



D52 Problematic and Perspectives of Child Abuse Investigation in Colombia

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

This presentation will impact the forensic community by describing the difficulty of the legal classification of some behaviors related with child abuse in Colombia. Attendees will also learn about useful research directives in certain cases of maltreatment that include criminal investigative strategies, check lists of data that must be recovered in any child or adolescent maltreatment or abuse case.

Child abuse and maltreatment are defined as a series of deliberate actions and/or omissions that are carried out by adults (parents, relatives, caretakers), or other children or adolescents, that result in physical or emotional damages or the imminent risk of serious damage or death.

Nevertheless, within the Colombian penal code, the child abuse phenomenon is not clearly defined. It is 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. This last one is the most frequently used to process the case. An example of this situation is the statistical results emitted by the National Institute of Legal Medicine and Forensic Sciences, which demonstrated that in 2012 there were a considerable number of medical examinations in children and adolescents involving physical injuries within the domestic violence context, sexual forensic examinations in the same population, and autopsies in cases of child or adolescent homicide. Although it can be expected, this information does not emphasize the conditions of the crimes like the specific kind of child abuse, physical evidence related, or behavioral evidence of the aggressor that can be observed in victims.

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

Doing a review of 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 emphasize an interdisciplinary work and approach to 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 evidence, 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, Münchausen by proxy syndrome, shaken baby syndrome, negligence, psychological maltreatment, institutional abuse, sexual violence, and homicide of children.

Child Abuse, Investigation, Checklist