

Understanding the process of child sexual abuse disclosure: What does the research tell us?

Executive Summary

“Childhood sexual assault affects 1 in 8 people worldwide, however policy is hampered by non-detection of victims. What factors prevent childhood sexual assault victims from coming forward?”

(Collin-Vézina, De La Sablonnière-Griffin, Palmer & Milne, 2015 p.123)

The Office of the Children’s Guardian (OCG) is responsible for the administration of the NSW Working with Children Check (WWCC). The WWCC involves a national criminal history check and a review of findings of workplace misconduct. The WWCC is an important part of the NSW Government strategy to keep children safe from sexual harm.

Challenges arise for the OCG in administering the WWCC in circumstances where a disclosure of child sexual abuse has been made and prosecution does not result in a conviction. These challenges are amplified when a child’s disclosure has not been tested in a court. This may occur for a number of reasons including the capacity of a child to give evidence due to age, developmental issues, or psychological and emotional constraints.

The OCG initiated this paper in response to issues identified in a case in which the OCG declined a WWCC clearance for an applicant who had been subject of a past complaint of child sexual assault which resulted in charges and a prosecution. At the trial, the child complainant had commenced giving evidence, but then withdrew (for reasons not specified to the authors). At a period of time subsequent to this, the alleged abuser applied for a WWCC clearance. While initially not granted clearance due to the charges and unfinished prosecution, the person was ultimately granted a clearance following an appeal process in the New South Wales Civil and Administrative Tribunal (NCAT). The critical issue in this circumstance was the unavailability of evidence from the complainant beyond the initial complaint which had not been tested in a court.

In the appeal judgement, the Tribunal identified a number of types of evidence which might have been helpful if made available. This included a better understanding of the barriers and challenges to disclosure of sexual abuse by children and young people. Associated questions included: how common is childhood disclosure of childhood sexual abuse, and what might impede a child disclosing? As well, can children be believed, and, are children vulnerable to being influenced by others to make false disclosure/s?

A literature review was undertaken by the authors and included Australian studies, international studies and meta-analyses. The review revealed considerable recent evidence on the subject of child sexual abuse disclosure. Recent systemic and meta-analytic reviews confirm reported rates for incidence of child sexual abuse are high, with one significant study noting Australia as having the highest reported rate for child sexual abuse of girls internationally at 21.5% (Stoltengorgh, van Ijzendoorn, Euser, & Bakersman-Kranenburg, 2011).

Child sexual abuse is disclosed at or around the time of the abuse occurring in a minority of cases only and is more frequently disclosed historically. Sometimes referred to as *delayed disclosure*, reasons for later disclosure vary from case to case but common to the majority is attainment of capacity through maturation

and diminution of barriers to disclosure. Barriers to disclosure are discussed in detail in the body of this paper. Research reveals that as few as 8.3% of children disclosed sexual abuse in formal (e.g. forensic) settings close to the occurrence of such abuse (Priebe & Svedin, 2008). In cases where disclosure does occur it is older children who are more likely to disclose at the time of the abuse. Rather than regard delayed reports with suspicion it should be recognised that contemporaneous reports are not the norm. The literature regarding children and adolescents who experience sexual abuse consistently notes how unusual contemporaneous disclosure of sexual abuse is. Also noted within the literature are the many barriers to making immediate or close-to-event disclosures, and the maintaining of that initial stance that the disclosure is true and factual. These experiences assist us to understand why the majority of children who are sexually victimised do not disclose at the time of the abuse.

Alaggia, Collin-Vézina and Lateef (2017) recently identified 5 themes which have emerged through the research literature:

1. Disclosure is an iterative, interactive process rather than a discrete event and is best done in a relational context.
2. The complex interplay of individual, family, contextual and cultural factors are best understood using social-ecological person-in-environment perspectives.
3. Age and gender significantly influence disclosure, with a sub-theme emerging that intrafamilial abuse/family-like relationship of abuser has a bearing on disclosure delays or withholding.
4. There is a lack of life-course perspective in the research meaning disclosure has been under-studied in terms of its place amongst the pathways through life following child sexual abuse.
5. Barriers to disclosure continue to outweigh facilitators of disclosure.

In particular, research into factors other than age that may influence time of disclosure found relationships between disclosure age and:

- Being younger age at onset of abuse,
- Being male,
- Having a close, usually dependent relationship with the abuser, and;
- More severe forms of abuse having occurred (cited in London et. al. 2008).

Throughout the literature, immediate disclosure of sexual abuse was considered a positive event, succinctly summed up in the statement that ‘...society assumes that disclosure is a good thing, in particular it might lead to successful intervention or the prosecution of perpetrators’ (Collin-Vézina, et. al., 2015). Negative consequences of disclosure for the child victimised were noted by a number of researchers (Hunter, 2011; Jonzon & Lindblad, 2004; Ullman, 2007) and included; not being believed, becoming the subject of gossip, having the situation worsening due to disclosure, causing a rift in family where abuser is familial, losing control of the situation or feeling out of control.

Released on December 16th 2017, the *Royal Commission into Institutional Responses to Childhood Sexual Abuse* (The Royal Commission) Final Report noted both shame and embarrassment as barriers to disclosure. Additionally, and similar to other research, the Royal Commission’s contacts with over 8000 victims of abuse found evidence of younger children not understanding that the abuse suffered was wrong, abusive or criminal in nature.

