

Summary

Paedosexual Delinquency

A study into prevalence, circumstances and criminal justice interventions

Background research questions and research methods.

The protection of vulnerable people from infringement of their physical and psychological integrity is a theme that has earned a great deal of attention in recent decades. In particular, this applies to (sexual) violence against children and juveniles. Prevention, and the sanctioning thereof, is the responsibility of many different social institutions, including those in the field of justice. Judicial institutions have an important task, particularly with regard to driving back recidivism among people who have previously become known for committing paedosexual offences.

This report answers the following questions:

- What is the extent and nature of paedosexual delinquency according to police figures?
- Which criminal justice interventions have taken place with regard to these offenders?
- What do the criminal careers (recidivism patterns) of these offenders look like?
- What are the relevant social and personal characteristics and the relationship patterns of the perpetrators and the victims of paedosexual delinquency?
- What facts about paedosexual offences can be identified in terms of the duration of the offence period, the nature of the sexual abuse, the methods used by the perpetrator to exert power over his/her victim, and the role of the victim's mother in the process of sexual abuse?
- Can any patterns of sexual abuse be distinguished?

Empirical data come from the following information sources: the police files of known suspects in the HKS (Records System); the registration of offences and the criminal court settlement thereof in the registration system of the Public Prosecution Department (OM data); the judicial careers of paedosexual offenders, based on the Judicial Documentation System (OBJD: Research and Policy Database Criminal Records); a random sample of files of paedosexual offences brought before the Public Prosecution Department (SRM: Criminal Justice Monitor of the WODC Research and Documentation Centre) and a random sample of criminal files of 'serious' (heavily punished) paedosexual offences. The latter source of information was used to analyse the circumstantial and personal characteristics of heavily punished paedosexual offenders.

The selection of the cases eligible for the study is based primarily on penal code articles. Only cases to which Articles 244, 245, 247 or 249 of the Penal

Code applied were eligible for selection with regard to this study. These penal code articles concern violent sexual offences committed against children or juveniles in the strictest sense of the word, meaning offences in which the suspect actually had physical contact with the victim. This method of selecting study material implies a certain underestimate of the 'actual' paedosexual offences committed. This is because it is also possible for violent sexual offences committed against juveniles to be registered judicially under Titles 242 ('rape') or 246 ('indecent assault') of the Penal Code. In practice it is difficult to locate these cases in the judicial registration systems. 22% of the paedosexual offences handled by the judicial authorities are not qualified as one of the abovementioned paedosexual crimes.

Finally, in the selection of criminal offences another decision had to be taken with regard to the age difference between the perpetrator and the victim. In a formal legal sense, a sexual relationship between an 18-year-old boy and a 15-year-old girl can be qualified as a 'paedosexual offence'. Substantively this will not usually be very useful. Therefore in the psychological/psychiatric literature it is customary to only use the term paedosexual when the age difference between the perpetrator and the victim is at least five years. Therefore, this criterion has also been applied to this study insofar as possible (this was not possible for HKS, OBJD and OM data). The exception to this rule is when the victim is younger than 12 years of age. In these circumstances, cases with an age difference of less than five years could also be included in the study material. However, in practice such cases are hardly represented in the study material, or not at all.

The development of the judicial policy with regard to paedosexual offences

A number of different – sometimes contradictory – values play a role in criminal legislation with regard to sexual relationships. Since the start of the 'sexual revolution' in the mid-1960s, individual freedom of sexual expression has been valued increasingly. More traditional, restrictive morality values became less important. For instance, the criminal ban on pornography was (virtually) lifted, and a discriminatory age restriction with regard to homosexual relationships was discontinued. Judicial institutions demonstrated an increasing reticence to interfere in sexual relationships. During this period, the importance of protecting juveniles from sexual relations with adults was also put into perspective in social discussions.

Since the mid 1980s, there has been a shift in the social and criminal justice approach to sexual relationships. More so than in the preceding period, the emphasis was on the need to protect vulnerable people from becoming victims of sexual violence. In the context of these changing ideas about sexual freedom and protection against sexual violence, more restrictive legal

provisions were implemented (once again). Part of this new direction towards protection (of children and juveniles) against sexual violence was a police and judicial policy to take action against problematic sexual relationships in the privacy of family life in a more determined and less reserved manner. As a result, the criminal justice system gained more involvement and therefore more responsibility in the protection of children and juveniles against sexual abuse within this private domain.

