

■
The Summary Report

*of the Special Advisor to the Minister of National Health and Welfare
on Child Sexual Abuse in Canada*

Reaching for Solutions

Recommendations

The recommendations in the full report begin in Chapter 3 and continue through Chapter 10. The recommendations are listed here consecutively for reference.

Chapter 3 *Systems in Search of Harmony and Effectiveness*

Recommendation 1

That the Minister of National Health and Welfare be designated as the minister responsible for children (in this context, the United Nations definition of "children" is used, whereby children are defined as persons under 18 years of age).

Recommendation 2

That Health and Welfare Canada establish a Children's Bureau within the department, with a specific mandate and function as the responsibility centre within the federal government for a broad range of children's interests to include:

- serving as the leadership centre for child-centredness within the federal government;
- combating child abuse, including the operation of a national resource centre for child abuse;
- children growing up in poverty;
- federal daycare concerns;
- the implementation in Canada of the *United Nations Convention on the Rights of the Child*; and

- the responsibility to examine Cabinet documents prepared by federal government departments for their potential impact on the well-being of children.

Recommendation 3

That the Minister of National Health and Welfare recruit a member of his/her staff to serve in the field of children's services.

Recommendation 4

That a National Resource Centre on Child Abuse, responsible to the Children's Bureau, be established by the federal government.

Recommendation 5

That the Minister of National Health and Welfare take steps to assist the development of a coalition in the non-governmental sector for the purpose of advocating for the well-being of children. Initially, funds should be provided for organizations to meet to develop the coalition, followed by an ongoing program to assist the non-governmental coalition to pursue a program to enhance the well-being of children.

Recommendation 6

That the Minister of National Health and Welfare authorize support for five to seven Regional Resource Centres for the Prevention of Child Abuse across Canada. Rather than establishing entirely new centres, these centres may be additions or expansions, wherever feasible, to existing organizations. It is anticipated that common functions would be:

- to serve as resource bodies for specialized and interdisciplinary training in the field of child abuse for individuals and groups in its region;

- to maintain a resource and information centre that is computer-linked to the National Resource Centre for Child Abuse Prevention, and to provide resource materials and training materials on child abuse;
- to assist regional resources in providing services accessible to disabled children (hearing, visual, mobility, developmentally and mentally impaired);
- to support local co-ordinating committees on child abuse and a variety of other community-based organizations with information, consultation, training and resource materials;
- to initiate appropriate research activities in accordance with particular areas of need and interest of the regional resource centres;
- to assist government authorities in the development of appropriate policy recommendations; and
- to develop specialized expertise within the field of child sexual abuse, which in turn can be a resource to the nation as a whole.

Recommendation 7

That the Minister of National Health and Welfare, in consultation with other federal ministers, appoint Expert Advisory Committees related to child abuse, in the following areas:

- public awareness and primary prevention;
- justice issues;
- healing and treatment; and
- aboriginal concerns.

It is further proposed that the expert advisory committees report directly to the Minister of National Health and Welfare, and through him/her to other federal ministers.

Recommendation 8

That a federal-provincial/territorial cost-sharing program be established in the area of child abuse. Provisions should include:

- a phased-in pilot program arrangement under specified budget amounts, which can be assessed for effectiveness and increased on an annual basis;
- support for local child abuse co-ordinating committees;

- costs of child abuse co-ordinators at the community level, including aboriginal communities and disabled children;
- additional resources to assist currently underresourced front-line services;
- a way of meeting significant gaps in services that currently exist;
- costs of mental health and social services for victims, other family members and adult survivors, including self-help groups; and
- support to the operation of Regional Resource Centres.

Recommendation 9

That, in order to support current initiatives within provincial/territorial jurisdictions, each province and territory ensure an appropriate interdepartmental mechanism is established to co-ordinate programs and resources to address child abuse issues.