The Royal Commission noted that threats and fear were strong and powerful barriers to disclosure, with threats being made in institutional situations by those in power. Institutional abusers blocked disclosures often through threatening the child or their loved ones. The Royal Commission’s Final Report stating that;

“...of the survivors who spoke to us in a private session about barriers to disclosure, about one-fifth (20.3 per cent) said they had not disclosed as a child out of a fear of retribution, including from the perpetrator. More

than one-quarter (27.8 per cent) who said they had disclosed as a child told us that fear of retribution had stopped them from disclosing sooner. More than one in 20 survivors (5.3 per cent) who spoke to us in a private session about barriers to disclosure told us the perpetrator had threatened them or their family”.

On the issue of reliability of children’s disclosures, research evidence does not support an assertion that children’s disclosures are often false. False disclosures are repeatedly reported as rare (1% - 1.5%) and a close analysis of disclosures found to be false reveals that generally, these were not direct disclosures by children but by others around them, often where there are a range of other motivations to engage in falsehoods, such as marital separation and access issues.

Understanding that disclosure is a process which may take place over years is essential in responding to children and adults sexually victimised as children. Disclosure is not made by most children and delay in disclosure is more common than immediate disclosure. False disclosures are rare and generally are made by third parties.

A sophisticated and in-depth analysis of the individual circumstances of each child or adult’s disclosure process of child sexual abuse, and the understanding of individual interpersonal dynamics at play is recommended. Doing so will assist in ensuring that children are offered the best chance of fully disclosing sexual abuse which, in time may alter potentially devastating circumstances for other children who may be abused in the future.

End of Executive Summary

Understanding the process of child sexual abuse disclosure: What does the research tell us?

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Understanding the process of child sexual abuse disclosure:

What does the research tell us?

Introduction

The Office of the Children's Guardian (OCG) is charged with ensuring that people who wish to work with children in NSW meet certain screening requirements to ascertain any pre-existing risks they may pose to children they come into contact with. This process requires anyone engaged in child-related work in NSW undertake a Working with Children Check (WWCC).

From time to time, applicants are refused a WWCC clearance. Those refused a WWCC clearance may appeal as set out in sections 27 and 28 unless they are precluded from appealing under s 26 of the Working with Children Act.

In regards to this current report, the OCG provided to the authors: *Children's Guardian v BRL [2016] NSWSC 1206 – OCG's concerns regarding consequences.*

Background

BRL was refused a Working with Children Check clearance as a result of a risk assessment by the OCG which took into consideration the complaint against BRL. The subsequent prosecution was terminated when the charges of sexual intercourse with a person between 10 and 16 (4 counts) were withdrawn. The offences were allegedly committed in 1998. The applicant was committed for trial at a District Court. The charges were withdrawn after the trial commenced and the complainant indicated that after commencing to give evidence she could not continue. In preparation for the trial, four statements had been obtained from the complainant, her sister and her step-sister.

Copies of these statements were obtained by the OCG and considered during the risk assessment. BRL filed an application for administrative review at NCAT. During the NCAT proceedings, BRL objected to the four statements being admitted as proof of the allegations against him. BRL relied on authority handed down under the predecessor to the current Working with Children legislation to argue that it would be procedurally unfair to admit the statements as proof of the allegations when the makers of the statements were not available for cross-examination.

At an interlocutory hearing, NCAT admitted the statements for the limited purpose only of showing that the allegations were made against the applicant. NCAT ultimately set aside the decision to refuse BRL a clearance, and ordered that he be granted a clearance. The Children's Guardian appealed NCAT's decision to the Supreme Court on the ground that NCAT erred in limiting the purpose for admitting the statements.

Supreme Court decision in dismissing the OCG appeal

The Supreme Court made statements including:

- The reason that the statements were admitted for a limited purpose was because BRL would be denied procedural fairness if they were admitted for their truth, in circumstances where the Children's Guardian did not intend to call the makers of the statements for cross examination and their allegations could therefore not be tested.
- While NCAT could have admitted the statements for their truth and discounted weight because they could not be tested, it understandably did not do that in circumstances where the Children's Guardian

had not tendered evidence to explain why the makers of the statements were not to be called for cross-examination.

- Natural justice would be denied to BRL if NCAT acted on the statements in proof of the serious allegations against him without the opportunity for him to test the makers of the statements.
- ***The Children’s Guardian would have been assisted by evidence to explain why the complainant would not testify at trial*** (Author’s italics and bolding). This evidence could be obtained from the complainant, her sister and step-sister, the investigating police and/or the Crown prosecutor.

Consequences for the OCG’s conduct of risk assessments and NCAT proceedings

The OCG administers the *Child Protection (Working with Children) Act 2012* with the object of protecting children from child abuse, with the paramount consideration being the safety, welfare and well-being of children. In implementing the legislation, the OCG requires persons engaged in child-related work to have Working with Children Check clearances. Failure to gain a WWCC clearance does not permit certain persons who pose a risk to the safety of children to engage in child-related work.

To determine whether a person poses such a risk, the OCG conducts a risk assessment. The OCG does not have investigatory powers and has not been set up to be able to support individuals such as complainants who may experience trauma/re-traumatisation as a result of being contacted by the OCG.

“Given the above, the OCG does not contact complainants during a risk assessment as a matter of practice to prevent trauma to individuals. It is widely accepted [authors’ underline] that individuals may be traumatised by being contacted about extremely personal and sensitive matters without any prior notice by an organisation with which they did not initiate contact” (Children’s Guardian vs BRL [2016]: p.2).

