map of the scientific production that is available which, at first sight, seems isolated in relation to the categories that are presented here. For this reason, this methodology helps the reader access a broad network, even if not comprehensive, of the scientific production relevant to the scope of the project *Testimony without fear (?): Non-revictimized cultures and practices A map of practices for taking special testimony from children and adolescents*. This has been an efficient selection method in situations in which, a priori, there are no available samples, the selected items are different one from the other, but one expects a certain degree of reliability and intention in the selection carried out.

In light of the proliferation of titles and the speedy dynamics for producing knowledge, the greatest difficulties were how to be precise in cutting the subject and deciding the time limits for the research. This group

of studies is a veritable map of the production of academic knowledge on the subject of taking special testimony from child or adolescent victims or witnesses of violence, especially in cases of sexual violence. Once the focus was verticalized, we sought to horizontalize the research spectrum with the aim of understanding the broadest universe of academic production in order to prepare this initial map of worldwide academic production. Particular and special attention was given to searching titles that discuss the impact of traditional enquiries on the revictimization of child and adolescent victims of violence, especially sexual violence, as well as titles that evaluate the alternative practices for taking testimony from children and adolescents. The cut-off was April 2009.

Another difficulty was directly connected to the referencing of the electronic documents that are stored on the Internet and other means, which was a lacuna until the International Standard Organization published norm ISO 690-2 - Information and documentation - Bibliographic references, which is now available on the Internet at <http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=25921>.

This being the case, we decided to follow the norms already used by the research sites themselves. Moura (2001)⁹ also warns of the possible difficulties that may occur in Internet research, and it is important that they are reiterated here, bearing in mind the nature of this research, such as: the changing in the name of a file; removal of the file from the site in which it was quoted; the site itself may be removed from the server; the site may be temporarily unavailable; the file may be under maintenance, among others.

The categorization of the titles referenced herein followed two logical principles: first, the conventional exercise of grouping similar titles; second, a new regrouping of these titles using the normative guideline of the International Convention on the Rights of the Child, approved by the United Nations in 1989, and the United Nations guidelines on justice in matters involving child victims and witnesses of crime (Ecosoc Resolution 2005/20).

Article 19 of the International Convention on the Rights of the Child states that:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

⁹ Moura, G.A.C. (2001). *Citações de referências a documentos eletrônicos*. Available at: <<http://elogica.br.inter.net/gmoura/>>.

Based on the International Convention on the Rights of the Child, Resolution 2005/20 of the United Nations Economic and Social Council, has regulated using a specific norm on Justice for Child and Adolescent Victims and witnesses of crimes and established appropriate parameters so that child and adolescent victims are guaranteed, among others, the right to be protected against suffering during the justice process, as well as the right to special preventive measures, to wit:

Adequate training, education and information should be made available to professionals working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes in order to protect and deal effectively and sensitively with child victims and witnesses.

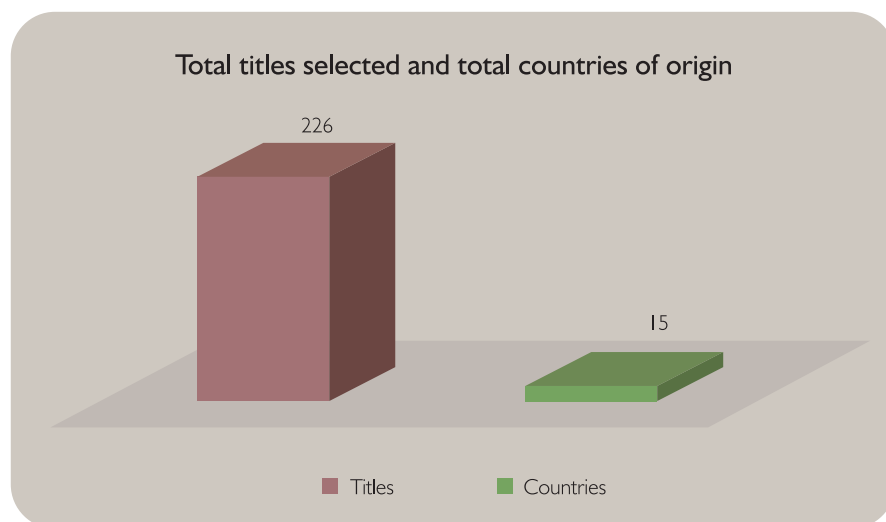
Both documents reference the classification of titles in the following categories:

- 1) The social victimization of children and adolescents and institutional revictimization: mistreatment and sexual violence (abuse and exploitation);
- 2) The victimization of children and adolescents from the perspective of justice;
- 3) Testimony from children and adolescents victims of sexual violence in court cases;
- 4) Forensic practice: development of listening techniques and expert investigation technologies;
- 5) Forensic method applied by psychologists in listening to children and adolescents;
- 6) Child/adolescent memories: factors that influence false and/or hidden and suggestible memories;
- 7) Validation of the testimony: reports from children and adolescents about sexual violence (abuse and sexual exploitation);
- 8) Documents, legislation, treaties, and resolutions to be used as a useful basis to improve the protection of children and adolescents victims and witnesses of violence in court proceedings.

Most of the classificatory work was carried out based only on a reading of the titles of the publications, since at this first research stage we still had no access to them, which are, in the vast majority, in foreign languages. For this reason, we request the comprehension of each reader who may have had access to the content of the pu-

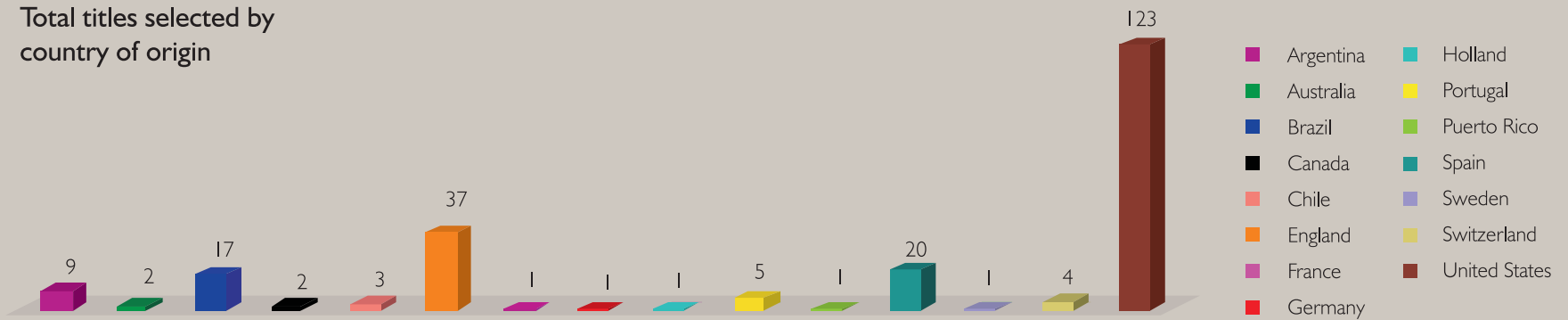
blications listed here, and who may identify other potential categorizations or even that a particular title may be classified in more than one of the mentioned categories. A similar proviso should be made in relation to our reading of these titles, which should be understood to the limit of the possibilities that an analysis of titles can offer.

