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ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE STUDIES
SCHOOL OF LAW

**“THE APPLICATION OF INTERROGATIVE TECHNIQUES ON SEXUALLY
ABUSED CHILDREN: THE CASE OF ADDIS ABABA”**

By: Mistre Berhe Temelso

Advisor: Wondemagegn Tadesse

(PHD, Assistant Professor, School of Law, Addis Ababa University)

September 30, 2024

Addis Ababa, Ethiopia

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Degree in Human Rights Law at the College of Law and Governance Studies,
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Addis Ababa University

September 30, 2024
Addis Ababa, Ethiopia

Declaration

I, **Mistre Berhe Temelso**, declare that the thesis comprises my own original work. In compliance with widely accepted practices, I have duly acknowledged and referenced all materials used in this work. I understand that non-adherence to the principles of academic honesty and integrity, misrepresentation/fabrication of any idea/data/fact/source will constitute sufficient ground for disciplinary action by the University and can also evoke criminal sanction from the State and civil action from the sources which have not been properly cited or acknowledged.

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Acronyms

ACRWC	African Charter on the Right and Welfare of the Child
CRC	Convention on the rights of the child
CSA	Child Sexual Abuse
ECOSOC	Economic and social council
FDRE	Federal Democratic Republic of Ethiopia
ICCPR	International Covenant on Civil and Political Rights
UDHR	Universal Declaration of Human Rights
UN	United nation
NICHD	National Institute of Child Health and Human Development
NO.	Number
USA	United States of America

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Abstract

This study explores the sensitivity of interrogation techniques used by police and public prosecutor in Addis Ababa concerning the well-being and rights of sexually abused children. Despite Ethiopia's ratification of international conventions like the UN Convention on the Rights of the Child, child victims often face re-victimization within the criminal justice system. The study reveals a lack of standardized guidelines for interrogating child victims. While some child-friendly techniques are employed, the absence of formal protocols raises concerns about their effectiveness and the psychological impact on victims, who often endure repeated interrogations in non-child-friendly environments. This research identifies the rights of sexually abused children during interrogations and assesses existing practices, highlighting significant challenges in applying internationally recognized guidelines. Utilizing qualitative methods, including interviews with law enforcement officials and analysis of legal frameworks, the study aims to provide insights that can guide improvements in forensic interview practices, ultimately enhancing the protection and empowerment of child victims in Ethiopia. Based on its findings, the thesis offers relevant recommendations.

Chapter one

Introduction

1.1. Background of the study

According to the World Health Organization (2002), sexual violence is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”¹

Sexual violence is one of the worst forms of violation of the rights of children which can lead to irreversible physical, psychological, and social damage, including death. Cognizant of this fact, the international community has taken responsibility for combating sexual violence and the exploitation of children.² Several international and regional human rights instruments set out standards that require States to protect children from all forms of violence, prevent violence, and provide support to children who are victims of any forms of violence including sexual violence.³

The UN Convention on the Rights of the Child (CRC), lays down guarantees for the spectrum of the child's human rights, obliges States Parties to take all appropriate legislative, administrative, judicial, and educational measures to protect the child from all forms of sexual abuse.⁴ Furthermore, specific principles and standards are outlined in various human rights instruments for the treatment of child victims in the justice process to ensure access to justice and prevent any additional hardship when passing through the different stages of the justice process.⁵

¹ Consultation on Child Abuse Prevention (1999: Geneva, Switzerland), World Health Organization. Violence and Injury Prevention Team & Global Forum for Health Research. (1999). Report of the Consultation on Child Abuse Prevention, 29-31 March 1999, WHO, Geneva. World Health Organization. retrieved from <https://apps.who.int/iris/handle/10665/65900>

² U.S Department of Health & Human Services, 2008

³ Getachew Assefa, An Article on The predicaments of child victims of crime seeking justice in Ethiopia: double victimization by the justice process (2011)

⁴ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3

⁵ ECOSOC Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The CRC has major principles intended to give overall guidance for the national implementation of the Convention. One of the main principles is "the right to be heard and to express views and concerns" of the child. The opinion of children should be given due weight to the age and maturity of the child.⁶ Children have a right to child-sensitive, dignified, fair, and efficient treatment to be able to fully participate in the justice process and to leave the justice system as a more empowered person with the feeling that justice is done. Children should be provided the opportunity to be heard in any judicial or administrative proceedings including police investigations affecting them. The justice system in general and law enforcement officials, in particular, need full participation in the process of interrogating child victims and witnesses in the justice process to be able to contribute to a fair, efficient, and human justice process that guarantees justice for all child victims and witnesses of crime.⁷

A child forensic interview is defined as an organized interview conducted by trained professionals backed by a videotape of the interview in disclosure of an event by a child who is presumed to be a victim of alleged sexual abuse either using observation or through forensic medical evidence.⁸ In some countries like the USA, the practice of child forensic interviews has long been practiced.

Due to the unprecedented results of interviewing sexually abused children and the challenges of a forensic interview, considerable efforts were laid to maintain the technical capacity and knowledge of police in gathering evidence from the victim's point of view.⁹ Children victims of different types of crime require lengthy periods to fully recover from their traumatic experiences. Hence, disclosure of sexual abuse through proper interviewing techniques is a key to providing support and arranging appropriate further interventions to treat a child victim of abuse.¹⁰

⁶ Supra note 4

⁷ United Nations Office on Drugs and Crime. Justice in matters involving child victims and witnesses of crime. Model law and related commentary. (2009).Vienna, Austria.

⁸ Dune, S.E, "Interviewing Pre- School age Victims of Sexual abuse: Interviewing methods & disclosure outcomes." 2006

⁹ Cronch, L.E, Viljoen, J.L., Hansen & D. J. Aggression and violent behavior: Forensic interviewing in child sexual abuse cases: Current techniques and future directions. University of Nebraska-Lincoln.(2006). Elsevier 11(3),pp.195

¹⁰ Ibid

I am motivated to do this research because I used to work as a public prosecutor and a team leader for crimes against women and children with crime investigators working on women and children investigation and protection units in Addis Ababa. Studies suggested that the interrogation of sexually abused children at the police station has shortcomings and lacks clear guidelines. Hence, it has an impact on the re-victimization of the abused child. I am interested to identify to what extent the interrogation technique is sensitive to the well-being of the abused child and how internationally recognized child right is protected through the interrogation process.

To the best of my knowledge, there are no studies conducted on this specific area. Whereas there are studies that focus on police forensic techniques, this study will focus on the application of interrogative techniques at the police station, its impact on sexually abused children's recognized rights, and, the sensitivity and well-being of sexually abuse children through the interrogation process in Addis Ababa.

1.2.Statement of the problem

In practice, child victims and witnesses are frequently considered to be the “forgotten party” in criminal justice systems and are sometimes re-victimized by the system itself. They are often not allowed to fully participate in the justice process in decisions that affect them and do not always receive the assistance, support, and protection they are entitled to.¹¹

Ethiopia has ratified both conventions on the rights of children (CRC) and the African Charter on the Right and Welfare of the Child (ACRWC). It is also an active participant in formulating various international Police forensic interview practices, regional legal frameworks, and standards in the field of children’s rights including sexually abused ones.

The 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution devotes a full article to the rights of a child. Above all, the constitutional provision embraces, among other things, the precept of the consideration of 'the best interest of the child in every matter concerning children undertaken by public and private institutions.¹² However, the realization of the principle of "the

¹¹ Supranote7

¹² Constitution of the Federal Democratic Republic of Ethiopia, proclamation No.1/1995, Art 36

best interests of the child" regarding sexually abused children remains subtle in the criminal justice system, particularly in police investigations.¹³ Child victims of sexual abuse continue to suffer from feelings of suspicion, stigma, betrayal, and powerlessness for the rest of their lives. Above all, the second traumatization suffered by children because of insensitive criminal justice institutions including police investigations perpetuates these feelings.¹⁴ Several studies investigated forensic interview guidelines and questioning techniques of sexually abused children. The studies found that there are shortcomings within police investigations as interviewers rarely adhered to best practice guidance.¹⁵

In Ethiopia there is research was conducted by Tensae Gebrekrstos on Police Forensic Interview Practice on Sexually Abused Children. In the paper, she found that the police forensic interview practice in the selected areas is not adhering to the internationally recommended interview techniques guidelines and there are shortcomings in the interrogation techniques. but the researcher lacks to integrate how the application of interrogation techniques violate the right of the abused child and doesn't incorporate the sensitivity of sexually abused children's well-being by re victimizing them in the interrogation process. Rather it only focused on police investigation techniques used to interrogate the abused child. a gap in this research and the practical problems observed in the justice system appeared as a rationale for undertaking this study which aimed to specifically explore the well-being and right of sexually abused children on the application of interrogation techniques at the police station in Addis Ababa.

1.3. Objective of the study

1.3.1. General objective

The overall objective of this study is to explore the sensitivity of the application of interrogation techniques at police stations to the well-being and rights of sexually abused children in Addis Ababa.

