***Training Materials on the International Protocol***

**PART VII MODULE 16 – SEXUAL VIOLENCE AGAINST CHILDREN**

**Session objectives:**

By the end of the session, participants should be in a position to:

* Explain the forms, scope and impacts of sexual violence against children and their specific needs
* Identify the legal, ethical and practical requirements applicable to engaging with child victims and witnesses
* Recognise helpful techniques to interview children of different ages and levels of maturity

**Suggested duration of session:**  90 to 150 minutes

**Exercise:** None

**Relevant sections of International Protocol:**

Pages 244-263; Module 2 – Understanding Sexual Violence; Module 7 – Do No Harm; Module 8 – Safety and Security; Module 9 – Planning; Module 11 – Interviewing; Module 17 – Sexual Violence against Men and Boys; Annex 7 – Interviewing Checklist; Annex 8 – Template for Personal Data to be Collected from Victims/Witnesses

General introductory notes: *Interacting or engaging with children* in the documentation or investigation of CARSV (and other crimes and violations) *for accountability purposes* in accordance with international law and best practice requires knowledge and expertise that are extremely rare at present. The international community’s understanding of if and how to do that without harming child victims or witnesses when undertaking documentation or investigation in the kinds of resource-constrained environments usually marking contexts of crimes against humanity, war crimes, genocide, systemic and grave human rights violations and conflict-affected countries more generally, although growing, is still very limited. The long overdue and increasing attention on CARSV and other crimes and violations under international criminal, human rights and humanitarian law against or otherwise involving children - including the Protocol chapter on this topic - must not be mistaken as a signal that the required knowledge, expertise and resources to properly involve children directly in such documentation or investigation processes in those kinds of environments currently generally exists.

Chapter 16 of the Protocol and this related training module must be read in the light of the foregoing cautionary notes, cautionary notes that the said chapter perhaps do not sufficiently stress.

Accordingly, trainers should stress the great importance of documenting and investigating CARSV (and other crimes and violations) against and otherwise involving children, but accentuate the knowledge, expertise and resources required to interact or engage with children in the process and expressly discourage participants from thinking that they should or could document or investigate crimes or violations against or otherwise involving children by interacting or engaging with children unless they have the necessary knowledge, expertise and resources. Trainers should also encourage participants to discuss possible ways of documenting or investigating such crimes and violations *without interacting or engaging with children* where documentation or investigation teams do not have the necessary knowledge, expertise and resources.

Module-specific notes: This module specifically deals with sexual violence against children and useful techniques when interviewing child victims and witnesses of CARSV (aspects of it will also be relevant when dealing with child perpetrators.) It builds in particular upon the principles covered in Module 7 (Do No Harm), Module 9 (Planning) and Module 11 (Interviewing), highlighting critically important additional considerations when dealing with child victims/witnesses. Most of the information contained in this module is not stand-alone and the trainer will need to link back to information contained in previous modules as necessary.

As noted earlier, approaching and interviewing child victims/witnesses of CARSV requires specific skills and experience that very few seasoned CARSV investigators have. It is a highly specialised area, littered with pitfalls, especially in resource-constrained environments. Those environments include conflict-affected contexts where there are no or limited medical, psycho-social or other support services for children, or where family or other community support networks for children are weak or absent. Refugee and IDP camps would ordinarily present significant obstacles in this regard, but the situation may be even worse outside such camps in conflict-affected areas. Depending on the specifics of a documentation or investigation initiative, such environments may also not allow, or make it very difficult for, practitioners to properly assess whether a particular child victim or witness could or should be engaged and to map and assess whether children to be engaged are and would be sufficiently cared for during and in the wake of such documentation or investigation. The trainer should be prepared to discuss any views among participants that children are less reliable and credible than adults. Like adults, children can provide highly credible and reliable evidence. As with adults, the ability of documenters or investigators to create the interview conditions necessary to elicit such evidence from children is critically important.

The trainer for this module must have professional experience conducting investigative interviews with child victims and witnesses of sexual violence, *particularly in such resource-constrained and local contexts*. They must be an experienced trainer on interview techniques with specific qualifications and expertise to sensitively interview child victims/witnesses of sexual violence.