This group of studies is a veritable map of the production of the academic knowledge on the subject of taking special testimony from child and adolescent victims or witnesses of violence, especially concerning victims of sexual violence.



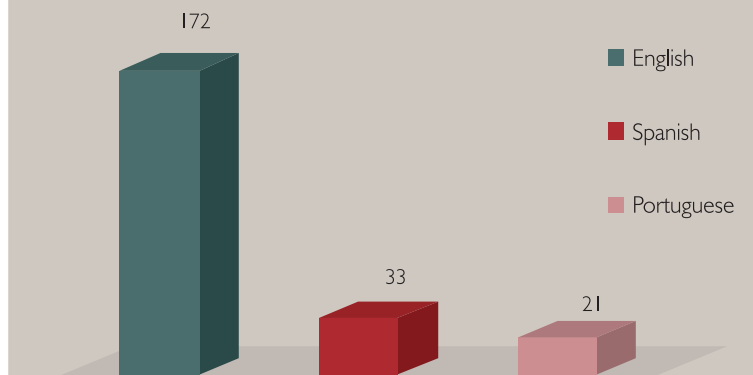
The production of knowledge expressed in the titles mapped here, a total of 226, is concentrated in only 15 countries. The United States (55%) is ranked first, presenting a significant difference in relation to other countries in second place, England (17%), and third place, Spain (10%). Among the Latin American countries, Brazil (7%) stands out as having the region's highest productivity, even though far behind that of the United States.

Total titles selected by country of origin



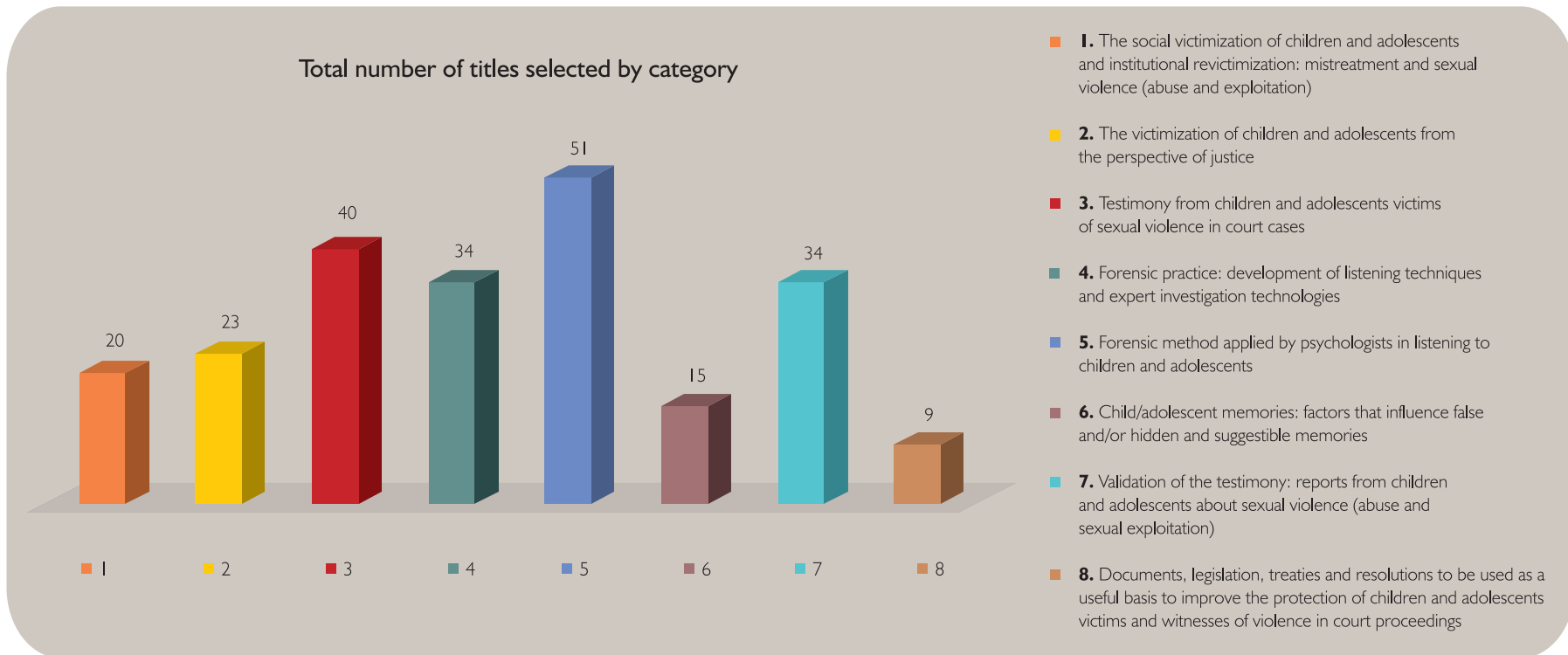
In the geography of the production of knowledge, the English language prevails, mostly distributed in the United States and in England, even though other countries also publish in this language, such as Germany, Australia, Canada, Holland, Sweden, Switzerland, and Portugal (76%). The titles in Spanish originate from Argentina, Chile, Spain, and Puerto Rico, coming to a total of 15%, and those written in Portuguese were published in Brazil and in Portugal (9%), with 81% of the production originating from Brazil.

Total identification of titles selected by language



The questions covered in these titles evidence, on the one hand, the victimization and the sexual abuse against children and adolescents and, on the other, the forensic practices and the investigative research technologies. Along this line of discussion, the main question is the vulnerability of the children and adolescents who, in society and in their private life, are abused and, when they enter the justice system, are revictimized.

If the distribution of titles in categories is an evidence of the subjects that most interest the academic community, one can say that the subject of validating testimony and the development of testimony-taking techniques take the back seat of this interest. There soon follows the subject of the testimony of children and adolescents in court cases, which occupies the third position in this ranking of interests. However, if added to categories 1 and 2, which group together the titles related to social and institutional revictimization, especially in court cases, this set expresses a greater interest than any of the categories analyzed individually.



Total titles by category and by country

Country	Category								Total by country
	1	2	3	4	5	6	7	8	
ARGENTINA		2			5		1	1	9
AUSTRALIA			1	1					2
BRAZIL	2	4		1		3	3	4	17
CANADA					1		1		2
CHILE		1			1			1	3
ENGLAND	2	3	4	16	9	1	2		36
FRANCE								1	1
GERMANY				1					1
HOLLAND	1								1
PORTUGAL	1	1	3						5
PUERTO RICO							1		1
SPAIN	3	2	2	3	4	1	5		20
SWEDEN		1							1
SWITZERLAND	2							1	3
UNITED STATES	9	9	30	12	31	10	21	1	123
TOTAL	20	23	40	34	50	15	34	9	226

INDEX OF CATEGORIES

1. The social victimization of children and adolescents and institutional revictimization: mistreatment and sexual violence (abuse and exploitation).
2. The victimization of children and adolescents from the perspective of justice.
3. Testimony from children and adolescents victims of sexual violence in court cases.
4. Forensic practice: development of listening techniques and expert investigation technologies.
5. Forensic method applied by psychologists in listening to children and adolescents.
6. Child/adolescent memories: factors that influence false and/or hidden and suggestible memories.
7. Validation of the testimony: reports from children and adolescents about sexual violence (abuse and sexual exploitation).
8. Documents, legislation, treaties and resolutions to be used as a useful basis to improve the protection of children and adolescents victims and witnesses of violence in court proceedings.

