



Compliance and Justice

Access to Justice

The Case of Vulnerable Persons

Who's vulnerable ?

The Evidence Special Measures Act of Jamaica provides a comprehensive definition that adequately encompasses, children, complainants in sexual offences and others whose evidence may be diminished as regards, completeness, coherence, or accuracy by reason of fear or distress, a physical disability or mental disorder.

Minors and children under the age of 18.

Persons with physical disability

Persons with mental disability

Complainants in sexual offences

Illiterate persons

Foreign Nationals

The Elderly

Other

Binding Conventions of Caribbean Territories

- Universal Declaration of Human Rights;
- Convention of the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Rights of Persons with Disabilities
- UN(Document on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity) All the English-speaking Caribbean territories abstained from the vote.

Caribbean Constitutions

Protection from Discrimination of grounds of race etc...

Constitution of Co-operative Republic of Guyana

149 (1) Subject to the provisions of this article-

(a) No law shall make any provision that is discriminatory, either of itself or in its effect; and

(b) No person shall be treated in a discriminatory manner, by any person acting by virtue of any written law, or in the performance of the function of any public office, or any public authority.

“..discriminatory means affording different treatment to different persons attributable to their or their parents or guardians, respective descriptions by race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social status, pregnancy, religion, conscience, belief or culture whereby of one such description are subjected to disabilities or restrictions, to which other persons of the same, or another such description, are not made subject or are accorded privileges or advantages, which are not afforded to other persons of the same or another such description.”

- *‘When necessary, the processes have to be adapted to ensure that a particular individual is not disadvantaged as a result of personal difficulties, whatever form they may take’*

Lord Chief Justice, **R v Cox [2012] EWCA Crim 549**



Developments in Caribbean territories moving towards facilities for vulnerable persons.

Types of special measures available

- Interpreters for non-English-speaking persons
- Use of Screens, live link and pre recorded testimony for children and victims of sexual offences.
- In Camera hearings for children and sexual assault cases.
- Forbidding the publication of any report in sexual offences and matters involving children.
- Anonymity of complainant and accused



Protocols in place in the Wider Caribbean

Country	Witness Orientation	Witness Anonymity	Intermediaries	Screens	Live Link	Evidence given in Private	Video Recorded Evidence	Removal of gowns	Aids to Communication
Bahamas		✓		✓	✓			✓	✓
Barbados		✓				✓			✓
Belize			✓		✓	✓	✓		✓
Guyana				✓	✓				✓
Jamaica					✓		✓		✓
Surinam						✓		✓	
Trinidad and Tobago	✓	✓	✓	✓	✓	✓	✓		✓
Turks and Caicos				✓			✓		

Trinidad and Tobago

Trinidad permits video-recorded statement generally, as evidence in chief, and for cross examination of child witnesses by electronic means.

Where a minor is being prevented from giving evidence a statement is made in any written form or manner by a minor or by another person on behalf of minor, may be admissible as evidence, of which direct oral evidence of minor would be admissible.

St. Vincent

- **Special Measures Act 2013**
- Witness Anonymity, video recorded evidence in chief and cross examination, the use of intermediaries and aids to communication which in the opinion of the court is necessary to enable questions or answers to be communicated to or by the witness despite any disability, disorder or other impairment from which the witness suffers

Limitations of the Caribbean Regimes

- Provides for special measures on application of a party and not in the court's discretion.
- Few available special measures.
- mental illness, neurocognitive impairment or developmental disorder can create a barrier to access to giving evidence or to being able to take part in a trial. The measures in place anticipate persons of a particular level of intellectual functioning but makes no provision for those who fall below that .

Vulnerable Persons Protocols

- Impact Justice has developed protocols as judicial aids for dealing with vulnerable persons.
- The Jurist Project had developed model guidelines for sexual offences.
- UK Equal Treatment Bench Book aims to increase awareness and enable effective communication and suggests steps to increase participation by all parties.



