

Intrafamilial childhood sexual violence: family as a crime scene

Discussion paper by the Survivors' Board on intrafamilial childhood sexual violence. A call to action for the whole society to inquire, protect and help.

15 March 2021

The protective measures taken as a result of the COVID-19 pandemic, such as day care and school closures, have increasingly over the past few months put the public spotlight on the family environment as a place of mental, physical, and sexualised violence. Yet, society as a whole continues failing to address this issue. Violence against children and young people is always believed to occur outside one's own family – the neighbours' kids, 1 to 2 children in each school class – and is mostly reduced to being an individual problem of individual (problem) families. Few adults feel addressed as being responsible for watching out and caring for children especially in their own family, a place where children could be affected, too.

The call for mandatory prevention concepts, for support and protection from sexualised assaults and violence in all places where children and young people grow up and stay has been taken up by society and institutions. In this regard, child day care centres, schools, sports clubs, residential childcare institutions, churches, etc. are held accountable for creating safe spaces for children and young people in their institutions and facilities.

Intrafamilial childhood sexual violence is mostly ignored

Babies, toddlers, children, and adolescents experiencing sexualised violence within their family are particularly vulnerable as there is no "safe or sound space" for them. They experience violence especially from the people on whom they vitally depend on for shelter, food, and clothing. Sexualised violence within families often starts early in life and forms part of the everyday family lives of the children and young people experiencing the abuse for many years, sometimes even decades. Children and adolescents have no or almost no opportunity to simply leave their parents. The perpetrators¹ are adults of any degree of kinship and gender. In some cases, they are linked to perpetrator (groups) outside the family.

Often adults other than perpetrators or the complicit fail to protect the child from violence. Child and adolescent survivors learn that they cannot trust anyone and experience the gravest betrayal of trust by those on whom they depend for the basic necessities of life. The very people who are more than

¹ Approx. 80-90% of perpetrators are male, approx. 10-20% are female (please see the following link, accessed on 14 February 2021 <https://beauftragter-missbrauch.de/praevention/was-ist-sexueller-missbrauch/taeter-und-taeterinnen>)

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anybody else responsible for protecting them and ensuring their well-being are the ones who commit and/or tolerate violence against them. There is no escape from the family and thus no escape from growing up in and with violence.

The suffering of children and young people who have experienced sexualised violence from the start of their lives is compounded by the fact that they learn to consider these life circumstances as being “normal” and at the same time doubt them. They feel that their experiences surely cannot be right, assume that their own feelings must be wrong, and believe that what is done to them is not reality. Basically, child and adolescent survivors find the things done to them incomprehensible, very disturbing, and shameful, while at the same time facing the necessity of physically and mentally surviving in line with their need to bond with and be attached to their family. They are all alone, with no mother or father to help them, and cannot escape these parents.

Reality of survivors of childhood sexual violence within the family

Adult survivors know what it was like and what it is like when nobody sees the distress faced by children and young people in their own families – and even if someone hears, sees, suspects, or even knows about the violence, often nobody does act for helping the child. Often the families deny or play down the violence committed until this very day. This active cover-up, looking the other way, and ignorance is perpetuated within families by caregivers on whom children and young people depend on to meet their basic needs: by mothers, fathers, siblings, and other family members, who again and again put survivors in powerless situations and hurt them. They argue that the abuse disclosed and thus uncovered by survivors is not true. Being able to disclose is not a matter of course, but often it is a matter of course that survivors and perpetrators sit around the same family table.

Child, adolescent, and adult survivors of sexual violence have always broken the silence and asked for help. But despite of childhood sexual violence being disclosed, perpetrators remained and still remain largely integrated in families, institutions, sports clubs, church, and society until this very day. While there is increasing societal and public debate in institutions and mounting pressure on those in positions of responsibility in institutions today, survivors continue to be left on their own in disclosing intrafamilial childhood sexual violence. This is the case when mothers continue to live together with the perpetrator, or when perpetrators continue to be invited to family celebrations, for Christmas, etc. and sit around the same family table with the survivor. If the perpetrator is a priest or teacher, hardly anyone would expect the survivor to keep contact with the person in their personal life. Imagine the following newspaper headline: “Scandal! Mother invites sex offender for Christmas and child birthday parties!” – In families, this is the norm.

For survivors, this is all even more stressful, exhausting, gruelling..., because they break the silence. That is an unbearable and continuously hurting situation that puts a strain on all family contacts and often leads to survivors having to break off contact with their family of origin. And it permanently conveys to survivors that their families protect the perpetrators and that this violence within the family is viewed as perfectly fine. Families behave as if nothing happened. This normalisation of violence is a renewed violation of survivors’ dignity and often results in an unbearable situation.