1.3.2. Specific objectives

¹³ Supra note 3, Getachew Assefa(2011)

¹⁴ Ibid

¹⁵ Kathleen Coulborn Faller , Forty years of forensic interviewing of children suspected of sexual abuse, 1974–2014: Historical benchmarks, Journal of Soc.(2015) pp.1

- To identify the rights of sexually abused children in the interrogation process in Ethiopia, particularly in Addis Ababa.
- To scrutinize the sensitivity of the application of the interrogation process to the rights of the abused child in Ethiopia.
- To analyze the existing practice of sexually abused children interrogation techniques in Ethiopia, particularly in Addis Ababa.
- To investigate the major challenges of police forensic interview practice on the well-being sexually abused, children.

1.4. Research questions

- What rights do sexually abused children have in the interrogation process in Ethiopia?
- Is the existing practice of sexually abused children interrogation techniques sensitive to the protection of the rights of sexually abused children?
- What are the major challenges observed in the application of police forensic interviews on sexually abused children?

1.5. Significance of the study

The study will contribute to the understanding of forensic interview practice in the selected child investigation and protection setting. Furthermore, this work on its part by elaborating problems related to the application of interrogation techniques on sexually abused children's rights will direct the government and its organs towards rectifying the wrong and making efforts for the better protection and promotion of the rights of the abused child.

Since the application of Forensic interview practice to sexually abused children is a new phenomenon in Ethiopia, it needs more research on the area. Therefore, it will serve as an initiation for further investigations and research on the application of interrogation techniques concerning the rights of sexually abused children.

Above all, the study will give the insight to mitigate the problem observed in the well-being of a sexually abused child in the forensic interview practice by the police and for any responsible body who wants to work in improving the forensic interview practice in the selected settings.

1.6. Literature review

One of the most vulnerable groups in any society is children. When children become victims of crime, they need unvarying protection from the State, the law, and members of society, including criminal justice actors.¹⁶

In 2002 E.C., the Ethiopian Federal Supreme Court Child Project Office adopted the Interview Techniques Guideline for use by the investigative interviewers of sexually abused children. The guideline identified the tasks of investigative interviewers in child protection units and noted that these professionals shall provide services per this guideline and are required to comply with the requirements in each stage process when dealing with sexually abused children.¹⁷

A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing research and practice informed techniques as part of a larger investigative process.¹⁸ To better protect sexually abused children and ensure the prosecution of perpetrators, law enforcement must employ skilled investigative interviewing. Consequently, a substantial body of literature has been devoted to developing forensic interview guidelines and specialized questioning methods for child victims. There are studies that investigate the application of interrogation (interview) techniques on sexually abused children the study (Fernandes D, Gomes JP, Albuquerque PB and Matos M) shows that children often struggle to describe abuse due to developmental limitations, but proper interview techniques can help. This review examined real-world methods for collecting testimony from child sexual abuse (CSA) victims and found that most forensic interviews follow a similar structure: introduction, rapport-building, free recall, structured questioning, and a neutral closing. While these practices should adapt to each child's needs and cultural

¹⁶ Supra note 5

¹⁷ Federal Supreme Court Child Project office Interview Techniques Guideline, 2002 E.C., pp.1

¹⁸ Harris, 2010, North Carolina's Division of Social Services and the N.C Family and Children's Resource Program, (2002). Newline et al. (2015) ,pp. 3

background, many places still fail to use evidence-based guidelines, leading to poor interviews that harm investigations and children. Fixing this requires better training and supervision for professionals handling CSA cases.¹⁹

The study by (Cronch, Lindsay E.; Viljoen, Jodi L.; and Hansen, David J.) shows that Child sexual abuse is a widespread but often underreported issue, making skilled forensic interviews critical for protecting victims and securing convictions. Due to developmental and emotional barriers, children may struggle to disclose abuse, but research-backed techniques such as rapport-building, open-ended questions and structured protocols like the NICHD method can improve accuracy while reducing trauma. Poor interviewing (e.g., leading questions or lack of training) risks false allegations, failed cases, and further harm to children. Best practices include age-appropriate questioning, multidisciplinary collaboration (e.g., Child Advocacy Centers), and avoiding repetitive interviews unless necessary. However, gaps persist in adherence to evidence-based guidelines, highlighting the need for better training, supervision, and institutional support to ensure justice and child safety.²⁰

In Ethiopia, the article by Getachew assefa indicated the challenges of crime investigation in general.²¹ In his findings, the Ethiopian justice's process has permitted the subjection of child victims to cycles of traumatization during investigation, prosecution and trial phases of cases in which they are involved.²² Ethiopia does not have laws that require the special treatment of children who are victims or witness of crime.²³ But the study is focused on the year 2007 and below and it doesn't consider the current legal system and the updates included in the interrogation process. The studies conducted by Tensae geberkerstos suggested that the interrogation techniques held by police are not in line with forensic interrogative guidelines and have more problems including re-victimization of sexually abused children.²⁴ But the study

¹⁹ Fernandes D, Gomes JP, Albuquerque PB and Matos M, 'Forensic Interview Techniques in Child Sexual Abuse Cases: A Scoping Review' (2024) 25(2) Trauma, Violence & Abuse

²⁰ Cronch LE, Viljoen JL and Hansen DJ, 'Forensic Interviewing in Child Sexual Abuse Cases: Current Techniques and Future Directions' (2006)

²¹ Supra note 3

²² *ibid*

²³ *ibid*

²⁴ Tensae Gebrekrstos, Multidisciplinary Forensic Interview with Alleged Child Sexual Abuse and Its Challenges in Selected Units in Addis Ababa, Ethiopian Journal of Gender Research 2 (2020) , Mekelle University. Vol. 2 No. 2

didn't indicate the rights and well-being of sexually abused children in the application of the interrogation process and specific challenges concerning forensic interviews of sexually abused children in the selected settings.

1.7. Research methodology

The research is both doctrinal and empirical legal research type which is to be made by exploring documented facts on the right of sexually abused children by analyzing legal regimes, books and journals in this area. And also practical realization of the application of the interrogation process to the rights of the abused child will be assessed.

The approach adopted to undertake this research is the qualitative research approach. The reason behind using this approach is for it enables one to explore attitudes and experiences. This is stated in Dawson, who indicated the qualitative research approach as an approach that is used to investigate attitudes and experiences using methods like interviews.²⁵ Thus, since this research aims to explore the application of the interrogation techniques in sexually abused children is safe to the well-being of the child victim and analyze the challenges and prospects for child rights protection in Ethiopia qualitative research approach is the appropriate approach for conducting this research.

The methodologies employed in this work include principally a review of relevant literature and international guideline related to the concept of the sensitivity of the application of interrogation techniques on the well-being of a sexually abused child and the major challenges observed in the application of police forensic interviews.

1.7.1 Types of Data

The research employs both primary and secondary data. In relation to the doctrinal aspect, the Primary data includes different human rights instruments, principles, and guidelines, general comments, recommendations in particular policies, legislations, directives, and documents of the government are also made.

²⁵ Dawson, C (2002) Practical Research Methods, pp.14

As secondary data, books, articles and situational analyses are used. Coming to the empirical aspect, the researcher used the data gathered through questioners and in depth interviews as primary data.

1.7.2 Data Collection Method

The researcher employs interview and questioner from police investigator and public prosecutor as a qualitative data collection method. The study focuses on eleven sub-cities in Addis Ababa: Nefas Silk-Lafto, Kirkos, Lemi Kura, Lideta, Arada, Gulele, Bole, Yeka, Addis Ketema, Kelfe Keranyo, and Akaki Kaliti. The data was collected from the women's and children's police department and the branch ministry of justice in each sub-city. As a qualitative data collection method 3 Interviews were selected randomly from different public prosecutor office but focused on area expertise and 22 questionnaires from public prosecutors and 22 questionnaires from police investigators from 11 sub cities of Addis Ababa are collected. In-depth interviews to gather detailed insights from three public prosecutors from 3 different sub cities women and children focal person. The selection of the interviewers is based on the sub cities that have expertise on women children investigation areas. The study targeted area experts from both police investigators and (public prosecutors) from the Ministry of Justice.

In other words, the data is collected through questioners. 11 police stations and 11 ministry of justice office participate on it. From each institution two participants participate in the questioner. Totally 44 participants are used.

The research objectives that the research needs to attain and the nature of the Research questions that the research meant to answer are only addressed by employing the above data collection methods. The research needs interaction between the researcher and the research participants, which could be effective through questioners and interview.

From different types of interview, the researcher prefers to employ in depth interview. In depth interview is an open ended, discovery oriented method to obtain detail information about the issue. The area of the research is subjective so that in depth interview it's possible to understand the respondent point of view, experience and perspective. The interviews are directed to experts from ministry of justice.