Recommendation 10

That provincial/territorial governments ensure that locally based co-ordinating committees are encouraged and supported, with the assistance of child abuse co-ordinators. These committees should facilitate the work of teams of workers from two or more agencies who may be responsible for such matters as investigation and treatment, and should ultimately be eligible for federal cost-sharing (see Recommendation 8).

Recommendation 11

That the Canadian Medical Association, in conjunction with the provincial/territorial medical associations, carefully review the issues facing the medical profession in relation to child abuse and bring forward recommendations that will address these issues. The scope of the enquiry should include:

- orientation and updating of all medical personnel to the emerging realities of child abuse, including orientation to new resources related to the medical examination, sexually transmitted diseases in children and protocols for reporting, including the vulnerability of disabled children;

- protocols for family doctors in smaller communities related to reporting and assisting with victim assessment and treatment requirements; and
- provincial/territorial health plans that, in conjunction with their respective medical associations, provide remuneration arrangements for child abuse cases to adequately reflect their difficult and sensitive nature, and allow time billing.

Recommendation 12

That protocols be developed in each local community and rural region to facilitate interdisciplinary and interjurisdictional co-operation among service providers and various systems in combating child abuse.

Recommendation 13

That the provinces and territories have an appropriate mechanism for independently monitoring services for children by government departments and their agents and for investigation of complaints by and on behalf of children, utilizing the best experiences already developed. The mandate should include a commitment to the declaration of principles on the handling of children's complaints, already adopted by the Conference of Canadian Ombudsmen, and the *United Nations Convention on the Rights of the Child*. The mechanism should include responsibility for monitoring services provided to children by government and on behalf of government by non-governmental and private organizations. Where such a mechanism is already in place, it must be ensured that it is independent and easily accessible. It should also publish an annual report regarding the government's performance in serving children.

Chapter 4 Public Awareness and Primary Prevention

Recommendation 14

That the National Family Violence Film Collection be maintained and regularly updated so that the Canadian public has access to a broad

range of excellent training films on child sexual abuse, and that the federal government continue its support of the National Film Board in the development of new films that are required to ensure public awareness. The CBC and other public broadcasters should regularly broadcast appropriate documentaries and dramas dealing with domestic violence and child abuse.

Recommendation 15

That Health and Welfare Canada continue to work with the Council of Ministers of Education and the national education associations in developing long-range programs of values education, including those related to issues of patriarchy and hierarchy, domestic violence and sexual abuse.

Recommendation 16

That provincial ministries of education, culture and recreation, and social services should continue to fund and plan strategies that will encourage an enhanced liaison between school personnel and community leaders, supported by developmentally appropriate preventive education programs, targeting pre-school through elementary to secondary levels of education. As well, teacher training must regularly deal with child sexual abuse.

Recommendation 17

That the federal and provincial/territorial governments continue to support community-based primary prevention, public awareness programs so that all sectors of society are encouraged to participate in the prevention of child sexual abuse.

Recommendation 18

That the federal Minister of Justice introduce legislation that will address the protection of children from the harmful effects of pornography, including a revision of the Criminal Code, harsher penalties for using children in the production of sexually explicit materials, stricter monitoring of our borders by Customs and Excise officials, and prohibitions on the distribution, possession or sale of pornographic materials to children. The process of enacting

legislation dealing with issues related to children and child pornography should be separated from that dealing with adults.

Recommendation 19

That as part of a general prevention strategy, the Canadian Radio-television and Telecommunications Commission (CRTC) assume a more active role in regulating broadcasting, with the goal of reducing the amount of violent and sexually exploitative material available to the general public.

Recommendation 20

That all relevant professional associations be encouraged to develop policy with respect to child abuse and the role their professionals should play in the detection, treatment and prevention of abuse.

Recommendation 21

That child and youth serving organizations in Canada continue and further develop their efforts to combat child abuse in Canada, including the addition of an official policy to prevent child abuse within their organization. Official policies should set out guidelines related to the selection, training and screening of leaders.