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Anyone can leave a church group or a sports club but disengaging from your family of origin means being socially orphaned. This has serious implications for the mental well-being and often for the financial situation of particularly young survivors, who may still be financially dependent on their parents (and perpetrators). Perpetrators can exploit financial dependencies to silence survivors. How must these peculiarities be addressed structurally? How can we identify needs and implement support services?

While inquiry and investigation processes are increasingly putting the spotlight and pressure on institutions (such as the Catholic Church globally), which are being held accountable for their failures and for active protection of perpetrators, greater awareness must finally be given to the family and the family environment as a space where girls* and boys* experience a high degree of sexualised violence.

We – survivors who experienced sexualised violence in the family at the hands of our fathers, mothers, siblings, grandfathers, uncles, aunts, and other family members – cannot hold any institution accountable. There is no institution that we could publicly accuse or urge with media support to investigate the violence perpetrated within the family. There is also no “family” umbrella organisation that we can call and complain to. Nor are we 300 survivors from one and the same family, even though there are so many of us.

How can critical engagement of civil society ensure mandatory implementation of children’s rights and safeguarding standards in the family environment?

Investigating sexual violence of children and young people and protecting children and young people from further crimes of sexualised violence in the family environment requires an increased critical reflection of (traditional) images of the family, intergenerationally transmitted value systems that enable sexualised violence to happen, and of constructing family as a supposedly safe space.

Survivors have experienced these assumptions as a lifelong lie and are confronted with the fact that they have to leave the family because the system protects the perpetrators rather than the survivors, often into late adulthood. Often it is only survivors themselves who are interested in and initiate inquiry into committed violence and crime, while the rest of the family refuses to cooperate, pretending that the problem is not the perpetrators and the violence, individualising the violence inflicted and declaring the survivor to be a “problem” for the family.

Values based on patriarchal power structures about who/what is considered ‘family’, role stereotypes, body experience, physical boundaries, language and sexuality, sexual and gender diversity are shaped and reinforced or constricted within families. That is why it is vital to organise the family system transparently and to no longer consider family as a closed space that must not be questioned.

Families are rightly a particularly personal space with which the State may only interfere to a limited extent. However, societal attention must match the extent to which children’s well-being is at risk due to sexualised violence in families. Children and young people must be protected from any form of violence anywhere. All parts of society are obliged to take a closer look, provide support and if possible, intervene, especially in the case of intrafamilial sexual violence. Children and young people have a right to grow up free from violence. The right to be protected from violence is a human right.

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Overcoming the widespread culture of cover-up and silence and developing an ethos of intervention is a task for the whole of society

A critical political and societal reflection on when the private sphere turns political is needed (again). Sexualised violence never stands for its own and thus cannot be considered to be something individual but is always related to perpetrators enacting power relations, patriarchal structures of violence and forms of discrimination. These must always be identified, examined, and investigated. Power may be abused wherever children and young people are structurally dependent on help or within pedagogical and bonding-oriented relationships.

The idea of family consisting of a (“biological”) father, a (“biological”) mother and (at least) one child is still widespread today due to long-standing family and gender role stereotypes. It is often disregarded that in this context other forms of family, such as single parents, LGBTQ* parenting, patchwork families, foster and adoptive families are considered deficient. Neither biological parenthood nor kinship makes a good caregiver but the quality of the relationship and emotional intimacy. Every child needs at least one adult person who is empathetic and caring and where the child finds protection, safety, comfort, love, and trust. This may naturally be the “biological” parents, but also other adults may assume this role.

In this context, it is of utmost importance to help children become aware of their own (physical) boundaries and boundary violations, and to teach them that it is OK to ask for help. That includes imparting knowledge to children about their own body, children’s rights, and sexual violence, and teaching them how to talk about these topics. How are children to learn to perceive their own body, to name body parts, and to defend their bodily autonomy, if they are lacking the words to do so and if no adult person lets them know they are willing to talk and listen to them? Just as every school or day care centre manager, teacher, or educator is responsible for implementing a prevention concept in their institution, every adult person is also responsible for implementing a prevention concept within the family.

Impetus for a societal debate on prevention concepts within families

We want to stimulate a societal debate on child prevention concepts within families. They are to ensure that children and adolescents can exercise their human rights, which have to be guaranteed by adults. **No child can protect itself alone.**

This approach has already been included in the reform of Book VIII of the German Code of Social Law (SGB), which was implemented through the Act to Strengthen Children and Youth and adopted by the Federal Cabinet in December 2020. It states, among other things: “Safeguarding the rights of children and young people requires prevention concepts to be also applied to foster care settings and to ensure that foster children have access to channels to lodge complaints”. We can take this as a guideline when considering ways of implementing prevention concepts for all families (of origin).

