

Use of Gesell Camera as a Didactic Resource for the Promotion of the Best Interest of the Child in Ucayali-Peru

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ABSTRACT

Research in Coronel Portillo, Ucayali, examined how the Gesell Chamber affects the protection of children's best interests in judicial processes. With a quantitative approach and pre-experimental design, 128 minors were observed. The results indicated that the effective use of the Gesell Chamber has a positive and significant influence on the application of the best interests of the child, reducing revictimization and improving the quality of the judicial process.

Keywords: Gesell Chamber; Didactic resource; Boy; Girl; Sexual abuse.

Introduction

In the Ucayali region there are no mechanisms that guarantee the protection of minors, except for the cases that are denounced and investigated by the prosecutors and sanctioned by the judges, decisions that are the result of processes in which the main victim is not heard, in which the participation of the minor is often ignored due to many factors, in some cases the apathy of the justice operators, in others the time or the lack of an adequate space such as the Gesell chamber.

Regarding the international background, Barrios (2020) in the research: Sexual abuse in children: A proposal for the communicational analysis of the testimonies of the National University of Jujuy Argentina concluded that: for the camera and for this system, the empirical fact becomes the narrative axis of any story told there.

For his part, TorreCuadrada (2016) in the thesis "The best interest of the child". Mexican Yearbook of International Law of the Autonomous University of Mexico. I conclude that: the main responsible for the best interests of the minor are the parents and that the judges who decide in conflicts that may affect minors in some way, or the Legislative Power if it is a matter of adopting rules that have actually or potentially within their scope to minors. Arráz (2022), in his study: The use of Gesell cameras with children: human rights and high school victimization from the University of Catalunya Spain.

The current conception of childhood should incorporate the minor as an agent subject, capable of making decisions and, above all, holder of rights whose violation, in judicial processes, contributes to secondary victimization. Pinedo (2021) researched on Problems in the application of the unique Gesell Chamber interview for victims of sexual violence at the Pontifical Catholic University of Peru.

The conclusion is that the Single Gesell Chamber Interview service presents operational problems that lead to delays in taking the victim's statement, which can result in the abandonment of the complaint, absence of the victim from the procedure, changes in the testimony, negative predisposition to testify or forgetfulness of important data for the investigation.

Regarding national antecedents, Antezano (2021) in his research: The Gesell camera as a means of evidence in the Peruvian procedural system at the National University of San Marcos Lima concluded that: The means of evidence called Gesell chamber must be scientific expertise in which more than two professions participate, the social assistance in charge of the report, and the examination in charge of two cognitive psychologists who conduct the interview and elaborate the conclusions.

For his part, Mamani (2021) studied: La defensa técnica en los requerimientos de prueba anticipada en las fiscalías provinciales penales corporativas de Leoncio Prado del distrito fiscal de Huánuco, at the Andean University of Cuzco.

Therefore, I conclude that the crime against sexual freedom has become an eminent danger to the vulnerable population of minors, who are in the formation of their personality, affecting the autonomy in sexual development; being characterized as an

eminently fraudulent crime, the active subject acts with knowledge and will of the criminal prohibition of carnal access with minors.

Regarding the theoretical bases of the independent variable: Gesell Camera: The Gesell camera as a video conference system that allows bidirectional and simultaneous communication of image and sound and visual, auditory and verbal interaction between people, ensuring the possibility of contradiction of the parties and respect for the rights of defense (Antezano 2021, p.322).

It consists of two rooms with a dividing wall, in which there is a large glass (one-way mirror) that allows to see from one of the rooms (Observation Room) what is happening in the other (Interview Room), where interviews are conducted with the child or adolescent. Both rooms are equipped with audio and video equipment for recording the different actions. Regarding the dependent variable: The best interest of the child: is a set of actions and processes aimed at guaranteeing a comprehensive development and a dignified life, as well as the material and affective conditions that allow minors to live fully and achieve the maximum possible welfare (Dear, 2022).

Regarding its dimensions, Law No. 30466 Application of the best interests of the child, states the following: first dimension: The opinion of the child or adolescent: The child or adolescent participates in the determination of his/her best interests when he/she is heard and his/her opinion is given the importance it deserves in accordance with his/her age and maturity, without any discrimination whatsoever.

Maturity is the capacity of a child or adolescent to express his or her views on matters affecting him or her in a reasonable and independent manner. second dimension Identity of the child or adolescent: When assessing the best interests of the child, the authorities and those responsible for public and private entities respect the right to identity of the child, covering characteristics such as name, date of birth, mother tongue, origin, biological family, ethno-cultural identity, belonging to an indigenous or native people, sex, gender, age, language, religion, nationality, political opinion, social or economic context, center of life, disability or any other condition of the child or his or her mother, father, relatives or legal representatives. Third dimension: Preservation of the family environment and maintenance of relationships. The family is the fundamental institution of society and the ideal environment for the growth and well-being of its members, particularly children and adolescents.