I. THE SOCIAL VICTIMIZATION OF CHILDREN AND ADOLESCENTS AND INSTITUTIONAL REVICTIMIZATION: MISTREATMENT AND SEXUAL VIOLENCE (ABUSE AND EXPLOITATION)

The first category defined here leads the reader to reflect on the question of violence against children and adolescents. This category especially highlights the discussion regarding child victims and institutional revictimization in the justice system, which, a priori, should have the role of ensuring their protection. The discussion revolves around the importance of addressing the problem with trained professionals and a multidisciplinary team, highlighting the traumas that this situation causes to children and adolescents, the theories, and the treatments of its long-term effects. In discussing this subject, the studies contribute to strengthen an innovative proposal for legal procedures in cases of sexual abuse of children and adolescents.

- Arata, C. M. (1998). To tell or not to tell: Current functioning of child sexual abuse survivors who disclosed their victimization. *Child Maltreatment*, 3, 63-71.
- Briere, J. (1992). *Child abuse trauma: Theory and treatment of the lasting effects*. Newbury Park: Sage Publications.
- Carnes, C. N., Nelson-Gardell, D., & Wilson, C. (1999). Addressing challenges and controversies in child sexual abuse interviewing: The forensic evaluation protocol and research project. *Journal of Aggression, Maltreatment and Trauma*, 2, 82-103.
- Ehrenberg, M. F., & Elterman, M. F. (1995). Evaluating allegations of sexual abuse in the context of divorce, child custody, and access disputes. In T. Ney (Ed.), *True and false allegations of child sexual abuse: Assessment and case management* (pp. 209-230). New York: Brunner & Mazel.
- Furniss T. (1992). *Abuso sexual da criança: uma abordagem multidisciplinar*. Porto Alegre: Artes Médicas.
- Gobierno de Cantabria. (2006). *Manual de actuación en situaciones de desprotección infantil en la Comunidad Autónoma de Cantabria*. Santander.
- Herrera-Moreno, M. (1996). *La hora de la víctima: compendio de victimología*. Madrid: Edersa.

- Kendall-Tackett, K., Williams, L., & Finkelhor, D. (2001). Impact of sexual abuse on children: A review and synthesis of recent empirical studies. In R. Bull (Ed.), *Children and law: the essential readings* (pp. 31-70). Malden: Blackwell.
- Krahé, B. (2000). Childhood sexual abuse and revictimization in adolescence and adulthood. *Journal of Personal and Interpersonal Loss*, 5, 149-165.
- Krahé, B., Scheiner-Olwig, R., Wazenhöfer, E., & Kolpin, S. (1999). Childhood sexual abuse and revictimization in adolescence. *Child Abuse & Neglect*, 23(4), 383-394.
- Magalhães, T., Carneiro de Sousa, M. J., Gomes da Silva, A., Pinto da Costa, D., Grams, A. C., Ribeiro, C., et al. (1998). Child sexual abuse. A preliminary study. *Journal of Clinical Forensic Medicine*, 5, 176-182.
- McAuliff, B. D. (2009). Child victim research comes of age: Implications for social scientists, practitioners, and the law. In B. L. Bottoms, C. Najdowski, & G. S. Goodman (Eds.), *Children as victims, witnesses, and offenders: Psychological science and the law* (pp. 233-252). New York: Guilford.
- Müller, V. (1998). El niño ciudadano y otros niños. *Revista del Instituto del Campo Freudiano*, 5, 13-21.
- Myers, J., Berliner, L., Briere, J., Hendrix, J. T., Jenny, C. Y., & Reid, T. A. (2002). *The APSAC handbook on child maltreatment*. Thousand Oaks: Sage.
- Pears, K. C., & Capaldi, D. M. (2001). Intergenerational transmission of abuse: A two-generational prospective study of an at-risk sample. *Child Abuse & Neglect*, 25(11), 1439-1462.
- Rispens, J., Aleman, A., & Goudena, P. (1991). Prevention of child sexual abuse victimization: A meta-analysis of school programs. *Child Abuse & Neglect*, 21(10), 975-987.
- Rozanski, C. A. (2005). A menina abusada diante da justiça. In J. R. Valnovich (Ed.), *Abuso sexual na infância* (pp. 91-115). Rio de Janeiro: Lacerda Editores.

- Sas, L. D. (1993). *Three years after the verdict*. Ontario: London Family Court Clinic.
- Whitcomb, D. (1992). *When the victim is a child. Issues and practices in criminal justice*. Cambridge: Abt Associates Inc.
- World Health Organization. (1999). *Report of the consultation on child abuse prevention*. Geneva. Available at: <<http://whqlibdoc.who.int/hq/1999/aaa00302.pdf>>.
- World Health Organization. (2001). *Integrated multisectoral approach to child abuse: Introduction and core guidelines*. Geneva.
- Zajac, R., & Hayne, H. (2003). The effect of cross-examination on the accuracy of children's reports. *Journal of Experimental Psychology: Applied*, 10, 187-195.

2. THE VICTIMIZATION OF CHILDREN AND ADOLESCENTS FROM THE PERSPECTIVE OF JUSTICE

This category deals with questions regarding ethics and guidelines for psychologists who have specialized in criminology, legal questions in the evaluation of sexual child abuse, the role of the force of the law in responding to abuse and negligence, among others. It is yet to be recognized that sexual abuse against children or adolescents violates a series of rights, such as: to physical, mental, and sexual health; to the harmonious development of one's personality; to self-image; to not be subjected to discrimination; to have access to a system that includes restitution, rehabilitation, and specialized treatment.

- Besharov, D. (1988). *Protecting children from abuse and neglect: Policy and practice*. Springfield: Charles C. Thomas.

- Carvalho, S. (2004). O papel da perícia técnica na execução penal. In H. S. Gonçalves, & E. P. Brandão (Eds.), *Psicologia jurídica no Brasil*. Rio de Janeiro: Nau Editora.
- Cesar, A. D. (2007). *Depoimento sem dano: uma alternativa para inquirir crianças e adolescentes nos processos judiciais*. Porto Alegre: Livraria do Advogado.
- Cruz, R. (2002). Os crimes sexuais e a prova material. *Cadernos Themis Gênero e Direito*, 3(3), 79-100.
- Finkelhor, D., Cross, T., & Cantor, E. (2005). The justice system for juvenile victims: A comprehensive model of case flow. *Trauma, Violence & Abuse*, 6(2), 83-102.
- Goodman, G. S., Myers, J. E. B., Qin, J., Quas, J. A., Castelli, P., Redlich, A. D., & Rogers, L. (2006). Hearsay versus children's testimony: Effects of truthful and deceptive statements on jurors' decisions. *Law and Human Behavior*, 30, 363-401.
- Guerrero, M. C. (2005, September 20). Los menores víctimas de delitos contra la integridad sexual a través de la reforma al Código Procesal Penal de la Nación según texto de la ley 25.852 ¿ Discurso frustrado? *El Dia*.
- Gumpert, C. H., & Lindblad, F. (2001). Communication between courts and expert witnesses in legal proceedings concerning child sexual abuse in Sweden: A case review. *Child Abuse & Neglect*, 25(11), 1497-1516.
- Heras, J. S., Alonso, C. M., Goicoechea, P. H., & Nañez, A. S. (2004). Niños y niñas víctimas de abuso sexual y el procedimiento judicial: informe nacional. Available at: <<http://usuarios.lycos.es/pesegpa/pub/informe.pdf>>.
- Home Office. (2000). *Achieving the best evidence in criminal proceedings: Guidance for vulnerable and intimidated witnesses, including children – consultation paper*. London.
- Machado, C., & Gonçalves, R. A. (2002). Vitimologia e criminologia. In R. A. Gonçalves, & C. Machado (Eds.), *Violência e vítimas de crimes* (Vol 1., pp. 17-42). Coimbra: Quarteto.
- Marx, S. P. (1996). Victim recantation in child sexual abuse cases: The prosecutor's role in prevention. *Child Welfare*, 75(3), 219-232.