This also includes the assumption that, when going back several generations, survivors of sexualised violence and thus also perpetrators can probably be found in every family. If, in every family, for the past 10-30-50-70 years sexualised violence were retroactively and proactively investigated similar to genealogical research, sexual violence would likely be detected everywhere. Children, sisters, brothers,

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grandchildren, nieces, nephews, aunts, uncles, mothers, fathers, grandmothers, grandfathers, etc. who have experienced sexualised violence would be found. Most probably also perpetrators (in some cases also female perpetrators) would be detected in every family.

Throughout the ages, we have seen a society permeated by violence, in which generations have been silent and have ignored and repressed the reality of sexual violence happening. And even if people had spoken out about the violence they had endured, there was no awareness to listen to them or even critically tackle this omnipresent reality. Efforts to investigate and address childhood sexual violence have been deliberately hampered and averted for many generations. We have fought very hard to have a voice and call for an inquiry into intrafamilial childhood sexual violence as well as an intergenerational debate on childhood sexual violence within the family.

Awareness of the mass phenomenon of sexualised violence within families can only arise if all adults are able to speak and find words for talking about the abusive behaviour by the “disgusting uncle” or the “lewd grandpa”. For in every family, there are such “lewd relatives”, but they are often not perceived or described as perpetrators. Likewise, child and adolescent survivors of this harassment and of verbal and physical assaults in families are often not perceived nor described as victims and survivors of sexualised violence. Therefore, it is an important step for family members to increase their language capabilities to talk to each other in order to help identify sexualised violence and harassment.

It is not easy to deal with this topic. How are we supposed to ensure that in every family in which sexualised violence was or is perpetrated against children and adolescents, everyone works through their own history of experienced violence, investigates, processes it, and heals from it, so that the suffering of survivors is recognised in a protective environment by the relatives and child protective measures are designed for future generations in a joint process? The hurdles that mentally arise when reading or thinking about these few sentences do not get lower the more you reflect on this topic. On the contrary – mechanisms of repression kick in quickly. One turns to institutions, as they provide starting points and something tangible, even if the process may be slow and cumbersome – but in general it is effective.

Intrafamilial childhood sexual violence shapes relationships and everyday life with all family members both during childhood and adulthood. Of what quality can the relationship between a mother and a daughter/a son be if the father rapes the daughter/the son? Of what quality can the relationship between parents and their daughter or son be if the brother has committed acts of sexualised violence against the sister for months or years? Of what quality can the relationship between a father/mother and his/her own father be if the latter as a grandfather commits sexualised violence against his own child/his grandchild?

The perpetrator’s crimes will shape all other family ties. They disrupt and destroy intimacy and trust. For how can it be that nobody notices anything, takes action, and saves “me”? The role of the mother as an ignorant person, as a (potential) complicit or (co-)perpetrator is particularly addressed and must continue to be a focus. What is striking here is that the role of fathers and the huge number of male perpetrators in the family environment is identified as a statistical figure but not specifically addressed.

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This would require specific support for family members in families where sexualised violence was committed but who were not directly survivors of sex offences as a child. What about the brothers and sisters of boys* and girls* who experienced sexual violence? What opportunities are there today to deal with and heal from being a witness of the violent family, involvement, and conflicts of loyalty? Why is it more stigmatized openly saying that you come from a family where one or more of your brothers and sisters have experienced sexualised violence than when you remain silent? What needs are there to critically reflect on and investigate sexualised violence as a basis to prevent violence from being passed on to the next generation? Family members protecting child victims and adult survivors need more political, legal, and societal support and appreciation for taking a clear stance.

The family also plays an important role when children and young people experience sexualised violence outside the family. If they cannot talk to their parents about the sexualised violence suffered outside the family, this is an expression of a disturbed relationship of trust between parents and their children.

Right to separation from parents

If persons who have custody of the child have not fulfilled their duty but, on the contrary, have knowingly and willingly (and for years) harmed a child or have others harm that child, this child must have the right to live a life completely separated from the parents. This right must already apply before the child reaches the age of majority. Also, children and young persons must have the right to opt for institutional care, assisted living, or also in a family of choice without the custodial persons having to give their consent and without the well-being of the child being acutely and verifiably (!) jeopardised.

