



RECOMMENDATIONS FOR MINIMUM CRITERIA

The following key principles are recommended as the basis for the introduction of minimum criteria for judicial officers presiding over cases involving violence against children:

PRINCIPLE 1

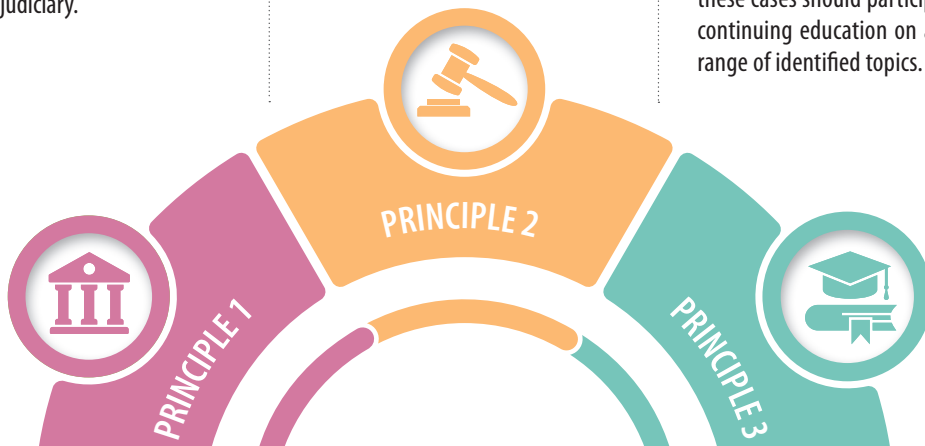
There is a distinctive judicial process in cases involving violence against children, which requires a specialised approach by the judiciary.

PRINCIPLE 2

Only highly committed and specially trained judges should hear cases involving violence against children.

PRINCIPLE 3

Due to the highly specialized nature of cases involving violence against children, judicial officers presiding over these cases should participate in continuing education on a wide range of identified topics.



When assigning judicial officers to cases involving violence against children, the interest, specialised knowledge, experience and ability of the judicial officer under consideration must be taken into account. Only highly qualified and competent judicial officers should be assigned to hear cases involving violence against children.



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CENTRE FOR
CHILD LAW



The minimum criteria for the competency of judicial officers to hear matters of sexual violence against children should include the following:

01 Aptitude

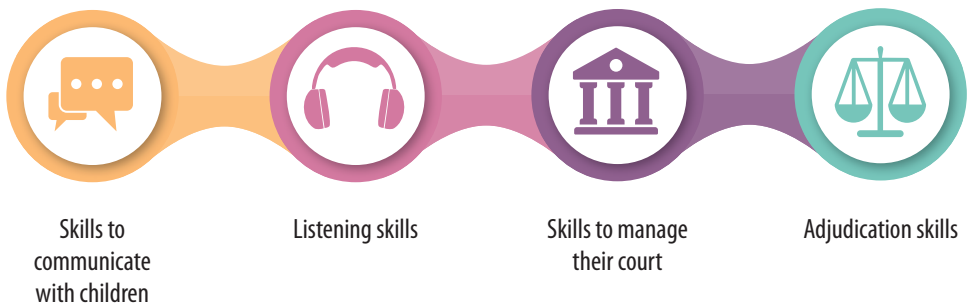
To be suitable candidates to hear matters involving children, judicial officers should display the following characteristics:

- Patience;
- Sensitivity and kindness;
- Empathy;
- Respectfulness;
- Impartiality;
- Demonstrated commitment to cases of this nature;
- Motivation and willingness to learn about child abuse and neglect;
- Confidence; and
- Emotional resilience to hear matters of this nature.

02 Skills

To be suitable candidates to hear matters involving children, judicial officers should possess the following skills:

- Skills to communicate with children in a child-friendly manner;
- Listening skills;
- Skills to manage their court in a way that will enhance the participation of the child witness; and
- Adjudication skills.



03 Experience

In order to be assigned to cases involving violence against children, judicial officers must have the following experience:



The amount of experience that would be necessary in each of the above cases would need to be quantified by the relevant bodies within the judiciary itself.

03 Training

4.1 Initial training

Before being allowed to preside over cases involving violence against children, judicial officers must have undergone training in the following subjects as a minimum:

- Social context of violence against children;
- Applicable legislation;
- Applicable procedural aspects and special measures relevant to children in the judicial process;
- The rights of victims;
- An introduction to child development, including cognitive and socio-emotional development and memory;
- An introduction to the impact and consequences of violence against children;
- An introduction to child language and child communication;
- The disclosure process;
- The competency examination;
- The grooming process adopted by sex offenders;
- Judicial management and the protection of the child witness; and
- An introduction to evaluating the evidence of children.

4.2 Further training/education

It is essential that a judicial education curriculum for violence against children be developed that will contribute to career pathing and be an integral part of judicial duties. The curriculum should be organised in such a way that it will enable judicial officers to master the necessary skills required to hear cases of this nature and to keep them updated with the latest developments in legislation and case law. The following topics must be included in further training:

- Child development, including suggestibility, fantasy, brain and sexual development;
- Trauma, including traumagenics, Post Traumatic Stress Disorder, the impact of domestic violence and applicable syndromes;
- Detecting deception in children;
- Working with children with disabilities;
- Sentencing in sexual offences cases;
- Sex offender typologies;
- Evaluation of expert witnesses; and
- Medical evidence.

4.3 Format of training

The curriculum must be specifically designed for the adjudication of cases involving violence against children and must include face-to-face sessions, which must be interactive and include case studies, discussions, exercises and assignments. In addition to the traditional lectures, online sessions can be included as well as participatory training and mentorship. Refresher courses and training that focuses on new developments in law and practice are needed to enable judges to keep up their skills and knowledge in this area.

4.4 Scheduling of training

Training must be scheduled annually with a minimum of hours of instruction determined per year.

4.5 Accreditation

In the development of a judicial curriculum for violence against children, a form of accreditation or certification must be implemented to ensure that the content is relevant and updated and that facilitators have the specialised skills to present the content. The certification will also be relevant to the development of career pathing for judicial officers.