The trainer must make clear upfront that participation in this module only aims at highlighting basic principles which can be helpful when approaching, interviewing or referring CARSV child survivors and witnesses but is by no means sufficient by itself to equip participants with the necessary skills and techniques to interview or otherwise interact with CARSV child victims/witnesses. Participants lacking the necessary experience and knowledge must not feel encouraged by the module or the trainer to undertake this specialised work.

The trainer should highlight that children are not a homogeneous group and that child interviewing skills are age-sensitive and should take into account that interacting with very young children requires different skills from those required when dealing with adolescents. In addition, interviewing boys as opposed to girls requires different considerations as further developed in Module 17 (Sexual Violence against Men and Boys).

Participants who intend to professionally and ethically interview or otherwise interact with child victims/witnesses of sexual violence should receive additional age-appropriate professional training and/or mentoring. Such training/mentoring should include an important practical component, which could consist of both role plays and participation as an observer in real interviews with child victims/witnesses of sexual violence of the relevant age group.

The trainer should ask participants if any of them has experience working with children (and, as the case may be, which age group) and whether they have been specifically trained and have sufficient experience to interview or otherwise interact with children *for accountability purposes* and how. As the case may be, such participants should be encouraged to share their experience with the group, including challenges they may have faced and useful approaches they may have used, and consider how the guidance in the Protocol may help them in their work. The trainer must carefully moderate this discussion and not allow the impression that practitioners without specialised knowledge and expertise could or should interview or otherwise interact with children for accountability purposes (which is different than working with children for child-protection, care-provision and humanitarian reasons).

The general principles presented in Module 7 (Do No Harm), Module 9 (Planning) and Module 11 (Interviewing) are applicable to all CARSV victims/witnesses, regardless of age and gender and the trainer may want to refer back to some of the associated slides as appropriate. That said, dealing with child survivors/victims is different than dealing with adult victims on various levels and requires taking into account additional considerations and proceeding with specific sensitivity, care and skills to ensure no additional harm is done, as further discussed below.

The first section of the module deals with the forms and scope of CARSV against children (slides 3-6). While children are vulnerable to sexual violence in all settings due to the inherent power imbalance linked to their age and size, children are at a heightened risk in conflict and displacement settings when family and community protection structures break down. The trainer should highlight that it is difficult to get a full picture of the scale of CARSV against children as CARSV data is often not disaggregated by age, and therefore fails to distinguish between victims under or above the age of 18. In addition, any statistics available will only represent a portion of the reality due to the lack of reporting. Despite the scarcity of data regarding CARSV against children generally – and its almost non-existence regarding boys specifically – some research shows that in certain contexts children make up between 50-70% of CARSV victims. This means that a documentation effort which ignores children as victims from the outset could potentially deny access to justice and reparation to more than half the actual victims. Participants are therefore in a position to increase access to justice for child survivors – but only if handled with skill and care.

The trainer should ask participants to think about which categories of children may be particularly vulnerable to sexual violence (e.g. children associated with armed groups, child refugees or IDPs separated from their families, children living in child-headed households) and situations which could indicate that CARSV against children may be taking place (e.g child marriage, detention or child recruitment, which are red flags that sexual violence against adults and children might be taking place). The trainer should also emphasise that although adolescent girls represent a majority of CARSV child victims in most contexts, girls and boys of all ages, including babies, may be CARSV victims (e.g. the practice of “bacha bazi” involving the sexual exploitation of boys by men in Afghanistan targets boys specifically; some ritualistic practices based on the belief that sex with virgins will make fighters “bullet proof” or bring them luck may specifically target preteen girls).

Perpetrators may include not only members of armed forces and groups, including peacekeepers, but also humanitarian workers and other civilians, family members and acquaintances as well as other (usually older) children. In short, children with or without family or other community protections may be targeted for exploitation – including sexual exploitation – by virtually anyone, including by their guardians and other minders and carers (which is an important matter for documenters and investigators to look into when planning their potential engagement with children).

When talking about the impact of CARSV on children (slide 8), the trainer may want to refer back to some of the slides in Module 2 (Understanding Sexual Violence). Children who experience sexual violence usually face physical, psychological and socio-economic consequences similar to adults as well as distinct or more severe forms of harm due to their physical size, age, mental developmental stage and social environment (e.g. more severe injuries leading to increased mortality risk, honour killings, normalisation of abuse, inability to trust, loss of education triggering a cycle of poverty).