- Oberlander, L. B. (1995). Psycho legal issues in child sexual abuse evaluations: A survey of forensic mental health professionals. *Child Abuse & Neglect*, 19(4), 475-490.
- Oficina de Fiscalización contra el Delito. (2002). *Estudio sobre la impunidad de los delitos sexuales en Chile*. Santiago.
- Pedrosa, S. (2000, September). *El abuso en la diagnosis del abuso*. Paper presented at the Jornada Multidisciplinaria de Actualización en Derecho Penal - delitos contra la Integridad Sexual. Available at: <<http://www.apadeshi.org.ar/elabusodeladiagnosisdeabuso.htm>> .
- Pence, D. Y. & Wilson, C. (1992). *The role of law enforcement in the response to child abuse and neglect*. User Manual Series. Washington, DC: U.S. Department of Health and Human Services.
- Rozanski, C. A. (2003). *Abuso sexual infantil. ¿Denunciar o silenciar?* Buenos Aires: Ediciones B. Summit.
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3. TESTIMONY FROM CHILDREN AND ADOLESCENTS VICTIMS OF SEXUAL VIOLENCE IN COURT CASES

This category includes topics regarding aspects related to situations in which children and adolescents are victims or witnesses of violence, which are important for the development of this new political, legal, and social practice. The testimony of child victims requires technical knowledge and qualified professionals to ensure their protection, and must not include practices that revictimize them. The subject of the credibility of the testimony and the psychological impact of the testimony of child victims of sexual abuse stands out. Other titles contribute to proposals in order to improve comprehension regarding this aspect, in such a way that the testimony of the child victim of a sexual crime can be transformed into an act of reparation for his or her mental health. It also points out future directions for psychology, the preparation of regulations and administrative or court procedures on the basis of addressing human rights with a focus on the protection, dignity and best interest of children and adolescents.

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4. FORENSIC PRACTICE: DEVELOPMENT OF LISTENING TECHNIQUES AND EXPERT INVESTIGATION TECHNOLOGIES

Two questions are dealt with in the literature listed in this category. The first of them deals with expert and investigative techniques that may be used to constitute evidence based on the reports of children and adolescents who have been sexually abused and/or are the victims of violence. In this field, the reader will have access to the discussion regarding the method for efficacious collection of information that benefits the progress of the investigatory process and the psychosocial reorganization of the victim. It is important to highlight the discussion about the importance of technical evidence without harm in sexual crimes that are difficult to resolve as a new paradigm, the evaluation of the value of structured interviews based on forensic protocols regarding mistreatment and sexual abuse of children and adolescents, Brazilian case decisions on the early production of evidence, and the training of technicians. The second matter, which is also important, is the discussion of the technology available for the protection of children

and adolescents in court cases. These practices are good: video recording interviews with children and adolescents as witnesses in criminal proceedings; the development of a protocol for the video recording of interviews in the investigation of sexual abuse of children; the definition of guidelines for filming interviews in cases of sexual abuse of children; and the revelation of the limits of children whose experience of child sexual abuse was documented by video. Emphasis is given to the concern not to revictimize during the filming process and the discussion about the use of anatomic dolls and drawings in criminal interviews as a polemic in perspective.

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5. FORENSIC METHOD APPLIED BY PSYCHOLOGISTS IN LISTENING TO CHILDREN AND ADOLESCENTS

The literature indicated here deals with the subject of forensic psychology and its contribution to ensuring the protection of children and adolescents in court cases. It presents the discussion of aspects of forensic psychiatry on sexually-abused children and adolescents, evaluating activities in this area from 1987 to 1997. The parameters for the evaluation of sexually or physically abused children and adolescents are presented taking into consideration the recommendations published by various professional organizations based on available scientific studies and the current state of clinical practice. The suggested titles provide standards for technical interviews to be used to extend their degree of reliability seeking to eliminate the possibility of untrue statements and other problems. They also deal with a model of psychological information, discussing the limitations of profiles and interviews as scientifically-based evidence, their evolution, and controversial issues.

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6. CHILD/ADOLESCENT MEMORIES: FACTORS THAT INFLUENCE FALSE AND/OR HIDDEN AND SUGGESTIBLE MEMORIES

The titles that deepen the discussion in this category investigate false memories in children and adolescents involved in court proceedings. The mission of psychologists is to lead children and adolescents to the intersubjective space in order to create appropriate conditions to produce the fact of the discourse. As stated in the Declaration of the Rights of the Child, adopted on November 20, 1959, by the United Nation General Assembly, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”. That is why it is important to be careful not to revictimize a child or adolescent. The discussion therefore deals with false memory syndrome and therapist liability to third parties for work with memory therapy when emotional injuries occur.

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- Stein, L. M., Feix, L. F., & Rohenkohl, G. (2006). Avanços metodológicos no estudo das falsas memórias: construção e normatização do procedimento de palavras associadas à realidade brasileira. *Psicologia, Reflexão e Crítica*, 19, 166-176.

6

- Stein, L. M., & Memon, A. (2006). Testing the efficacy of the cognitive interview in a developing country. *Applied Cognitive Psychology, 20*, 597-605.
- Stein, L. M., & Nygaard, M. L. (2003). A memória em julgamento: uma análise cognitiva dos depoimentos testemunhais. *Revista Brasileira de Ciências Criminais, 11*, 151-164.

7. VALIDATION OF THE TESTIMONY: REPORTS FROM CHILDREN AND ADOLESCENTS ABOUT SEXUAL VIOLENCE (ABUSE AND SEXUAL EXPLOITATION)

This is a fundamental category in all the discussions about the testimony of children who are victims of abuse or sexual violence in court cases since it deals with what has been produced regarding the role of the psychologist in the evaluation of the credibility of the declarations of children who are victims of abuse and sexual violence. These techniques come from forensic psychology, which seeks a coherent relationship between the testimony of children and adolescents and the objects of this science, which are the apprehension, exploration, and diagnosis of psychological phenomena related to facts that are matters of justice. The publications selected discuss the sexual abuse of children and adolescents and the dilemma of evidence for courts. To provide guidance and future contributions, the studies investigate and propose the criteria to evaluate the credibility of the declarations of the children of the sexual abuse they have suffered. The protection of the child and adolescent is the heart of this question, and it should be guaranteed from the procedures before and after the investigatory process through to its conclusion in cases of sexual abuse of children and adolescents.