1.7.3 Data Analysis

The researcher used a qualitative data analysis method. The research uses this method because of the fact that the data are collected through a qualitative data collection tools, hence, needs to be

analyzed in the same way. Accordingly, the data collected will firstly be prepared before analysis and this involves transcribing questioners and interviews and sorting and arranging the data into different type. Then the next step is to categorize the relevant one to the research focus by identifying the main theme and then interpretation will follow. In this process, the researcher will code the data and categorize it in to different theme and then a conclusion will follow.

1.8.Scope of the research

This research is mainly focused on the sensitivity of the application of interrogation techniques to the well-being of an abused child. The major challenges observed in the application of police forensic interviews on the well-being of sexually abused children are going to be analyzed. In addition, the major right that the victim child has during the interrogation process at the police station is also an area of great emphasis in the research. Finally, the research will have some recommendations on the possible way-outs for the problems that are raised. The data is going to be collected from Addis Ababa due to time.

1.9. Rule of citation

Currently, Addis Ababa University, School of law, uses the OSCOLA referencing and citation styles and in this paper it will be strictly observed. For domestic laws and court cases, the rules of citation of the Journal of Ethiopian Law will be used.

1.10. Limitation of the study

The primary challenge the researcher encountered while conducting this thesis was the scarcity of academic studies focused on interrogation techniques for sexually abused children. Additionally, there was reluctance from officials at both the Ministry of Justice and the police department to participate and respond to the questionnaires.

1.11. Ethical considerations

The study used questioners and interview from eleven sub city police department and from all branches of ministry of justice in Addis Ababa and the author informed both government institutions about the purpose of the study and obtained their permission and consent for the

information to be used and cited in the paper while keeping the information they provided confidentially and only using it for research purposes.

1.12. Organization of the study

The study is expected to have four chapters. Under chapter one introductory issue will be dealt. Chapter two will be devoted to deal with important issues related to the well-being of children and interrogative techniques that is, general overview of the concepts and development interrogative techniques and its approached towards it. Assessment of sensitivity to the well-being of the child and the application of interrogative techniques on sexually abused children in Addis Ababa will be explained in detail under chapter three. Chapter four will be the conclusion and recommendation part of the paper.

Chapter Two

Child Rights and Interrogative Techniques on Sexually Abused Children

2.1. Notion of Childhood

It is evident from the preamble of the Convention on the Rights of the Child that children are one of members of the society who are in need of protection against any form of discrimination or bias or violence. It has also reaffirmed in the preamble that the Convention is declared as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."²⁶ The term child is defined under Article 1 of Convention on the Rights of the child, which is recognized as the most comprehensive legal framework for the protection of children's rights, as every human being below the age of eighteen unless under the law applicable to the child, majority is attained earlier.²⁷ Other regional human rights instruments also define what it means by a child and, for instance, the African Charter on the

²⁶ Preamble, Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990

²⁷ Ibid

Rights and Welfare of the Child as “every human being below the age of 18 years.”²⁸ From this definition of the Convention and Charter we can understand that anyone who is under the age of eighteen is considered as legally as a child. Though children are mostly under legal guardian and tutor to determine their upbringing and development, they are not exception of a victim of criminal acts such as physical abuse, sexual abuse or any other form of abuse by member of their family or any other person. In this regard, children are susceptible of being a child victim, which is not easily defined in legal documents. The UN ECOSOC Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime under part IV definitional part Number 9 (a) defines “Child victims and witnesses” denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders.

In treaty form and widely ratified, the standards contained in the Convention are binding and universal. While most provisions affirm human rights standards already recognized in other international human rights instruments, the Convention is a binding instrument specifically intended to define the basic rights of children. Moreover, the Convention calls for the promotion of physical and psychological recovery and social rehabilitation of children who have been victims of any form of neglect, exploitation or abuse.²⁹

As police officers apprehend any criminal suspect, they are supposed to inform the right he or she has during his stay in the police station or department, which they are mostly known as Miranda warnings.³⁰ After the effortful interrogation of the suspect in sexual abuse criminal cases, police tend to interrogate the child victim itself to secure conviction of the suspect or the accused. In this process, researches show that the sexually abused child will be victimized twice

²⁸ Article 2, African Charter on the rights and welfare of the child, Adopted by the 26th Ordinary Session of the Assembly of Heads of State and Government of the OAU Addis Ababa, Ethiopia - July 1990 Entered into force on 29 November, 1999

²⁹ Getachew Assefa Woldemariam, The predicaments of child victims of crime seeking justice in Ethiopia: a double victimization by the justice process, AFR!KA FOCUS-Volume 24, Nr. I, 2011 -pp. 19

³⁰ Miranda v. Arizona U.S. Supreme Court, No. 759, June 13, 1966, the rights are categorized in to four: the right to remain silent, the right to get an attorney and if you are unable to get by yourself the government will assign you and the right to be informed that anything you say will be used as evidence before courts of law.

in a sense that one by the crime itself and the other by the interrogation.³¹ Hence, in the process of investigation children are supposed to be treated differently than adults.

To this end, international human rights instruments and documents have tried to encompass the right of the child. Accordingly, different binding international human rights treaties, several declarations, principles, guidelines, standard rules and recommendations were adopted at different times with the purpose of protecting the rights of children. The thesis focuses on child witness interrogation in a case they were sexually abused or they are victims rather than child wrongdoers in crime investigation.

2.2 Child Rights

2.2.1 Child rights under international and regional laws

Internationally, a wide variety of rights has been recognized under the Convention on the rights of Children. The CRC sets out four general principles that should guide all types of protection, support and assistance to children: non-discrimination; upholding the best interests of the child; the right to life, survival and development; and the respect for the views of the child.³² In addition, Article 7 (1) of the convention stipulated that a child has the right to a name at birth and the right to acquire nationality. Moreover, the right to life, right to health, right to education, freedom of expression and many more rights are recognized under the Convention.

Such rights are extended up to the protection from any form of physical or mental violence or abuse. Accordingly, even though Article 19 of the convention addresses state responsibilities towards child protection, an implied and positive interpretation of the provision guarantees the child protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

³¹ Supra note 26 pp. u-31

³² Ibid, pp.19

In addition, Article 36 of the same Convention stipulates that children under the age of eighteen years old are entitled the protection from all forms of exploitation prejudicial to any aspects of the child's welfare.

The Convention further reiterates that it is the responsibility of states to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.³³

Coming to regional human rights instruments focusing on the protection of the rights of children, the African Charter on the Rights and Welfare of the Child is way different from the Convention in the protection of the rights of the child. For instance, the ACRWC included provisions which are not existent under the Convention. ACRWC (Art. 20) has included detailed responsibilities of parents towards children while the CRC does not. Another departure is that it has a specific provision, unlike the CRC, on providing special attention to children who are living with their convicted mothers (Art. 30).³⁴

Furthermore, under article 16 of ACRWC, the charter designated its title with protection of child abuse and torture. And, in it, provides that States Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child and to implement effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for

³³ Article 39, Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990

³⁴ Getachew Assefa Woldemariam, The predicaments of child victims of crime seeking justice in Ethiopia: a double victimization by the justice process, AFR!KA FOCUS-Volume 24, Nr. I, 2011 -pp. 19

identification, reporting referral investigation, treatment, and follow up of instances of child abuse and neglect.

Besides, it is also the responsibility of any person or authority in all actions concerning the child to protect the best interests of the child in a primary and mandatorily manner.³⁵ For the proper interpretation and implementation of the right to protection of the best interest of a child, the UN Committee on the Rights of the Children has enacted a general comment on Article 3 (1) of the CRC, which deals about best interest of the child.³⁶ Other general comments were also enacted by the committee on the rights of the child for the full protection and realization of child rights.³⁷

From the above international and regional human rights instruments dealing about child rights we can construe that every child is guaranteed a paramount range of rights for the protection of his or her well-being and promotion his or her rights in all courses of life. Additionally, state parties to the under discussion legal instruments also has their own respective responsibilities to positively interpret, protect and implement the rights of children in the sense of wholly protecting their best interest. As a clear right of sexually abused children is not to be found in the already discussed legal instruments the positive interpretation of the provision also apply as the rights of sexually abused children.