Recommendation 22

That churches develop policies and procedures for responding appropriately to the problem of child sexual abuse. This includes the articulation of guidelines for church leaders to follow in the event of disclosures, training for appropriate pastoral counselling, procedures to follow in the event that church personnel are accused of sexual abuse, and comprehensive screening procedures for clergy and other personnel who work with children and youth.

Chapter 5 Child Sexual Abuse and the Justice System

Recommendation 23

That in each jurisdiction there should be a clear government policy to charge and prosecute child abusers in every case where the Crown Attorney is satisfied that there is sufficient evidence to merit prosecution *and* that the child will not be unduly traumatized by the process.

Recommendation 24

That local protocols should address the problem of delay of treatment and ensure that children are not denied access to treatment pending resolution of criminal proceedings.

Recommendation 25

That all police officers and supervisory personnel receive training in issues related to child sexual abuse and domestic violence; and

That all police forces have officers who specialize in the handling of child sexual abuse cases and who have had specialized multi-disciplinary training in programs of at least one week's duration.

Recommendation 26

That legislation or policy in each Canadian jurisdiction require that an autopsy or investigation will normally be performed in cases where a child under the age of 18 dies as a result of suspected abuse, accident, homicide, suicide or unknown cause. The chief medical examiner should review all children's deaths where a child welfare agency has been involved.

Recommendation 27

That the federal government fund and assess model programs, and collect and disseminate information about successes and problems with implementation of Bill C-15. In particular, the federal government should provide leadership in training, monitoring and disseminating information with regard to the use of videotapes, closed-circuit television and screens, and in the acceptance of child witnesses and their preparation and support in court.

Recommendation 28

That the federal Department of Justice should monitor challenges to Bill C-15 under the Canadian Charter of Rights and Freedoms and actively defend the legislation against constitutional attack. The federal government should exercise its right of intervention in cases where there are Charter challenges, ensuring that trial judges receive appropriate evidence about the need for and validity of this type of legislation; and

That, if provisions of the new law are ruled unconstitutional, they should be redrafted and re-enacted to meet constitutional requirements and not be simply abandoned.

Recommendation 29

That Parliament reform the laws governing child sexual abuse prosecutions to:

- permit qualified experts to testify about the characteristics and dynamics of sexual abuse, and to express opinions on the reliability of a child's statements;
- permit witnesses to testify about the out-of-court statements made by a child about allegations of abuse;
- permit judges dealing with bail hearings to order that persons charged with sexual offences against children vacate their premises, if this is necessary to promote the interests of a child, and to order that such persons not associate with particular children pending trial;
- permit judges to allow an adult to accompany a child under age 12 to the witness stand, provided that this is necessary to ensure the child is not

intimidated by the process and that this is not prejudicial to the rights of the accused to a fair trial; and

- permit use of videotapes of a prior statement by any child witnesses in a child sexual abuse prosecution.

Recommendation 30

That Parliament study the improvement of the laws governing child sexual abuse prosecutions in particular, with reference to:

- ensuring that the videotape, screen and closed-circuit television provisions are effective; and
- considering the possibility of permitting the appointment and participation of counsel to protect the needs and interests of children.

Recommendation 31

That provincial/territorial governments take steps to ensure the effective implementation of Bill C-15, including jurisdiction-wide access to videotaping, closed-circuit TV, screens, child victim witness support programs, and Crown continuity in the handling of child abuse cases.

Recommendation 32

That those responsible for the administration of justice in each jurisdiction ensure that policies are established to show sensitivity to the needs of professionals called upon to testify in child sexual abuse cases. There must be respect for professional needs when scheduling court appearances, as well as reasonable compensation.

Recommendation 33

That provincial/territorial attorneys general develop policies to give priority in court scheduling to child sexual abuse cases.

Recommendation 34

That the federal Department of Justice commission an architectural study of developments in courtroom and courthouse design and promote the construction of facilities sensitive to the needs of children and other vulnerable witnesses.