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7

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- Walker, N. E. (2002). *Forensic interviews of children: The components of scientific validity and legal admissibility. Law and Contemporary Problems*, 65(1), 149-178.

8. DOCUMENTS, LEGISLATION, TREATIES, AND RESOLUTIONS TO BE USED AS A USEFUL BASIS TO IMPROVE THE PROTECTION OF CHILDREN AND ADOLESCENTS VICTIMS AND WITNESSES OF VIOLENCE IN COURT PROCEEDINGS

There are many laws that seek to ensure the protection of children and adolescents, and that, in general, include in their scope children who are victims of sexual violence (abuse and exploitation). However, the documents selected seek specifically to guide those working in the field of youth law regarding the main guidelines and parameters appropriate for the protection of children and adolescents victims and witnesses of violence during their dealings with the justice system, having as a principal focus their education and training. The documents listed below highlight the importance and the high-priority nature of offering more appropriate services for the special condition of children and adolescents who are victims of sexual violence. The titles presented in this section include domestic and international rules for the protection of children and adolescents who are victims of violence, among which we consider the most important for a reader interested in this matter the Brazilian Child and Adolescent Statute, the Convention on the Rights of the Child, the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Resolution 2005/20) of the United Nations Economic and Social Council, and the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse.

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- Brasil. (1988). Constituição da República Federativa do Brasil. *Diário Oficial da União*, Brasília-DF, 15 out. 1988. Available at: <http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm>.
- Brasil. (2003). Lei nº 8069, de 13 de julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. *Diário Oficial da União*, Brasília-DF, 13 jul. 1990. Available at: <<http://www.planalto.gov.br/ccivil/LEIS/L8069.htm>>.
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- Council of Europe. (2007). *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. Council of Europe Treaty Series, 201. Lanzarote. Available at: <<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=201&CL=ENG>>.
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- Unicef. Office of the High Commissioner for Human Rights. (1985). *Declaration of basic principles of justice for victims of crime and abuse of power*. New York. Available at: <http://www.unhcr.ch/html/menu3/b/h_comp49.htm>.
- Unicef. (1989). *Convention on the rights of child*. New York. Available at: <<http://www2.ohchr.org/english/law/pdf/crc.pdf>>.
- United Nations Economic and Social Council (ECOSOC). (2005). Resolution 2005/20 adopted by the UN Economic and Social Council: Guidelines on justice in matters involving child victims and witnesses of crime. Available at: <<http://www.unhcr.org/refworld/docid/468922c92.html>>.



A row of teal plastic chairs is positioned against a teal wall. The chairs are simple, modern in design, and arranged in a line. The lighting is soft, creating a calm and uniform color palette.

Section VI

Source guide:

Pages of interest on the Internet



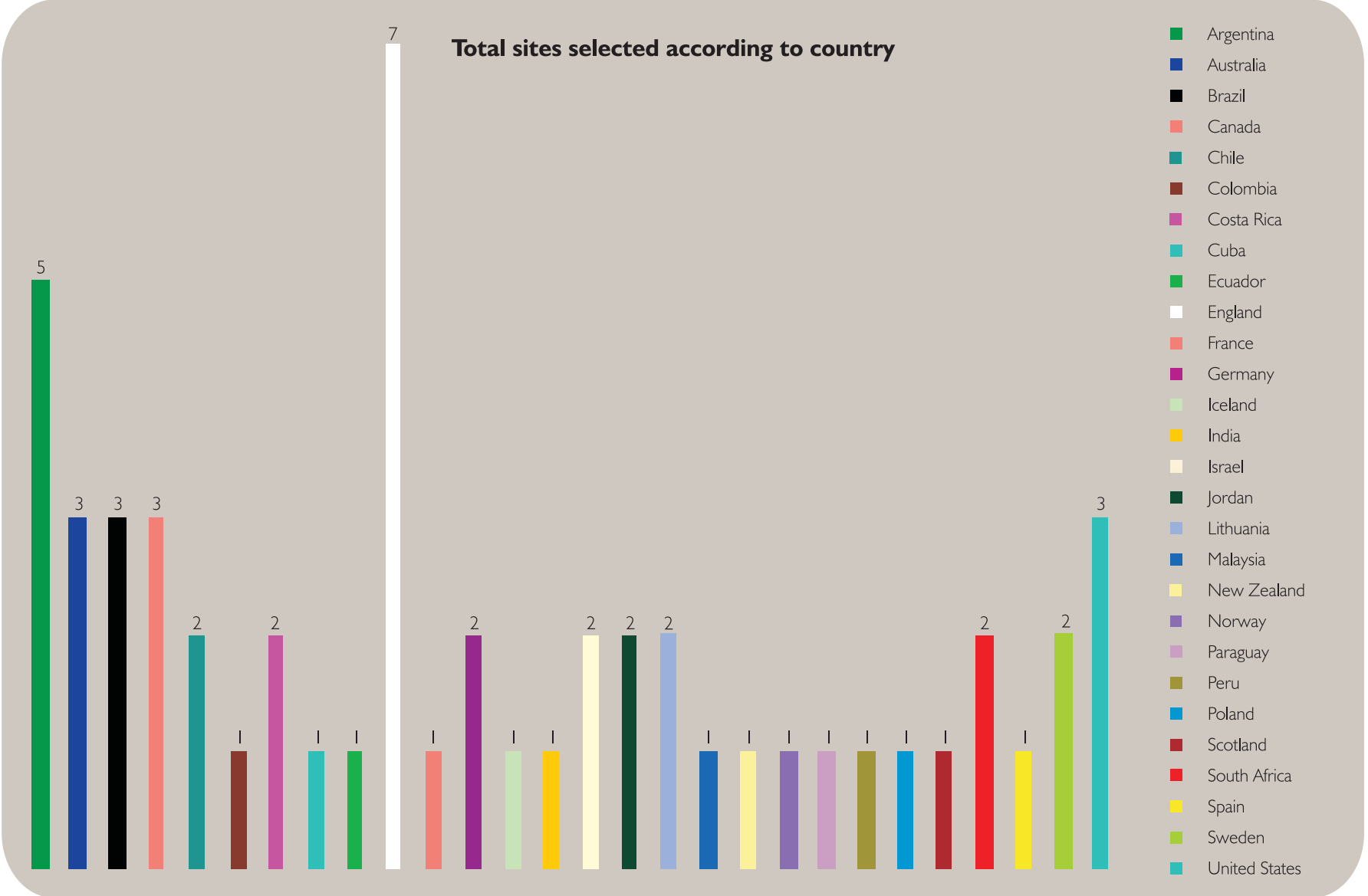
This section is one more navigation tool that seeks to offer readers services, possibilities of information and improvement in relation to taking testimony from children and adolescents victims and/or witnesses in court cases. Its purpose is to supply the reader with easy, fast, and above all, functional access to a global panorama of places and experiences that have become references in implementing special testimony of children and adolescents, bearing in mind their non-revictimization. With information made available on the worldwide web, the universe selected in this guide presents sites/pages from many countries directly related to the service performed by the Courts of Justice, Prosecutors' Offices, police stations, child and adolescent protection centers, news agencies, training centers, training manuals, among others.