2.3 Overview of Child Sexual Abuse

The awareness regarding child maltreatment in general and child sexual abuse in particular started to spread quickly in the 1980's. The development was driven mostly by women's rights organizations. Women started to tell about their childhood experiences and the process that

³⁵ Article 4, African Charter on the rights and welfare of the child, Adopted by the 26th Ordinary Session of the Assembly of Heads of State and Government of the OAU Addis Ababa, Ethiopia - July 1990 Entered into force on 29 November, 1999

³⁶ General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Adopted by the Committee at its sixty-second session (14 January – 1 February 2013)

³⁷ General comment No. 5 (2003) general measures of implementation of the Convention on the right of the child, adopted on November 7/2003, General comment no. 13 (2011), The right of the child to freedom from all forms of violence, adopted in 2011

started was inevitable.³⁸ Child sexual abuse (CSA) typically includes unwanted and inappropriate sexual solicitation of, or exposure to, a child by an older person; genital touching or fondling; or penetration in terms of oral, anal or vaginal intercourse or attempted intercourse. CSA can vary along a number of dimensions including frequency, duration, age at onset, and relationship of victim to perpetrator. However, the most common dimension used to define CSA is type of abuse. Three categories are commonly reported in the literature. Noncontact abuse encompasses a range of acts and includes inappropriate sexual solicitation or indecent exposure. The two other categories are contact abuse, which includes touching or fondling, and intercourse, which includes oral, anal or vaginal intercourse.³⁹ Some literatures stipulated that Child Sexual Abuse consists of two overlapping but distinguishable types of interaction: (a) forced or coerced sexual behavior imposed on a child, and (b) sexual activity between a child and a much older person, whether or not obvious coercion is involved (a common definition of "much older" is 5 or more years).⁴⁰

In short, Child sexual abuse refers to any sexual activity involving a child under the age of eighteen and an older individual, leading to significant emotional and physical harm. This abuse can have lasting effects on a child's well-being, potentially resulting in both short-term and long-term consequences.

2.4 Impact of Sexual Abuse on Children

It is well known that sexual abuse has a negative effect on the children who are victimized by the sexual abuse. The general negative effects are mostly, categorized and frequently reported long-term effects include depression and self-destructive behavior, anxiety, feelings of isolation and

³⁸ Eva M c Jonzon, Child Sexual Abuse-disclosure, social support and subjective health in adulthood, Department of public health sciences, division for psychosocial factors and health, karolinska institutet, Stockholm, Sweden, 2006, pp.1.

³⁹ Gavin Andrews et'al, Child Sexual Abuse, Comparative Quantification of Health Risks, Global and Regional Burden of Disease Attributable to Selected Major Risk Factors Volume 1,World Health Organization, 2004, pp. 1875

⁴⁰ Angela Browne and David Finkelhor, Impact of Child Sexual Abuse: A Review of the Research, Family Violence Research Program and Family Research Laboratory, University of New Hampshire,1986,Volume 99, No.1,PP.66

stigma, poor self-esteem, difficulty in trusting others, a tendency toward re-victimization, substance abuse, and sexual maladjustment.⁴¹

Moreover, the impact of child sexual abuse is sometimes categorized in to short term and long term effects. The short term effect is termed as initial effect by some literatures. Accordingly, by initial effects, we mean those reactions occurring within 2 years of the termination of abuse. These early reactions are often called short-term effects in the literature. We prefer the term initial effects, however, because "short-term" implies that the reactions do not persist--an assumption that has yet to be substantiated.⁴²

2.4.1 Short term impacts of Child Sexual Abuse

The initial effects of child sexual abuse typically manifest as negative emotional responses, including anger, hostility, guilt, and shame. Victims often experience lower self-esteem as a result of their abuse. These emotional impacts can significantly affect their overall well-being and development. Children who are victims of sexual abuse showed elevated levels of hostility and aggression, hostility, displayed behavioral disturbances, including defiance and fighting, guilt and shame are common reactions. Besides, victims experienced depressive symptoms after the abuse and there is evidence of lower self-esteem among sexually abused children compared to the general population.⁴³ Moreover, research highlights various physical symptoms related to anxiety and distress following sexual abuse. Some victims experienced sleep disturbances, while others showed changes in eating habits, which are related with physical symptoms. Additionally, adolescent pregnancy is a noted physical consequence.⁴⁴ With regard to effects of sexuality, reactions of inappropriate sexual behavior among child victims in appropriate behaviors such as indicating behaviors such as open masturbation and excessive sexual curiosity is apparent in victims of sexual abuse children.⁴⁵ Child sexual abuse can also lead to significant challenges in

⁴¹ Ibid

⁴² Supra note, 3

⁴³ Angela Browne and David Finkelhor, Impact of Child Sexual Abuse: A Review of the Research, Family Violence Research Program and Family Research Laboratory, University of New Hampshire, 1986, Volume 99, No.1, PP.66-68

⁴⁴ Ibid, 68-69

⁴⁵ Ibid

social functioning, including issues at school, truancy, running away from home, and early marriages among adolescent victims.

2.4.2 Long-Term impacts of Child Sexual Abuse

As emotional reactions of sexually abused children, depression is the most frequently reported long-term effect among adults who were sexually abused as children. Another effect of sexual abuse is that evidence of self-harm behaviors like suicidal ideation or self-harm attempts.⁴⁶ The long-term impact of early sexual abuse on later sexual functioning has garnered significant attention in empirical literature. Most clinically based studies indicate that survivors of child sexual abuse, especially those who experienced incest, often face various sexual problems in adulthood. Besides, significant link between child sexual abuse and later involvement in prostitution is also indicated as one impact of sexual abuse.⁴⁷

2.5 Conceptual framework of Interrogative Techniques

The terms ‘interview’ and ‘interrogation’, as applied to the police investigative process, imply some form of questioning, whether of a witness to a crime, a victim, a complainant or a suspect. Both are essentially a way of gathering information for use in further enquiries and perhaps judicial purposes. The term interrogation is more commonly used in the literature, and in police practice, to refer to the questioning of criminal suspects, whereas witnesses and victims are ‘interviewed’. Such a distinction is, however, quite an arbitrary one, and the term ‘investigative interviewing’ has been proposed to cover both the interviewing of witnesses and suspects in England.⁴⁸ If a child becomes involved in the legal setting, as a result of witnessing a crime or being a victim of a crime, she/he will usually participate in one or more interviews. In fact, children are often interviewed on several occasions and by different people.⁴⁹ Hence, in the

⁴⁶ Ibid, pp.70

⁴⁷ Ibid

⁴⁸ Gisli H. Gudjonsson, *The Psychology of Interrogations and Confessions, A Handbook*, Institute of Psychiatry, King’s College, London, UK, John Wiley & Sons, 1992, pp. 2

⁴⁹ Helen L. Westcott, Graham M. Davies and Ray H.C. Bull, *Children’s testimony A Handbook of psychological Research and Forensic Practice*, London, UK, John Wiley & Sons, 2002, pp. 150

criminal justice system of interrogation, children are different from adults and supposed to be treated differently.

Particularly, sexually abused children needs to be treated differently since their victimization to the sexual abuse put them in primary damage and talking about it could be another form of victimization. The approaches and techniques provided can promote process that is legally defensible and minimize further trauma to the child.⁵⁰

2.6 Interrogative Techniques on Sexually Abused Children

Generally, techniques or principles on Effective Interviewing for Investigations and Information Gathering requires thorough preparation, building rapport, utilizing open-ended and probing questions, keen observational skills, flexibility, accurate documentation, ethical considerations, positive closure, and a commitment to continuous improvement. Moreover, Effective interviewing is a comprehensive process for gathering accurate and reliable information while implementing associated legal safeguards.⁵¹

Contemporary principles regarding interview of sexually abused children rotate in balancing protecting the child's right and securing conviction of the alleged sexual wrong doer. Interviewing children who may be victims of sexual abuse presents a special challenge to law enforcement personnel, not only because of the difficulty of talking about such private matters but also because of the child's potentially complex relationship to the perpetrator.⁵²

As it well known that the National Institute of Child Health and Human Development (NICHD) Protocol: Interview Guide, for sexually abused children is a ground breaking tool for effective interview of sexually abused children. Moreover, Ethiopia has also interpreted it in to Amharic version and uses it as a guide to interviewing sexually abused children. The Guideline is the

⁵⁰ Shay Bilchik, interviewing child witnesses and victims of sexual abuse, portable guides to investigating child abuse, U.S. Department of Justice, August, 1996

⁵¹ Juan E. Méndez, principles on Effective Interviewing for Investigations and Information Gathering, pp.11

⁵² Ibid

Amharic version of NICHD interview protocol and it covers all phases of the investigative interview that starts from introduction to closure phase.⁵³

Globally, it is hard to find a binding technique for interrogating or interviewing sexually abused children. The UN General Assembly in 2005 has adopted a guideline that could assist for the protection of children who are sexually abused. Accordingly, the guideline is enacted in a form of resolution known as ECOSOC Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime emphasize the importance of treating children with dignity and compassion. Specifically, under part IV, paragraph 13, it highlights that interviews, examinations, and investigations involving child victims should be conducted by trained professionals. These professionals are expected to approach their work with sensitivity, respect, and thoroughness to minimize any further hardship for the child. This approach not only protects the child's well-being but also ensures that the information gathered is accurate and reliable.

Under part V, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime emphasize the right to protection from discrimination. Specifically, paragraph 17 states that in certain cases, special services and protections may be necessary to address gender considerations and the specific nature of certain offenses, such as sexual assault against children. This provision recognizes that the needs of child victims can vary significantly based on factors like gender and the context of the crime, and it underscores the importance of tailored support to ensure their safety and well-being. Moreover, the right to be informed and the availability of protective measures have been also enshrined under part VII. Paragraph 19 (e) of the same guideline.