Recommendations

Ground Rules Hearing

The development of an Equal Treatment Bench Book aimed at helping make the court experience more accessible for parties and witnesses who might be uncertain, fearful or feel unable to participate.

The use of intermediaries to assist persons with mental illness, neurocognitive impairment or developmental disorders, give their best evidence.



VULNERABLE WITNESSES: TWENTY YEARS OF CHANGE IN ENGLAND PENNY COOPER

*CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS 6TH BIENNIAL CONFERENCE 2019,
“JUDICIAL INTEGRITY – THE PATHWAY TO PUBLIC TRUST AND CONFIDENCE”.*



OBJECTIVES

By the end of this session, participants will be able to:

- Identify what constitutes a vulnerable witness, and
- Identify special measures to best manage/treat vulnerable witnesses.

BEING VULNERABLE: A GATEWAY TO SPECIAL MEASURES & OTHER ADJUSTMENTS

- The use of the word '**vulnerable**' appears in English and Welsh legislation in relation to those affected by age (under 18) or incapacity - '**special measures**' may be directed if likely to improve the quality of evidence, see Youth Justice and Criminal Evidence Act 1999
- The aim of 'special measures' is effective participation
- **Effective participation** includes, if you are a witness, being able to understand questions and give answers that are understood
- Special measures are linked to fitness to plead/ stand trial and competence to give evidence
- The **judge decides** what is fair and is **not limited to 'special measures' in statute**

LINKING UP WITH THE CONFERENCE THEME & THREADS

- “Public confidence – the litmus test of judicial conduct”
- Keynote: Dr Terrence Farrell, CAJO Conference, 31 October 2019
- “Lead with thinking about dignity, humanity and their [human] rights”
- Breakout on Rights of Indigenous Persons: The Hon Mme Justice Antionette Moore, CAJO Conference, 31 October 2019

LOTS OF REGIONAL VARIATION IN LEGISLATION IN THE CARIBBEAN AND ELSEWHERE (NOT EXHAUSTIVE):

- England & Wales: Screen, private hearing, TV link, supporter, pre-recording of evidence, intermediary, communication aids
- Northern Ireland: As above but with intermediaries for defendants
- Australia: NSW, Victoria, ACT have intermediaries but ACT just introduced ground rules hearings in the ACT legislation
- America: Screen, court facility dog in court
- Chile: New intermediary legislation, TV link, dogs in court
- Scotland: Screen (witness I court behind screen and using closed circuit TV to show witness on screen), very new legislation for taking evidence by commissioner and ground rules hearings
- Canada: Victims representation
- India: Special child court in Goa

THE AIM IS EFFECTIVE PARTICIPATION BUT...

- There is no set definition of 'effective participation' (see Jacobson & Cooper study, forthcoming)
- There is no set definition of vulnerable/ vulnerability (Cooper, 2014)
- Some suggest we should use the words '**at risk**' (i.e. in this context this would mean at risk of ineffective participation) rather than vulnerable (Cooper, 2014)
- No litmus test to identify a witness or party as vulnerable
- No set training for judge and lawyers

CJC VULNERABLE WITNESSES AND PARTIES CONSULTATION 2019 – SELECTED RECOMMENDATIONS

- Court and parties need to: *‘...identify any party or witness who is a vulnerable person at the earliest possible stage of proceedings...consider whether a party’s participation in the proceedings, or the quality of evidence given by a party or witness, is likely to be diminished by reason of vulnerability and, if so, whether it is necessary to make directions as a result and consider “ground rules”’*
- Request information: *‘...the wording for the [case management] questionnaire will need to be considered with care and settled upon following consultation’*
- **Enhanced training** for judges on detecting vulnerability and on case management
- **Court staff training and protocols**
- Note: This is in a jurisdiction in E&W with no special measures legislation

IDENTIFYING VULNERABILITY?

