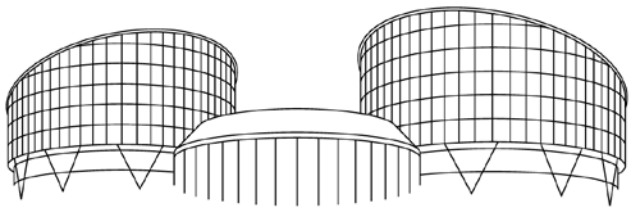

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

RESEARCH REPORT

Child sexual abuse and child pornography in the Court's case-law

The report was prepared by the Research Division in English only and does not bind the Court. It covers case-law up to June 2011.

This report can be downloaded from the following website: www.echr.coe.int (Case-law / Case-law Analysis / Case-law Reports).

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INTRODUCTION

This report has been prepared at the request of the Children's Rights Policies Division of the Council of Europe in order to facilitate its work on the eradication of sexual violence against children. It examines the Court's case-law concerning sexual abuse of children under the pertinent Convention Articles, including Article 3.

In particular, the study will focus on the principles relating to the State's positive obligations and the duty to take preventive measures to protect children against abuse, including removal from parental care. It covers briefly also cases which have been brought by accused child abusers alleging a violation of their Convention rights.

1. PREVENTATIVE MEASURES AND STATE POSITIVE OBLIGATIONS

The Court has found a positive duty on the part of the Contracting states to protect their inhabitants in a range of cases. In such cases, the state is not the primary violator of rights (i.e. it is not the state that beats, rapes, enslaves etc.), but rather the state has inadequate structures in place to prevent these kinds of abuse. This can mean that the state does not provide adequate criminal sanctions for actions that violate Convention rights. States may also be compelled to provide regulations and policies that effectively deter and prevent abuse. Finally, in some cases the Court finds that individual state officials knew or should have known of specific instances of abuse (or risk of abuse) and failed to stop their continuation. When viewed in conjunction with Article 1, which provides that states shall "secure to everyone within their jurisdiction the rights and freedoms [of the Convention]", this positive duty to protect has been imposed in cases involving children (at least) under Articles 2, 3 (to be addressed below), 4 and 8.

In Article 2 cases the Court has held that the state has a duty to protect its inhabitants' right to life. These cases include *Kontrová v. Slovakia*, no. 7510/04, 31 May 2007, and *Opuz v. Turkey*, no. 33401/02, 9 June 2009. In those cases, the Court articulated a standard of repeated warning. In other words, state officials knew of the risk facing the victims in these cases and failed to act adequately. The Court will likely not find a violation where there is no evidence that the state knew or should have known of the risk. In *Kontrova*, for example, the Court held that Article 2 "involves a primary duty on the State to secure the right to life by putting in place effective criminal-law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and punishment of breaches of such provisions. It also extends in appropriate circumstances to a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual" (§ 49). In *Ivison v. the United Kingdom* (dec.), no. 39030/97, 16 April 2002, however, the Court found that there was no evidence that the police should have known that the victim was in danger and thus there was no Article 2 violation.

Article 4 case-law also imposes an affirmative duty on states to prevent the exploitation of individuals through forced labour. In *Siliadin v. France*, no. 73316/01, 26 July 2005, the Court found that "the applicant, who was subjected to treatment contrary to Article 4 and held in servitude, was not able to see those responsible for the wrongdoing convicted under the criminal law" (§ 145). Therefore, the Court held that states have an affirmative duty to provide criminal sanctions for people engaged in slavery. In these contexts, the state's responsibility to protect children is particularly strong. Both *Kontrová* and *Siliadin* concern failure to protect minors.

In the context of immigration policy, the state's duty is even stronger given the increased state involvement. The Court has held under Article 3 that in cases where children are held in detention facilities for the purpose of deportation, the state holds a high duty of care (regarding, *inter alia*, the child's physical and mental health).[1] In *Mubilanzila Mayeka v. Belgium*, no. 13178/03, 12 October 2006, the Court noted and condemned the "legal void" for the protection of minors held in detention centres (§ 56). It found that the lack of care given to an unaccompanied five-year-old violated her Article 3 rights. Further, the Court held in *Maslov v. Austria*, no. 1638/03, 23 June 2008, that expulsion measures taken against

1. See *Muskhadzhiyeva and Others v. Belgium*, no. 41442/07, §§ 55-60, 19 January 2010.

juvenile offenders (even when the final expulsion order occurred after the applicant's majority) violated the applicant's Article 8 right and that in juvenile cases, the state had a duty to attempt reintegration (§ 83).

