

SOME CRACKS IN LEGAL AND INSTITUTIONAL SYSTEM WHEN DEALING WITH INCEST AND PAEDOPHILIA

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Abstract. The information on incest and paedophilia is kept confidential in Manitoba. With the permission of a Respondent, were uncovered the cracks in legal and institutional system in Canadian province of Manitoba. Were proposed some steps to correct it.

1. Introduction

The incest and paedophilia are serious crimes. They are treated as felonies in majority of countries. The purpose of this paper is to present quickly the position of some countries and governments in matter of incest and paedophilia. Information about such cases is kept confidential in Canada. Based on described case were uncovered the cracks in the legal and institutional system, when dealing with it in the Province of Manitoba, Canada.

2. The position of some countries in matter of incest and paedophilia.

The incest and paedophilia are considered serious crimes in Romania, Canada [2] and some Asian countries. The punishment is approximately the same in these countries.

For the purpose of reducing the incidence of such cases, brief information is published in newspapers. Based on last information, I can affirm that the investigation bodies, medical and psychiatric staff of Romania are doing a better job than in some countries. In a Manitoba community I studied a case with the permission of victim. My belief is that some psychiatric services, medical staff and lawyers foolish the judges and investigative bodies to cover the abusers.

3. The general presentation of the case [5].

AP, a Romanian lady, lived in a common law relationship with EMU, a truck driver and citizen of Germany. A son was born in Germany in 2005. In 2008 all three immigrated to Canada.

They settled in the city of Steinbach, Province of Manitoba, Canada. The city of Steinbach is a vibrant and strong German community. Many of residents are Mennonites who emigrated over a hundred years ago from Russia. The rest of them came after the Second

World War, most of them from South America and Germany. After the Second World War, they came as prisoners of War. Later, some of them come from South America, and they were not prisoners of war. The most recent come directly from Germany, like the family described in this article.

At the yearly age, the child complained to his mother about father abusing him sexually (oral sex). The mother did not spend too much attention on child's complaint.

Next year, the child after spending Saturday and Sunday at father's residence returned home complaining of pain in buttock. After examining the child, the mother found injuries in anal area.

After consulting with neighbours, the mother called the police. The police officer was embarrassed by what he saw and decided to take the child to the local hospital. The existing rules in Manitoba require taking the victim to lab to preview genetic samples within 72 hours after the abuse occurred. This was not happened. The local doctor decided that is better to prescribe some unguents, instead of taking genetic samples from the victim and finding objective evidence about the abuse and abuser.

After one month, the abuser's lawyer CF sent his client back to police for a polygraph examination. Such kind of examination gives objective evidence, but not with 100% probability. First time the polygraph examination was not conclusive, but the police found evidence that the abuser in weeks before examination did a deep search on the internet about information of how to beat polygraph and how to do exercises to regulate respiration and make results not conclusive. The police called the abuser for the second polygraph examination. The results were not conclusive again because the abuser accrued more experience in beating the polygraph.

Based on inconclusiveness of polygraph results, the EMU's lawyer CF made next step by filing a motion to give the child in full custody of the abuser. To win the motion he announced the lawyer of Child and Family Services of Manitoba too late, a day before the hearing, suppressed evidence about abuser EMU misleading the polygraph, suppressed the interviews the child had with social workers and suppressed medical evidence, which if examined deeper by a competent lawyer in such matters, could firmly state that child abuse occurred. Later, the free lawyer given to AP, mother of victim, did not do his work, nor was present at the trial. In spite of the opposition of the child and mother, the child was given back in hands of the abuser by violating the compulsory and strict rules and regulations in such matters and by misleading the legal system of Canada.

4. The Forensic Psychiatric Services.

The Forensic Psychiatric Investigation was done by two persons with PhD in Psychiatry. They collected over 100 pages of materials. The main unspoken purpose of such service was to transform and manufacture the evidence and to use the professional authority of the doctors for the purpose to leave the abuser free for the money paid for their report.

To reach such conclusions, the following methods were used:

- a) Issuing conclusions which conflict the collected evidence.
- b) Using incorrect or incomplete methods to assess the incest.
- c) Plugging incomplete or incorrect data in components/sources of the model for the assessment of the risk of future child abuse.