The OCG’s concern about contacting complainants is particularly heightened when the relevant conduct is alleged to have occurred historically when the complainant is or was a child. The OCG acknowledges that in the interests of fairness to an applicant and sound decision-making, steps should be taken to verify allegations of a serious nature, particularly sexual abuse. Accordingly, the OCG takes steps to verify allegations by seeking information from third parties such as courts, the police and the ODPP. Applicants are also given the opportunity to respond to allegations against them.

The OCG recognises that the above-discussed Supreme Court decision does not compel the attendance of a complainant for cross-examination, but rather that attempts be made to confirm why the complainant did not proceed with giving evidence. While such information may be available from third parties, where the alleged conduct occurred (significantly) into the past, documents have often been lost or destroyed.

“The complainant themselves may therefore be the only source of information, particularly about whether or not they still adhere to the allegations against the applicant at the risk assessment stage. In such circumstances, the OCG remains concerned, that the Supreme Court decision compels contact with complainants, with an absence of contact creating a risk that the purpose for which their statements are admitted is limited”. (Children’s Guardian vs BRL [2016]: p.2).

The consequence of the statements being admitted only for a limited purpose is that they would be less persuasive in contributing to an assessment that an applicant poses a risk to the safety of children. A tension therefore exists between protecting the welfare of individual complainants (whom for whatever reasons which may be known only to themselves have not proceeded with their complaint) by choosing not to contact them versus/against the paramount consideration of the safety, welfare and well-being of children generally. This could mean that (potentially unknown) children are placed at risk because an applicant is granted a clearance who otherwise may not have been, if the complainant’s statement were to be admitted

for its truth rather than for a limited purpose. This then becomes a challenging prospect for the OCG, being charged with the responsibility for the protection of children through the Working with Children Check assessment on behalf of the State.

“Initiating contact with a complainant in the knowledge that it could cause them serious psychological harm [authors’ underline] is a step that the OCG does not consider appropriate. However, holding to this view may lead to the Tribunal ordering that certain applicants be able to work with children even though risk to the safety of children exists”. (Children’s Guardian vs BRL [2016]: p.2).

Disclosure of abuse: Considerations regarding prevalence

Given the obvious issues involved with possibly unclear, historic and likely untested knowledge being held regarding an applicant for a WWCC, and the fact that this knowledge remains untested, it may be helpful for the legal parties involved to gain a greater understanding of why children, youth and adults may continue to *not* disclose CSA in a forensic setting, or why they may have disclosed CSA in a forensic setting and then withdrawn that disclosure, or why, having disclosed CSA in a non-forensic setting (i.e. to a trusted friend, or adult), they refused to repeat the allegation or even actively deny the allegation when presented to/in a forensic setting.

Is non-disclosure, partial-disclosure, or withdrawal of a disclosure regarding CSA normative and to be expected? Can this behaviour thus potentially not inform us in any meaningful way about the veracity of any allegations coming to light, or does this behaviour assist in discounting untested or withdrawn allegations? The remainder of this document summarises the current research regarding disclosure, non-disclosure and withdrawn-disclosure patterns in childhood, adolescence and adulthood.

Additionally, research regarding a child’s ability to fantasise and lie at certain ages and developmental stages, is presented and its relevance to the current issues discussed.

Disclosing: When, who, and why?

The sexual abuse of a child, whether by a young person under the age of 18 years or by an adult, or adults, is a serious matter. Society takes a dim view of sexual offending, and the criminal justice system imposes harsh penalties upon adults who abuse children, isolating them and working to ensure that they have limited access to further potential victims. A recognised issue in identifying child sexual offenders is the perceived (in)ability and (un)believability of children, especially those younger than five years of age, as witnesses and evidence-providers in forensic settings.

Research suggests that CSA is an ‘epidemic’, with studies reporting up to 30% of children having been sexually assaulted prior to the age of 18 years (Krug, Dahlberg, Mercy, Zwi & Lozano, 2002). Systematic and meta-analyses have found averages of 18-20% for females and 8-10% for males (Pereda, Guilera, Forn & Gomez-Benito, 2009) and on this analysis the highest rate for girls internationally being in Australia at 21.5% (Stoltengorgh, van Ijzendoorn, Euser & Bakersman-Kranenburg, 2011). However, disclosures made in forensic settings do not go anywhere near matching or even approaching these numbers, and non-forensic disclosures made to others such as family or friends are often not reported to authorities at all, or are time-delayed due to, amongst other issues; family members covering up the crime, abuse by children and adolescents being seen as ‘normative exploration’ and victims reluctant to disclose the abuse due to shame, self-blame, fear, and coercion by others not to tell (Kaufman et al, 2006).

Disclosure has been the subject of recent renewed interest. This includes the attention of The Royal Commission as well as efforts by government agencies and researchers to better understand what promotes or inhibits disclosure. A recent systematic literature review by Alaggia, Collin-Vézina and Lateef (2017) has neatly identified 5 themes which have emerged through the research literature:

1. Disclosure is an iterative, interactive process rather than a discrete event and is best done in a relational context,
2. The complex interplay of individual, family, contextual and cultural factors are best understood using social-ecological person-in-environment perspectives,
3. Age and gender significantly influence disclosure, with a sub-theme emerging that intrafamilial abuse or maintaining a family-like relationship of an abuser has an impact of disclosure delays or withholding,
4. There is a lack of a 'life-course' perspective in the research. Disclosure has been under-studied in terms of its place amongst 'life pathways' following child sexual abuse,
5. Barriers to disclosure continue to outweigh facilitators of disclosure.