Under Article 8, the Court has found that states have a duty to take preventative measures against violations of privacy and family life. For example, in *Kutzner v. Germany*, no. 46544/99, 26 February 2002, the Court held that in cases of children in care, "where the existence of a family tie has been established, the state must in principle act in a manner calculated to enable that tie to be developed and take measures that will enable parent and child to be reunited" (§ 61). Many of the cases discussed below concerning Article 3 also claim Article 8 violations.[2] In these cases, the contention is that the abuse suffered by the applicants also violated their privacy rights and may also damage their capacity to form healthy relationships.

2. FAILURE TO PROTECT AGAINST CHILD ABUSE

Although the facts of each case of child sexual abuse are unique in their horrific detail, the general structure of an Article 3 claim – that the state failed to protect children against sexual abuse – is relatively standard. The applicant is either the child who was abused and/or the child's parent. The claim they must make is that the abuse that was suffered satisfies the standard of torture, cruel, degrading, or inhumane treatment under Article 3. Then, they must show that a social worker or police officer knew or should have known that the victim was at serious risk of abuse and failed to take adequate measures to prevent further abuse. They may also show that the state did not provide adequate preventative measures, including criminal sanctions.

The Court's approach regarding the state's duty to protect children from sexual abuse is based upon its jurisprudence on the role of the state to protect children from physical abuse under Article 3. In *A v. the United Kingdom*, no. 95599/94, 23 September 1998, the Court held that the state has an affirmative duty under Article 3 to protect its inhabitants (particularly those who are young and vulnerable) from physical harm when such harm reaches the level of severity to be covered under Article 3 (§ 22). It clarified that the severity of an act (and therefore whether is reached the Article 3 threshold) was in part based on the age of the victim.

The principle relating to cases where the state is liable under Article 3 was expanded by the Court in *Z and Others v. the United Kingdom*, no. 29392/95, 10 May 2001. There, the Court articulated its standard for appropriate domestic remedies for violations of Article 3 stemming from state failure to protect. The Court found that the United Kingdom's domestic process may have provided adequate protection, but its domestic remedies were insufficient under Article 13.[3] The state, of course, is not expected to prevent every injury a child suffers, but rather holds a duty to protect when it knows or should have known that the child is at risk. One element of this standard is that there are repeated warnings or other weighty evidence of

2. For example, *Stubbings v. the United Kingdom*, no. 22083/93, 22 October 1996.

3. The distinction between what falls under Article 3 and under Article 13 here is not entirely clear. In *Z*, the Grand Chamber seems to include the lack of investigation in Article 13, as well as the lack of pecuniary damages (§ 111). In other cases, it would seem that the investigation requirement falls under Article 3 and Article 13 is reserved solely for pecuniary damages. See also *Okkali v. Turkey*, no. 52067/99, 17 October 2006 stating, "the procedural requirements of Article 3 go beyond the preliminary investigation stage when, as in this case, the investigation leads to legal action being taken before the national courts: the proceedings as a whole, including the trial stage, must meet the requirements of the prohibition enshrined in Article 3." (§ 65).

abuse.[4] Further, the Court declines to extend the duty to protect under Article 3 to a duty to compensate victims and prosecute all offenders, particularly in countries where there are adequate legal structures in place.[5]

Starting with *E and Others v. the United Kingdom*, no. 33218/96, 26 November 2002, the Court expanded this jurisprudence to cover cases of sexual abuse. It first determined that the kind of prolonged sexual abuse that the applicants suffered met the threshold of an Article 3 violation. The Court also expressed the standard required for social workers to be responsible for their failure to prevent sexual abuse, stating that "the test under Article 3 … does not require it to be shown that "but for" the failing or omission of the public authority ill-treatment would not have happened. A failure to take reasonably available measures which could have had a real prospect of altering the outcome or mitigating the harm is sufficient to engage the responsibility of the State" (§ 99). In *E.S. and Others v. Slovakia*, no. 8227/04, 15 September 2009, the Court extended this liability to cover not just inaction by individual social workers, but also procedures within the system that lead to inadequate protection (§ 33).