Literature summary: types, characteristics, risks of paedosexual offences

Paedosexual delinquency can be described in terms of the nature and the circumstances of the phenomenon, according to the personal characteristics of the perpetrator and on the basis of the characteristics of the social context and consequences for the victim of such delinquency. All these aspects usually form a coherent pattern that determines which social and judicial interventions are relevant and possible.

Sexual motivation and the tendency towards violent behaviour are major determinants of paedosexual delinquency. Studies have shown that far from all paedosexual offences are committed by people with a specific paedosexual preference. Psychometric research has been used to develop a characterisation of paedosexual delinquency determined by the degree of paedosexual preference and the amount of contact which the perpetrator of paedosexual delinquency maintains with the child. The perpetrator's social competence is another important factor in explaining which strategies paedosexual offenders use to come into contact with their victims and then keep their victims accessible.

Clinical research has resulted in a different typology of perpetrators of paedosexual delinquency, with a distinction made between 'the paedophilic type' (e.g. homosexuals attracted to boys), 'the situational type' (e.g. people who commit incest) and the 'the antisocial type' (e.g. people who hide in the woods to assault people).

Research has shown that there is usually little risk of physical injury in long-term sexual relationships between adults and children. There is a greater risk of physical injury in incidental offences committed by strangers for whom strong motives of aggression play a role. Clinical studies of perpetrators of sexual violence make a distinction between 'antisocial' and 'vengeful' perpetrators. The former are characterised by a violent and manipulative style of social behaviour, which is often the result of an inconsistent, violent and insensitive upbringing. Severe narcissistic wounding and long-term suppressed aggression play a role for the 'vengeful' perpetrators. With regard to these typological characteristics it is important to make a distinction between instrumental aggression which is used to achieve the sexual availability of the victim, and expressive aggression which is part of the perpetrator's sense of lust.

Prevalence of paedosexual delinquency

The number of paedosexual offences officially registered in the criminal justice system is an unknown proportion of the number of cases of sexual child abuse that actually occur.

Whether or not paedosexual delinquency is judicially known is linked to the relational context of the offence. Offences that take place within the private circle of the perpetrators and victims are less likely to be reported to the police than offences that take place in the public or semi-public domain and between strangers. However, there are good reasons to assume that the willingness of (relatives of) victims to report offences, as well as the preparedness of the police and the judicial authorities to become involved with what takes place 'behind closed doors', have increased substantially in the last few decades.

The steady decrease in the number of paedosexual offences registered by the police is notable. In 1996, almost 1800 suspects of paedosexual offences were registered by the police, with this number declining to almost 1400 in the year 2002. The distribution according to the different sections of the law for the period 1996-2002 is as follows: 30% concerned Section 247 of the Penal Code, 14% concerned Section 245 (exclusive of Sections 244 and 249), 33% concerned Section 249 (exclusive of Sections 244), and 22% concerned Section 244.

Judicial reactions to paedosexual delinquency

Since 1994, the Public Prosecution Department has summoned almost 1000 suspects of paedosexual delinquency a year. In relative terms, the public prosecutor brings paedosexual delinquency before the court more often than any other type of offence. One-third of these cases concern paedosexual 'abuse' (Section 247 of the Penal Code). More than half of the cases brought by the public prosecutor concern more serious paedosexual offences such as sexual penetration of children under the age of 12 (Section 244 of the Penal Code) and 'abuse of authority and incest' (Section 249 of the Penal Code). There are relatively few charges (13% of the cases) of penetration of juveniles aged between 12 and 16 under Section 245 of the Penal Code (part of the reason for this is probably because penetration offences with juveniles between 12 and 16 years of age are more likely to come under Section 242 ('rape'), which is subject to a higher punishment). Violations of Section 244 of the Penal Code are punished more severely than violations of the other sections in question. More than half of the people summoned (partly) for Section 244 of the Penal Code receive a custodial sentence. For the other sections mentioned, less than half receive a custodial sentence.