Families have the responsibility to generate an environment that guarantees their integral development and the effective exercise of their rights; and it is the duty of the

State to provide the necessary assistance in the performance of its functions. Fourth dimension: Care, protection, development and security of the child or adolescent The authorities and those responsible for public and private entities guarantee the welfare of the child or adolescent. Welfare encompasses their material, physical, educational and emotional needs, as well as their need for affection and security, to ensure their comprehensive development.

Development

The research design was pre-experimental, quantitative, prospective, pre-experimental and cross-sectional.

It is quantitative because the dependent variable was feasible to quantify and measure; prospective because the dependent variable was measured: observation guide of the application of the best interests of the child, after determining the study design.

It is pre-experimental because the pre- and post-test to measure the variable application of the best interests of the child and the experiment on the effectiveness of the Gesell chamber were applied to a single study group.

It is cross-sectional because it was carried out in a single period.

Table 1. *Pretest results of the variable: Application of the best interests of the child in the province of Coronel Portillo, Ucayali.*

Variable	Opinión		Identidad		Preservación		Cuidado			
	F	%	F	%	F	%	F	%		
	5	4	5	4	9	7	5	4	10	8
	123	96	123	96	119	93	123	96	118	92
Total	128	100	128	100	128	100	128	100	128	100

Source: Data from the pretest instrument: application of the best interests of the child.

As can be seen in Table 1, the descriptive results of the variable application of the best interests of the child before the diligence of the effective application of the Gesell chamber, whose dependent variable was analyzed in its four dimensions: in the first

dimension: opinion of the child and adolescent out of 128 participants, 96% do not apply the best interests of the child, while 5% guarantee the best interests of the child. With respect to the second dimension: identity of the child or adolescent, 96% do not apply the best interests of the adolescent, while 4% do.

With respect to the dimension: preservation of the family environment and maintenance of relationships, 96% do not apply the best interests of the child, while 4% do; finally, with respect to the last dimension: care, protection, development and safety of the child or adolescent, 92% do not apply the best interests of the child, while 8% do apply the best interests of the child.

In summary, the best interests of the child are guaranteed before the application of the effectiveness of the Gesell chamber in 5%.

Table 2. *Post-test results of the variable: Application of the best interests of the child in the province of Coronel Portillo, Ucayali.*

Rspta	Variable		Opinión		Identidad		Preservación		Cuidado	
	F	%	F	%	F	%	F	%	F	%
Si	119	93	123	96	119	93	123	96	118	92
No	9	7	5	4	9	7	5	4	10	8
Total	128	100	128	100	128	100	128	100	128	100

Source: Data from the pretest instrument: application of the best interests of the child

As can be seen in table 2, the descriptive results of the post-test of the variable application of the best interests of the child before the application of the effective application of the Gesell camera, whose dependent variable was analyzed in its four dimensions: in the first dimension: opinion of the child or adolescent out of 128 participants, 96% do not apply the best interests of the child, while 5% guarantee the best interests of the child.

Regarding the second dimension: identity of the child or adolescent, 96% do not apply the best interests of the adolescent, while 4% do.

Regarding the dimension: preservation of the family environment and maintenance of relationships, 96% do not apply the best interests of the child, while 4% do.

Finally, with respect to the last dimension: care, protection, development and safety of the child or adolescent, 92% do not apply the best interests of the child, while 8% do apply the best interests of the child. In summary, the best interests of the child are guaranteed before the application of the effectiveness of the Gesell chamber in 5%.

In order to contrast the hypothesis, the general objective was to establish the influence of the Gesell chamber on the elements and application of the child's best interest in the province of Coronel Portillo, Ucayali, a comparison of compliance attitudes was made in two moments at the beginning before the application of the effectiveness of the Gesell chamber for the strengthening of the child's best interest after its treatment.

The data were dichotomous, a non-parametric test was applied, the Wilcoxon's T rank statistic, which allowed analyzing whether the correct use of the Gesell chamber has effects on the child's best interest or not, that is, to determine the causal effect of the independent variable.

The general hypothesis of the research was: The effectiveness of the Gesell chamber has a positive and significant influence on the elements and application of the best interest of the child in the province of Coronel Portillo, Ucayali.

First: statistical hypothesis.

Ho: The effectiveness of the Gesell chamber does not have a significant positive influence on the elements and application of the best interest of the child in the province of Coronel Portillo, Ucayali, 2022.

Ha: The effectiveness of the Gesell chamber has a positive and significant influence on the elements and application of the best interest of the child in the province of Coronel Portillo, Ucayali, 2022.

Second: significance level, it was established as the limit of error probability of being wrong when affirming the decision of the hypothesis testing; as mean $\text{Alpha} = (5\%) / 2 = 0.025$.

Third: Statistical test.