Under part VIII, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime highlight the right to be heard and to express views and concerns. Specifically, paragraph 21(c) emphasizes the importance of giving due regard to the child's views and concerns. If those

⁵³ Tensae Gebrekrstos, Multidisciplinary Forensic Interview with Alleged Child Sexual Abuse and Its Challenges in Selected Units in Addis Ababa, Ethiopian Police University College (EPUC), Sendafa, Ethiopia, Ethiopian Journal of Gender Research 2 (2020), Mekelle University. Vol. 2 No. 2, PP.83

views cannot be accommodated, it is crucial to provide the child with a clear explanation of the reasons why. This approach not only empowers the child but also fosters trust in the justice process, ensuring that they feel respected and valued.

In addition, under part IX, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime address the right to effective assistance. Paragraph 25 outlines the responsibility of professionals to develop and implement measures that facilitate children's ability to testify or provide evidence, enhancing communication and understanding throughout the pre-trial and trial stages. These measures include: (a) Engaging child victim and witness specialists to cater to the unique needs of the child. (b) Providing support persons, such as specialists or appropriate family members, to accompany the child during testimony. (c) Appointing guardians, when necessary, to safeguard the child's legal interests. These provisions ensure that children feel supported and protected during the legal process, promoting a more effective and sensitive approach to their involvement in the justice system.

Moreover, under part X, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime emphasize the right to privacy. Paragraph 27 specifically states that information regarding a child's involvement in the justice process must be protected. This includes maintaining confidentiality and restricting the disclosure of any information that could lead to the identification of a child who is a victim or witness. This provision is crucial for safeguarding the child's dignity and safety, preventing potential stigma or further trauma associated with their involvement in the legal system. Protecting privacy not only helps ensure the child's well-being but also promotes a more supportive environment for their testimony.

Last but not the least, under part XI, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime address the right to be protected from hardship during the justice process. Paragraph 29 emphasizes that professionals should implement measures to prevent hardship during the detection, investigation, and prosecution phases. This is essential to ensure that the best interests and dignity of child victims and witnesses are upheld. By proactively addressing potential challenges and stressors that children may face in these processes, professionals can create a more supportive environment that respects the child's

emotional and psychological well-being. This approach not only aids in the child's recovery but also contributes to the integrity of the justice process.

All in all, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime is solely providing the guidelines or techniques to conduct interview of sexually abused children and lets the protection of the right of the child and again protect them from double victimization in discussion or reduce the insensitivity of the child.

Chapter Three

Appraisal of the Right of Children Vis-a- Vis Interrogative Techniques of Sexually Abused Children under the Ethiopian Legal Regime

3.1. Introduction

Ethiopia actively participates in the formulation and adoption of various global human rights standards and institutions. It is a party to several key international legal instruments, including the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1989 Convention on the Rights of the Child (CRC), and the 1990 African Charter on the Rights and Welfare of the Child (ACRWC). This commitment underscores Ethiopia's dedication to upholding and promoting human rights, particularly the rights and welfare of children, in alignment with global and regional standards. By ratifying these instruments, Ethiopia aims to strengthen its legal framework for protecting and advancing the rights of all individuals, especially vulnerable populations like children. Notably, the adoption of the Convention on the Rights of the Child (CRC) in 1989 emphasizes the need for special protections for children, particularly regarding sexual abuse as stipulated under Article 34. The preamble highlights that due to their physical and mental immaturity, children require additional safeguards and legal protections. The CRC promotes a rights-based approach, outlining principles that should guide all efforts to support and protect children, including prioritizing the child's best interests and respecting their views. As a legally binding human rights instrument, the CRC encompasses a comprehensive range of children's rights. Among its provisions, Article 39 specifically calls for the physical and psychological recovery and social rehabilitation of children who have experienced abuse. Additionally, the preamble underscores the shared responsibility of families and states

individually or cooperatively to ensure the care and protection of children. This framework encourages collaboration among various agencies in the protection and investigation of cases involving sexually abused children, highlighting the importance of a coordinated response. The Convention on right to children is also part and parcel of the law of the land of Ethiopia.⁵⁴

Besides, the 1995 Federal Democratic Republic of Ethiopia Constitution dedicates a full article to children's rights, complementing the general human rights provisions outlined in Chapter Three.⁵⁵ This commitment reflects Ethiopia's recognition of the unique needs and vulnerabilities of children, aligning with international standards such as the CRC. Through these legal frameworks, Ethiopia aims to promote and protect the rights of children, ensuring their well-being and development in society. Moreover, the Ethiopian government tried to uphold the CRC's best interest of the child principle under the 1995 FDRE Constitution, the 2011 Criminal Justice Policy, and the 2017 National Children Policy. But the realization of the principle regarding sexually abused child remains challenging in the criminal justice system.⁵⁶ In response to the protection and investigation of child sexual abuses, herein below we will discuss and analyze how such kind of sexually abused children are interviewed or interrogated in Ethiopia, particularly in Addis Ababa.

3.2. Data analysis and Major findings of the study

This chapter of the research deals with the analysis of data from various groups of respondents obtained through questioners and interviews by the study. The data were analyzed in line with relevant human rights instruments and standards. It also presents the major findings on the application of interrogative techniques on sexually abused children, whether international interrogative (interview) techniques are applied during interrogating sexually abused children, whether the techniques the police and public prosecutors use are safe and sensitive to the well-

⁵⁴ Article 9 (4), The FDRE Constitution, Federal Negarit Gazeta, Proclamation No. 1/1995, Addis Ababa, 21st of August, 1995

⁵⁵ Ibid, Article 36

⁵⁶ Tensae Gebrekrstos, Multidisciplinary Forensic Interview with Alleged Child Sexual Abuse and Its Challenges in Selected Units in Addis Ababa, Ethiopian Police University College (EPUC), Sendafa, Ethiopia, Ethiopian Journal of Gender Research 2 (2020), Mekelle University. Vol. 2 No. 2, pp.78

being of the child victims and the major challenges observed in the application of police forensic interviews on sexually abused children.

3.2.1. General description of respondents

The study focuses on eleven sub-cities in Addis Ababa. The data was collected from the women's and children's police department and the branch ministry of justice in each sub-city. Primary data included in-depth interviews, open-ended questionnaires, and personal observations of interrogation rooms. From each sub-city, two questionnaires were administered to police investigation officers and two to public prosecutors, along with three interviews with the head prosecutor of the crimes against women and children department in selected branches of ministry of justice. In total, 44 questionnaires and three in-depth interviews were utilized for data collection. The sample selection was random, targeting expert individuals involved in the investigation of sexually abused children.

3.2.2. Response to availability of standard guideline

Out of 44 respondents, the majority (79.5%, or 35 participants) reported that there are no standard interrogation guidelines for sexually abused children, while only 20.5% (9 respondents) believed such guidelines exist. This suggests a significant gap in formal procedures for handling these sensitive cases. Despite all respondents claiming sufficient knowledge of child rights and receiving training on crimes against children, the lack of standardized interrogation techniques indicates that training may not adequately cover practical, trauma-informed interviewing methods. Furthermore, since all participants lead investigations into child sexual abuse cases, the absence of institutional protocols from both police departments and the Ministry of Justice raises concerns about inconsistent or potentially harmful interrogation practices. These findings highlight an urgent need for evidence-based, child-sensitive guidelines (such as the NICHD Protocol) to ensure that investigations are conducted ethically and effectively without re-traumatizing victims. Further research could explore why some respondents believe guidelines exist and whether discrepancies stem from inconsistent training, departmental practices, or miscommunication. Overall, the data underscores the necessity for policy reforms to standardize and improve the interrogation process for child abuse cases.

3.2.3. Techniques used by interrogators

All respondents who completed the questionnaire, they responded that in the process of interviewing a sexually abused children they use child friendly techniques which they acquire the knowledge from trainings from non-governmental institution. The techniques they are using are to play with the victims, to make them friends and by giving the child victims time to talk to them, by giving them toys to show them what happened to them using the toys and by letting them to draw on papers.

3.2.4. Child friendly interrogation rooms

The data shows strong saturation, with 36 of 44 respondents (82%) agreeing that interrogation rooms are not child-friendly, while only 8 (18%) believe they are adequate. This overwhelming consensus indicates the finding is robust - further interviews would likely yield similar results. The high agreement confirms this is a systemic issue requiring urgent attention, not an isolated problem. The small minority (18%) reporting child-friendly spaces may represent rare exceptions worth examining, but don't undermine the clear pattern of inadequate environments. This saturated data moves the discussion from identifying the problem to implementing solutions for creating trauma-informed spaces.

