

Abused kids to be spared court trauma

By a staff reporter

LONG-AWAITED changes to the law to make it easier to convict child abusers and protect children from the trauma of a court appearance were endorsed by the Executive Council yesterday.

The measures come amid increasing complaints about existing laws from judges, victims' relatives and social workers.

Deputy crown prosecutor Grenville Cross, QC, said yesterday the measures should reduce the trauma of a child facing the accused abuser in court and having to give repeated accounts of their ordeal.

Mr Cross said the "radical proposals" would change a long tradition of law on what could be accepted in court.

"It's hoped this will go a long way to alleviating the problems that have arisen in the past and will be far more conducive to the giving of evidence by vulnerable witnesses," he said.

Recent comments by judges have highlighted the problems inherent in the current laws.

Earlier this month, Judge Ian Britton reluctantly acquitted a man of two of the three counts of indecent assault against him because the unsworn testimony of the girl could not be corroborated

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under the "rule of evidence" law. Judge Britton blasted the rule of evidence as being "nothing less than a child molester's charter".

The amendment to the Evidence Bill will overturn a long tradition in the law that unsworn statements from children must be backed up with further evidence.

The bill will remove the presumption of a child's inability to testify and abolish the rule of evidence.

Vulnerable witnesses will be able to avoid the trauma of attending court and facing the accused under changes to the Criminal Procedure Bill.

Children under 14 who claim to have been physically abused will be able to give video evidence. And in cases of sexual abuse, children under 17 will be able to give evidence on video.

The mentally handicapped, including the defendant if he or she is retarded, will also be able to give evidence on video.

"All these matters are at the discretion of the trial judge or magistrate," Mr Cross said.

"Witnesses who, in the opinion of the court, may risk the safety of themselves or members of their family if they give evidence will be

entitled to take advantage of the video link." This will be submitted as evidence and the person may be recalled to be cross-examined via a closed-circuit television link to another room in the court building.

Mr Cross said the counsel and jury may get a better view of the child via the television screen than from the witness box.

"The rules that have existed in the past which place hurdles in the way young children have given evidence, such as insisting there should be corroboration, will be swept away by these proposals," he said.

"The central question will be: has the child given truthful evidence?"

Courtrooms in all jurisdictions already have the necessary telecommunications to make the video links possible.

Amendments to the Criminal Procedure Bill and to the Evidence Bill will be introduced into the Legislative Council on 19 April.

However, no details of the harsher penalties for child abusers which the government is also proposing have yet been revealed.

With the approval of Legco, the measures should come in effect by the end of the year, Mr Cross said.