Recommendation 35

That the National Judicial Education Centre in Ottawa and provincial and national judges' associations ensure that judicial education programs include a study of the legal issues related to child sexual abuse, the dynamics of child abuse, and the needs and capabilities of child witnesses.

Recommendation 36

That the federal Department of Justice fund a project to study the ethical issues for lawyers in child abuse cases and the ethics codes of other jurisdictions with regard to this type of case. A model ethics code for dealing with children and other vulnerable witnesses should be developed and circulated to all provincial/territorial law societies and to the Canadian Bar Association for discussion and possible adoption.

Recommendation 37

That sentencing judges receive information about the damaging long-term effects of child sexual abuse. This information should be imparted in judicial education programs as well as in individual cases through evidence at sentencing hearings.

Recommendation 38

That federal and provincial/territorial corrections departments ensure that convicted child abusers have access to treatment services;

That provincial/territorial treatment services should eventually be eligible for federal cost-sharing (see Recommendation 8);

That sentencing judges be provided with appropriate information about child abusers and available resources, and that they have the jurisdiction to order a pre-sentence assessment prepared by a mental health professional or assessment team;

That federal legislation be amended to permit judges to order that treatment services be available to offenders; and

That the pre-sentence assessment be forwarded to correctional authorities responsible for the management and treatment of the offender following sentencing.

Recommendation 39

That provincial/territorial justice and corrections officials be encouraged to establish experimental post-charge programs for dealing with offenders. These programs should be carefully studied and monitored. Their success may eventually justify legislative amendments and more widespread programs.

Recommendation 40

That Parliament amend the *Criminal Code* to allow judges to order probation terms of up to life for those convicted of sexual offences; and

That probation services ensure that those on probation orders actually comply with the terms of their orders.

Recommendation 41

That parole legislation be amended to allow longer periods of supervision and support beyond the warrant expiry date for those released from prison following commission of a child sexual abuse offence. It is important that supervision and support in the community following release from custody apply to adolescent offenders sentenced under the *Young Offenders Act*;

That parole staff and board members receive adequate training in the characteristics and treatment of those who sexually abuse children; and

That released offenders have adequate access to community-based treatment resources.

Recommendation 42

That provincial/territorial governments ensure that adequate services are provided to 16- and 17-year-old adolescents who have been victims of abuse. Consideration should be given in each jurisdiction to ensuring that child protection legislation and services are applicable until a youth reaches the age of 18.

Recommendation 43

That provincial/territorial governments amend their legislation to facilitate the giving of evidence by children in civil cases. They should expand the scope for use of videotapes and

out-of-court statements of children, and should at least ensure that child witnesses receive all the benefits of Bill C-15.

Recommendation 44

That child abuse protocols deal with issues related to parallel civil and criminal proceedings, and ensure that decisions about a child's welfare are not postponed solely to satisfy the needs of the criminal justice system; and

That provincial/territorial legislatures enact legislation to render admissible in a child protection case transcripts from a prior criminal trial.

Recommendation 45

That police and child protection investigators have special training in the dynamics of abuse allegations in the context of parental custody or access disputes and that they continue to be involved as long as there is evidence of abuse sufficient to merit criminal proceedings or a risk to the child.

Recommendation 46

That the federal government co-operate with the provincial/territorial governments to establish Unified Family Courts throughout Canada.

Recommendation 47

That provincial/territorial legislatures amend their limitation statutes to permit civil damages suits for adult survivors of childhood sexual assaults.

Recommendation 48

That provincial/territorial governments review the legislation and policies that govern Criminal Injuries Compensation Boards to ensure that victims of child sexual abuse receive compensation and support that recognizes the intangible nature of their injuries and their long-term needs;

That consideration be given to allowing for compensation for abuse suffered prior to the establishment of the boards; and

That the existence of the boards be publicized to victims of abuse and to those who work with them to ensure that all who are eligible can apply.

Recommendation 49

That the federal Department of Justice study whether courts sentencing individuals convicted of child sexual abuse should have the jurisdiction to order that restitution be paid to victims, for example, to cover the cost of therapy.