3. STATE ABUSE

The Court has also dealt with Article 3 claims concerning the sexual abuse of children that fall outside the purview of social services. In some cases, the state is directly responsible for the abuse, in others the applicant claims that deportation will result in sexual assault.[6]

Some of the most serious state violations come from the Turkish cases involving sexual assaults of minors in police custody. In *Aydın v. Turkey*, no. 23178/94, 25 September 1997, the Grand Chamber noted that "rape of a detainee by an official of the State must be considered to be an especially grave and abhorrent form of ill-treatment given the ease with which the offender can exploit the vulnerability and weakened resistance of his victim" (§ 83). The Court highlighted the particularly grave nature of this offence given the young age of the detainee.[7] In *Salmanoglu and Polttas v. Turkey*, no. 15828/03, 17 March 2009, the Court found that virginity tests and other forms of sexual assault by police were in violation of Article 3, as were the medical examinations taken in police custody (§ 97). In *Ahmet Özkanet and Others v. Turkey*, no. 21689/93, 6 April 2004, the case included allegations of sexual abuse against minors, among many other potential Article 3 violations. In all of these cases, however, the most important legal element was neither the minority of the victim, nor the sexual nature of the abuse, but rather the fact that the assaults were committed by state

4. The Court does defer to local authorities in cases where the prior evidence of abuse is less compelling as in *D.P. and J.C. v. the United Kingdom*, no. 38719/97, 10 October 2002, where the Court found that the applicant had not proven that social services should have been aware of the sexual abuse (§ 114), *B.C. v. Slovakia*, no. 11079/02, 14 March 2006, where the Court determined that one allegation of sexual behaviour was not sufficient to require state protection, and *Herron v. the United Kingdom and Ireland*, no. 36931/97, Commission decision of 3 December 1997.

5. See, for example, *Stuart v. the United Kingdom* (dec.), no. 41903/98, 6 July 1999, where the Court found that the positive duty to protect does not lead to a duty to compensate victims of abuse when adequate safeguards were in place; and *Szula v. the United Kingdom* (dec.), no. 18727/06, 4 January 2007, where the Court found that the state is not compelled to prosecute every allegation of sexual abuse.

6. In *Kanagarathnam v. Switzerland*, no. 35149/97, Commission decision of 7 April 1997, it was found that a minor's claim that she would be forced into prostitution if deported to Sri Lanka was not sufficient to prevent her deportation on Article 3 grounds.

7. It may be worth noting, however, that the struggle to prove sexual abuse is just as difficult in these cases as it was in the cases of abuse within the family. Several dissenting opinions in *Aydin* suggest that there was not sufficient evidence to show that the applicant had been raped while in police custody.

officials. The state action taken in these cases makes them violations of Article 3 simply due to the level of violence and degrading treatment involved.

4. UNDUE REMOVAL FROM CARE

On the other end of the continuum from protection to undue interference, there are the cases where parents claim that their Article 8 rights have been violated by state officials who removed a child from the parent's care. The applicant's complaint is often based either on the issue of uncertainty or vagueness in the laws regarding child removal, the disproportionate nature of the removal, or the lack of legal procedures to regain custody. The Court applies different standards when referring to the initial decision to remove a child from care and the decision to keep the child in care or limit parental visitation. Another common theme in these cases is the determination of what constitutes proper evidence of child abuse. In sexual abuse cases, the establishment of "proof" can be particularly problematic given the difficulties in obtaining conclusive evidence of this kind of abuse.[8]

The Court has developed a well-settled process for determining the proportionality of actions taken by the state to remove a child from parental care due to allegations of sexual abuse. Emergency orders are generally reviewed with more flexible standards considering that these decisions must be made under difficult circumstances where a child's life or well-being may be at serious risk. In *L v. Finland*, no. 25651/94, 27 April 2000, the Court articulated the distinction between initial removal and the decision to keep a child in care, stating "the Court recognises that the authorities enjoy a wide margin of appreciation in assessing the necessity of taking a child into care. However, a stricter scrutiny is called for both of any further limitations, such as restrictions placed by those authorities on parental rights and access, and of any legal safeguards designed to secure an effective protection of the right of parents and children to respect for their family life" (§ 118).[9]

The Court places high value on efforts toward family reunification. In *K.A. v. Finland*, no. 27751/95, 14 January 2003, it found a violation of Article 8 given the state's failure to adequately pursue family reunification, articulating this nuanced argument: "the positive duty to take measures to facilitate family reunification as soon as reasonably feasible will begin to weigh on the responsible authorities with progressively increasing force as from the commencement of the period of care, subject always to its being balanced against the duty to consider the best interests of the child. After a considerable period of time has passed since the child was originally taken into public care, the interest of a child not to have his or her de

8. See for example, *M.A.K. and R.K. v. the United Kingdom*, nos. 45901/05 and 40146/06, 23 March 2010, where a child's illness was mistaken for signs of sexual abuse. There, the Court held that "mistaken judgments or assessments by professionals do not *per se* render childcare measures incompatible with the requirements of Article 8 of the Convention. The authorities, both medical and social, have duties to protect children and cannot be held liable every time genuine and reasonably held concerns about the safety of children *vis-à-vis* members of their family are proved, retrospectively, to have been misguided." (§ 69).