- Toolkit 10 (Cooper, 2017) on *The Advocate's Gateway*: <https://www.theadvocatesgateway.org/images/toolkits/10-identifying-vulnerability-in-witnesses-and-parties-and-making-adjustments-2017.pdf>
- Lawyers have duties – what are your local rules regarding supporting the administration of justice or similar?
- Are the lawyers at risk of professional negligence if they fail to identify vulnerability? (Cooper & Allely, 2017)
- Lawyers' have a responsibility to their clients to apply for appropriate 'special measures' (or 'adjustments' or 'adaptations')
- And if there is no lawyer to ask, what is the court's responsibility?
- Q: Is there anything that might affect your ability to give evidence/ take part in the hearing?

GROUND RULES HEARINGS: JUDGES SETTING THE PARAMETERS FOR FAIR TREATMENT

- Purpose: Setting the parameters for fair treatment and supporting effective participation
- Origin: Intermediaries discussing the witness's communication needs and abilities
- This might include steps to **control** cross-examination (e.g. order of topics, timing, breaks, vocabulary, pace, tone)
- This might include directions to **limit** cross-examination (e.g. topics and length)
- Further reading (Cooper, Backen and Marchant, 2015) - <http://pennycooper.co.uk/wp-content/uploads/2018/05/Cooper-Backen-Marchant-2015-Ground-Rules-Hearings-.pdf>
- Ground rules hearing toolkit and the linked checklist on The Advocate's Gateway (Cooper, 2019) - <https://www.theadvocatesgateway.org/images/toolkits/ground-rules-hearings-checklist-2019.pdf>
- **And what about the jury...?**

EXAMPLE OF 'GRH' LEGISLATION IN SCOTLAND (BUT GRH DOES NOT NEED TO BE IN STATUTE)

The commissioner presiding over a ground rules hearing must—

- (a) ascertain the length of time the parties expect to take for examination-in-chief and cross-examination, including any breaks that may be required,
 - (b) to the extent that the commissioner considers it appropriate to do so, decide on the form and wording of the questions that are to be asked of the vulnerable witness,
 - (c) if the commissioner considers it appropriate to do so, authorise the use of a supporter at the proceedings, in accordance with section 271L,
 - (d) if the commissioner considers that there are steps that could reasonably be taken to enable the vulnerable witness to participate more effectively in the proceedings, direct that those steps be taken,
 - (e) subject to section 72(8) which applies in relation to the commissioner as it applies in relation to the court, dispose of any application that—
 - (i) has been made under section 275(1) or 288F(2), and
 - (ii) has not yet been disposed of by the court,
 - (f) consider whether the proceedings should take place on the date fixed by the court and postpone the proceedings if the commissioner considers that it is in the interests of justice to do so having regard to all the circumstances, including—
 - (i) whether the parties are likely to be ready for the proceedings to take place on the date fixed by the court and if not, the reasons for that,
 - (ii) any views expressed by the parties on whether the proceedings should be postponed, and
 - (iii) whether postponement is in the interests of the vulnerable witness, and
 - (g) consider and, if appropriate, make a decision on, any other matter that the commissioner considers could be usefully dealt with before the proceedings take place.”.
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LIMITING CROSS-EXAMINATION – R V PMH [2019]

- (i) At the **ground rules hearing** the judge should discuss with the advocates how and when any limitations on questioning will be explained to the jury.
- (ii) If this has not happened, or there have been any changes, the judge should discuss with the advocates how any limitations on questioning will be **explained to the jury before** the recording of the cross examination is played.
- (iii) The judge can then give the jury the **standard direction on special measures with a direction on the limitations** that the judge has imposed on cross-examination and the reasons for them *before* the cross examination is played.
- (iv) The judge should consider if it is necessary to have a further discussion with the advocates before their **closing submissions** and the summing-up on the limitations imposed and any areas where those limitations have had a material effect. In this way the advocates will know the areas upon which they can address the jury.
- (v) In the **summing-up the judge should remind the jury of the limitations** imposed and any areas identified where they have had a material effect upon the questions asked.
- (vi) If any written directions are provided to the jury the judge should include with the standard special measures direction a general direction that limitations have been imposed on the cross-examination.’ (para 21)