The map contains 41 addresses that could guide researchers in 28 countries: Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, England, France, Germany, Iceland, India, Israel, Jordan, Lithuania, Malaysia, New Zealand, Norway, Paraguay, Peru, Poland, Scotland, South Africa, Spain, Sweden, and the United States. In this study, the greatest percentage of recommended websites is concentrated in Argentina and England. However, it should be emphasized that the greatest number of sites on this topic can be found in the United States because of its pioneering on the deployment of this practice in the world. These addresses will certainly multiply to the extent that the reader performs his or her own searches, finding new connections.

HOW TO USE

The information is organized according to the name of the country, in alphabetical order, presenting a summary of the specific institutional material related to the service of/for taking testimony from children in court cases as well as the addresses/links so that the reader can easily locate each mention.

A tip that may be of interest to readers is that, as many pages are written in the language of origin of the mentioned countries, to better use them, they may use electronic translators, such as the language tool links available on the worldwide web.



I. ARGENTINA

- The Asociación Argentina de Prevención del Maltrato Infanto-Juvenil (ASAPMI) [Argentine Association for the Prevention of Child-Juvenile Mistreatment] promotes strategies to deal with sexual violence and the mistreatment of children and juveniles based on a common ethical basis that conciliate the legal, psychological, and social logics related to the professional exercise of each area. This page provides texts and articles on revictimization in the context of the current Argentinean judicial system. Among other subjects, there is a debate on the negative psychological impact produced by these types of secondary victimization on the domestic violence services, hence reinforcing the vulnerability of victims of violence in court cases.

Addresses/Links

<http://www.asapmi.org.ar/publicaciones/articulos-juridicos/?id=401>

<http://www.asapmi.org.ar/publicaciones/legislacion/articulo.asp?id=166>

<http://www.asapmi.org.ar/publicaciones/articulos-juridicos/?id=411>

<http://www.asapmi.org.ar/publicaciones/articulos-juridicos/?id=25>

- The Public Prosecutor's Office for the city of Buenos Aires, through the Prosecution Unit for the Unidad Fiscal para la Investigación de Delitos Contra la Integridad Sexual, Trata de Personas y Prostitución Infantil (UFI-Integridad Sexual) [Fiscal Unit for the Investigation of Crimes against Sexual Integrity, Traffic of Human Beings and Child Prostitution (UFI-Integridad Sexual)] carries out specialized tasks of taking testimony in rooms with two-way mirrors, among other activities. The Prosecutor's Office link provides access to documents, resolutions, information, and contacts of the institutions responsible for the protection and complete assistance to victims of crimes in Buenos Aires, Federal Capital. To access it, the reader should click on the Prosecutor's Office home page below. The first column to the left contains the institutional link Unidades Fiscales Especiales. On accessing this sector, the reader should click on UFI-INT SEX to access all the information.

Addresses/Links

<http://www.mpf.gov.ar>

2. AUSTRALIA

- The official site of the Child Safety Services of the government of Queensland, Australia, is dedicated to the protection of vulnerable children and adolescents.

Addresses/Links

<http://www.childsafety.qld.gov.au/index.html>

<http://www.childsafety.qld.gov.au/child-protection/index.html>

- The Child Witness Service, of the Department of Justice of Victoria, Australia, provides a virtual environment aimed at child and adolescent victims or witnesses in court cases. The reader will find, among other services, specialized attention of social workers and psychologists for child and adolescent victims, as well as general information on the procedures that will be followed when they are called to appear in court as witnesses.

Addresses/Links

<http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Courts/Going+to+Court/Child+Witnesses/>

3. BRAZIL

- The Child and Youth Court of Porto Alegre/Court of Justice of Rio Grande do Sul presents information on the method used for holding hearings with child and adolescent victims of sexual abuse, serving as a reference for other Brazilian regions. In this site, the reader should select the option Site da Justiça da Infância e Juventude [Child and Youth Court Site].

Addresses/Links

<http://www.tjrs.jus.br/>

- The Press Agency of the Prosecutor's Office for the state of Rio Grande do Sul discloses the expansion of the project Depoimento Sem Dano [Testimony Without Harm] for the coastal population of that state.

Addresses/Links

<http://cnpq.mp.rs.gov.br/imprensa/noticias/id5132.htm>

- The Court of Justice of Rondônia implemented in Ariquemes, in 2008, the project Mãos que Acolhem [Welcoming Hands] that seeks to humanize the police stations at which the video recordings of the testimony of child victims or witnesses of violence take place. In the rooms of this project, the contact is made during the investigatory phase and the victims receive immediate psychological support hence reducing the harm suffered.

Addresses/Links

<http://www.tj.ro.gov.br/noticia/faces/jsp/noticiasView.jsp;jsessionid=ac13022130d52b04657d12f148029dc4986b185962a5.e3iRb3eTc310bxeOa3yPaheMe0?cdDocumento=10673&tpMateria=2>

4. CANADA

- The Canadian Justice Department developed an interactive virtual program providing information on the country's judicial process. The link, in English and French, provides access to the Canadian government's virtual court. The site provides written and visual step-by-step information on the stages, places, and jobs that are to be done when having contact with the justice system. It uses interactive visual animation to help with comprehension, and also provides documents and services for vulnerable witnesses.

<http://www.courtprep.ca/>

- Concerning the object of this study, it is worth clicking directly on the building door and then on the court room. Here the reader will find a simulation of a hearing and, on clicking on each participant, explanatory information. It is interesting to note that there is no child or adolescent inside the courtroom. Clicking on the television set above the judge provides the regulation concerning the participation of children and adolescents in court cases.

Addresses/Links

http://www.courtprep.ca/en/swf/courtroom/courtroom_en.swf?<http://www.courtprep.ca/en/default.asp>

- The Child Witness Project, developed by the Centre for Children and Families in the Justice System, provides in this link institutional information on this institution, set up in 1987, which fights for the specific needs of children and families involved in the justice system. The initial motivation behind the project was the fact that the act of testifying in public hearings could revictimize child and adolescent victims or witnesses.

Addresses/Links

<http://www.lfcc.on.ca/cwp.htm>

5. CHILE

- The Brigada Investigadora de Delitos Sexuales y Menores (Brisexme) [Investigatory Police for Sexual Crimes against Children and Adolescents] is the government agency belonging to the Jefatura Nacional de Delitos Contra la Familia (JENAFAM) [National Crimes against the Family Office] that has been active in Chile since 1995 in the fight against crimes that violate liberty and people. This agency has a digital room for taking testimony from child and adolescent victims or witnesses of violence.

Addresses/Links

<http://www.investigaciones.cl/paginas/brigadas/bg-brisexme/bg-brisexme.htm>

- Evaluación Pericial Psicológica de Credibilidad de Testimonio [Expert Psychological Evaluation of the Credibility of Testimony] is an institutional training document in expert psychology done by the Chilean Prosecutor's Office. It is a manual for the analysis and validation of child testimony using child's development criteria.