The fact that the courts mainly emphasise the cautionary and prevention-

oriented function of punishment with regard to paedosexual delinquency is also evidenced by figures from the Judicial Documentation System (OBJD). People who became known for any paedosexual offence in the years 1999 or 2000 are just as likely as people who have committed other kinds of offences to receive a non-suspended prison sentence for any paedosexual offence committed. However, more suspended custodial sentences are imposed for (paedo)sexual offences (in 34% of the cases) than for non-sexual violent crime (in 27% of the cases) or property crime (18% of the cases).

Recidivism

The sexual motive, violence and the tendency to commit crime are the major determinants of paedosexual delinquency. Depending on the nature and circumstances of the offence and the person of the offender, paedosexual delinquency is an expression of a criminal habit and/or deviant sexual preference to a greater or lesser extent. The question then is to what extent perpetrators of different types of paedosexual offence are also known perpetrators of other forms of crime. Furthermore from a practical point of view the level of specific recidivism (the repeated perpetration of paedosexual offences) is extremely important.

The available study material was reviewed to determine the extent to which paedosexual delinquency fits into a more diverse pattern of delinquency. The HKS (police) data shows that almost two-thirds of suspects are first-time offenders when the paedosexual offence becomes known. Of the people who have committed crimes in the past (one-third of suspects), 67% have committed other kinds of crimes. Contrary to what might be expected, there is no evidence to suggest that e.g. people who commit incest are more strictly limited to paedosexual offences than other types of paedosexual delinquency. There are no major differences in the recidivism patterns of the different types of paedosexual offences.

OBJD data was used to analyse the crime pattern of the 1839 people who became known to the Public Prosecution Department in the years 1999 and 2000 for paedosexual offences. Of the offences committed by these people, on the basis of the Judicial Documentation System 4267 cases were characterised as paedosexual offences (50%), violent sexual offences (4%), non-sexual violent offences (9%) or 'other offences' (37%). The data confirm the impression obtained on the basis of the HKS material. This also shows a varied crime pattern in the group of perpetrators of paedosexual offences. In the case of recidivism, the average paedosexual offender is also inclined to commit other types of offences. Half of all offences committed by the 1839 'paedosexual offenders' consist of other types of offences, with general property offences (forms of theft) and traffic offences being the most common. In themselves these data indicate that paedosexual delinquency is an element within a more general criminal lifestyle.

The OBJD data were also used to determine the extent to which there are indications of a specific crime pattern among perpetrators of a specific type of paedosexual offence, particularly among perpetrators of the offences described in Section 249 ('abuse of authority and incest'). Literature does hypothesise that this type of paedosexual delinquency in particular involves a relatively high degree of specialisation. This is only partly confirmed on the basis of the OBJD data. Of the 1839 people registered in the OBJD for paedosexual offences committed in 1999 or 2000, 478 (26%) were (partly) suspected on the grounds of Section 249 of the Penal Code. When calculated over all known offences, there is no difference between these perpetrators of 'abuse of authority and incest' and other paedosexual offenders in terms of the average number of offences committed. However, the former group do appear to commit slightly less (paedo)sexual and violent offences. Among the perpetrators under Section 249, an average of 1.30 of such offences were known, while an average of 1.51 of such offences were known among the other perpetrators of paedosexual offences. This result suggests that the perpetrators under Section 249 do not differ in terms of general criminal habits, although they do have a greater tendency towards extrafamilial (sexual) violence.

An important conclusion based on the study material is that paedosexual delinquency is often part of a more general pattern of delinquent behaviour. This conclusion certainly applies to perpetrators of 'serious', heavily punished paedosexual delinquency. Within this group, more than 60% have committed other types of crime in the past. Furthermore, more than a quarter of this group offends again with another type of offence in the relatively short period after the paedosexual offence studied. Heavily punished paedosexual delinquency is often committed by people who also have a strong tendency towards multiple types of crime.

Social and personal characteristics and relationship patterns of the perpetrators and victims

The analysis of the characteristics of perpetrators and victims of paedosexual delinquency is based on qualitative criminal file information. Police and judicial records are very limited in this area.