Slides 9-10 cover the legal and procedural framework applicable to CARSV and other crimes against children. The key message to convey is that like any other CARSV victims, children have a right to access justice and obtain reparation and may be empowered by participating in such a process, *provided that those rights and interests can be realised without harming the children involved*. The trainer should research whether any armed forces or groups have been listed in the UN Secretary General’s Annual Report on Children and Armed Conflict, as well as any other child-specific reporting or coordination mechanisms which may exist in the country/ies relevant to the participants’ work. As the case may be, the trainer should ask participants if they are familiar with the UN Monitoring and Reporting Mechanism (MRM), explain the type of data collected and how such information may be useful when documenting CARSV against children.

The next section of the module (slides 11-26) deals with ethical considerations and provides guidance on how to weigh children’s need for protection whilst recognising a child’s capability based on his/her age and maturity, and their right to participation and access to justice. The trainer should encourage a discussion among participants about whether they believe children should be included in CARSV documentation processes, what additional requirements and challenges this may entail, why it is important, whether child-friendly justice mechanisms and procedures are in place or could be put in place in their context, and challenge possible assumptions that participants may have about the value and credibility of children’s testimony.

The paramount principles which must guide anyone interacting with children include *non-discrimination*, the *best interest of the child* and the *right of the child to express his/her views on all matters affecting them* and have those views listened to and taken into consideration. These principles are enshrined in the UN Convention of the Rights of the Child which has been ratified by virtually all countries in the world except for the USA, and in other international instruments. Trainers should ask participants to discuss whether those instruments were developed with the variety of circumstances in which documentation and investigation may take place in mind, and how such principles and undertakings could be applied - without doing harm - in resource-constrained environments.

Slides 13-24 deal with mitigating measures and Do No Harm considerations specific to interacting with children (i.e. informed consent and assent, threat and risk assessments, child-specific coordination mechanisms, confidentiality issues and referrals), and complement general principles covered in Module 7 (Do No Harm) and Module 9 (Planning). Key points for the trainer to emphasise/reiterate include: (i) the fact that approaching, interviewing and referring children sensitively requires age-specific training and experience (ii) the importance of obtaining the *informed consent* of the child (which may be sufficient for older adolescents) or the child’s *informed assent* in addition to, where necessary and appropriate, his/her parent’s/guardian’s informed consent, and respect his/her autonomy and wishes regarding his/her involvement in a documentation process and/or referral to support services and (iii) the fact that confidentiality may be further limited when dealing with child victims of CARSV due to possible mandatory reporting obligations to the police, social services or other authorities and the requirement to obtain the parent’s/guardian’s informed consent as appropriate. Parents and guardians too can and often are perpetrators of sexual violence against their children or others under their care. Practitioners need to properly factor this into their planning and management of the documentation or investigation process; thorough research on each potential victim and witness to be engaged should identify such risks.

The trainer could ask participants working with children to share an example of case where the best interest of the child challenged mandatory reporting requirements and how they dealt with that tension. Mandatory reporting may raise ethical and safety concerns in humanitarian settings, where government structures are weak and laws are not supported by appropriate implementing measures and processes. Where established and safe mechanisms to report child sexual abuse might not exist and where security can be unstable, mandatory reporting may trigger a chain of events that can potentially expose the child to further risk of harm, and as such not be in the child’s best interest (e.g. reporting might lead to law enforcement officials or social workers to turn up at a child’s home, therefore potentially breaching a child’s confidentiality at the family or community level and exposing the child to stigma, rejection or retaliation). Practitioners need to think hard at the planning stage about how they would navigate such a situation and have clear protocols in place to avoid putting child victims at further risk of harm.

Slides 25-26 cover children’s right to participation and documenters’ obligation to recognise a child’s agency and capacity based on his/her level of maturity to decide whether or not to participate in a documentation process. Like adults, some children may find the experience of sharing their story and obtaining truth, justice and reparation empowering and, circumstances permitting, documenters should refrain from making decisions about what is or is not in a child’s best interest on behalf of a child without taking into account their personal views and wishes. Depending on the specifics, it may be difficult or impossible for documenters to engage with children to determine their views and wishes on such matters without actually or potentially harming them.