Addresses/Links

http://www.ministeriopublico.cl/repositoriominpu/Archivos/minpu/documentos/libro_evaluacion_pericial.htm

6. COLOMBIA

- This page is from the press office of the President of the Republic of Colombia. In this site the reader can find information on the process for implementing a room with two-way mirrors for taking testimony from child and adolescent victims or witnesses of sexual violence. Because it is a Colombian government website, the reader also has access to a vast range of documents, laws, and services should he or she wish to broaden his or her knowledge of the experience of this country.

Addresses/Links

http://www.presidencia.gov.co/prensa_new/sne/2006/octubre/02/02022006.htm

7. COSTA RICA

- This link provides the text of the bill Ley para proteccion de las niñas y los niños victimas y los testigos en los procesos penales [Law for the protection of boy and girl victims and witnesses in criminal proceedings], available on the Costa Rica National Assembly site. The text provides the main arguments related to taking testimony from child and adolescent victims or witnesses bearing in mind their non-revictimization.

Addresses/Links

http://www.asamblea.go.cr/servicios_tecnicos/w_dst/contenido/documentos/Informes/..%5Cdocumentos%20dst%20oficios%5Cit%5CIT2005%5CI5867sa.pdf

- This site also offers institutional services available throughout the country through the Costa Rica National Assembly site.

Addresses/Links

<http://www.asamblea.go.cr>

8. CUBA

- The Cuban newspaper Cuba a La Mano reports on the work done by the Centro de Protección a Niñas, Niños y Adolescentes [Center for the Protection of Girls, Boys and Adolescents] in Havana. The article Infancia-Cuba: minimizar el trauma del abuso sexual [Infancy-Cuba: minimizing the trauma of the sexual abuse] provides detailed information on the work carried out by the center, as well as referring to its main coordinators.

Addresses/Links

<http://cubaalamano.net/sitio/client/report.php?id=765>

9. ECUADOR

- The Ecuadorian newspaper El Universo publishes strategies for the implementation of a room with two-way mirrors for taking testimony from children and adolescents by the Prosecutor's Office. This article details the main agents involved in the process for the single interview for production of evidence for court.

Addresses/Links

<http://archivo.eluniverso.com/2007/06/03/0001/10/B71C8C0DA1E54DE391FB680CA3AE817E.aspx>

10. ENGLAND - UK

- The site of the Crown Prosecution Service (CPS) offers help and guidance to victims and witnesses aiming to provide better services to all crime victims and witnesses in England. It presents the work of lawyers and police officers on the protection of child victims or witnesses and available services. This site provides information on the criminal justice system giving victims and witnesses access to all aspects of their appearance at court. It also contains information on types of testimony, such as through live link.

Addresses/Links

http://www.cps.gov.uk/victims_witnesses/index.html

- Link to The Children's Legal Centre – Child Witness, which provides free legal advice to children and their families as well as training for care-givers and professionals from all parts of the United Kingdom.

Addresses/Links

<http://www.childrenslegalcentre.com/Legal+Advice/Child+law/Childwitness/>

- In another link, The Children’s Legal Centre – Child Witness presents the manual Child Witnesses, which shows special measures to be taken for the protection of child witnesses’ rights when giving testimony in court, such as the use of technological support for the production of their oral testimony.

Endereços/Links

<http://www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Child%20Witnesses%20leaflet.pdf>

- The site of the Office of Public Sector Information – Part of the National Archive offers public documents and information service.

Endereços/Links

<http://www.opsi.gov.uk/>

- The Office of Public Sector Information also presents the text of the Youth Justice and Criminal Evidence Act 1999 – Part II Giving of evidence or information for purposes of criminal proceedings – Chapter I Special measures directions in case of vulnerable and intimidated witnesses, a law that regulates juvenile criminal proceedings throughout the United Kingdom.

Addresses/Links

http://www.opsi.gov.uk/Acts/acts1999/ukpga_19990023_en_3#pt2-ch1-pb2-1lg2l

- This is a link to Victim Support – Helping people cope with crime, which provides information and support to witnesses, victims and family members when appearing in every criminal Court of England and Wales.

Addresses/Links

http://www.victimsupport.org.uk/vs_england_wales/services/witness_services.php

- This link presents the national guidelines to train police officers on investigative interviewing of children for criminal procedures named Achieving the best evidence in criminal proceedings: Guidance for vulnerable and intimidated witnesses, including children.

Addresses/Links

<http://www.homeoffice.gov.uk/documents/ach-bect-evidence/>

II. FRANCE

- This French government link, of the Paris municipal police, also provides information on the justice system.

Addresses/Links

http://www.prefecture-police-paris.interieur.gouv.fr/infos_proxi/pj/police_judiciaire.htm

12. GERMANY

- This link is to the Kinderschutz-Zentren [Child Protection Centers]. The reader will find information on child defense centers, nonprofit entities created to support the families involved with the phenomenon of sexual abuse and neglect of children and provide legal assistance. One of its main objectives and targets is to prevent and reduce violence against and mistreatment of children.

Addresses/Links

<http://www.kinderschutz-zentren.org/>

- Another interesting link is the YoungAvenue.de portal, an interactive site produced by the Kinderschutz-Zentren, which offers advice and varied information about the network of services for child victims of violence, as well as information on court proceedings and official measures related to defending and guaranteeing the rights of children and adolescents victims of violence.

Addresses/Links

<http://www.youngavenue.de/index.html>

13. ICELAND

- This link is to the Barnaverndarstofa [Government Agency for Child Protection of the Ministry of Social Affairs], the highest child protection authority. This agency is responsible for administering child protection services, and the operation of specialized services in protecting children. It coordinates the investigation center in cases of sexual abuse of children and the Children's House, the unit that contains facilities adapted for the specialized hearing of children and adolescents.

Addresses/Links

<http://www.bvs.is/>

14. INDIA

- Official website of the Supreme Court of India, offers access to documents, civil and criminal laws for the whole country, as well as the contact for all courts of justice for the spectrum of court hierarchies throughout the country. It is therefore a rich source of information and access to the Indian justice system.

Addresses/Links

<http://supremecourtfindia.nic.in/>

15. ISRAEL

- The non-governmental organization B'tselem – The Israeli Information Center for Human Rights in the Occupied Territories conducts the Shooting Back project, which is a social mobilization action aimed at victims of violence in areas of armed conflicts. Its main focus is to encourage the local population to create its own video recordings, using common cameras, showing breaches of rights they witness so that they can be presented as evidence in court proceedings.

Addresses/Links

<http://www.btselem.org/english/Video/>

- This is the link to the official website of the Knesset, the Israeli parliament, the Israeli government's main regulator, which formulates basic laws that regulate the protection of child and adolescent victims of violence. The reader will find institutional information and contacts, as well as documents and laws. There is also a link to the Israeli Supreme Court.

Addresses/Links

http://www.knesset.gov.il/lexicon/eng/upper_crt_eng.htm

16. JORDAN

- This site provides information on the Arab Regional Conference on Family Protection held in 2005. Organized by the World Health Organization with the support of the royal family, one of its main panels was the use of video recorded interviews with child victims of sexual abuse.

