

PORTUGUESE MANAGEMENT ON CHILD ABUSE AND NEGLECT

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Child Abuse (CA)

→ “Public” crime under the responsibility of the Public Prosecutor’s Office

Portuguese Criminal Code:

- a) “Domestic violence” (art. 152, n.º 1)
- b) “Maltreatment” (art. 156-A, n.º 1)
- c) “Crimes against the sexual liberty” (article 164 - Rape)
- d) “Crimes against the sexual self-determination” (arts. 171 to 176 – Sexual abuse)



Criminal Law → Police and state employees → **MANDATORY REPORTERS**

Protective Law → Entire community

Deontological Physicians' Code → Physicians

DUTY TO REPORT



REPORT

Refer to → **Entity with jurisdiction over children and youth or CPS**

⇒ Protection purposes

Denounce to → **Criminal Police, National Institute of Legal Medicine (INML)**

→ **Public Prosecutor's Office**

⇒ Criminal investigation purposes

Professionals, most commonly implicated:

Teachers

Childhood educators

Physicians

- Health care services
- INML

Psychologists

Social workers

Law enforcement staff ...



Institutions, most frequently involved:

Child Protection Services (300 CPS offices)

Schools and day care centers

Health care institutions

National Institute of Legal Medicine (INML – 3 Branches and 33 Offices)

Criminal Police

Public Prosecutor's Office

Juvenile and Criminal Courts

Institute of Social Security

Victim's support associations



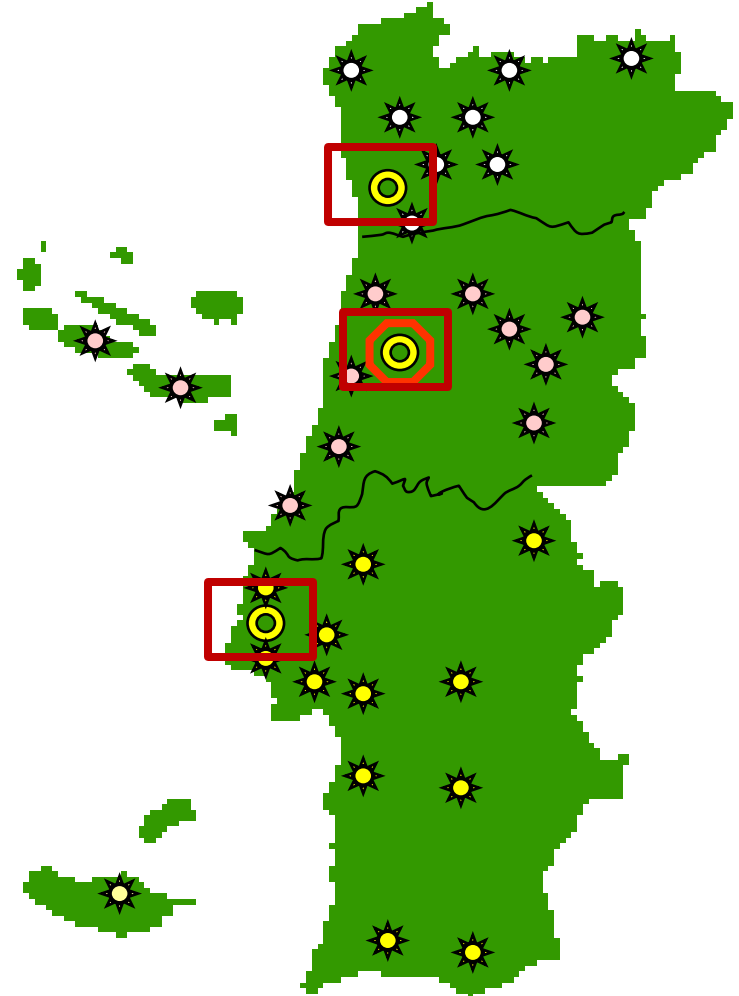
FORENSIC INTERVENTION

- **Procedural Criminal Law**

Medical forensic evaluation is mandatory and can be performed without a judicial order at INML offices