Disclosures may occur at a number of key points in time post-abuse. The first; *immediate* or *close-to-event disclosure* is where the child is able to tell someone who believes them and does something about it immediately. This may be after the first occasion of abuse or immediately following a repeated occasion of abuse. *Immediate* disclosure is at the time of the assault or the earliest opportunity following. *Close-to-event* disclosure could encompass - potentially - up to three months post-abuse and might be delayed by a range of issues usually connected to a child's capability to disclose with safety. The further away from the three-month post-abuse window the more historical the disclosure then becomes.

Repeatedly, research has found that most children do not typically disclose sexual abuse immediately or close to the time when they are abused (i.e.; when they are children). Most victims who disclose delay the disclosure until they reach adulthood (Alaggia, 2004; Esposito, 2016; Hunter, 2011; Jonzon & Lindblad, 2004). The Royal Commission reported that the average age of disclosure for victims and survivors of institutional CSA was 36 years of age. Additionally, only a very small percentage of disclosures of sexual assault or abuse result in a conviction. The younger the age of the child the more problematic prosecution becomes, with anecdotal discussion provided by police and prosecutors to the authors confirming an observation of the 'virtual impossibility' of successfully prosecuting where the verbal statement of a child under five years of age is the only source of evidence.

Children who disclose during childhood commonly find disclosure difficult as they need to overcome many barriers to take this step. These include anticipating and in some instances experiencing negative consequences for themselves and others. Concerns about not being believed, or the potential for rejection or fear of punishment may also prevent or delay disclosure. Often the abuse has been carried out in ways that results in the child feeling at least partially – if not wholly - responsible for the abuse and the anticipated consequences. Due to these concerns and subsequent feelings, children make calculated decisions about whether to tell at all, and if they do decide to tell, decision-making shifts to deciding *who* to tell, *when* to tell, and *how much* to disclose about the abuse (when they first disclose).

Disclosures can be purposeful and deliberate or at times accidental; revealing the abuse through unintentional statements or behaviour that was not originally intended to be a disclosure (Mian, 1986). For example, a young child at school coerces a similar age child to '...play the tickle game mum's boyfriend played with me last night'; the abuse being disclosed through the re-enactment by a naive child's activity with another child. At other times disclosures are prompted or elicited, usually in response to observed behaviours of the child (Hershkowitz, Lanes & Lamb, 2007; Sorenson & Snow, 1991). An 'unrelated' event may trigger a memory or concern about the abuse and lead to a disclosure 'in the moment' (Campis, Hebden-Curtis & Demaso, 1993). Indirect disclosure can come about from direct refusal to disclose, where risk-taking behaviours, acting out and attention-seeking draws attention to the person and thus at times, the abuse. A noted pattern for CSA is that of disclosure to a non-professional, a family member, peer, teacher or other known and trusted person in a non-forensic setting (perhaps as this 'feels' less endangering for the

victim/survivor with the secret) before moving towards more direct disclosure taking place to a professional in a forensic setting, (Alaggia, 2004; Ungar, et al., 2009).

Children's motivation and ability to disclose is impacted by many factors: their developmental stage, organic factors (e.g. Intellectual disability) and experiential factors (e.g.; attitudes expressed by significant family members at various times over the lifespan, tactics they have been subjected to in being sexually abused). Each of these factors influence the child's understanding of their sexual abuse, fears they may hold in relation to sexual abuse and disclosure, and how they view opportunities to disclose should opportunities have been available.

Many children report that they delay disclosure due to not having been asked about the abuse (McGee, et al., 2002) or not being sure who or how to tell (McElvaney, 2012; 2015; Schaeffer, et al., 2011). Common to most disclosures is the desire for the sexual abuse to stop.

Can children's disclosures be relied upon?

Children have historically been regarded as unreliable reporters and vulnerable to the influence of adults. In relation to children's disclosures of sexual abuse, research findings actually reveal that children are highly reliable, albeit with some cautions which should be applied. In her literature review on children's disclosures of CSA for New South Wales Family and Community Services, Esposito (2016) reported "The research consistently shows that false allegations of child sexual abuse are rare (Jones & McGraw, 1987; Mikkelsen, Gutheil & Emens, 1992; Oates, Jones, Denson, Sirotnak, Gary & Krugman, 2000; Sjoberg & Lindblad, 2002)". The Royal Commission reached the same conclusion (See Final Report Volume 4; "Identifying and Disclosing Child Sexual Abuse" pp. 52-55, and Volume 7; "Improving Institutional Reporting and Responding" pp. 136-137).

Research which evidences low-rates of false disclosures include a study of 551 cases in Denver U.S.A. in which, following thorough investigation, just 1.5% were assessed as false allegations (Oates, et al., 2000). A similar analysis of child protection records across four American States determined less than 1% of unsubstantiated reports to be false (U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, 1999). What is far more likely is for false negatives to appear in the form of retractions and understatement (Lawson & Chaffin, 1992). An examination of the small percentage of disclosures assessed to be false was carried out in a Canadian review of 7,672 cases and found that, of the unsubstantiated child protection reports (being 35% of all reports), 6% were intentionally false reports. However, none of these were from children's disclosures, rather they were from others around them (Trocme & Bala, 2005). Here we again see other examples of the complexities – and potential pitfalls – facing those involved in determining the validity of contemporaneous disclosures of children being sexually abused. What were the motivations of those adults falsely disclosing abuse of children and how does the involved professional determine truth from – putting it kindly – 'fiction'?