Addresses/Links

[http://64.233.169.104/search?q=cache:skl-QYI-BpEJ:www.ncfa.org.jo/admin/documents/Arab%2520Regional\(E\).pdf+video+evidence+child+jordan&hl=en&ct=clnk&cd=1&gl=jo](http://64.233.169.104/search?q=cache:skl-QYI-BpEJ:www.ncfa.org.jo/admin/documents/Arab%2520Regional(E).pdf+video+evidence+child+jordan&hl=en&ct=clnk&cd=1&gl=jo)

- This is a link to the official site of The Royal Court Offices, the local government's regulatory body. The reader will find institutional information and contacts, as well as laws and official documents.

Addresses/Links

http://www.kinghussein.gov.jo/royal_offices.html

17. LITHUANIA

- The page of the NGO Vaiko Namas – Child House contains information on this institution, based in Vilnius, Lithuania, which has a special child interview room. This room is the result of a partnership between organized civil society and the judicial branch and was designed especially to take testimony from child and adolescent victims or witnesses of violence with the ultimate purpose of filing of witness testimony.

Addresses/Links

http://www.children.lt/?_nm_mid=TVN3ekxEQXNNQ3d3&_nm_lid=1&session=no

- The Children's Unit Within the Council of the Baltic Sea States has an informational website, the focal point on the Internet for the exchange of information between professionals, researchers, and employees involved in investigation of children at risk in the Baltic Sea region. It is the result of an association among the Baltic Sea countries that are signatories to the International Convention on Children's Rights. Its premise is to develop protection measures against all types of sexual exploitation, sale, or traffic of children for sexual purposes, as well as to assist the physical and psychological recovery and social integration of abused and sexually exploited children in the Baltic Sea region.

Addresses/Links

<http://www.childcentre.info/projects/protection/>

18. MALAYSIA

- This site of the Malaysian government can be of great use to the reader as it offers a wide variety of contacts for all of the Courts of Justice, e-mail addresses, and telephone numbers for all magistrates in all the country's jurisdictions. It is therefore a rich source of information and access to the Malaysian justice system.

Addresses/Links

<http://www.kehakiman.gov.my/courts/address.shtml>

19. NEW ZEALAND

- The New Zealand Ministry of Justice publications site, in its section Information for Court Users, offers a wide variety of publications providing a step-by-step guide to children and adolescents going to court as witnesses. Among the titles available in pdf we highlight: Children – Child Witness Poster; 13 Steps to Court – Child Witness Poster; Off to Court – Supporting a Young Witness.

Addresses/Links

<http://www.justice.govt.nz/pubs/courts-publications/index.html>

20. NORWAY

- Connecting the official site of the Court of Justice of Norway will provide the reader information on the services and procedures followed by the Norwegian justice system.

Addresses/Links

http://www.domstol.no/default___2916.aspx?epslanguage=EN

21. PARAGUAY

- This link shows that the Prosecutor's Office of the city of Asunción, Paraguay inaugurated the room with two-way mirrors for the taking of video recorded testimony from child and adolescent victims of sexual violence.

Addresses/Links

<http://www.ministeriopublico.gov.py/menu/institucion/prensa/agenda/2007/diciembre/camara.php>

22. PERU

- This link presents the inauguration of a room with two-way mirrors for the taking of video recorded testimony from child and adolescent victims of sexual violence at the Instituto de Medicina Legal [Institute of Forensic Medicine] of the Ministerio Público Fiscal [Prosecutor's Office] in Lima Norte [Northern Lima], Peru.

Addresses/Links

<http://www.mpfm.gob.pe/prensa-imprime.php?id=984>

23. POLAND

- This link connects to the NGO The Nobody's Children Foundation, which is active in protecting child victims of violence. Its main activities include providing legal assistance to children who are witnesses in court cases, as well as psychological, medical, and legal support to victims and their families. It also carries out studies and research on issues related to sexual abuse and offers specialized training programs to different groups of professionals and interdisciplinary teams on dealing with sexual and domestic violence.

Addresses/Links

<http://www.fdn.pl/strona.php?p=33>

24. SCOTLAND - UK

- The Scottish Government - Publications provides a list of links to the official Scottish government publications concerning the evaluation of investigative interviews carried out jointly between the police and social services.

Addresses/Links

<http://www.scotland.gov.uk/Publications/2007/01/10122102/12>

25. SOUTH AFRICA

- This link is to the specific Children's Rights sector of the official website of the Constitutional Court of South Africa. Being hierarchically responsible for the legal rules for taking testimony, validation as oral evidence, and protection of vulnerable witnesses, readers will find information on the main measures and procedures implemented at court for children and adolescents victims/witnesses, to wit: video recorded testimony as oral evidence, live link connected to the court, and eliminating wigs and gowns by the judges and defense attorneys while the testimony is being taken.

Addresses/Links

<http://www.constitutionalcourt.org.za/site/yourrights/knowyourrights-childrensrights.htm#key>

<http://www.constitutionalcourt.org.za/site/contactthecourt/contactthecourt.htm>

26. SPAIN

- This link provides access to the Departament de Justícia a Girona – Generalitat de Catalunya [Department of Justice of Girona – Government of Catalonia]. It bears emphasizing that the forensic psychology service responsible for carrying out the interviews with child and adolescent witnesses in a room with two-way mirrors is connected to the Department of Justice and operates as a technical assessment team for judges and prosecutors in criminal proceedings.

Addresses/Links

http://www10.gencat.cat/sac/AppJava/organisme_fitxa.jsp?codi=10825

27. SWEDEN

- The official page of the Sveriges Domstolar [Court of Justice of Sweden] provides information on ongoing legal reform in Sweden, named En modernare rättegång, proposed Law 2004/05: 131 approved, which came into force in November 2008 and includes technological modernization through Videodokumentation/ Videokonferens [video documentation/videoconference] aimed at providing fairer trials.

Addresses/Links

http://www.domstol.se/templates/DV_InfoPage___5459.aspx

http://www.domstol.se/templates/DV_InfoPage___789.aspx

28. UNITED STATES

- The National Children's Advocacy Center (NCAC) is a nonprofit organization offering professional education aimed at prevention, intervention, and treatment services for combating child abuse and neglect. This national center trains professionals who are involved in child abuse cases throughout the country. The seminars aim to cover the most efficient means for the communication between the victim and the forensic investigation team.

Addresses/Links

<http://www.nationalcac.org/>

- The CornerHouse – Interagency Child Abuse Evaluation and Training Center was founded in 1989, and is specialized in evaluating alleged sexual violence against children. This center developed one of the main investigative interview protocols today used in the United States – the Finding Words protocol. It disseminates methods and techniques for investigative interviewing of children and offers training services in forensic interviewing for health professionals, police officers, prosecutors, among others.

Addresses/Links

<http://www.cornerhousemn.org/forensicinterview.html>

- This link is to a pdf file of the interview manual Finding Words (Walters, S., Holmes, L., Bauer, G., & Vieth, V. (2003). Finding Words: Half a nation by 2010: Interviewing children and preparing for court. Alexandria: National Center for Prosecution of Child Abuse.).

Addresses/Links

http://www.ndaa.org/pdf/finding_words_2003.pdf