JUDGE & ADVOCATES MEETING THE VULNERABLE WITNESS IN ADVANCE (MARCHANT, 2018)

- Example 1: Quiet, fearful five year old. Judge and advocates join in with colouring in the live-link room; then practice the 'say if someone gets it wrong' rule. Six minutes total. As they leave, child says loudly 'See, they aren't even cross with me.'
- Example 2: Seven year old witness anxious about saying 'rude' words at court. Judge looks carefully at list of words child has written in tiny writing. Says all are OK to say in his court. 'Even c**t?' she asks. 'Even c**t' he says. [Cross-examination] proceeds smoothly.
- Example 3: Furious witness aged 12 calls judge and both QCs f***ing c**nts when they come to meet him. We agree that during cross-exam swear-words will be whispered to intermediary who will write them down and share later. Works perfectly.

INTERMEDIARIES EXTRA SPECIAL MEASURES

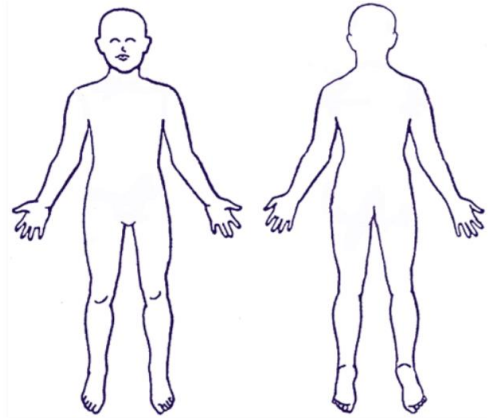
Intermediaries have introduced measures **not found in legislation** in England & Wales, for example:

- Counsel in the live link room
- Mini tent in the live link room
- Rocking horse for breaks

WITNESS INTERMEDIARIES - 'THE ENGLISH MODEL' SINCE 2004

- The role – began as pilot and only registered with Ministry of Justice
- The 'paradigm shift' – HHJ Topolski
- However, when unregulated... see *Biddle* [2019] in E&W and *Aitchison* [2019] in NZ
- Examples of intermediary's using communication aids (discussed first at the ground rules hearing)

COMMUNICATION AIDS (EXAMPLES FROM THE TAG TOOLKIT)



WITNESS INTERMEDIARY CASE EXAMPLE I

- RB was profoundly deaf and without speech. She had been trafficked, sexually abused and treated as a domestic slave controlled through violence. The defendants were found guilty at trial: RB's evidence in chief was via fourteen ABE videos. 'A question would be put orally to a British Sign Language (BSL) Interpreter, who then signed the question in BSL to [the intermediary], both at the police station and at the trial.'
- [The intermediary] would then put the question to RB in an idiosyncratic sign language they had developed during a number of pre-ABE rapport meetings. Visual aids or pictures were also used. RB's replies were signed to the BSL interpreter, who then voiced RB's answer to the police officer or counsel.
- *R v IA & Ors* [2013] EWCA Crim 1308, paragraph 17.

WITNESS INTERMEDIARY CASE EXAMPLE 2

- A 12 year old giving evidence by remote live-link, very lengthy indictment of rape, sexual assault and child cruelty. The child, by this time in foster care, had complex communication and behavioural needs and his behaviour could be extreme, including violence to self and others, compulsive sexualised behaviours and language and spoken threats and insults, exhibited permanent anxiety, hypervigilant and hyperactive.
- My unpublished research

WITNESS INTERMEDIARY CASE EXAMPLE 3

- The only witness to a severe assault had Motor Neurone Disease and his speech difficulties made it extremely hard to give evidence that was audible and intelligible at his first videoed interview. The intermediary and the police planned and recorded a second interview. On the day of the trial the defendants pleaded guilty.
- *Intermediaries for Justice* website at <https://www.intermediaries-for-justice.org/case-study/motor-neurone-disease-affecting-speech> (accessed 24th September 2019)

THE CARIBBEAN CHALLENGE AND THE OPPORTUNITY

- How do we make available to judges and lawyers the necessary information about a vulnerable witness's needs and abilities?
- Could we try a scheme making use of case management questionnaires, technology and ground rules hearings, with training for lawyers and judges? Then evaluate.