3.2.5. Repeated interrogation

The findings puts a concerning picture of systemic challenges in handling cases of sexually abused children, revealing several deeply rooted issues through remarkably consistent responses from professionals. At the heart of the problem lies a troubling contradiction while nearly all respondents (91%) recognize that repeated interrogations psychologically harm child victims observing increased trauma, re-victimization, and lasting emotional scars an overwhelming majority (86%) simultaneously believe these repetitive interviews remain necessary. This paradox stems from three key.

First, the data shows an institutional over-reliance on multiple interviews, with more than half of professionals (59%) routinely conducting over three interrogations per case, and a significant portion (41%) requiring five or more sessions. This repetition occurs primarily because the current system depends almost exclusively on children's verbal accounts as evidentiary

foundation, despite understanding that young victims often disclose abuse gradually rather than comprehensively in single sittings. Second, respondents consistently describe a fragmented institutional framework where essential services police investigations, medical examinations, and prosecutorial preparations operate in separate physical spaces with poor coordination, despite the existence of designated one-stop centers. These centers, intended to streamline the process, reportedly suffer from inadequate resources, poor inter-agency collaboration, and staff lacking specialized training in child-sensitive approaches.

Third, and perhaps most disturbingly, professionals articulate a system that knowingly perpetuates harm due to perceived necessity. The saturated data reveals widespread awareness that each repeated interview compounds children's trauma, yet professionals feel compelled to continue this practice due to evidentiary requirements and concerns about false allegations or parental coercion. This creates an ethical dilemma where child welfare considerations conflict with perceived legal necessities.. The study thus moves beyond merely identifying problems to highlighting an urgent need for systemic reforms that address both procedural requirements and children's psychological needs, possibly through implementation of trauma-informed protocols, improved multidisciplinary coordination, and alternative evidence gathering techniques that reduce reliance on repeated victim testimony.

3.2.6. Psychological treatment after interrogation

The data reveals a concerning divide in post-interrogation psychological support for sexually abused children, with 25 out of 44 respondents (57%) confirming that children receive treatment, while 19 respondents (43%) report they do not. This nearly even split suggests the system's response is inconsistent rather than universally inadequate, but the lack of consensus itself indicates an important area of systemic instability. The findings demonstrate potential data saturation regarding two key themes: first, that psychological services are available to some degree within the current system (validated by the majority response), and second, that significant gaps persist (substantiated by the substantial minority report). The consistency of these opposing perspectives across nearly half of participants each suggests we've captured the full spectrum of existing conditions additional interviews would likely maintain this proportional division rather than reveal new patterns. This saturation of contradictory reports points not to a

knowledge gap, but to a very real implementation gap where policy mandates for psychological care are either inconsistently applied or geographically uneven. The data's stability in this bifurcated pattern underscores that the problem isn't misunderstanding the need for treatment, but rather systemic failures in delivering consistent services. This saturated finding should prompt investigation into what distinguishes systems where children receive care (the 57%) from those where they don't (the 43%), rather than further documentation of the divide itself. The equal vigor of both perspectives confirms that post-interrogation psychological support currently operates as a chance rather than a guarantee for abused children.

3.2.7. Protection of child right

The data reveals a deeply concerning power imbalance in how sexually abused children and their families are treated during investigations, with clear saturation showing that victims have little to no meaningful control over the interrogation process. A strong majority of respondents (30 out of 44, or 68%) reported that neither children nor their parents can refuse repeated interviews due to the perceived seriousness of the crime, demonstrating how institutional priorities override individual rights. While a smaller group (14 out of 44, or 32%) acknowledged that refusal is technically possible, they explained that authorities systematically pressure compliance by emphasizing the necessity of repetition meaning any apparent choice is ultimately illusory. The consistency of these findings across respondents suggests the problem is structural rather than incidental, with legal procedures routinely privileging evidence collection over trauma prevention. These saturated results underscore an urgent need for reforms that would grant children genuine agency, such as legally protected rights to limit interviews, alternative evidence-gathering methods, and proper oversight to prevent coercive practices changes that could help align the justice system with both legal requirements and child welfare principles.

In a nutshell, all participants suggest that in order to avoid re-victimization on sexually abused children the government need to take serious action by enacting evidence gathering law, the government should enact standard laws or policies or guidelines on how to interrogate and investigate crimes against sexually abused children. The government should also need to increase man power on the area and repeated trainings need to be given for police as well as public prosecutors, to conduct effective research on this area and to select the real problems and address them, making the interrogation room child friendly, to create one stop center which is the

victim child can get all the interrogation and forensic process at the same place and at one time. These will help the victim child not to be interviewed repeatedly.

3.3. The practice of the application of interrogation techniques on sexually abused children in Addis Ababa

3.3.1. Appraisal of major findings of the study

The study examines interrogation techniques used for sexually abused children in Addis Ababa, evaluating their alignment with international standards and the rights of victims. The insights gathered from 44 participants through questionnaires and 3 participants through interview across police and Ministry of Justice offices reveal significant challenges in current practices.

3.3.1.1. Standard Interrogation Guidelines

In 2009, the Ethiopian Federal Supreme Court Child Project Office adopted Interview Technique Guidelines to be used by the forensic interviewers of sexually abused children. The Guideline identified the tasks of investigative interviewers in child protection units and noted that the professional shall provide services in accordance with this guideline and required to comply with the requirements in each stage process when dealing with child alleged of sexual abuse.⁵⁷ The Guideline is the Amharic version of NICHHD interview protocol and it covers all phases of the investigative interview that starts from introduction to closure phase. But the guidelines do not have binding effects it's not directly implemented by neither the police nor the public prosecutor during interrogating the child victims. The entire participants in the study acknowledged their knowledge of child rights and reported training on crimes against children. They acquire most interrogative techniques through trainings from non-governmental institutions. The effectiveness of this training is hindered by the lack of formal interrogation techniques.

⁵⁷ Tensae Gebrekrstos, Multidisciplinary Forensic Interview with Alleged Child Sexual Abuse and Its Challenges in Selected Units in Addis Ababa, Ethiopian Journal of Gender Research 2 (2020) , Mekelle University. Vol. 2 No. 2

The data reveals a significant lack of standardized guidelines for interrogating sexually abused children, with only 9 out of 44 participants confirming their existence, while the overwhelming majority (35 out of 44) reported their absence. This striking imbalance suggests that data saturation has likely been achieved on this issue, meaning further interviews would probably yield similar responses without introducing new insights. The heavy reliance on adult criminal interrogation techniques which are unsuitable for children further reinforces the consistency of the findings. Given the near-unanimous agreement among participants, the study confidently concludes that the absence of proper guidelines is a widespread and systemic problem. Since no major variations or opposing trends emerged, additional data collection may be unnecessary unless exploring specific subgroups or underlying reasons for this gap. The findings highlight an urgent need for the development and implementation of child-sensitive interrogation protocols to prevent inconsistent and potentially harmful practices.

“Most police investigative officers do not have enough knowledge and awareness on how to interrogate sexually abused children. They just simply ask them in a way they think it are appropriate for the child victims. This is because of there is no standard guideline given on how to interrogate child victims. Mostly they use leading questions and force the abused child to talk.”⁵⁸

3.3.1.2. Interrogation Techniques on sexually abused children

In Ethiopia, the FDRE National Children's Policy of 2017 is a comprehensive policy addresses children's rights and welfare. “Prevention and protection of children from social, economic and political hardships and providing rehabilitation, care and support for children in difficult circumstances” are one of pillars policy.⁵⁹ The Policy outlines four key principles concerning children in all contexts: the right to life, survival, and development; the best interests of the child; non-discrimination; and the involvement of children in decisions affecting them. A central focus of the Policy is the prevention and protection of children from social, economic, and political

⁵⁸Interview with Selam Assefa, public prosecutor and focal person on women’s and child right in ministry of justice, nefas selk branch(Addis Ababa, August 10, 2023)

⁵⁹ The FDRE National Children's Policy of 2017, (pp2)

challenges. Section five of the policy put the roles and responsibilities of the stakeholders in respecting, protecting and promoting children's rights and welfare.⁶⁰ By stating this Policy puts role and responsibility in respecting and protecting children in various settings. Thus the policy has implied the importance of protecting children in the application of interrogative process during investigation. The study revealed that most of Participants reported the interrogation techniques they are using are child-friendly methods, such as playing together, giving them toys to show them practically how the abused is happened, art-based techniques, which they learned from NGOs.