- **National on-call services 24/7**

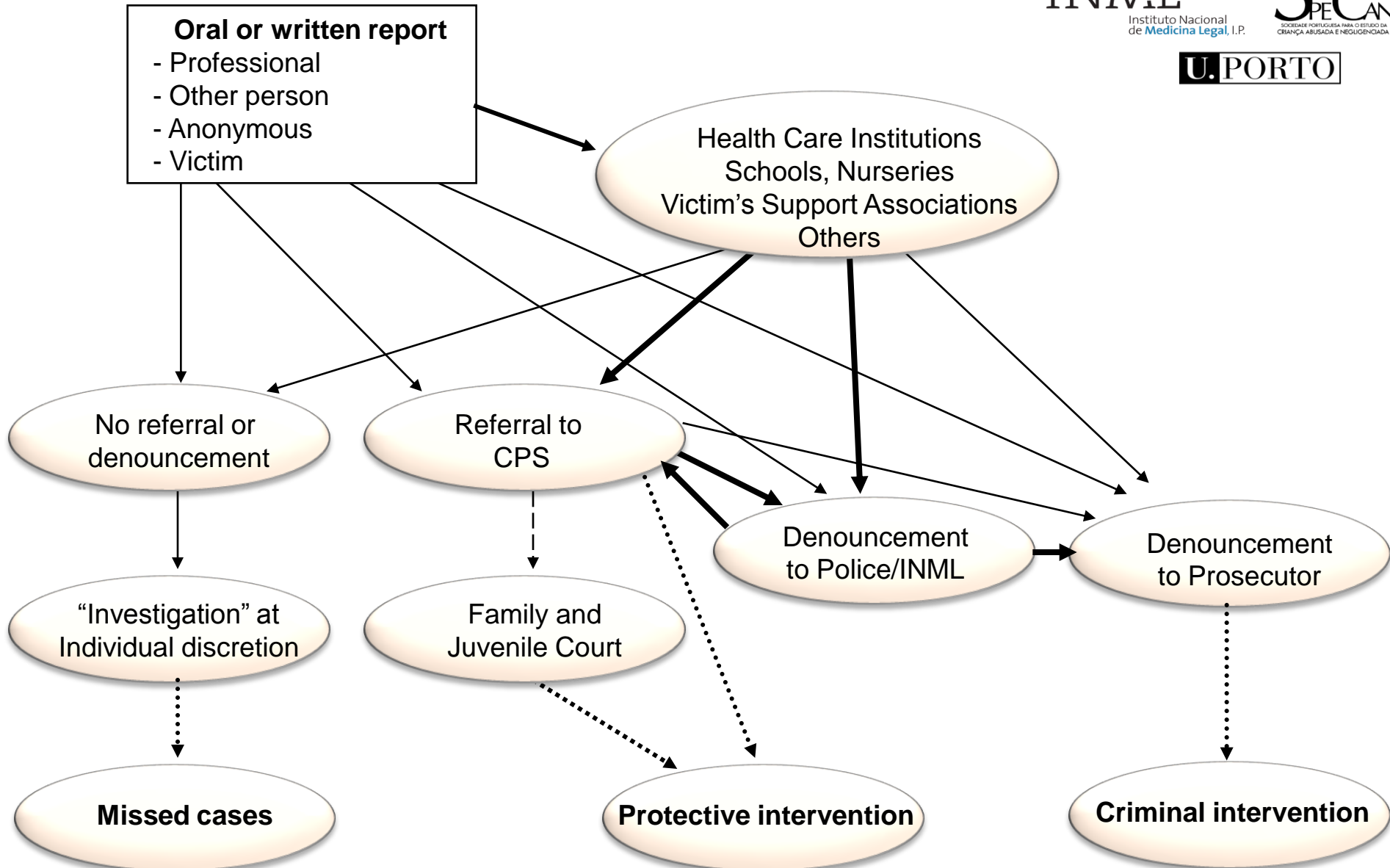
⇒ Physicians - forensic specialists

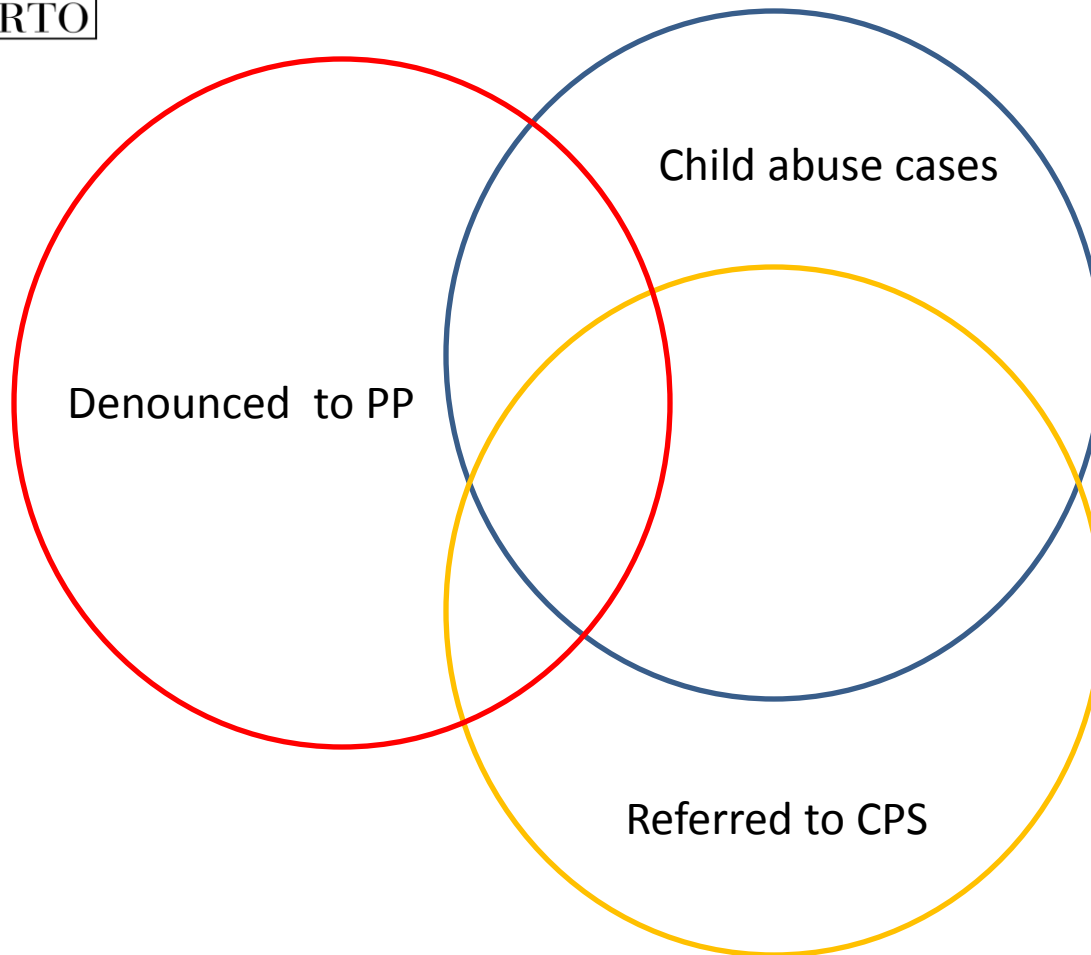


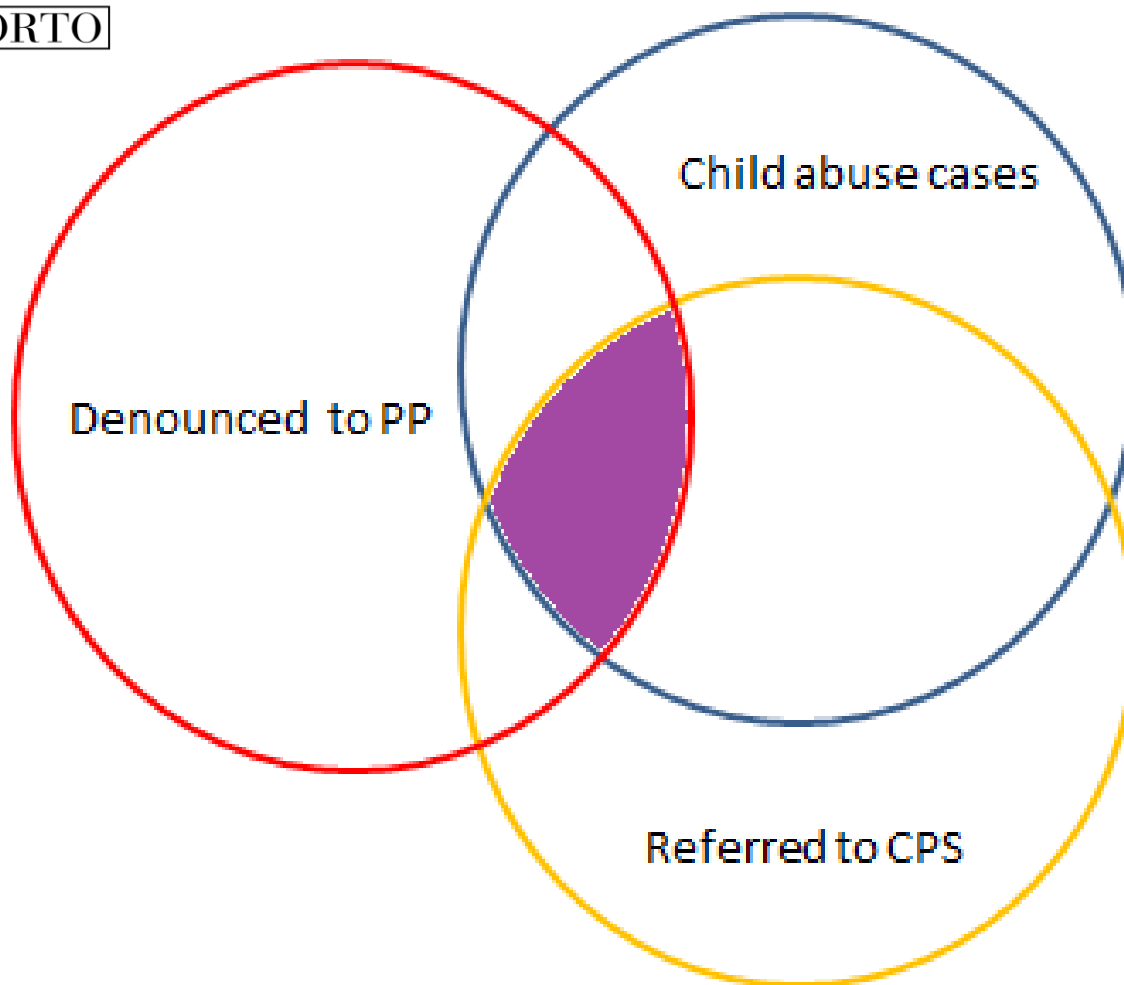
FORENSIC INTERVENTION

- Description and photo-documentation of all features
- Collection of evidence and guarantee of the chain of custody
- Discussion of the case including the causality nexus - written report to public prosecutor in 24/48h
- Medical fact-finding approach









**PROTOCOLO DE COLABORAÇÃO EM CASOS DE SUSPEITA DE
VIOLÊNCIA DOMÉSTICA, MAUS TRATOS OU CRIMES SEXUAIS
CONTRA CRIANÇAS E JOVENS DE MENOR IDADE
ENTRE O CENTRO HOSPITALAR DO TÂMEGA E SOUSA, E.P.E.,
E A DELEGACÃO DO NORTE DO INSTITUTO NACIONAL DE MEDICINA LEGAL, I.P.**

2010

3 Protocols on CAN management

- North Branch of INML and
Hospitals of northern Portugal

- North Branch of INML, Prosecutor Office,
Criminal Police, 3 Child Protective Services,
and Criminal and Juvenile Courts of Porto

O trabalho com crianças e jovens e o respectivo enquadramento jurídico-penal, linhas de actuação interinstitucionais que se devem seguir aos procedimentos iniciais a os suspeita, ao diagnóstico e à preservação protecção da criança vítima.