The more historic research about potential markers of false reporting as reported by Esposito (2016); p.20 includes:

"...the inclusion of fantastical or incredible information within descriptions of abuse (Olafson & Lederman, 2006; Summit, 1983; 1992), the minimisation of abuse by children (Lawson & Chaffin, 1992; Sjoberg & Lindblad, 2002), delayed reporting (Goodman-Brown et al., 2003; Sauzier, 1989; Smith et al., 2000), inconsistencies or a lack of relevant information about the abuse (O'Donohue, Benuto & Fanetti, 2010), and the presence of a situation (i.e.: divorce and custody) where an individual may benefit from [making] an allegation of child sexual abuse (Berliner & Conte, 1993)."

More recent research provides greater insight into the process of disclosure including understanding of minimisation, retraction and delayed reporting, however each of these features should be considered in a detailed examination of the individual context and characteristics of individual children making disclosures (Alaggia, Collin-Vézina & Lateef, 2017).

Barriers and challenges faced by children in deciding to disclose

Internalised feelings of shame, guilt and other powerful emotions

The Royal Commission noted one of the most common barriers to disclosing institutional child sexual abuse reported by individuals to the Commissioners was feeling shame or embarrassment. They noted that:

“These feelings can overwhelm a victim and have a silencing effect that can last for many years or decades. Of survivors who told us in a private session about their experience of disclosure, feeling ashamed or embarrassed was more common for survivors who told us they had disclosed in adulthood (46.0 per cent) than those who told us they had disclosed in childhood (27.8 per cent).”

(2017 Royal Commission into Institutional Responses to Childhood Sexual Abuse Final Report
Preface and Executive Summary; p.23)

The Royal Commission importantly gave voice to the experience of male victims, previously under-reported in the child sexual abuse literature. It reported that males may be too ashamed to report abuse for fear of being seen as a ‘helpless’ victim, or “...not a ‘real-man’”; being unable to protect themselves [from their adult abuser when they were a child]. Low reporting rates are the norm amongst males of all ages. Easton (2013) reported that of their research sample of 487 male survivors of CSA, just 15.1% had reported the abuse. Indeed, the power of shame and guilt - which deterred victims from disclosing sexual abuse - at any age, for both men and women, was noted by Alaggia (2010); p.32, who wrote that;

“Individual barriers to disclosure most frequently reported in research with adult CSA survivors are similar to those reported in children and youth studies, including feelings of guilt and shame, self-blame, developmental factors affecting the understanding of and the ability to talk about the abuse, fear of retaliation, of being blamed, of not being believed, emotional safety, and repressed memories.”

At times, one or more of this myriad group of factors may be so powerful that children engage in denial that seems unimaginable to rational, logical adults. Children may deny abuse despite corroborating evidence, including medical findings (Lawson et. al., 1992; Lyon, 2007). Even proof of abuse by evidence such as video-taped material may be denied (Sjoberg & Lindblad, 2002).

Systems issues: Disclosure interviews

It is possible that single-session disclosure interviews in a forensic setting are unsuccessful more often than not, as for children, disclosure is a process rather than a single event (Ciarlante, 2007). The current method of conducting disclosure interviews can potentially work against victims and survivors of sexual assault and abuse disclosing the crimes perpetrated against them. The use of the sentence “...the *process* of disclosure” here is not accidental; as research into why children do and do not disclose sexual abuse at the time of occurrence indicates that the majority of children do not disclose sexual abuse at the time it occurs. London, et al., (2008) found that between 55% and 69% of CSA survivors did not disclose abuse suffered during childhood. Disclosures followed a pattern - mainly occurring – for a small percentage of children - promptly within one month of event or many years after the event. Canada and the United States show similar trends with 70-75% of respondents who report CSA not disclosing until five years or more after, or never disclosing at all (Hebert et al., 2009; Smith et al., 2000).

Most systemic responses to CSA, such as those employed by police, child protection and family services are built on a one-interview disclosure model, where a disclosure is either made (or not made) during a first and generally only interview with the victim. It is unusual for police, child protection or other statutory authorities to consider multiple interviews of a potential victim who does not disclose at initial interview. This is despite the research findings clearly illustrating how unsuccessful a one-off interview model for eliciting disclosures has been.

Protecting ones-self and others

“...Indeed, disclosure of traumatic events is a very complex, iterative life-long process that cannot be influenced solely by the victim or the abuse characteristics.” (Hunter, 2011; p.160)

Allnock and Miller (2013) identified six factors that may prompt disclosure to occur, including the desire to protect other younger or more vulnerable children, for example a younger sibling, and concern for the safety of other non-related children (McElvaney, 2013). A common precipitating event or trigger to disclosure is perceiving that another child may be at risk of being harmed, further evidenced by older siblings who report ‘sacrificing’ themselves in the belief that if they endure the abuse, their younger siblings will be left unmolested by the abuser (these are generally intra-familial situations). Older children were often left further devastated upon discovering, at times years later, that their younger siblings had also been molested by their abuser.

Issues impacting timing of disclosures

“Society assumes that disclosure is a good thing, perceiving it should lead to successful intervention – halting of the abuse and prosecution and punishment of the abuser.” (Collin-Vézina et al., 2015; p.124)

London et al., (2008) noted a number of individual factors impacted upon whether disclosures were or were not made, including being younger at the onset of the abuse; having a close relationship with abuser, and more severe forms of abuse being experienced. These individual factors were also linked with perceptions of negative outcomes such as not being believed, becoming the subject of gossip, seeing the situation worsening due to making the disclosure, causing a rift in family where abuser was a family member, losing control of the situation, or feeling even more out of control. In support of these findings, Hunter (2011) reported that for their sample of 22 adults who had experienced CSA and disclosed in childhood, disclosure-related trauma occurred due to nothing changing or them not being believed nor feeling supported at the time of disclosure. This is yet another example of the complexities surrounding disclosure and the potential for poor outcomes for those who did disclose. Similarly, Ullman (2007) reported that for her sample of 733 survivors of CSA who were now college students, negative outcomes following the disclosure of CSA were more likely when the disclosure was made in childhood rather than in adulthood.