*“When interviewing sexually abused children, mostly we try to be friends with them in order to gain there trust. Even though there is no standard guideline to follow we try our best to interrogate them using their way of expression, we will give them toys and mostly we let them play with us until they are ready to talk. In most cases the victims talk about the abuse describing what happen through doll toys body part. ”*⁶¹

Although these methods are more sensitive than traditional ones, the reliance on non-standardized techniques raises concerns about their efficacy and consistency. Most participants (36 out of 44) indicated that interrogation rooms are not designed to be child-friendly. The interrogation mostly takes place in there office and the office is very tight and it's not child friendly as well. A supportive physical environment is crucial for helping children feel safe during distressing interrogations. According to the Criminal Procedure Code of Ethiopia Article 38 stipulates that both police officer and public prosecutor involve in crime investigation. The public prosecutor led the crime investigation in collaboration with the police. One of the respondents who is a public prosecutor suggested that;

“Even though both police and public prosecutor participate in crime investigation, we have different work places. Therefore, a child victim will be interviewed first in the police

⁶⁰ Ibid, (pp 19)

⁶¹ Interview with Asenakech Abdisa, public prosecutor and focal person on women's and child right in ministry of justice, lemi kura branch(Addis Ababa, August 01, 2024)

station and after that he/she will be investigated in public prosecutor office. Relatively the public prosecutor tries to use child friendly techniques during investigating sexually abused children. The interrogation room used by the public prosecutors is wider and incorporates different toys. And I can say relative to the police station its child friendly’’⁶²

3.3.1.3. Frequency of Interrogations

The study shows how sexually abused children experience the justice and healthcare systems, with multiple, repetitive interrogations emerging as a systemic rather than isolated problem. The findings show remarkable consistency, with 59% of participants (26 out of 44) reporting cases where children endured more than three interviews, and 41% (18 participants) documenting instances exceeding five interrogations per child. This repetitive questioning follows a predictable but harmful trajectory beginning with medical professionals in hospitals, moving to law enforcement at police stations, and culminating with prosecutors' offices, each requiring the child to relive their trauma through fresh recounting.

The data demonstrates clear saturation, as participants uniformly identified three interconnected systemic failures driving this harmful repetition. First, the physical and bureaucratic separation of key institutions creates inevitable duplication, as hospitals, police stations, and prosecutors' offices operate in different locations with poor information sharing. Second, the much touted one stop centers designed to consolidate these services remain largely dysfunctional due to inadequate staffing, poor inter-agency coordination, and insufficient training particularly among police and social workers who lack child sensitive interviewing skills. Third, and perhaps most troubling, is the system's heavy evidentiary reliance on child testimony in the absence of physical evidence, coupled with concerns about potential coaching or false allegations, leading officials to demand multiple consistent accounts before believing a child's disclosure.

These saturated findings reveal a justice system that, despite good intentions, effectively prioritizes procedural and evidentiary needs over child welfare. The consequences are profound: each repeated interview not only compounds the child's trauma but may actually degrade the

⁶² Supra note 5

quality of evidence through memory contamination and emotional exhaustion. Particularly vulnerable are younger children and those whose families may be manipulating the process, as the current system lacks safeguards against coercion while simultaneously demanding multiple consistent accounts.

The study's implications are clear and urgent. Meaningful reform requires moving beyond awareness to actionable systemic changes: properly resourced and staffed one-stop centers with trained child interviewers; implementation of video-recorded forensic interviews to eliminate repetition; alternative evidence-gathering protocols; and specialized training for all professionals interacting with abused children. The saturated nature of these findings suggests we have reached a point where further documentation of the problem is unnecessary what's needed now is decisive action to realign the system with children's developmental needs and rights.

3.3.1.4. Psychological Implication

The study reveals a troubling paradox in how professionals handle sexually abused children: while 38 out of 44 participants (86%) clearly recognize that repeated interrogations cause significant psychological harm, they simultaneously justify this practice as necessary for obtaining reliable testimony. The findings are so consistent that further interviews would be unlikely to yield new insights. The professionals' reasoning follows three well-established patterns: first, they emphasize legal requirements for consistent testimony in court; second, they cite children's tendency to disclose abuse gradually rather than all at once; and third, they express concerns about false allegations or parental coaching. What makes these findings particularly concerning is that participants offer no alternative approaches despite acknowledging the harm, revealing a system trapped between understanding the damage it causes and feeling compelled to continue due to institutional and legal constraints. The data suggests this isn't a matter of individual failings but rather systemic shortcomings that prioritize procedural requirements over child welfare. This saturation of perspectives points to an urgent need for structural reforms, such as implementing video-recorded forensic interviews to eliminate repetition, rather than simply continuing to document a problem that has been clearly and consistently established. The consistency of these responses across different professional roles confirms that the system's

flaws are deeply embedded and require policy-level interventions to resolve the fundamental tension between legal processes and children's psychological well-being.

*“Most of the children’s are not happy to talk about the abuse repeatedly and i observe the victims to be re-victimized and lived with fear, some of them even start to cry when we ask them repeatedly. And most of all because of the repeated interrogation sexually abused children won’t forget what happened to them and the trauma lives with them.”*⁶³

This repetition can lead to trauma and re-victimization, as children may find it challenging to recount their experiences consistently. The study also shown most of sexually abused children does not receive psychological support following interrogation, indicating a critical gap in necessary services.

The FDRE Criminal Justice Policy, which came into effect in March 2011, emphasizes the rights of victimized children and the creation of specialized units to uphold their fundamental rights in various contexts. Child victims of crimes require protection and support, including specialized help to address emotional trauma and other issues stemming from their victimization.⁶⁴ Even though the policy emphasis on protection of emotional trauma for child victims, the study revealed that Opinions on the right of parents or children to refuse repeated interviews were mixed majority of participants felt that compliance is often pressured due to the seriousness of allegations.

3.3.2. Challenges and Considerations in the Application of interrogative techniques

When applying interrogative techniques on sexually abused children, the study revealed several challenges and considerations arise. Trauma Sensitivity is one of it. Children may experience significant emotional trauma, which can affect their ability to communicate. Interrogation techniques must be sensitive to their emotional state. The child's developmental stage must be

⁶³ Interview with Semeret Aweke, public prosecutor and focal person on women’s and child right in ministry of justice, kirkos branch(Addis Ababa, may 23, 2024)

⁶⁴ FDRE Criminal Justice Policy, 2011, pp.63-64

considered as well, as younger children may not understand complex questions or concepts. One of the respondents from ministry of justice states that:

*“In most cases sexually abused children won’t talk easily about the abuse. This is because of the trauma they been facing. Mostly they keep quiet and play with the toys we are providing them. And when they start talking they became very stressed, shy and even some of them might cry.”*⁶⁵

Another challenge is building trust; establishing a rapport with the child is essential, as a lack of trust can result in reluctance to share information. Regarding questioning techniques, open-ended questions tend to be more effective than leading or closed ones, so it’s important to avoid suggestive or biased inquiries. Cultural sensitivity is also crucial, as understanding the child’s cultural background can impact communication styles and perceptions of authority.

All in all, from the aforementioned findings we can construe that in the process of interrogating sexually abused children, significant challenges present in Ethiopia, particularly in Addis Ababa. The issues are related with the lack of standardized practices and supportive environments. Addressing these issues through comprehensive policy reforms and enhanced training is crucial to uphold the rights of child victims and handle their experiences with the necessary sensitivity.

CHAPTER FOUR

Conclusion and Recommendations

4.1 Conclusion

The interrogation of sexually abused children within the legal system presents profound challenges that necessitate a nuanced and compassionate approach. As outlined in various international and regional human rights instruments, such as the Convention on the Rights of the Child and the ECOSOC Guidelines, children are recognized as vulnerable individuals who

⁶⁵ Interview with Selam Assefa, public prosecutor and focal person on women’s and child right in ministry of justice, nefas selk branch(Addis Ababa, August 10, 2023)

require special protections. These frameworks establish a clear mandate for treating child victims with dignity and respect, emphasizing their right to be heard and protected from further harm.

Effective interrogation techniques must prioritize the psychological and emotional well-being of child victims, recognizing the potential for re-traumatization during the investigative process. Children who have already suffered the profound violation of sexual abuse can experience additional victimization through insensitivity in questioning, which can hinder their willingness to cooperate and impede the pursuit of justice. Therefore, it is essential for law enforcement and legal professionals to be trained in child-sensitive interviewing practices that foster a supportive environment.

The implementation of protocols like the NICHD Protocol serves as a valuable guide, emphasizing thorough preparation, rapport building, and ethical considerations throughout the interviewing process. Such techniques are designed not only to gather accurate and reliable information but also to ensure that the child feels safe and understood. Additionally, the guidelines highlight the importance of tailoring services to address specific needs, including gender considerations and the nature of the offense.

Moreover, the right to privacy, effective assistance, and protection from hardship must be firmly upheld throughout the legal process. Safeguarding confidentiality and providing support systems such as the presence of a trusted adult or specialist are crucial for empowering child victims and ensuring their voices are heard. These measures not only contribute to the integrity of the legal proceedings but also facilitate the healing process for the child.

In conclusion, the intersection of child rights and interrogative techniques underscores a critical imperative: the legal system must evolve to prioritize the needs and rights of sexually abused children. By adopting comprehensive, trauma-informed approaches to interrogation, society can better protect these vulnerable individuals, uphold their dignity, and promote their recovery. Ultimately, a justice system that respects and champions the rights of child victims is not only a legal obligation but a moral imperative that reflects our commitment to safeguarding the most vulnerable members of our community.