Nesses procedimentos iniciais inter os serviços de saúde e os serviços médico-
Acredita-se que a adequada análise e extrema complexidade, exige o contributo técnico-científica, no âmbito das compe

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COMPROMISSO DE BOAS PRÁTICAS

CRIMES DE VIOLÊNCIA DOMÉSTICA, MAUS TRATOS (envolvendo menores de idade) E CONTRA A LIBERDADE E AUTODETERMINAÇÃO SEXUAL DE CRIANÇAS E JOVENS

ENTIDADES:

✓ Com prévio conhecimento e acordo do Exmo. Senhor

PROTOCOLO DE COOPERAÇÃO

Departamento de Investigação e Acção Penal
Polícia de Segurança Pública
Delegação do Norte do Instituto Nacional de Medicina Legal, I.P.
Comissão para a Cidadania e Igualdade de Género

**1ª
(Objectivo)**

Instituir um sistema de colaboração das entidades signatárias através de uma coordenada articulação de recursos técnicos em situações de violência doméstica integradoras do ilícito do art.º 152º, n.º1, alíneas a) b) e c) do Código Penal, nomeadamente para o estabelecimento de canais de comunicação mais céleres entre os diversos intervenientes, tendo em vista uma maior eficácia no atendimento e encaminhamento das vítimas.

**2ª
(Compromisso de Boas Práticas)**

As entidades subscritoras comprometem-se a adoptar as seguintes procedimentos:

a) Em Casos de VIOLÊNCIA DOMÉSTICA GRAVE entendendo-se como grave aquela da qual se afigure resultar perigo iminente e sério para a vida ou a integridade física das vítimas.

Notícia adquirida pelo Departamento de Investigação e Acção Penal (DIAP):

✓ O Magistrado de turno/titular do inquérito procederá à elaboração da denúncia/inquirição da vítima;

✓ Caso a vítima apresente evidências físicas de agressão ou caso a mesma relate agressões físicas, encaminhá-la-á, de imediato, para

estabelecimento de um comarca da Porto, entre as

Handwritten signatures and initials.

Handwritten notes and signatures related to the protocol.

2011

National Protocol on SA management

- Ministry of Health (including NHS)
- Ministry of Justice (including Courts, Public Prosecutors, INML, Criminal Polices)
- National Commission for the Protection of Child and Young people at Risk
(including CPS)



2008 - 2011

INML and Medical School of Porto University

- Professional training
- Guidelines on CAN

Teresa MAGALHÃES et al, Procedimentos Forenses no âmbito da recolha de informação, Acta Med Port. 2011; 24(2):339-348

SUMMARY

FORENSIC PROCEDURES FOR INTERVIEW

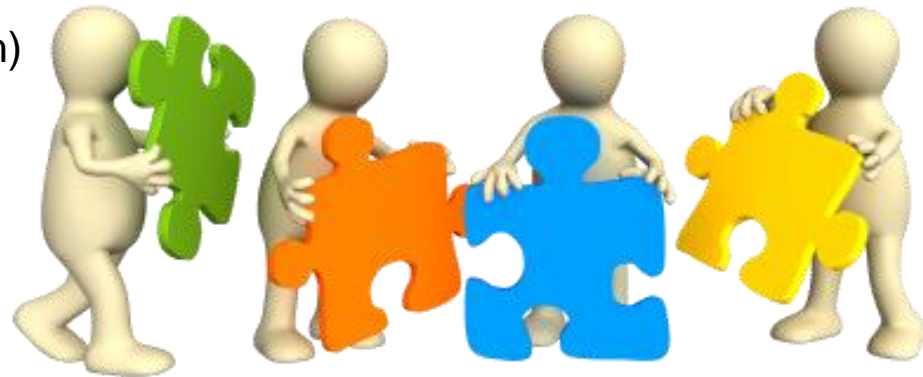
Physical Exam and Evidence Collection in Children and Young people Victims of Physical and/or Sexual Abuse

The public nature of child abuse crime (domestic violence, maltreatment and sexual crimes) implies the opening of a criminal enquiry as soon as facts likely to be considered as such are known. Professionals who suspect of these cases are considered mandatory reporters as is the case of health care professionals.