Recommendation 50

That Health and Welfare Canada and other federal departments continue to support programs that assist volunteer organizations to deal with child abuse, including development of policies related to the screening and supervision of volunteers, and that Health and Welfare Canada support efforts to ensure that all organizations working with children have policies related to child abuse, including screening and supervision of staff. Co-ordination at the federal level is important and should be the responsibility of the Children's Bureau.

Recommendation 51

That the federal Department of the Solicitor General and the Office of the Privacy Commissioner ensure that legislation and policies permit the disclosure of criminal offence records relating to child abuse about persons applying for or occupying paid or volunteer positions of responsibility for children. Such information should be disclosed only with the consent of the individual concerned, although the failure to give consent for a criminal record check may be grounds for denying an individual a position of responsibility for children.

Recommendation 52

That provincial/territorial governments establish screening mechanisms to ensure that those with a history of child abuse do not assume positions of responsibility for children. The screening should utilize registers that identify abusers on the basis of a civil or criminal finding, and offer alleged abusers the right to due process. The federal government must ensure that provincial/territorial registers have access to criminal records related to child abuse; and

That, if requested by provincial/territorial governments, the appropriate federal departments should provide access to social insurance numbers or fingerprints to permit screening for a history of child abuse by persons seeking or occupying a position of responsibility for children. There must be appropriate measures undertaken to protect privacy.

Recommendation 53

That provincial/territorial officials consult with one another with a view to establishing common concepts and definitions for identifying and registering child abusers and to discuss interjurisdictional problems, particularly those related to screening.

Chapter 6 The Challenges of Healing and Treatment

Recommendation 54

That addressing the needs of adult survivors of child sexual abuse should be an important objective for provinces and territories, and that self-help and other community-based support programs for survivors be considered eligible for cost-sharing programs with the federal government (see Recommendation 8).

Recommendation 55

That the current Federal/Provincial/Territorial Committee on Mental Health continue its active efforts to improve mental health services to children, especially those who are victims of child sexual abuse; and further

That provincial/territorial governments develop methods of providing psychiatric consultation services in community-based settings, as well as utilizing the services of psychologists, social workers, and community health nurses.

Recommendation 56

That provincial/territorial governments address the gaps in the delivery of treatment services, such as the need for crisis case management teams, comprehensive diagnostic assessment services, and the adequate support of community-based agencies.

Recommendation 57

That the federal government, in partnership with provincial/territorial governments, study the particular problems in providing treatment services to rural and remote communities and develop innovative agreements to better utilize treatment specialists, self-help groups, indigenous helpers and community volunteers. These initiatives should be cost-sharable (see Recommendation 8).

Recommendation 58

That provincial/territorial policies and therapists ensure that treatment plans for child victims are shared with non-offending parents and other caregivers, and that these individuals are appropriately involved in the healing process.

Recommendation 59

That the federal government fund research and evaluation studies into the effectiveness of different treatment intervention strategies for victims, families and offenders.

Recommendation 60

That the Expert Advisory Committee on Healing and Treatment¹, in conjunction with experts in the field and appropriate government jurisdictions, develop a long-range plan for effective sex offender treatment strategies. This may involve supporting work that has already been completed, such as the Solicitor General working group, and/or initiating further consultation and research activity. The implementation of proposed changes will require consultation and co-operation of all the government jurisdictions involved.

¹ See Recommendation 7

Chapter 7 Information Needed: Education, Training and Research

Recommendation 61

That the Canadian Association of Chiefs of Police and the RCMP review police policy and practice related to the investigation of child sexual abuse and the necessary levels of expertise required by police officers in this area;

That police departments support policies to ensure there are front-line specialists available for child abuse cases; and

That, through the Canadian Police College, senior police officials be required to take an orientation program dealing with the area of child abuse.

