

Position Paper

Child Sexual Assault v's. Child Abuse and Neglect



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About the Authors

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Hetty Johnston is Founder and Executive Director of Bravehearts Inc. Hetty is the author of the national awareness campaign, "White Balloon Day", the "Sexual Assault Disclosure Scheme", the "Ditto's Keep Safe Adventure!" child protection CD-Rom and her autobiography, "In the best interests of the child" (2004). In 2005, Hetty was announced as a finalist for the 2006 Australian of the Year Awards – she is the recipient of two Australian Lawyers Alliance Civil Justice Awards (2003, 2004) and was named a finalist in the 2008 Suncorp Queenslander of the Year Awards. She was awarded a Paul Harris Fellowship in 2010 and is a Fellow of the Australian Institute of Community Practice and Governance (March 2010). In early 2009, Hetty was recognised as one of approximately 70 outstanding leaders throughout the world, receiving the prestigious annual Toastmasters International Communication and Leadership award.

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About Bravehearts Inc.

Founded in 1997 by Hetty Johnston, Bravehearts Inc. has evolved into an organisation whose purpose is to provide therapeutic, support and advocacy services to survivors of child sexual assault. We are also actively involved in education, prevention, early intervention and research programs relating to child sexual assault.

Bravehearts operates from our Head Office on the Gold Coast, advocating and lobbying nationally, with branches across the country.

The work of Bravehearts in the community includes:

- **The Ditto® Suite of Programs:** Includes *Ditto's Keep Safe Adventure* - CD ROM and Ditto's in-school protective behaviours education program.
- **Research:** Bravehearts is actively involved in research and policy development that prevents, responds to and ultimately reduces the incidence of child sexual assault.
- **Lobbying and Campaigning:** Bravehearts advocates for survivors directly and more broadly, through participation in State and Commonwealth government committees, inquiries and working parties, media, community debate and legislative review and reform.
- **Bravehearts Online:** Our online partnerships with Google and YouTube, together with our presence on other social networking sites such as Facebook, provides for the sharing of information, advice and support directly to young people and those who care for them.
- **Practitioner Workshops:** Bravehearts provides a suite of workshops tailored to provide specialist professional development education to therapists.
- **Supporting Hands:** This program provides valuable and effective training and awareness workshops on risk management for staff and volunteers in organisations that have contact with children, including teachers.
- **Community Awareness Campaigns:** Now partially funded by the Commonwealth Government, National White Balloon Day® is our signature awareness campaign. Held annually since 1997 in September during Child Protection Week Visit: www.whiteballoonday.com.au
- **Risk Audit:** Bravehearts provides a specialised Physical and Policy Risk Management Audit service for community groups, sporting clubs, retail and commercial sites that engage with children.
- **Counselling and Support Programs:** We provide counselling and support to children, adolescents and adult survivors of child sexual assault, as well as their family members.
- **Sexual Assault Disclosure Scheme:** SADS successfully encourages survivors to overcome the barriers to disclosure and as such, protects thousands of children from those who, through SADS, become known predators.
- **Telephone Crisis and Advocacy:** Bravehearts currently provides a Freecall 1800 BRAVE 1 (1800 272 831) crisis-support and advocacy line. We receive more than 80 phone calls each week from people who need timely accurate advice, assistance or referral in times of crisis.

Abstract

Bravehearts believes that the offences of child abuse and neglect are different in nature, motivation and victimisation than offences of child sexual assault and that while both are incredibly traumatic for children, their differences dictate they should be addressed separately.

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Taking Child Sexual Assault out of the Pot

Bravehearts believe that the issue of child sexual assault and those of child abuse and neglect are discernibly different and require discernibly different responses. This view is borne out by the increasing number of reports, conferences and studies that deal exclusively with the issue child sexual assault in isolation of 'child abuse and neglect'.

We do recognise the equally damaging effects of child abuse and neglect but we believe that bundling 'child sexual assault' in the suite of matters referred to collectively as 'child abuse and neglect' is actually harming efforts to prevent child sexual assault. We believe this occurs in many areas including that of 'child abuse' data collection. This in turn thwarts the development of clear understanding and therefore appropriate responses to the issue.

Terminology:

- The term 'abuse' portrays an extension of a given right or privilege ie: discipline gone too far.
- Neglect suggests the failure to provide basic care and protection.
- Sexual assault is commonly neither of these. The only thing they have in common is that they both involve the harming of children.
- It is interesting to note that an attack against an adult is commonly referred to as an 'assault' but an attack against a child is more commonly referred to as 'abuse';
- The criminal law refers to attacks against both children and adults as 'assaults'. It is telling to note that the Queensland Criminal Code does not include the term 'abuse' in its Code and does not list the term 'abuse' within Schedule 5 – The Codes Dictionary. Child sexual assault is the crime – not child sexual abuse.

Differences in Offending:

- 1(a) Acts of **child abuse and neglect** are generally unplanned, re-active and are generally aligned with socio-economic and family dysfunction issues and are comparatively predominant in areas of social disadvantage.
- 1(b) **Sexual assaults** against children are almost always pre-meditated, involving predatory acts of grooming, manipulation, self gratification and exploitation, and occur widely across the various socio-economic areas.
- 2(a) **Child abuse and neglect** more commonly involve the infliction of pain, violence and aggressive force.
- 2(b) **Child sexual assault** more commonly involves manipulation, intimidation and unwanted sexual contact.

- 3(a) **Child abuse and neglect** are generally always perpetrated by a parent, more commonly the female, (parent is the offender in an estimated 90% of cases).
- 3(b) **Child sexual assault** is generally:
- * Perpetrated by a male (in excess of 95% of cases).
 - * More likely to be perpetrated by someone known to the child or their family (research varies but commonly finds between 80 and 85% of the time) BUT
 - * Of those offenders known to the child, most commonly the offender is NOT living with the child (between 70 and 75%).
- 4(a) **Child abuse and neglect** offences are almost always intra-familial.
- 4(b) **Child sex assault** offences are commonly extra familial as well as intra-familial.
- 5(a) **Child abuse and neglect** is a domestic issue that can involve criminality.
- 5(b) **Child sexual assault** always involves criminality and further, involves potential for networking, official corruption and monetary motivations (as per drugs).

Definitions:

Assault

- An unlawful threat or attempt to do bodily injury to another.
- The act or an instance of unlawfully threatening or attempting to injure

Etymology: Old French *assaut*, literally, attack, ultimately from Latin *assultus*, from *assilire* to leap (on), attack. **1:** the crime or tort of threatening or attempting to inflict immediate offensive physical contact or bodily harm that one has the present ability to inflict and that puts the victim in fear of such harm or contact another.

Abuse

- To use wrongly or improperly; misuse: *abuse alcohol; abuse a privilege*.
- To hurt or injure by maltreatment; ill-use.

Source: *The American Heritage® Dictionary of the English Language, Fourth Edition*
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