The work with abused children and youth involves several courses of action between institutions, namely as to the starting procedures to follow in case triage, reporting of suspicion, diagnosis and preservation of evidence for penal purposes, as well as to the protection of the victim(s), all of which still lack a clear definition in Portugal.

Interagency collaboration and communication guaranteeing a comprehensive multidisciplinary approach, including urgent physical examination and evidence collection, and psychological and social evaluation

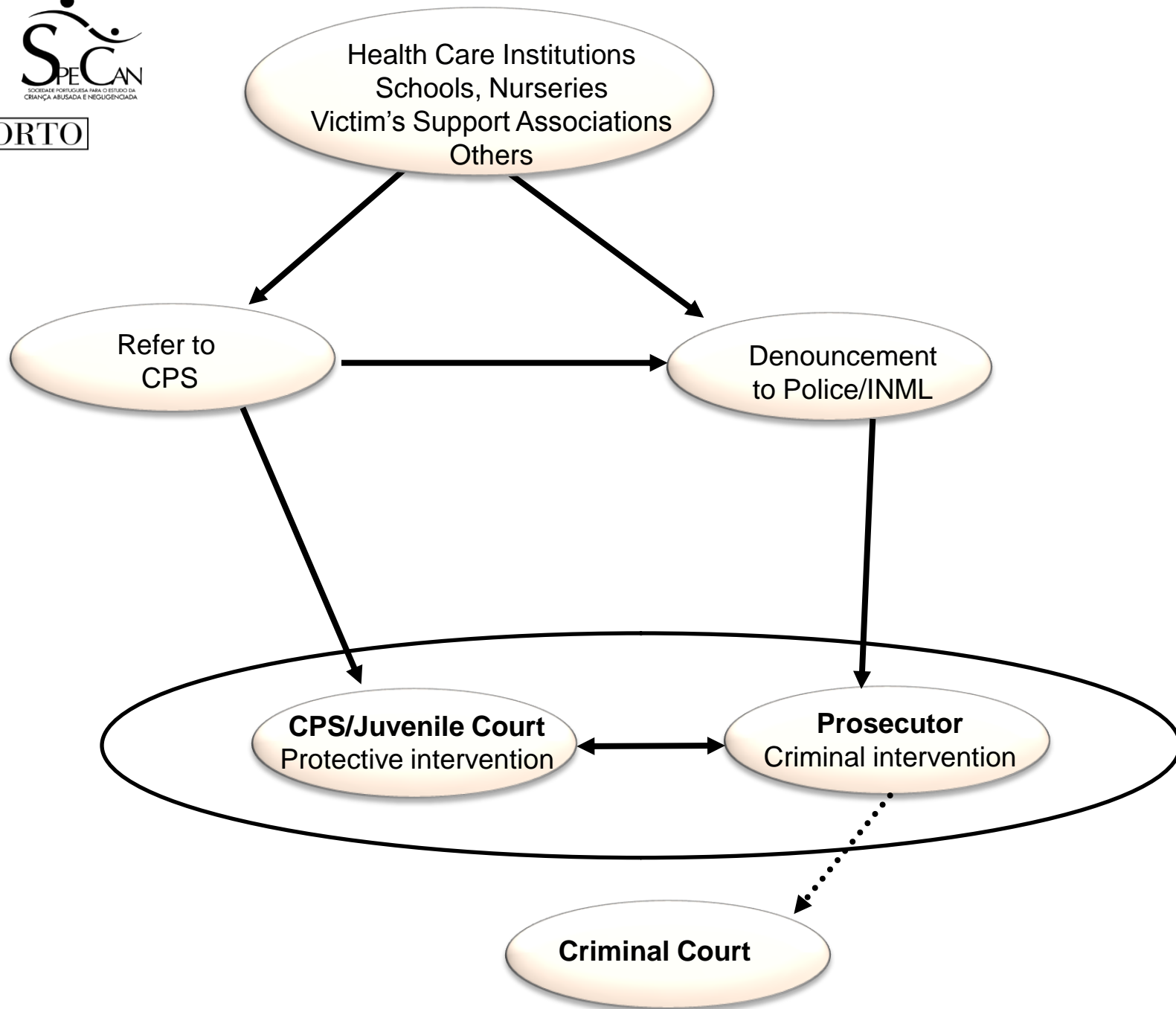
- Hospitals (Case finding)
- CPS
- INML (Diagnostics & Mental Health)
- Criminal Police
- Prosecutor's Offices
- Courts ...