The last section of the module (slides 27-36) covers practical considerations to take into account before deciding to interview child victims or witnesses of CARSV. Questions to consider include: Why do you need or want to engage particular child victims or witnesses? Do you and your team have the necessary skills, expertise and resources to engage them? If you do, which age-group of children do you intend to approach? Are interviewers and interpreters appropriately trained to interact with children of that specific age-group? Can you develop age/gender-appropriate referral pathways if properly vetted ones do not already exist? If necessary or advisable, could you get the same information or evidence from other sources? What impact will your decisions have on your overall planning? Will this trigger a need for additional resources and can you cover the associated costs (e.g. to create a child-friendly interview environment)?

The trainer should ask participants who already work with children to share with the group their experience about useful techniques and approaches to help a child feel comfortable and relaxed (e.g. sitting at eye-level with the child, non-threatening or formal attitude/posture/body language, law enforcement wearing civilian clothes, having a trusted support person present, having colouring pens or toys available, using drawings to help children describe events and tell their story). As with all such discussions drawing on the personal children-related experience of participants, careful moderation will be required. Support persons for victims/witnesses should generally be outside of the interview room to provide support during breaks. If necessary, they can be present during the Engage and Explain phase (of the PEACE interviewing model) only, except in the case of children who can have a (vetted and) trusted adult present during the entire interview if this really helps them. That said, even with children, you should ideally avoid to have parents or anyone else present in the same room during the Account and Clarification and Closure phases.

Slides 32-36 deal with interviewing techniques when interviewing child victims or witnesses of CARSV. The trainer should emphasise that while general interviewing principles and techniques are the same whether you deal with adult or child victims/witnesses, these must be adapted to the child’s age and maturity to take into account how children’s memories, their understanding of concepts and cognitive reasoning develop. Children must also be allowed to feel bodily sensation and emotions (e.g. trembling, shaking and crying) in order to avoid internalising negative feelings and re-traumatisation. Documenters should be ready for such reactions from children and reflect on how these might impact documenters too.

The trainer may want to refer back to Module 11 (Interviewing) and the PEACE model, which is a useful framework to conduct investigative interviews with adults and children alike. The trainer should highlight that practitioners should take as much time as necessary to build rapport and trust with a child. The interview’s duration should be adapted according to the child’s age and other relevant factors to avoid the child getting overtired but rough recommendations are 1 hour for 15-18 years old, 45 minutes for 10-14 years old and 30 minutes for 6-9 years old. Practitioners may therefore have to meet a child first to establish the necessary trust for him or her to open up and assess their level of development, and have a separate meeting with the same interviewer/interpreter to actually interview the child. Depending on the specifics of the training course, it may be important for the trainer to moderate a discussion among participants about whether the circumstances in which they ordinarily document or investigate and the resources usually available to them allow for more than one interview, or for a set of interviews that would be sufficient.

The trainer should highlight that during the Engage and Explain phase, practitioners should explain the purpose and process of the interview in a language appropriate to the child’s age and maturity level, including what the “rules” of the interview are (e.g. child should tell the truth, say if they do not understand or do not know the answer, correct the interviewer if something is wrong), and use examples as necessary to ensure that the child understands these instructions. It may be useful to ask the child to repeat in his/her own words what the rules are, to ensure s/he as fully understood.

 A useful technique to build rapport with children is to use a positive activity appropriate to the child’s age/level of maturity (e.g. drawing, building a den) or ask the child to share a positive experience in his/her life (e.g. happy family memory). This can also be a good opportunity for the interviewer to assess a child’s language use and his/her ability to produce and articulate information. As part of or in addition to this, it may be helpful to ask the child to identify a positive past experience and ask the child questions about this event, so the child gets used to answering your questions on a neutral topic and understands the level of detail that you will require when discussing more difficult or distressing experiences later.

Finally, the trainer should emphasise that the way interviewers frame their questions is particularly important when interacting with children. They should use clear, simple, open-ended and non-suggestive questions (no complex, multiple questions). They should also stick to the purely descriptive words used by the child (e.g. for instance to describe body parts or events reported by the child) and avoid qualifying an act as sexual assault or abuse to avoid unduly influencing the child’s story and recollection.