Children's rights are human rights. As legal persons, children must be holders of rights. They must be on a par with adults and be able to detach themselves from the arbitrariness of adults. Without this autonomy to which they are entitled, they are forced to remain dependent within the violent family structures. We furthermore demand that children have enforceable rights and that they, in case those rights are not respected, may assert their rights also without their parents' consent or knowledge. We are aware that there are constitutional issues regarding parents' legal rights having priority over children's legal rights and we would like to continue this debate.

In most cases of sexualised violence, there is no evidence whatsoever except for the testimony by the child victims and survivor witnesses. For this reason, most survivors cannot reasonably be expected to participate in criminal proceedings not only due to the enormous emotional distress of such proceedings but also due to the hopeless prospect of conviction (there is a high rate of terminated criminal proceedings²). Moreover, proceedings that take the needs of children and survivors into account unfortunately have been the exception rather than the standard up until now. Especially for such reasons there must be a way for children to receive educational grants or training support

² The comparison of police crime statistics and the conviction statistics points to a high number of terminated investigations of reports of child sexual abuse in connection with sections 176 et seq. of the German Criminal Code (StGB) over the past years and decades. There is a lack of regular follow-up studies and evaluations of proceedings and investigations, and a lack of differentiated data in the federal *Länder*, making it impossible to accurately take stock of data and protection gaps in proceedings and investigations.

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independently from their parents and without further explanations. Similarly, there must be a way for children to apply for basic income support even if the persons who have custody “provide” housing to a person under the age of 25. After all, this supposed goodwill is part of perpetrators’ strategies, among other things, to continue to have access to the child or young person.

It is therefore unacceptable that children are forced repeatedly for years to contact their perpetrators and that they are formally obliged, as applicants, to fight for forms to be filled in and signed. For adults there has to be the “right to separation from the parents” later on in order to be free from all legal obligations towards the perpetrators once and for all. Compulsory maintenance payments and paying for nursing and funeral costs are just a few examples in this regard.

We know that civil remedies already exist. However, many survivors lack support and information, for instance about exercising their right to request the restriction or removal of the obligation to pay maintenance or funeral expenses³. Survivors must receive greater support in asserting their legal claims without having to fully disclose and provide evidence of the childhood sexual violence and without incurring costs and with little administrative effort.

In addition, survivors’ registration data at residents’ registration offices and probate courts must be permanently protected from perpetrators, the perpetrator’s family, and organised crime networks. When survivors request a two-year ban on disclosure, the related decision is left to the discretion of the residents’ registration offices. The application procedure must be simplified, and the two-year period be changed to an unlimited period of time. Moreover, survivors must have the right to be deleted from the family register maintained at the register office. They should be legally entitled to request that a new tax identification number, which is already assigned at birth, be allocated to them. The protection of personal data of survivors must also apply to social security systems, especially when social insurance providers (healthcare, pension, and social insurance number) and social assistance providers exchange information. Survivors’ personal data must also be protected in criminal investigations and application procedures relating to social compensation law.

Criminal-law improvements must focus on the protection of children and young people in the private environment of convicted sex offenders. While convicted sex offenders are barred from working at a day care facility, school, and similar institution if they have a record in their police clearance certificate, children and young people remain insufficiently protected in the private environment of convicted sex offenders. It must be ensured that restrictions placed on offenders (contact ban, supervision of conduct, supervised contact) are complied with and regularly monitored to safeguard children and young people in the private environment of convicted sex offenders. Children’s and young people’s right to protection and to growing up free from violence must be given a priority over the rights of parents or other legal guardians who have been convicted of sex offences against children or young

³ “If the person entitled to maintenance has become indigent as a result of his moral fault, if he has grossly neglected his own obligation to maintain towards the person liable for maintenance or intentionally committed severe misconduct against the person liable for maintenance or a close relative of the person liable for maintenance, the person liable for maintenance needs to pay a contribution to maintenance only in the amount that is equitable. The obligation lapses completely if it would be grossly inequitable for the person liable for maintenance to be claimed on” (Section 1611 subsection 1 of the German Civil Code).

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people. The survivors' board welcomes two recent landmark court decisions^{4 5} restricting the right of fathers convicted of possessing childhood sexual violence materials to have contact with their biological children (only possible under supervision) or removing such right (contact ban).

Inquiry within the family – a task for society as a whole

All survivors have the right to inquiry – regardless of the environment in which the childhood sexual violence occurs.

“The objective of investigating child sexual abuse is to expose the culture in which sexualised violence against infants, children and young people has taken place and to expose the structures that may have contributed to perpetrators committing sexualised violence against children and adolescents. It also aims to expose those who knew about it but did not prevent it, or did so late. It is intended to make visible whether there was an attitude among those responsible in the families at the time of the abuse which favoured violence and devalued children or adolescents, and to clarify whether and, if so, why sexualised violence was covered up, repressed, or concealed in a family...”