9. Other cases in which the initial removal process did not violate Article 8, while subsequent separation between the parent and child did constitute a violation include, *K.A. v. Finland*, *Scozzari and Guinta v. Italy*, both cited above, *Roda and Bonfatti v. Italy*, no. 10427/02, 21 November 2006 and *Errico v. Italy*, no. 29768/05, 24 February 2009. On the other hand, in some cases, the Convention organs have found that the state has acted in a proportional manner to the allegations of sexual abuse as in *Watts v. the United Kingdom*, no. 15341/89, Commission decision of 6 September 1990, *Forsen v. Sweden*, no. 26565/95, Commission decision of 27 June 1996, *Haase and Others v. Germany* (dec.), no. 34499/04, 12 February 2008, *Brede v. Germany* (dec), no. 35198/05, 3 February 2009, *Hansen v. Sweden*, no. 12056/86, Commission decision of 4 July 1988, and *Covezzi and Morselli v. Italy*, no. 52763/99, 9 May 2003.

facto family situation changed again may override the interests of the parents to have their family reunited" (§ 138). In *Scozzari and Guinta v. Italy*, nos. 39221/98 and 41963/98), 13 July 2000, the Court also held that even when a child has gone through highly traumatic experiences, unless the state plans to sever all ties between parent and child, they must make some effort to allow communication between the two (§ 170).[10] On the other hand, the attachment that the child has made to a foster or pre-adoptive family is considered as well.[11]

A final, and highly important, element of this jurisprudence is the right of the parent to be included in the decision-making process. In *K.A. v. Finland*, the Court stated "Article 8 requires that the decision-making authorities and courts provide such detailed reasons as to enable the parent or custodian to participate in the further decision-making by appealing their decisions adequately" (§ 104). These requirements are closely linked to the rights that parents hold under Article 6. In *L v. Finland*, for example, the Court found that there was a violation of Article 6 because the process for challenging state removal of children did not include an oral hearing.

There are, however, some limitations on the parental right to have access to information regarding their child's case. For example, in *T.P. and K.M. v. the United Kingdom*, no. 28945/95, 10 May 2001, the Court held that "there may be instances where disclosure of a child's statements may place that child at risk. There can be no absolute right by a parent to view, for example, the videos of interviews conducted by medical professionals". Furthermore, procedural protections do not give parents *carte blanche* to sue any official that make decisions that are unfavourable to family reunification.[12]

5. PROCEDURAL VIOLATIONS

In some cases, the Court finds violations in the procedures in place to resolve matters of sexual abuse. Many cases mentioned in other sections of this report include procedural violations, such as the failure to provide an adequate remedy or lack of access to courts. The following cases set forth the Court's basic rationale.

One of the foundational cases that dealt with rape victims' rights was *X and Y v. the Netherlands*, no. 8978/80, 26 March 1985. The applicant claimed that he did not have the right to sign documents filing a complaint on behalf of his minor daughter who was mentally handicapped and had been sexually abused. The Court found that in cases such as this "fundamental values and essential aspects of private life are at stake. Effective deterrence is indispensable in this area and it can be achieved only by criminal-law provisions" (§ 27).

Another case that clearly sets forth the Court's position on the protection of minor rape victims is *M.C. v. Bulgaria*, no. 39272/98, 4 December 2003. This case concerned the policy in Bulgaria of only prosecuting rape cases where there was evidence of physical force. The Court criticised Bulgaria for this policy and noted significant psychological evidence that victims of rape, particularly young women and girls, are often paralysed with fear and thus do

10. See also, *H.K. v. Finland*, no. 36065/97, §§ 109-112, 26 September 2006.
11. For example, *M.M. v. the United Kingdom*, no. 13228/87, Commission decision of 13 February 1990.
12. In *M.B. and G.B. v. the United Kingdom* (dec.), no. 35724/97, 23 October 2001, the Court determined that the applicant did not have a right to sue a psychologist for negligence in determining that his child had been sexually abused.

not fight back. It underlined the fact that this is not evidence of consent and that the authorities needed to take into account more than just physical evidence of force (§ 182).[13]