Barriers to disclosures: Evidence gathered through forensic interview with children

Children often fully or at least partially blame themselves for being abused and fear that they may lose relationships that are important to them. Like adults, children become invested in their relationships, which for children are of course often dependent relationships – abusive or not - and also practice ‘magical thinking’ where they are led to believe by the abuser that they are partially to blame for the abuse being perpetrated; for example, being told by the abuser of certain individual traits that made them attractive to that abuser. Thus, following this line of reasoning, if ‘they’ – the victim - had not been attractive, then the abuse may not have occurred. Additionally, some children are so isolated that they never get an opportunity to confide in a person who might assist them out of the abuse situation, and even when some do have that person, they may not understand that abuse is abuse – that it is unacceptable. This is particularly so for very young children at the time of the abuse.

Children's disclosures of sexual abuse in Australia are predominately sought through forensic interviews, which are seen as fundamental to the investigation and successful prosecution of criminal cases. At present, less than 20% of CSA reports to police result in convictions. The majority of cases are discontinued during investigation (Bunting, 2008; Fitzgerald, 2006; Wundersitz, 2003) despite forensic interviewing occurring.

Often the child's disclosure is the only evidence of abuse having occurred and it is generally 'not enough', particularly when the multiple barriers to disclosing are considered. Police and prosecutors have expressed concern that young children will not be robust witnesses when in court (Leach, Powell, Sharman, & Anglim, 2017). Children, and adolescents in particular, become concerned about confidentiality, or a lack of it, and fear they will get a negative response from those who interview them. They experience shame, and fear losing control of their disclosure; as once out it cannot be taken back. They also fear not being believed, and some children do not possess the level of language required to describe their abuse. Children also fear that the official responses to the abuse will be ineffectual, leaving them vulnerable *and* exposed. Additionally, they fear potential consequences for others (children who are still exposed to the abuser), and likely, over and above all else, they fear not being believed.

Overall, the "...field is still awaiting a model that integrates findings into a cohesive portrait to conceptualise barriers to disclosure". (Collin-Vézina et al., 2015, p.126).

Leach et al. (2017) analysed child sexual abuse reports made by children, caregivers and mandated reporters over a 12-month period. Of 527 children aged 3 to 16 years offered a forensic interview regarding past abuse, 81% disclosed during interview. The other 19% did not disclose or refused to be interviewed. Disclosure rates increased with age from age 3 and up to 11 years of age, then decreased with age from 12 to 16 years of age. Potential to disclose or not was moderated by five variables: abuse severity, child-abuser relationship, abuser violence history, delay in time of report to police, and children's prior disclosures. Leach and colleagues suggested targeted strategies be developed to increase disclosure rates, however no specific ways of doing so were suggested apart from a recommendation that greater support to disclose be provided in formal settings following informal disclosures in non-forensic settings.

Age and disclosure

Studies have found mixed or varying relationships between age and disclosure. Some research has found a linear relationship between the two; the older the child the greater chance of disclosure, although as noted previously, Leach et al. (2017) found a linear relationship with increased disclosures up to 11 years of age, then a pattern of decreasing disclosures between 12 and 16 years of age. In their study of 10,000 children, Hershkowitz et al. (2005) found that 71% of the sample disclosed during a forensic interview, with children aged 7-14 years more likely to disclose than younger children aged 3-6 years. Reasons for non-disclosure were given as children; being too scared, being embarrassed; not recognising the abuse as abuse, or thinking that no abuse took place. Lippert et al. (2009) findings supported those of Hershkowitz.

Thus, it seems that younger children, with less cognitive ability due to their younger age, might not recognise abuse as abuse. They may also not understand the reason for a forensic interview. Pre-schoolers are more likely to accidentally disclose, whilst older children are more likely to intentionally disclose. Additionally, younger children may not have been abused, but their ambiguous and confused statements and comments led adults to suspect abuse may have occurred. Gries, Goh & Cavanaugh (1996) found no relationship between age and disclosure, however younger children (mean age 6 years) took longer to disclose and disclosure often took a second interview. Rush et al. (2014) investigated 4-9-year-olds. No relationships between age and disclosure were found however the – overall - very young age set was noted.

Interaction & age effects

Investigating the outcomes of 397 forensic interviews involving children aged 4-13 years of age, Pipe et al. (2007) noted interactions between the age of the child and their relationship to the offender. Older children aged 6-13 years were more likely to disclose abuse where the abuser was an immediate family member. No age difference effects were found where the abuser was an extended family member. Pipe and colleagues suggested that younger children may not recognise the abuse as abuse due to the nature and strength of the relationship with that close family member. Loyalty may also influence both the potential that a disclosure would occur, and also the fear of negative consequences of making disclosures.

Looking at disclosures and non-disclosures from another point of view, Leclerc and Wortley (2015) investigated child abusers (n =369) who were asked whether the child they abused disclosed the abuse. Older children were found to be more likely to disclose. An age and location interaction was also found, with older children living away from the offender at the time of the abuse being more likely to disclose. Kogan (2004) provided further support for these findings, noting that living at home whilst the abuse occurred led to greater level of shame, a sense of disruption, and the disclosure being less likely to be believed, all of which led to a sense of self-blame, and less likelihood of disclosures occurring.

