

PROTECTING CHILD WITNESSES AND VICTIMS WHEN THEY TESTIFY IN COURT

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To mark child protection week the Centre for Child Law this week releases a publication titled “**Making room: Facilitating the testimony of child witnesses and victims**”. The publication comes almost 5 years after the Constitutional Court, in *Director of Public Prosecutions v the Minister of Justice and Constitutional Development*, emphasised the need for special arrangements to be made for child witnesses and victims testifying in court.

The Centre’s aim was to try and assess whether there have been any improvements in the provision of court services to child witnesses and victims. The publication examines statistical evidence available and empirical evidence gathered from visits to courts, to determine the progress made since then.

A major concern raised by the report is that the Department of Justice is inconsistent in its reporting of the relevant data. Furthermore, certain information is not in the public domain. Thus it proved impossible to get the latest provincial figures on the provision of separate child witness testifying rooms, CCTV systems and one-way mirrors as well as figures on how many intermediaries are appointed on an ad hoc or permanent basis and how many are appointed by NGOs.

The report also contains results of an on-the-ground survey done in 2012 of selected courts in the country. A number of practical problems came out of the survey such as lack of accommodation resulting in some courts not having separating waiting rooms for children; lack of toys to keep children busy; lack of refreshments for children. Another concern is the lack of job security for intermediaries who are often appointed on a contract basis and not permanent basis;

It is hoped that with the current drive by the Department of Justice to establish specialised sexual offences courts, the issues of concern raised will be dealt with in order to fully ensure that child witnesses and victims do not experience secondary trauma.

Prof Ann Skelton in her foreword to the publication reiterates the importance of the provision of service to child witnesses and victims:

“Court rooms are frightening places for anyone testifying. Even adults are fearful about giving evidence in front of magistrates and judges, and about being questioned by prosecutors and defence lawyers. Imagine how much more scary that must be for a child. Even worse, in sexual offences children have to talk about embarrassing things, for which they do not even have an adequate or accurate vocabulary. South African law has excellent provisions which allow children to testify via intermediaries and in separate rooms, so that they need not encounter the offender. But this is only as good as the provisioning allows.”

ENDS.

The publication is available at www.centreforchildlaw.co.za

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