Recommendation 62

That Canadian law schools ensure that all students acquire a basic understanding of the issues of domestic violence and child sexual abuse, perhaps in the context of their family law or criminal law courses. Interested students should have the opportunity to take advanced-level courses dealing with child sexual abuse and to acquire clinical experience in the area. Continuing legal education programs should regularly be offered on the subject of civil and criminal aspects of child sexual abuse.

Recommendation 63

That provincial ministries of the Attorneys General offer week-long training programs for Crown Attorneys, child protection investigators and court-based counsellors on adequate preparation for sensitivity of child victims and on such issues as the use of videotapes.

Recommendation 64

That the responsible departments of government ensure that all probation and parole officers receive specialized training in child sexual abuse.

Recommendation 65

That Health and Welfare Canada, in conjunction with provincial/territorial governments, ensure that appropriate training concerning the identification and treatment of victims of child sexual abuse is available and encouraged for those professionals who are working on the front line of family service, such as family counsellors, public health nurses and workplace counsellors.

Recommendation 66

Professional schools and colleges should ensure that those who will work with children are competent to respond to cases of child sexual abuse disclosure, using a humane child-centred approach consistent with established community protocols and the laws of the land.

Recommendation 67

That federal government departments ensure innovative federally funded projects in child abuse have a research or evaluation component. Information in the form of research summaries should be systematically published and distributed to the community of practitioners and researchers in child sexual abuse.

Recommendation 68

That Health and Welfare Canada continue to involve national associations, scholars, practitioners, professional groups, government agencies and research councils in dialogue about child sexual abuse and that, with the assistance of provincial/territorial governments, it encourage similar discussion at provincial/territorial levels for the purposes of clarifying information and research needs. Other relevant federal departments should also be involved. In addition, such discussions should include representatives of the relevant national level research councils such as the social sciences and humanities research council and the medical research council.

Recommendation 69

That the proposed Children's Bureau of Health and Welfare Canada, in conjunction with other federal departments and provincial/territorial departments, establish a

federal-provincial/territorial committee to establish common definitions related to child sexual abuse so that a national statistical data base can be established.

Chapter 8 Aboriginal Communities

Recommendation 70

That the federal government appoint an Aboriginal Expert Advisory Committee on child abuse with a mandate to develop a five-year action plan¹ to address child abuse and related issues in aboriginal constituencies. The Expert Advisory Committee should be made up of aboriginal representatives, including band councils, aboriginal associations, aboriginal workers, child abuse experts and representatives from appropriate government jurisdictions. The Expert Advisory Committee should hold national and/or regional consultations with representatives of aboriginal communities to ensure that the emerging plan reflects the realities and concerns of local communities.

Chapter 9 Emerging Concerns: Special Groups

Recommendation 71

That the Children's Bureau of Health and Welfare Canada, in conjunction with other federal departments, the provinces and territories and appropriate non-governmental associations and professional groups, establish a special task force or federal-provincial/territorial committee to examine the issues of child abuse for children in institutional settings, very young children, disabled and disturbed children and new Canadians. The task force should be asked

to report within 18 months with comprehensive strategies to reduce the risk of child abuse for these children.

Recommendation 72

That the Children's Bureau of Health and Welfare Canada in conjunction with the provinces and territories and appropriate non-governmental associations and professional groups establish a special task force or federal, provincial/territorial committee to examine the issue of child abuse in rural and remote communities. The task force should be asked to report within 18 months with comprehensive strategies to deal with child abuse in rural and remote settings.

Chapter 10 Stages of Implementation

Recommendation 73

Within six months of the release of this report, the federal government should issue a statement indicating what action it intends to take in response to the report's recommendations.

Recommendation 74

That the federal government publish an annual report that describes its progress in combating child abuse.

¹ Government and native child welfare agencies have already initiated programs to address aboriginal child sexual abuse. Where solutions are evident, communities will be undertaking immediate action. Along with these immediate steps, however, it is anticipated that a longer-range strategy will be needed; hence the reference to five years.