We have taken this passage from the 2019 guidelines by the Independent Inquiry Commission into Child Sexual Abuse in Germany on “Rights and Obligations: How to Investigate into Past Failures to Protect Children from Sexual Abuse in Institutional Settings” – and we applied them to sexual violence in the family environment, because there is a lack of guidelines on investigating sexual violence within families.

The Inquiry, which was set up in 2016 and has a term until the end of 2023, is tasked with investigating the scale, nature, and consequences of sexualised violence against children and young people in the Federal Republic of Germany and the German Democratic Republic. Globally, it is the only Inquiry Commission into child sexual abuse that also focuses on survivors of sexualised violence within the family and in the close family environment.

This crucial and comprehensive societal inquiry mandate, however, can only be fulfilled with the necessary resources and legal competences. In our view, the limited and, among other things, “honorary” capacities available to the Inquiry so far are not enough to fulfil this mandate. Assuming public responsibility credibly is reflected in a long-term investigation of sexualised violence. This is only possible with extensive financial resources that correspond to the scale of sexualised violence against children and young people, and a permanent, strong legal mandate.

At the time of the Inquiry's Review Report 2019, of the 1197 hearings and reports, 876 related to childhood sexual violence within the family (approx. 73 % of all reports). In our opinion, the high

4 Higher Regional Court of Koblenz, Decision of 4 June 2020, 7 UF 201/20: “Child endangerment“ :- <https://olgko.justiz.rlp.de/de/startseite/detail/news/News/detail/kindeswohlgefaehrung-der-besitz-kinder-bzw-jugendpornografischer-videos-kann-eine-einstweilige-a/> (last accessed 3 March 2021, 22.20 CET)

5 Higher Regional Court of Frankfurt am Main, Decision of 28 February 2019, 5 UF 200/18: “Measures [...] to protect the well-being of children necessary“: https://www.kostenlose-urteile.de/OLG-Frankfurt-am-Main_5-UF-20018_Begleiteter-Umgang-mit-minderjaehrigen-Toechtern-aufgrund-moeglicher-sexueller-Grenzverletzung-durch-Kindesvater.news28045.htm (last accessed 3 March 2021, 22.22 CET)

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number of reports of intrafamilial sexual violence, in particular, clearly shows various needs that must be addressed: we need further hearings, events for exchange, an additional strengthening of specialised counselling centres and networking structures of peer-support; this must be accompanied by extensive, participatory scientific research and evaluation dedicated to specific thematic areas relating to childhood sexual violence in the family environment. In almost half of the reports of child sexual violence within the family received by the Inquiry, the sexualised violence started before the age of six and often lasted for years into adolescence. That is precisely why we consider a call to act on intrafamilial childhood sexual violence to be necessary in order to address the scale and the specific power structures underlying childhood sexual violence in the family environment more intensively and more structurally.

Family as a crime scene of childhood sexual violence is not a private matter. A critical reflection and society-wide debate on sexualised violence within families are needed. We need to overcome the existing culture of denying, remaining silent and trivialising. We need to build a culture of intervention. Protecting children and young people also in their families of origin from sexualised violence is the responsibility of all adults. **No child can protect itself alone.**

All survivors have a right to an investigation and support, regardless of where the crimes took place. The survivors' board is committed to investigating sexualised violence within the family as a task for society as a whole. Using our expertise, we aim to raise awareness of and make visible the conditions enabling sexualised violence that have been perpetuated by society to this day. Only speaking about it is not enough. Action must follow.

We need an ongoing society-wide debate and stance on “childhood sexual violence within the family”, similar to the ones for institutions. We would like to see a joint sustainable political strategy by the survivors' board, the Inquiry Commission, and the Independent Commissioner for Child Sexual Abuse Issues (UBSKM).

We are aware that many aspects included in this discussion paper need to be further developed and that many topics have only been touched on briefly. Our aim is to follow up on previous debates and to encourage broader discussion, and we hope that childhood sexual violence within the family will be dealt with seriously and lastingly. To this end, we would like to engage and network with other survivors and seek to stimulate a society-wide debate.

The survivors' board will dedicate itself intensively to address childhood sexual violence within the family in this year and the next few years by establishing an ongoing working group. At the same time, the National Council on Combating Sexual Violence against Children and Young People and the USBKM's currently envisaged awareness-raising campaign should place emphasis on this issue.

That is what we are committed to.