The Court has also found that in weighing the interest of the child against the protection of potential abusers (against defamation, for example), the fight against child abuse should be given significant weight.[14] In *Juppala v. Finland*, no.18620/03, 2 December 2008, the Court held that defamation laws which had a chilling effect on the reporting of potential child abuse violated the Article 10 right to freedom of expression. In that case, the Court expressed the importance that it places on the prevention of child abuse by stating "there is a delicate and difficult line to tread between taking action too soon and not taking it soon enough. The duty to the child in making these decisions should not be clouded by a risk of exposure to claims by a distressed parent if the suspicion of abuse proves unfounded" (§ 42).

The Convention organs have been less sympathetic in cases where adults who experienced abuse as children sue in domestic courts after the statute of limitations has passed. In *I.B. v. the United Kingdom*, no. 22799/93, 15 May 1996, the Commission found that the applicant had not filed his complaint within the time given and that his claim, that it had taken him longer to come to terms with the ramifications of his abuse, was inadmissible. Similarly in *Stubbings v. the United Kingdom*, no. 22083/93, 22 October 1996.the Court found that time limits on claims of abuse based on recovered memories were proportional to the aim of legal certainty and finality.

6. CHILD PORNOGRAPHY

The Court's child pornography case-law is rather sparse. Some cases concern the rights of child pornography producers or viewers who have been arrested. These cases concern primarily procedural violations that could apply in any criminal case.[15] In *Perrin v. the United Kingdom* (dec.), no. 5446/03, 18 October 2005, the Court did not find a violation in the national court's conviction of a man who provided pornographic images on the Internet without restricting access based on age. In other words, freedom of expression on the Internet can be legitimately limited to protect children and it would appear that states have a relatively wide margin of appreciation in which to do so.

K.U. v. Finland, no. 2872/02, 2 December 2008, is highly relevant, although it does not concern child pornography precisely. This case lays out the Court's view of how to balance competing child protection and privacy interesting on the Internet. In *K.U.* the Court held that in a case involving a minor's contact information having been posted on a dating website, the child's safety interests outweighed the privacy interests of the poster. The Court referred particularly to the "potential threat to the applicant's physical and mental welfare brought about by the impugned situation and to his vulnerability in view of his young age" (§ 41). Further, the Court held that:

> "States have a positive obligation inherent in Article 8 of the Convention to criminalise offences against the person, including attempted offences, and to reinforce the deterrent effect of criminalisation by applying

13. But see *August v. the United Kingdom* (dec.), no. 36505/02, 21 January 2003, where the Court did not find that the determination of "*consent*" violated the minor applicants Convention rights.
14. See also *Nordisk Films v. Denmark* (dec.), no. 40485/02, 8 December 2005, where the Court found that the national court's decision to compel a journalist to provide footage that assisted in the prosecution of paedophilia was proportionate.
15. See for example *Shannon v. Latvia*, no. 32214/03, 24 November 2009, and *Treptow v. Romania* (dec.), no. 30358/03, 20 May 2008.

criminal-law provisions in practice through effective investigation and prosecution (see, *mutatis mutandis*, *M.C. v. Bulgaria* ...). Where the physical and moral welfare of a child is threatened such injunction assumes even greater importance. The Court recalls in this connection that sexual abuse is unquestionably an abhorrent type of wrongdoing, with debilitating effects on its victims. Children and other vulnerable individuals are entitled to State protection, in the form of effective deterrence, from such grave types of interference with essential aspects of their private lives (see *Stubbings and Others v. the United Kingdom* ...)." (§ 46)

7. CLAIMS BY ACCUSED CHILD ABUSERS

Victims of child abuse are not the only applicants to rely upon Convention rights in these difficult cases. Those accused and convicted of sexually abusing children also bring cases to the European Court of Human Rights. The Court is sensitive both to the risk posed by dangerous child abusers and to the "social stigma" attached to accusations of child abuse.[16]

Some cases involve the power of the state to keep mentally-ill sexual predators in detention indefinitely to prevent further assaults. The Court provides strict guidelines for when a state may use preventative detention to protect members of the public from mentally-ill individuals. This includes the detention's lawfulness, the location of detention (i.e. in a hospital or other non-prison facility), the foreseeability of this consequence, and proof that the individual is indeed of "unsound mind".[17] The Court weighs the state's duty under Article 3 to protect others from the dangers posed by a potential rapist with the liberty rights of that individual. In the recent case of *Jendrowiak v. Germany*, no. 30060/04, 14 April 2011, the Court articulated this balancing test by stating "the Convention obliges State authorities to take reasonable steps within the scope of their powers to prevent ill-treatment of which they had or ought to have had knowledge, but it does not permit a State to protect individuals from criminal acts of a person by measures which are in breach of that person's Convention rights, in particular the right to liberty as guaranteed by Article 5 § 1 " (§ 37).