Retrospective studies of adults

Many studies have looked at victims' and survivors' retrospective memories of abuse suffered as a child or adolescent (for example see Collin-Vézina et al., 2015; Zalberg, 2017). Alaggia (2010) noted that abuse was a "...multifaceted process" as was disclosure. The ability of a child to disclose at the time of the abuse event(s) or at a later date was believed to depend on both internal and external factors related to the child or adolescent themselves, as follows:

- The individual characteristics (developmental factors) of the child/adolescent,
- Family dynamics (presence of other forms of maltreatment, social isolation),
- Neighbourhood and other community factors (fear of not being believed by teachers, for example), and;
- Cultural and social attitudes (media messages, stigma and labelling).

Factors supporting contemporaneous disclosure

Although disclosure at any age seems fraught for those affected by childhood sexual abuse, a trusted person to disclose to was a consistent, important factor raised by subjects when considering disclosure, right across the life span, although as the research has indicated – far more likely in adulthood than in childhood. Malloy, Brubacher and Lamb (2013) reviewed 214 forensic interviews involving alleged CSA of children aged 5 to 13 years. Mothers and peers were the most common people that children disclosed to, and most children who disclosed told more than one individual. Of nearly 2000 children (male children; N = 457, female children; N = 1505), just 8.3% had talked to a professional (Priebe & Svedin, 2008), highlighting both the importance of close family and friends in the process, as well as the issues with forensic or professional settings.

Also, the motivations of the person disclosing sexual abuse might be more complex than the issues of 'truth' or 'lies'; and extend to issues such as;

- The broader relationships existing between the victim and the offender and third parties also involved in these relationships (mothers, fathers, siblings, close family friends, etc.). In other words, *"What happens to these relationships if I disclose?"*
- Who else might be at risk of being sexually abused by the abuser. Is there is possibility that disclosure may have been motivated by an attempt to protect a sibling or a cousin. *"Do I endure the*

abuse to protect a younger sibling? Or has the abuser "...threatened to hurt my younger sibling if I disclose what is happening?"

- Whether a child may have felt that disclosing abuse by an adult may have 'disappointed' or 'horrified' a third party close to the child who had or has positive feelings towards the abuser (such as the child's mother being in a boyfriend/girlfriend relationship with the offender). *"Mum is really happy – the happiest she has been for a long time. She will be badly hurt if I disclose the abuse"*.
- Whether the offender continues to hold influence over the child or others important to the child. *"He told me I am special – that this is our secret and special time"*
- The degree to which the child has internalised a belief they are complicit, usually directly related to the tactics employed by the abuser.
- Whether the child has weighed up the potential that they would be believed at the time, or whether the disclosure may make their situation worse. *"The perpetrator has told me I will be in trouble as well, as they will say that this was my idea" or "Mum always calls me a liar – why would this time be different?"*

Adults 'looking in' at disclosure situations, involving either current or historic sexual abuse, may not consider all the above motivations – rather, it is likely that adults may see sexual abuse in more 'black and white' ways than the child, with protection (of victim/survivor) and then punishment (of abuser) being more logically linked to sexual abuse by adults rather than children.

Issues for the Children's Guardian

To sum up; non-disclosure over periods spanning decades, disclosure of childhood sexual abuse during adulthood, or CSA that is accidentally discovered years after the event is never straightforward nor easy to understand. Victims and survivors of CSA may not understand themselves what factors are at play which might result in them disclosing or not, and at what age disclosure might occur. Several important factors have emerged from the research and have been discussed throughout this paper, which has also attempted to summarise the research regarding these complexities. From the research, and these summaries, the following points emerge:

- *The majority of CSA victims do not disclose their abuse in childhood.* Rates of CSA disclosed in childhood, close to the event vary between 8% and 15%. This disclosure rate is extremely low when compared with incidence rates, and understanding this fact should provide us with some professional guidance regarding children whom we suspect are being, or have been abused, but will not say anything about it. In other words, *Is the disclosure from the child the most significant data point in regards to determining whether CSA has occurred?*
- *The age of the child* appears to have some bearing on whether we should expect that a child will be more likely to disclose abuse at the time it occurs. However, the research is somewhat muddled, with several researchers finding older children more likely to disclose abuse, for example, Leach et al. (2017) describing a linear relationship with increased disclosures up to 11 years of age, then a pattern of decreasing disclosures between 11 and 16 years of age, and Hershkowitz et al. (2005) finding children 7-14 years more likely to disclose than younger children aged 3-6 years. Reasons for non-disclosure were given as children being too scared, or embarrassed, or not recognising the abuse as abuse, or thinking that no abuse took place. Lippert et al. (2009) also supported Hershkowitz's findings,
- *The child may be dependent upon the abuser* and entrapped through fear of negative consequences for self and/or others,
- *The relationship between the abuser and the abused.* Children may genuinely love the family member who is abusing them, but dislike the abuse. They want the abuse to stop, but they do not

wish to lose the relationship. Thus, should the child believe that the abuser will be 'taken away'; the child may choose to keep the abuse secret, to preserve the status quo,

- *The setting of the abuse.* If the abuse can be compartmentalised to a certain setting, it may lead to either secrecy and continued abuse, or to disclosure so as to feel safe in that setting,
- *How much the child blames themselves.* 'Magical thinking', powerful messages from the abuser where the child is groomed into believing the abuse was their fault, continued return to the place where the abuse occurred and the abuser frequents, can all be used by an abuser to groom a victim into taking the blame for the abuser's behaviours. Child sexual abusers who are paedophiles are particularly skilled in grooming needy children (generally young boys who crave adult male (non-abusive and non-sexual) interactions,
- *Whether the child recognises the abuse as just that; abuse.* Very young children may not recognise that the abuse is actually abuse. This is the cohort of children referred to earlier in this paper, who might go to school and re-enact the behaviour, not recognising that they are recreating their own abuse.

