



D10 Problematic and Perspectives of Child Abuse Investigation in Colombia

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After attending this presentation, attendees will become familiar with child abuse legal problems in Colombia and will learn some suggestions for the criminal investigation of these cases.

This presentation will impact the forensic science community by exhibiting the difficult current situation about legal classification of some behaviors related with child abuse in Colombia and the introduction of useful research directives in certain cases of maltreatment.

Child abuse is defined as a series of deliberated actions and/or omissions that are carried out by parents, relatives, caretakers, or other children, that result in physical or emotional damages, or the imminent risk of serious damage or death. Nevertheless, within the Colombian penal code, child abuse phenomenon is not clearly defined. It is determined according to the characteristics of each case as well as the public prosecutor criteria, that a crime can be typified as a personal injury, abortion, kidnapping, torture, human trafficking, sexual assault, sexual abuse, nutritional nonattendance, incest, or domestic violence, among others, being this last one the most frequently used to process the case. An example of this situation is the statistical results released by the National Institute of Legal Medicine and Forensic Sciences, which in 2008 completed 13,523 medical examinations by physical injuries within the domestic violence context, 16,120 sexual examinations, and 882 autopsies in cases of homicide, but this information does not emphasize the conditions under the facts took place or the specific kind of child abuse.

Although there are some guides and protocols regarding forensic medical examination on physical injuries and sexual violence, both in adults and children, there is not a manual to guide in the criminal investigation of child abuse cases. The investigation is restricted to fulfillment of routine activities which do not provide an integral understanding of the phenomenon and less to undertake the right judicial decision and to achieve an effective children protection.

Doing a review to the current situation of these cases and analyzing child abuse typology, widely described in scientific and forensic literature, certain directives and checklists within the criminal investigation are suggested in order to make emphasis in an interdisciplinary work and approach on the victim (family and social structure, socioeconomic context, medical background, stage of development, scholastic performance, etc.), the aggressor (maltreatment antecedents, drug abuse, labor situation, mental condition, educative level, relationships, criminal antecedent, etc.), the crime scene (characteristic of the place, suitable inspection, compilation of evidences, versions given by the victim and the aggressor correspondence, etc.), and other alternative sources of information (documents, professors, neighbors, relatives, civil servants of social services, medical personnel, etc.), applicable in cases of physical abuse, Münchhausen by proxy syndrome, shaken baby syndrome, negligence, psychological maltreatment, institutional abuse, sexual violence and homicide of children.

Child Abuse, Criminal Investigation, Check List