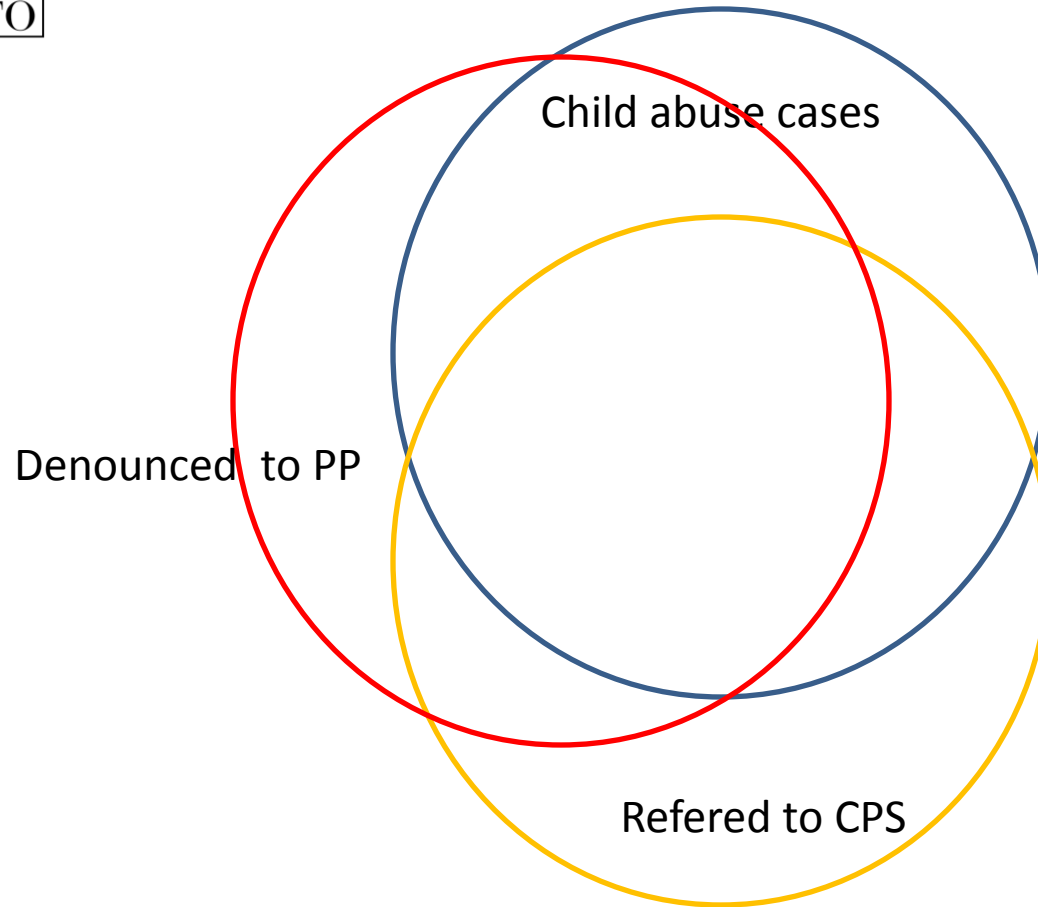


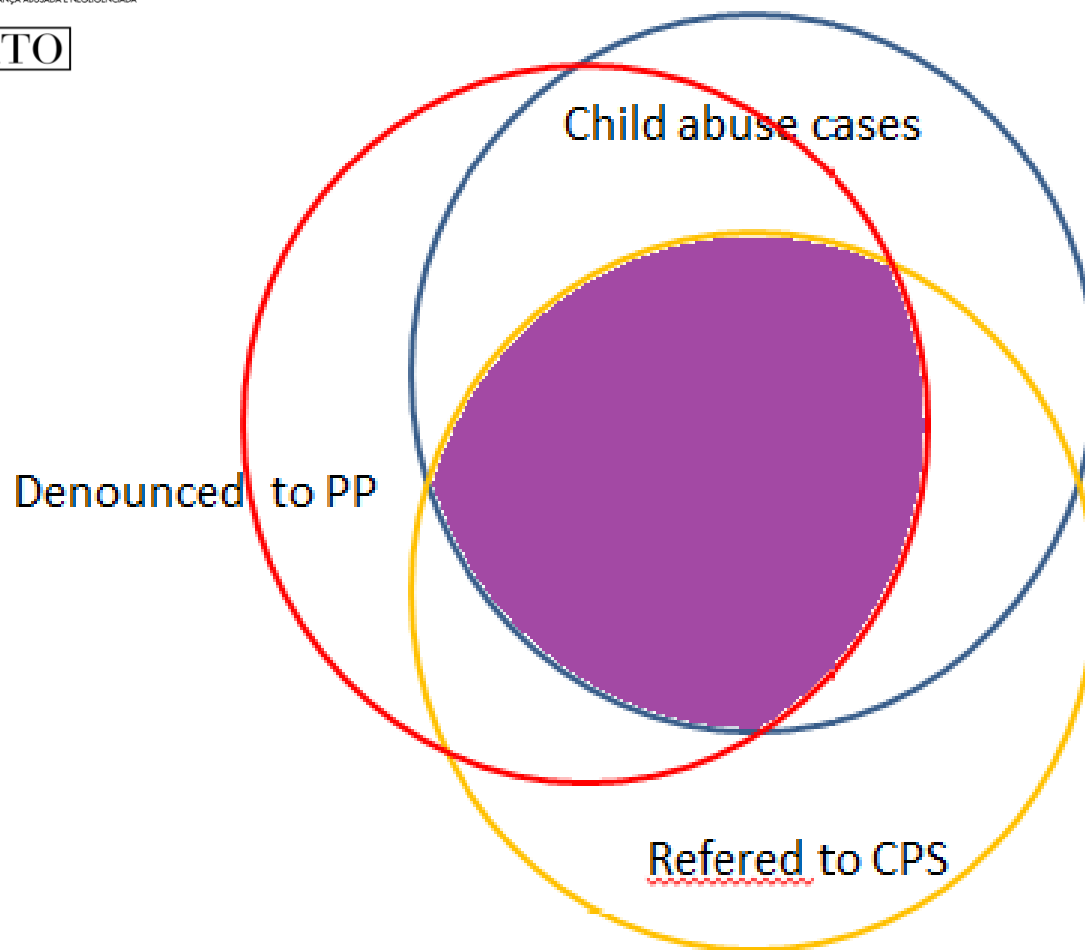
Primary procedures

- Case report
- Case diagnosis
- Protection measures
- Criminal investigation measures









Difficulties...

- Case screening

- National procedures are not yet implemented
- Pilot experience (to begin next November in Portugal): **Report Form** which will be validated to be used in a **national call-center**

Difficulties...

- Forensic Interview

- Forensic interview has legal value only if performed by the judge
- Generally interviews are performed by: physicians, CPS, police, forensic psychologist, prosecutor, judge and others
- Child must go to court
- Pilot experience (to begin next October in Porto and Coimbra): **only 1 interview** by the forensic psychologist, after agreement of the prosecutor and in the presence of the judge (and others) – using a unidirectional mirror with the possibility of the judge intervention (video-tape recording)
- With the current law, it will depend on the judge's willingness to cooperate

The new system for intervention will...

- Focus on the child's wellbeing, considering their family's needs as well as those of the surrounding community
- Concentrate on teamwork, articulated through structured partnerships, based on guidelines and on solid coordination, periodically tested
- Be centered on accuracy and on the technical and scientific quality of the intervention, supported by the definition of procedural guidelines
- Focus on assuring permanently available and highly trained forefront services, for screening and referral of cases, in accordance to the consistency degree of abuse indicators
- Promote a constant evaluation of these services
- Articulate in order to achieve the promotion and protection system for children at risk
- Assure the gathering of evidence in accordance to the Procedural Criminal Law
- Respect the rights, liberties and grants of intervening persons