The study variable of application of the best interests of the child corresponds to the dichotomous variable, and the Wilcoxon (Table 3) statistic was applied to contrast it using the Microsoft Excel program and SPSS version 27.

Table 1. *Contraste entre el pretest y el posttest de la variable. Prueba de Wilcoxon*

Posttest: Aplicación del interés superior del niño	
- Pretest: Aplicación del interés superior del niño	
Z	-9.823b
Sig. asintótica(bilateral)	.000
<hr/>	
a. Prueba de rangos con signo de Wilcoxon	
b. Se basa en rangos negativos.	

Fourth: exact probability (p-value)

According to the information, for the pre-experimental group, it was observed that the significance Sig. (Bilateral) was equal to 0.000, a value lower than the proposed significance level ($\alpha/2 = 0.025$), i.e.: $0.000 < 0.025$ this proposition is true so it was decided to reject the null hypothesis and accept the alternative hypothesis.

Fifth: decision making.

According to the fourth step it was affirmed with 95% of bilateral confidence level, there is significant difference between the attitudes of the application of the best interest of the child before the application of the effectiveness of the Gesell camera with respect to the second moment of exit after the application of the applicative.

Consequently, it was affirmed with 0.025 probability of error, that the effectiveness of the Gesell camera significantly influences the application of the best interest of the child in the province of Coronel Portillo, Ucayali.

The general objective was to establish the influence of the Gesell camera on the elements and application of the best interest of the child in the province of Coronel Portillo, Ucayali. In this sense, the hypothesis that the effectiveness of the Gesell chamber has a positive and significant influence on the elements and application of the best interest of the child in the province of Coronel Portillo, Ucayali, was demonstrated. The results of the pretest on the elements and application of the best interest of the child, that is to say, before the application of the effectiveness of the Gesell Chamber to guarantee the best interest of the child, in its four dimensions, being that in the first

dimension: opinion of the child and adolescent out of 128 participants, 96% did not apply the best interest of the child, while 5% did guarantee the best interest of the child. With respect to the second dimension: identity of the child or adolescent, 96% did not apply the best interests of the adolescent, while 4% did. With respect to the dimension: preservation of the family environment and maintenance of relationships, 96% did not apply the best interests of the child, while 4% did.

With respect to the last dimension: care, protection, development and safety of the child or adolescent, 92% did not apply the best interests of the child, while 8% did apply the best interests of the child.

In summary, the best interests of the child are guaranteed before the application of the effectiveness of the Gesell chamber in 5%.

The results of the post-test on the elements and application of the best interest of the child, that is to say, after the application of the effectiveness of the Gesell camera to guarantee the best interest of the child, in its four dimensions: the first dimension: opinion of the child or adolescent out of 128 participants, 93% did apply the best interest of the child, while 7% did not apply it. Regarding the second dimension: identity of the child or adolescent, 96% did apply the best interests of the child, while 4% did not.

Regarding the third dimension: preservation of the family environment and maintenance of relationships, 96% did apply the best interests of the child, while 4% did not.

Regarding the last dimension: care, protection, development and safety of the child or adolescent, 92% did apply the best interests of the child, while 8% did not apply the best interests of the child. In summary, the best interests of the child are guaranteed before the application of the effectiveness of the Gesell chamber in 95% of the cases.

The results coincide with the results presented by Barriós (2020) in which he refers to the camera as one of the alternatives that justice administrators use.

However, the Single Interview should not be the only alternative, because there will always be flaws or gaps, such as information that the minor cannot disclose because of bad experiences or may be subject to threats that make the minor constantly contradict his testimony, hence it is insufficient for the issuance of a sentence or filing.

On the other hand, the little experience with respect to the protection of minors is insufficient to find coherent and timely mechanisms to expedite the processes, the vices

will continue to exist as long as the adult population remains indifferent and does not see the minor as a subject of law or in the best interest of the child.

For their part, Espinoza et al (2021); Torrecuadrada (2016) referred that parents are the first responsible for protecting the integrity of their children so that in the family nucleus the minor should feel safe.

However, reality reveals that it is at home where children experience violence and then it spreads to the social environment, likewise, when faced with abuse, mistreatment or other symptoms of violence, parents are the first to report the aggressor to the respective authorities, however, in many cases they are the first to protect the perpetrator, either because of shame and unheard of prejudices, hence it is at home where the child is not treated with respect or considered as a subject of rights.

For this reason, it is necessary to educate the parents and adults in general do not see the minor as a subject of rights, adults feel that minors are their property, so it is necessary to educate the applicants to parents through educational programs in which all possible institutions such as the Ministry of Health, Justice and Education should participate.

Conclusions

The effectiveness of the Gesell Chamber has a positive and significant influence on the elements and application; on the participation and opinion; on the safeguarding of identity; on the preservation of the family environment and maintenance of relationships; on the care, protection, development and security of the best interest of the child and adolescent in the province of Coronel Portillo, Ucayali.