PITFALLS: WHEN VULNERABILITY MISUNDERSTOOD/ VULNERABILITY MISSED/ SPECIAL MEASURES NOT USED

- Appeal and retrial (*Galo v Bombardier* [2016]) – note Gillen LJ’s comments about the ETBB
- Appeal dismissed e.g. (*R v SG* [2017] - witness was distressed not vulnerable - & *R v PMH* [2019] – importance of continuity of advocates and checking of the disc recorded cross-examination (child’s head not visible)
- Appeal dismissed and proceeds to criminal case review (case of ‘RE’)
- Conviction quashed (*R v Jones* 2018)
- Judicial review of public bodies (case of ‘AB’)
- Distress (reflections of ‘SR’)
- And other possible consequences

THREE STRANDED STRATEGY FOR JUDGES

1. Seek to **identify** those who are vulnerable i.e. are at risk of ineffective participation. Consider (consult on) what to ask in a case management questionnaire. Require lawyer training and use of **'toolkits'**. Realise when to seek specialist input. e.g. an intermediary.
2. Require counsel to work **collaboratively** and have a **ground rules hearing** when a witness party is vulnerable.
3. Be **flexible** and be prepared to respond in a range of ways - from changing the chair in the witness box to fundamentally changing communication in complex cases with specialist support.
 - <https://www.theadvocatesgateway.org>



Title of Session: Vulnerable Witnesses

Session Chairperson: Justice Sandra Nanhoe-Gangadin

Session Panellists:

The Hon Mme Justice Vivian Georgis Taylor-Alexander, Eastern Caribbean Supreme Court

Dr. Penny Cooper, Barrister, Senior Research Fellow – University of London

Objectives of Session:

At the end of this session, participants will be able to:

- a. Identify what constitutes a vulnerable witness, and
- b. Identify special measures to best manage/treat vulnerable witnesses.

Key points from presentations:

The Hon Mme Justice Vivian Georgis Taylor-Alexander

1. Vulnerabilities aren't a closed list but includes we talk about minors and children under 18 years old, the physically disabled, the sexually offended, foreign nationals and others. Illiterate persons are also on this list. However, in this case, illiterate simply refers to those who are not familiar with the 'language of the court'.
2. Caribbean territories have signed on to a myriad of treaties which attempt to uphold the rights and equality of treatment to parties before the law. The Guyanese Constitution is a good example and was applauded but like all constitutions Section 149(1) from Guyana is in itself discriminatory. The provision fails when you go into the definition of what is discriminatory or not. The thrust of programmes means that if you have different treatment it will afford different outcomes.
3. In the case of vulnerable witnesses, when necessary, special measures have to be taken. Processes have to be adapted to ensure that particular individuals are not disadvantaged as a result of personal difficulties. In the Caribbean, the types of special measures available include: video screens, live links to in camera hearings in child sexual assaults, a restriction on publication of any sexual assault hearings to maintain

anonymity. In the OECS live-link is the most popular mechanism. It affords children and others in vulnerable positions opportunities and makes the courtroom a little more accessible. Special measures is not a new situation and in many cases amenities such as judicial officers removing wigs and robes has been done to make the witnesses feel more comfortable. Judicial Officers must make these considerations in the exercise of their functions. They must not only meet legislation but they must also see and hear the parties before them so that the parties can deliver their best evidence.