Should be noted that the medical staff from the hospital did not do an objective determination to find that a sexual abuse occurred. For instance, the medical staff did not submit samples for lab analysis and did not collect DNA samples from the anal area of the child. Is this because the Petitioner is German and in Steinbach Germans dominate? Based on this violation of elementary rules of medical ethics, the attorney CF for defendant and Forensic Psychiatric Services reached the conclusion that no incest occurred, instead of that one that doctor's negligence means obstruction of investigation and justice.

The psychiatric practice in area of incest/pedophilia should be in compliance with most recent recommendations of North American Psychiatric Association. According to the influential professional publication *A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues* by Ryan C. W. Hall, M.D. etc, published by the Focus 7.522-537, Fall 2009 and by the American Psychiatric Association (See <http://focus.psychatryonline.org/cgi/content/abstract/7/4/522>) the following are the reliable methods for determining a pedophile:

“Historically, for research purposes, the most reliable mechanism for determining pedophilia is to be used phallometric or plethysmographic testing procedures”..... A relatively new testing procedure known as the Abel Assessment for Sexual Interest (AASI) is beginning to be used in conjunction with or in lieu of traditional phallometric measurements[3]

The sexual abuse of minors inside the family is known as incest. The pedophile is a sexual abuse of children from the outside of family. In both cases are involved minor children. As result of this common set (minor children), in case of incest with minor children shall be used the method for detecting pedophiles, i. e. the Abel Assessment for the Sexual Interest with or in lieu of traditional phalometric measurements.

Unfortunately, none of these methods were used by the Drs. K&R, according to their report. By doing so both doctors covered the incest, obstructed the justice, diverted the attention and betrayed the trust of the judges, police and CFS.

The Risk Assessment done by doctors is exposed starting page 76 of their PCA (Parent Capacity Assessment) Report. The doctors used six types of components which are named by them sources. They are data or variables in plain HS language. Some of them are distorted or incomplete. It is clear that they stretched data to get the desired conclusion. About the errors generated by good models when plugging false or wrong data I already wrote in 1982 when obtained.

a postgraduate degree in Modeling and Economic Cybernetics in Romania.[4]

For instance, the source (variable, data) titled “Historical Indices of Sexual Deviance” is incomplete. (see Page 77 of PCA) [1]. Past historical indices of past child abuse should be searched in Germany where the abuser come from. In Canada, the abuser was a new person and all his past was in Germany, not in Canada. In Germany, if a criminal activity did not pop-up during a five years it is expunged automatically from the criminal file, it vanishes without a trace in documents.

Another source (variable, data) titled “Known Profiles and Characteristics of Sexual Offenders” is incomplete. The doctors used only one description of sexual offenders, neglecting the second one.

Third, the source “Victim Characteristics” (see PCA page.78)[1], listed by the Drs. shows that:

“Behavioral signs and symptoms of sexual abuse in young children are varied but can include such things as: the child reporting sexual abuse; sleep problems (not wanting to go sleep; .. unusual aggressive behaviour toward family members, friends, toys, and pets....”

The data plugged in this source are the wrong one.

In the rest of components the doctors repeated the written evidence and new

conclusions and recommendations from the scientific literature, but draw conclusions which conflict these knowledge and collected evidence.

5. Conclusions

a. In spite of efforts of the Government of Canada, at local level, the incest and pedophilia are covered by unscrupulous attorney who forget that they are in double capacity, as defenders and as officers of the court.

b. Such unscrupulous attorneys foolish all, the judges, victims, society and government.

c. Some doctors and “forensic psychiatrists” alter the date when plugging in models for the purpose to reach their desired results.

6. References

1. Kolton D. etc. Parent Capacity Assessment. Report prepared for CFS and Court.
2. Criminal Code of Canada, RSC 1985, cC-46, Part V, SExual Offences, Public Morals and Disorderly Conduct(150-182).
3. Ryan C. W. etc. *A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues*”, published by the Focus 7.522-537, Fall 2009 and by the American Psychiatric Association (See <http://focus.psychatryonline.org/cgi/content/abstract/7/4/522>)
4. Bogos I./ Starway J. *The Errors of Model Based on Cobb-Douglas Production Function*. Postgraduate Thesis. Academy of Economic Studies , Bucharest, Romania. 1982.
5. Case FD-08-01-88331 in Queen’s Court, Family Division, Winnipeg, MB.