The Royal Commission: Outcomes to consider

The Royal Commission's Final Report assists us in considering the whys and why nots of disclosure and non-disclosure of sexual abuse by children, as well as considerations of how to change the system moving forward. Just as there are factors that may increase a child's vulnerability to sexual abuse, protective factors may reduce a child's vulnerability. Protective factors do not guarantee protection against abuse, however might moderate the risk of, and act as safeguards against, abuse (Royal Commission Final Report: Preface and Executive Summary, 2017).

Supportive and trustworthy adults and peers, a child's understanding of appropriate and inappropriate sexual behaviour, including sexual abuse and personal safety, a child's ability to assert themselves verbally or physically to resist the abuse, and strong community or cultural connections all assist in reducing the potential for abuse, as well as reducing non-disclosure of the abuse. The culture and practices of institutions as well as community standards play pivotal roles in reducing a child's vulnerability to child sexual abuse and in preventing abuse.

Conclusion: Trust, abuse of trust and support to disclose

Understanding that CSA is both harmful and criminal is key to being able to communicate to others that abuse is occurring. As indicated earlier in this paper, some victims/survivors communicated in private sessions with the Royal Commission that they did not know the behaviours were abusive (8.2% of approximately 8000 victim/survivors). Clearly, children who are sexually abused at a young age may not have the language or communication skills to convey their experience. Consequently, many children do not recognise that the abuse is wrong, or that it is something to be reported. Child sexual abuse in the home, as well as in institutional settings is often perpetrated by someone who is familiar to the child, or occupies a position of power and authority over the child. The abuser may also be someone who is trusted to provide care for the child. This places the child at a marked disadvantage in regards to personal power.

Perpetrators of sexual abuse inhibit disclosures through the use of threats against the child or more powerfully, against the child's loved ones. Of the survivors who spoke to the Royal Commission about barriers to disclosure, approximately one-fifth (20.3%) said they had not disclosed as a child out of a fear of retribution, including from the abuser. More than one-quarter (27.8%) who had disclosed in childhood told the Royal Commission that fear of retribution had stopped them from disclosing even earlier. More than one in 20 survivors (5.3%) who spoke to the Royal Commission told them the abuser had threatened them or their family.

In their final report, the Royal Commission noted that it was not sufficient to rely solely on educating children to recognise behaviours constituting sexual abuse and instruct them to tell if they were being abused. Children and adolescents require active support to overcome barriers to disclosure. Recognising grooming tactics, noticing emotional and behavioural changes in children and noticing their attempts to disclose are all vital in supporting children to talk about sexual abuse where they have experienced it, whatever the setting, and whoever the abuser. Non-offending adults must be attuned to more than just the spoken word. Signs of harm in children are expressed in many ways and adults should be alert and prepared to respond to all of them.

Further, those who work with children, and those who make decisions about children (or with them) across a range of settings, including decisions about whether they are telling the truth, *must* understand the patterns of behaviour that children exhibit at various developmental stages, as well as how the child's cognitive and emotional development at that particular time will impact on a child's ability to make a disclosure in such a way that adults feel comfortable about the veracity of such a statement. Additionally, should a disclosure be made and then withdrawn, or not repeated in a more formal, forensic setting, it becomes once again vital for professionals engaged in understanding these types of situations to be alert to the complexities of sexual abuse, and to understand why a disclosure might be made and then withdrawn.

To end this paper with a fundamental issue; complaint processes, including forensic interviews, are not always child-friendly. The notion of making a formal complaint may be foreign to many children. Understanding that disclosure is a process rather than a one-off event may assist us to ensure the voice of the child, no matter how muted, is considered from the point of view of that child rather than the point of views of adults carrying the day.

Understanding that non-disclosure, delayed disclosure and partial, non-detailed disclosure effectively protects abusers, is a challenging, perhaps chilling notion as it impacts the potential to successfully stop sexual abuse situations. It also impacts the potential to successfully prosecute adult sexual abusers where and when sexual abuse is suspected or confirmed via other means, rather than by contemporaneous childhood disclosure by the victim of that sexual abuse. A model of investigation that relies upon single-event disclosure interviews leads us to the conclusion that children will most likely continue to not disclose sexual abuse in forensic interview settings, particularly when they are formal, one-off and ignore the importance of relationships. The premise that is now being repeated in this paper for the third time, that:

“...disclosure is a process rather than an event”

may be helpful to guide thinking in regards to this issue.

Assisting legal bodies to understand that non-disclosure is more the norm than the exception may also assist to dispel the myth that non-disclosure means nothing happened. Rather, a sophisticated and in-depth analysis of each child's individual circumstances as well as the interpersonal dynamics at play – again in each situation – can assist in ensuring that children are offered the best chance of sexual abuse being recognised and responded to at the earliest possible point in time. This may avert - as much as possible – a potentially devastating outcome for the disclosing child, and potentially devastating circumstances for other children who may be abused in the future.

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Understanding the process of child sexual abuse disclosure: What does the research tell us?

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