Even more so than other types of offences, paedosexual offences are virtually always committed by men. On average, perpetrators of paedosexual offences are older than perpetrators of other kinds of delinquency. This is probably mainly due to the relatively high number of 'incest-like' cases among the first type of delinquency.

On the basis of the (limited) file data available, no unambiguous answer can be provided to the question of whether sexual abuse of children is more prevalent among people in a weaker socio-economic position. After all,

there is also research that could lead to a more balanced conclusion, such as study findings on victimisation of domestic (also sexual) violence occurring in all sections of the community. The hypothesis that socio-economic status is relevant in explaining paedosexual delinquency definitely requires further study. The question of which factors are connected to paedosexual behaviour or which causal mechanisms can explain paedosexual behaviour, as well as how relevant someone's socio-economic position is in that, requires different and more extensive research than what was possible in the context of this report.

The majority of victims of paedosexual offences are very young (less than 12 years old). Significantly, nearly 80% of the perpetrators are a part of the victims' daily environment. Only 10% of the cases involve offences committed by complete strangers. In more than one-third of the cases the perpetrator is a parent (often the father or the father figure).

Circumstances leading up to (heavily punished) paedosexual delinquency

According to the scientific literature, the central themes in the circumstances leading to paedosexual offences are the accessibility of the victim and the vulnerability of the offender. In each paedosexual interaction the perpetrator must develop a 'solution strategy' for the following types of 'problems':

- achieving the physical accessibility of the child
- achieving the 'preparedness' of the child to perform certain sexual acts
- preventing the child from disclosing the paedosexual behaviour
- protection against moral condemnation and punishment by the perpetrator's immediate surroundings and society.

Deception, physical coercion and violence are the obvious options with regard to incidental paedosexual offences by strangers. Methods such as manipulation, bribing and blackmail are more likely to be used by perpetrators whom the victims know from their daily environment. These patterns of circumstances can lead to the victims suffering various degrees of physical and/or psychological injury.

According to our data, more than 50% of the heavily punished cases of paedosexual delinquency were of a long-term nature, with an offence period of more than one year. Cases of incest in particular can take place over the course of several years. The length of the offence period is also related to the nature of the sexual acts committed. This often involves an escalation process. Sexual penetration was among the acts committed in almost two-thirds of the cases.

With regard to paedosexual delinquency, physical violence is usually limited to the physical coercion 'needed' to control the victim. According to the

SRM, physical violence was used or threatened in 20% of the cases, and in around 30% of the more serious cases. Analysis of the files on more serious cases shows that manipulation and deception are the most common methods used by perpetrators from the victim's own environment. Frequent long-term paedosexual offences in the family context nearly always involve complicated interaction processes between the family members. The role of the mother, protection of family integrity, the (sexual) relationship between the parents and the relationships between the children in the family all play a role in this. From a criminal justice point of view, the involvement of the victim's mother is particularly important. In a relatively high number of heavily punished cases of paedosexual delinquency there is evidence to suggest that the mother was aware of the sexual acts the father or father figure committed with the victim. This applied to more than one-third of these cases. In around 20% of the cases in which the father or father figure was the perpetrator, the files indicate that the mother more or less explicitly 'consented' to the sexual abuse.

Patterns of paedosexual abuse

A number of consistent patterns of paedosexual abuse can be observed in the criminal files of heavily punished paedosexual offenders. This concerns common configurations of characteristics (the nature of the relationship between the victim and the perpetrator, the perpetrator's relationship with the victim's parent or parents, the methods used to establish contact and achieve 'cooperation', the nature and intensity of the sexual abuse) that are connected. The three patterns were:

sexual abuse within the family, paedosexual delinquency outside the family context, and cases of a homosexual nature. The latter pattern usually involves older and often more or less 'willing' victims. Clear cases of prostitution were found only in this context of paedosexual offences perpetrated by men against boys.

With regard to paedosexual delinquency in the family context a distinction can be made on the basis of the perpetrator's personality characteristics. Many cases involved dominant and intimidating men who – as the husband/partner and father – make things in the family go their own way. A smaller number of cases involved an unstable, weak and dependent father figure who was more likely to have secret sexual relations usually with younger daughters in the family.