The research reveals critical deficiencies in the interrogation techniques applied to sexually abused children in Addis Ababa, underscoring an urgent need for systemic reform. Despite Ethiopia's ratification of international human rights treaties that emphasize the protection and welfare of children, including the Convention on the Rights of the Child (CRC), the practical implementation of these principles within the criminal justice framework falls short.

Key findings indicate that most interrogators lack access to standardized guidelines for conducting interviews with child victims. This absence has led to the adoption of informal techniques that, while sometimes child-friendly, often lack the structure and rigor necessary to safeguard the child's emotional and psychological health. Furthermore, the reliance on non-standardized methods raises concerns about the consistency and efficacy of the information gathered during interrogations.

A particularly troubling issue highlighted in the study is the prevalence of repeated interrogations. Many children are subjected to multiple interviews across various locations, a practice that not only risks re-traumatization but also hinders the child's ability to communicate effectively about their experiences. The research indicates that most children express discomfort and distress during these repeated sessions, leading to a cycle of re-victimization that can have lasting psychological impacts.

Moreover, there is a noticeable gap in the provision of psychological support for these children following interrogation. While some recognition exists regarding the necessity of psychological care, many children do not receive adequate support, which is vital for their recovery and well-being.

4.2 Recommendations

To address the pressing challenges identified in this study and improve the interrogation process for sexually abused children, the following recommendations are proposed by the writer:

➤ Establish Standardized Guidelines for Interrogation:

- **Develop Binding Protocols:** The Ethiopian government should create comprehensive, evidence-based guidelines specifically for the interrogation of

sexually abused children. These guidelines should draw from international best practices, such as the NICHD protocol, and be adaptable to the cultural context of Ethiopia.

- **Mandatory Training:** Implementation of these guidelines should be accompanied by mandatory training for all personnel involved in the interrogation process (for the public prosecutors and police investigators), ensuring they are well-equipped to apply these protocols effectively.

➤ **Create Child-Friendly Environments:**

- **Design Appropriate Spaces:** Interrogation rooms should be redesigned to be welcoming and safe for children. This includes using calming colors, providing toys, and creating an environment that reduces the anxiety often associated with formal settings.
- **Incorporate Child Psychologists:** Involve child psychologists (social workers) in designing these spaces to ensure they meet the emotional needs of children undergoing interrogations.

➤ **Limit Repeated Interrogations:**

- **Centralized One-Stop Centers:** Establish additional centralized facilities in every sub cities of Addis Ababa where all aspects of the investigative process police questioning, legal consultation and psychological evaluation can occur in one location. This will minimize the need for multiple interviews and reduce the associated trauma.
- **Assess Necessity of Interviews:** Implement strict criteria to evaluate whether repeated interviews are genuinely necessary, emphasizing the child's emotional state and the potential for re-traumatization.

➤ **Enhance Training for Law Enforcement and Prosecutors:**

- **Trauma-Informed Training for the police and public prosecutors:** Develop specialized training programs that focus on trauma-informed care, emphasizing the psychological impact of abuse on children and the importance of building trust.
- **Ongoing Professional Development:** Create opportunities for continuous education and professional development for law enforcement officers and

prosecutors to keep them updated on best practices and emerging research in child interrogation.

➤ **Provide Psychological Support:**

- **Immediate Access to Psychological Services:** Ensure that all sexually abused children have immediate access to psychological support following interrogation. This should include counseling services tailored to the needs of children who have experienced trauma.
- **Collaborative Care Models:** Encourage collaboration between law enforcement, social services, and mental health professionals to create a holistic support network for child victims.

➤ **Engage Stakeholders in Policy Development:**

- **Inclusive Policy Formulation:** Engage a wide range of stakeholders including child rights advocates (international such as NGOs like UNICEF and save the children and local like federal Supreme Court child project office), mental health professionals (including social workers), legal experts, and community representatives in the formulation of policies related to child interrogation practices. This inclusive approach will help ensure that diverse perspectives are considered and that the policies developed are both comprehensive and effective.

By implementing these recommendations, Ethiopia can significantly improve the interrogation practices for sexually abused children, aligning them with international human rights standards while fostering an environment that prioritizes the safety, dignity, and psychological well-being of child victims. This not only addresses the immediate needs of sexually abused children but also contributes to a broader cultural shift towards recognizing and upholding the rights of all children in society. Ultimately, such reforms will enhance the effectiveness of the criminal justice system in protecting vulnerable populations and ensuring that justice is served in a manner that respects the rights and needs of victims.

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Interview

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- Interview with Asenakech Abdisa, public prosecutor and focal person on women's and child right in ministry of justice, lemi kura branch(Addis Ababa, August 01, 2024)
- Interview with Semeret Aweke, public prosecutor and focal person on women's and child right in ministry of justice, kirkos branch(Addis Ababa, may 23, 2024)

Annex 1

Questionnaire

1. Personal information

1.1. Sex _____

2.2. Age _____

1.2. Occupation _____

1.2.1. Police investigator ☐

1.2.3. Public prosecutor ☐

1. If you are a police investigator, are you currently investigating crimes against children?

yes ☐ no ☐

Other ☐ / if other give more detail _____

2. How many years of police investigation experience do you have? ____ Years.

3. If you are a public prosecutor, have you ever worked on sexually abused children? Yes
no

4. How many years of public prosecutor experience do you have? _____ Years

5. If you are a public prosecutor, have you ever led an investigation on crimes against sexually abused children?

Yes no

6. Do you hold a post graduate/ degree/ diploma? Yes ☐ No ☐

7. Do you have knowledge of the legislation/policy regarding crimes against children?

Yes ☐ no ☐

☐

8 Have you ever taken training focusing on the rights of sexually abused children? Yes ☐
No

9 Have you ever lead investigative interview on sexually abused children?

Yes ☐ No ☐

10 If your answer is yes to question number 9, is there any standard interviewing method set by the institution?

If yes or no give more detail? _____

11 During interviewing child victims, does the room of interrogation child friendly? Yes
no

12 During interviewing child victims, does the language you use age appropriate? Yes
no

13 How many times you interview or interrogate a sexually abused child who file report to the station?-----

If your answer is more than one time, can you explain the reason? _____

14 During the interview process of sexually abused children, does the child willing and comfortable to talk about the abuse he/she has been facing? Yes no ☐

15 When the interview is conducted more than one time, does the sexually abused child willing to tell the story repeatedly without stress or fear? Yes no

16 how do you describe the feeling of sexually abused children when you interviewed them repeatedly? _____

17 During repeated interviewing process on sexually abused children, do you think they feel re victimized?

Yes no

18 During investigative interview can a sexually abused child or his/her legal guardian refuse to be interviewed repeatedly?

Yes no

For both answers can you explain the consequence? _____

19 What kind of techniques do you used to interview sexually abused children? _____

20 Starting from the investigation, prosecution up to trial process how many times sexually abused child does face interview question about the abuse? _____

21 After the interview, does the sexually abused child get psychological therapy that can help them to recover from there trauma? Yes no

22 Do you think the repeated investigative interview conducted on sexually abused child is safe for the child well-being? If yes why? If no explain? _____

- 23 Challenges you face while conducting investigative interview on sexually abused children in general?
- 24 What do you think the government should do to protect and promote the rights of sexually abused children in interrogation and interview process?
- 25 What do you think are the obstacle/barriers to omit re victimization and to protect the right of sexually abused child in the investigation process?

Annex 2

Interview Guide

Interview Questions:

1. Do you know there is a policy or law that protects the right of sexually abused children in Ethiopia? If yes can you name them?
2. Do you know there is guideline/law that sets standard on how to interrogate or interview sexually abused children in Ethiopia? If yes can you explain?
3. What kind of techniques do you use when you undertake interview with sexually abused children? Do you think the techniques you are using re victimize the children?
4. How many times does a sexually abused child undergo with interview or interrogation process starting from investigation up to trial? What is the reason for the repetition?
5. Do you think the police officers and the public prosecutors have enough knowledge, training and resource to conduct interview on sexually abused children?
6. In your position in the institution, what do you think a sexually abused child feel about the repeated interviewing process?
7. Have you ever receive a complaint from the parents of the sexually abused children about the repeated technique of interviewing system? Is there any complaint handling procedure in the ministry of justice?
8. Does the ministry of justice give special emphasis on how to conduct the investigation and interview process on sexually abused children?
9. What do you think the reasons are to make repeated interview with sexually abused children?
10. What kind of measures do you think need to be taken to avoid repeated interview?
11. Considering the best interest of the child, how do you think the investigative interview on sexually abused children should be conducted?
12. What are the legal or practical barriers to protect the best interest of the child in the investigation process?
13. What do you suggest for the implementation of a policy or/and law that protects sexually abused children during the investigative interview process?