Certain cases rely on claims of humiliating and degrading treatment under the umbrella of Article 3. Such claims concern the way that the accused was treated while in custody.[18] This jurisprudence seems to follow the general rules regarding treatment while in police custody and detention. The sexual nature of the crimes and the age of the victim do not seem to make a legal difference in the Court's determination of violations.

Other cases involve questions of procedural fairness. This includes length of procedure,[19] the ability to question the victim,[20] and questioning of post-acquittal innocence in civil proceedings[21]. In cases of sexual abuse, where the victim is a minor, however, the Court does

16. See for example *Šubinski v. Slovenia*, no. 19611/04, 18 January 2007 and *Sanchez Cardenas v. Norway*, no. 12148/03, 4 October 2007, where the level of stigmatization violated the applicant's Article 8 rights. But see *B.B. v. France*, no. 5335/06, 17 December 2009, where the Court found that a sexual offender list did not reveal an Article 8 violation and also *Gardel c. France*, no. 16428/05, 17 December 2009, where the Court found that a sexual offender registry did not constitute a "punishment" but rather a "preventative measure".
17. See for example *Haidn v. Germany*, no. 6587/04, 13 January 2011 and *Frank v. Germany* (dec.), no. 32705/06, 28 September 2010.
18. See *Vasil Petrov v. Bulgaria*, no. 57883/00, 31 July 2008.
19. *Subinski v. Slovenia, no. 19611/04, 18 January 2007; T and Others v. Finland*, no. 27744/95, 13 December 2005 and *Schaal c. Luxembourg*, no. 51773/99, 18 February 2003.
20. See *W.S. v. Poland*, no. 21508/02, 19 June 2007, where the Court found it unacceptable that the victim was never questioned by the prosecutor and *A.S. v. Finland*, no. 40156/07, 28 September 2010, where the applicant was only able to watch video testimony of the victim, which was the sole evidence used to convict him. But see, *Ruban and Others v. Spain* (dec.), no. 41640/04, 13 September 2005, where the Court gave the national system flexibility to determine the level of confrontation required for sexual assault cases.
21. *Hammern v. Norway*, no. 30287/96, 11 February 2003, and *Ringvold v. Norway*, no. 34964/97, 11 February 2003 where the Court considered that, while exoneration from criminal liability ought to stand in the

give the state relatively low procedural thresholds and is conscious of the difficult and delicate nature of such a case.[22] The Court appears to draw the line at cases in which the victim's evidence is the sole condemning evidence and the applicant does not have any opportunity to question or defend against this evidence, as was the case in *P.S. v. Germany*, no. 33900/96, 20 December 2001. The Court does, however, allow for the fairness of the trial to be examined as a whole. In *Vanhatalo v. Finland*, no. 22692/93, Commission decision of 18 October 1995, it was explained that sexual abuse cases are unique and that so long as some corroborating evidence was available for examination, the victim did not need to testify or be questioned by the accused abuser.[23]

compensation proceedings, it should not preclude the establishment of civil liability to pay compensation arising out of the same facts on the basis of a less strict burden of proof.

22. Nearly all cases in this section refer to the difficulty of child sexual abuse cases. See in particular cases where the Court found that lack of direct examination of the victim did not violate the applicant's rights: *Magnusson v. Sweden* (dec.), no. 53972/00, 16 December 2003, and *S.N. v. Sweden*, no. 34209/96, 2 July 2002.
23. But see footnote 20.

LIST OF CITED JUDGMENTS AND DECISIONS

The Court delivers its judgments and decisions in English and/or French, its two official languages. The hyperlinks are linked to the original text of the judgment or decision. The Court's judgments and decisions can be found in the HUDOC database on the Court website (www.echr.coe.int). HUDOC also contains translations of many important cases into some twenty non-official languages, and links to around one hundred online case-law collections produced by third parties.

Unless otherwise indicated in brackets, all references are to a judgment on the merits delivered by a Chamber of the Court. The abbreviation "(dec.)" indicates that the citation is of a decision and "[GC]" that the case was heard by the Grand Chamber.

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