Particularly in the case of single mothers, there were 'intruders' who sometimes gained a place in the family with the predetermined intention of sexually abusing a child. In many of these cases the perpetrator takes advantage of the mother's problematic circumstances. He acts as if he is there to help the mother and her family.

We see a similar strategy with the 'networkers', perpetrators who build up a

trusting relationship with the parents and the victim, but commit the paedosexual offences on their own territory (outside the victim's family). In general these are people with good social skills who are able to manipulate both the parents and the victims for a long period of time.

Many paedosexual offenders who commit incidental and surprise assaults on children they do not know at all were found to be disturbed in some way, in particular demonstrating an obvious lack of social skills. These are the relatively uncommon cases of assaulters 'jumping out of the woods'. Although these cases are not common, they involve a relatively high risk of (serious) physical violence.

Finally, the files contained a number of cases in which the victims were older girls. The perpetrators of these offences clearly have a preference for sexually mature partners. This pattern of delinquency shows the elements of coercion and misunderstanding that also play a role in problematic sexual relationships between adults.

Fatal paedosexual delinquency

A small number of cases involve serious mortal danger to or the actual killing of the victim. Each of these cases concerned victims who the perpetrators did not know at all beforehand. Most of the offenders in these kinds of cases were already known to the judicial authorities as (disturbed) perpetrators of violent (paedo)sexual offences. In two of the five cases studied here, the death appeared to result from the victim's panic. In both the psychiatric reports and the perpetrators' accounts the killing is described as a panic reaction by the perpetrator triggered by the victim's screams. Only one case involved a perpetrator who intentionally set out to kill the victims.

The potential role of the judicial authorities

Naturally, the risk of danger for the victim in the event of repeated paedosexual offences is crucial with regard to prevention. A distinction should be made between different types of danger related to paedosexual delinquency. A certain amount of panic about the 'safety of our children' occurs periodically in public opinion and in judicial policy responsibilities, nearly always prompted by serious incidents. This alludes to the danger of serious or fatal physical injury to children who become the victims of violent sexual offenders. Both the literature and empirical research data consistently show that there is only a very small chance of a serious risk of children or adolescents suffering (serious) physical injury if they become the victims of paedosexual delinquency.

Only a small fraction of paedosexual delinquency is committed by people who do not know their victims. Most paedosexual offences are committed by perpetrators who are part of the victim's family circle or daily environment. A relatively high number of cases involve a complicated family situation in which the child becomes the victim of the father figure. Serious psychological damage to the victim as a result of paedosexual offences is likely, particularly for frequent long-term episodes occurring within the family context.

As most paedosexual delinquency occurs within the very private family context, the position of the judicial authorities with regard to prevention and repression is extremely complicated. The judicial authorities' options are limited by the unwillingness to allow the authorities into the environment in which sexual child abuse takes place. The 'own' informal intervention methods and strategies are virtually always important in such social contexts. Although the judicial authorities can play a role in this process, they often cannot play the most important role.

The prevention of paedosexual delinquency embedded in the primary environment (family) and the secondary environment (school, club, neighbourhood, etc.) is a shared responsibility for the individual citizens involved in these contexts as well as for the social institutions who have a duty to protect children and juveniles. Institutions for (mental) health care, social services, education and leisure activities should preferably take joint and coordinated action in the event of clear signs of (sexual) violence towards children. Being authorised to use coercive measures, as well as being the 'big stick', the police and the judicial authorities have an indispensable role to play.

Contrary to an offender-oriented approach towards known 'dangerous paedosexual offenders', a system-oriented preventive approach is more appropriate for the vast majority of cases of paedosexual delinquency. Therefore effective chain management on the basis of signals is essential. As poor chain management was a major cause of recent problems in other fields of social care, institutions like the Youth Services and Youth Protection Inspectorate, the Education Inspectorate and the Public Order and Safety Inspectorate are currently developing an approach that specifically gives high priority chain management. Therefore it would be advisable to consider the extent to which such an approach could also be made relevant to early warnings with regard to (suspected) paedosexual abuse.