

ACCOMMODATIONS FOR CHILDREN IN THE CRIMINAL JUSTICE SYSTEM

The **Child
Witness** Institute

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OBJECTIVES

- **To identify the difficulties that children have testifying in court**
- **To examine accommodations that have been introduced internationally to improve the position of children in the criminal justice system**

**DIFFICULTIES
CHILDREN
EXPERIENCE IN THE
CRIMINAL JUSTICE
SYSTEM**

TESTIFYING

stressful experience

presence of strangers

alien setting with people wearing robes

unknown procedure is followed

embarrassing and intimate details

presence of the accused

language is formalistic, archaic and specialised

cross-examination by the accused, usually hostile

TESTIFYING IN COURT

- **psychological damage caused not only by the abuse but by being forced to testify in an open court in the presence of the accused**
- **studies have found that victims who testify in court have more behavioural problems and increased stress than those who do not**

OUTCOME OF TESTIFYING

INCREASED TRAUMA

DECREASED ACCURACY

DIFFICULTIES EXPERIENCE D


- **Oral evidence**
- **Confronting accused**
- **Delays**
- **Memory**
- **Multiple interviews**
- **Cross-examination**



**CHILD FRIENDLY
SERVICES**

CHILD FRIENDLY SERVICES

- **Research clear that children experience secondary trauma in criminal justice system**
- **Compromises accuracy of their evidence**
- **To reduce trauma and improve accuracy, legal systems around the world have undertaken steps to introduce child-friendly criminal justice systems**
- **Aim to make justice systems accessible to children and to ensure that their rights are being upheld in accordance with international instruments and guidelines**



**MANY DIFFERENT
FORMS OF
ACCOMMODATIONS**

SPECIALIST INVESTIGATING UNITS

- **dedicated unit of specialist police officers**
- **victim support rooms at all police stations**
- **sensitised frontline staff who have undergone specialised training;**
- **dedicated units located in victim-friendly facilities which promote privacy, safety and confidentiality**
- **referrals to other agencies for assistance**
- **police officers appointed to dedicated units in terms of established criteria**
- **specialist and on-going mentoring of members of the unit**
- **specialised accredited training on child development, the dynamics of sexual abuse and crime scene investigation, and must be assessed for their competency**

SPECIALIST INVESTIGATING UNITS

- available police officers specialised to work with persons who have a mental disability
- effective resources to perform their functions, namely access to vehicles, computers, offices and telephones
- availability of services for persons with physical disabilities, including persons with a hearing impairment
- a multi-disciplinary inter-sectoral approach with other relevant government departments
- outreach and awareness campaigns
- monitoring and evaluation of the quality of services provided to victims

ONE STOP CENTRES

- **designated centre dedicated to specialised and accessible health care on a 24-hour basis for victims**
- **victim-friendly centre**
- **policing services**
- **counselling services**
- **availability of medical officers for forensic examinations**
- **medical officers specially trained to deal with victims of sexual violence and sexual violence forensic investigations**
- **multi-disciplinary inter-sectoral approach with other relevant government departments**
- **follow-up medical treatment**
- **monitoring and evaluation of services offered at the centre**

SPECIALISED COURT INFRASTRUCTURE

- screening process to identify cases that fall within sex offences
- case-flow management policies that ensure speedy disposition of cases of sexual violence, especially those involving children
- case management to reduce delays and arrange pre-trial matters
- a designated courtroom equipped with closed-circuit television and sound equipment and/or one-way glass facilities
- a special room from which the victim will testify, which must be informally arranged
- a waiting room and/or play area for victims and their families which must be informally arranged
- victim support services
- designated social worker for assessments and referral
- availability of intermediaries or interpreters for children
- designated court clerk

SPECIALISED COURT INFRASTRUCTURE

- core group of specialist presiding officers, who have undergone specified training on child development, working with mental disabilities and the dynamics of sexual offences
- process of rotation of specialist presiding officers to minimise burnout
- provision of vicarious trauma training and services to presiding officers to reduce stress and secondary trauma
- specialist prosecutors who are experienced and who have received training on child development, working with persons with mental disabilities and the dynamics of sexual abuse
- provision of vicarious trauma training and services to prosecutors to reduce stress and secondary trauma
- specialist interpreters who have received training on child development and working with persons with a mental disability
- court preparation programme for witnesses to prepare them for court and to provide debriefing after they have testified

SPECIALISED COURT INFRASTRUCTURE

- **alternative models for sentencing offenders and the availability of rehabilitation programmes for sex offenders**
- **use of expert reports for:**
 - **assessment of the child victim**
 - **assessment of the witness who has a mental disability**
 - **impact of the crime**
 - **issues relating to a better understanding of the dynamics of sexual abuse**
 - **prospect of rehabilitation of offender**
- **establishment of data collection method to enable monitoring and evaluation of court's effectiveness**

SPECIALIST PROSECUTI ON UNITS

- specially identified prosecutors recruited on sensitivity, skill and knowledge
- specialist prosecutors undergo minimum required training on the prosecution of sexual offences, child development etc
- prosecutors must also have training on persons with mental disabilities
- child-friendly environments available for consultations
- provision of vicarious trauma training
- use of victim impact statements
- prosecutor-guided investigations
- data collection methods for monitoring and evaluation

OTHER SPECIALIST SERVICES

Counselling and after care

Sex offender rehabilitation programmes

Research

Monitoring and evaluation

OUTCOMES

- **At the end of this session, participants will:**
 - **be aware of the difficulties that children experience in the criminal justice system**
 - **have knowledge of the child friendly systems that have been introduced internationally in criminal justice systems**