4. Observations: St. Vincent and the Grenadines and Trinidad and Tobago are among the most progressive nations in terms of ensuring special measures and they had wide ranging measures but St. Vincent and the Grenadines stood out heads and shoulders above the other territories having introduced legislation for intermediaries. They use Special Measures Act of 2013, witness anonymity, video recorded evidence in chief and cross examinations; intermediaries aid to communicate. So far, St. Vincent and the Grenadines is the only place to use intermediaries – there is no protocol in place on how these intermediaries will be used but they are required to identify the existing disabilities and limits in communication and to meet them effectively.
5. Types of available special measures include: Interpreters for non-English witnesses, use of screens, live links, etc., evidence in private, video recorded evidence, removal of gowns, witness anonymity and intermediaries.
6. Trinidad and Tobago permits written statements to be adduced where a minor has been threatened or is unable to give viva voce evidence. These statements can be used where direct oral evidence would ordinarily be admissible. Trinidad also allows video recorded examination in chief and cross examination. This video recorded evidence is then played to the jury (submission of Justice Taylor-Alexander is that very little is lost when doing this but it protects witness).
7. For some time the United Kingdom has been doing video recorded evidence and cross-examination in sexual offences cases which two-fold effect. Evidence taken at early stage to avoid revictimization leads to more effective and present evidence if witnesses are incapable of facing the accuser at trial or going through the entire trial process.

8. There are some limitations to the use of special measures in the Caribbean region. Where special measures are available they can be applied on application of the court and not just within the legislation. There are very few special measures available but there is so much more to do to ensure that we can accommodate the evidence of all. Under the Evidence Act if we are unable to receive the evidence of the child etc. or if they are incapable of delivering coherent evidence in proceedings, the defendant walks therefore we are not really achieving justice if we are in this way prohibiting access to justice. The measures in place anticipate persons at a particular level of intellectual functioning but makes no provisions for those below that level.
9. IMPACT Justice recently developed protocols as judicial aids for vulnerable persons. The Jurist project developed model guidelines for sexual offences.
10. Justice Taylor Alexander gave the following recommendations for handling vulnerable witnesses:
 - a. Ground rules hearing
 - b. Development of Equal Treatment Bench Book to make the court experience more accessible for parties and witnesses who might may be uncertain, fearful or feel unable to participate. The UK has an Equal Treatment Benchbook to increase awareness and suggests steps to increase participation.
 - c. Use intermediaries to assist persons with mental illnesses, neurocognitive impairment or developmental disorders to give their best evidence.

There was an example given of a girl that had been violated by her older brother. Those officials that she had reported the incident to could not understand her well enough. Her mom understands her, but that is not enough for the authorities to make a case. The law in St. Lucia only provides only for persons who are 16 or below to be represented by their mother. The child would have had to be able to communicate on her own. Based on this law, Justice Taylor-Alexander highlights that outside the box thinking is required to allow access to justice for all.

Dr. Penny Cooper

1. Vulnerabilities under English legislation relate to age or incapacity which makes someone at risk of not participating effectively in the criminal justice system.
2. There are some challenges to implementing special measures within the Caribbean. Questions arise such as: How do we make available to judges and lawyers the necessary information about a vulnerable witness' needs and abilities? When vulnerability is misunderstood, or missed, special measures are not used.
3. Intermediaries have introduced measures not found in legislation in England and Wales such as mini tents and rocking horses for breaks. One example given was where an intermediary helped a witness who was deaf without speech to develop sign language. It is recommended to implement the use of visual communication aids, figures, and body mats. Some cases may face difficulties such as, in an example mentioned by Dr. Cooper, the only witness to a severe assault had motor neuron disease.
4. One example was given where a person was able to give information easier when accompanied by his pet. Some people may be in the witness stand and for various reasons, like trauma, they may stop answering questions and judges may interpret their emotion differently if they don't know the situation. These people are known as people who are vulnerable by emotions. Therefore, court and parties need to identify any party or witness who is a vulnerable person at the earliest possible stage of proceedings. The question to ask here is, "Is there anything that may affect the witness' ability to give evidence?"
5. Vulnerabilities - There are many people who judicial officers come into contact with over the course of trials who we would not consider as vulnerable but they are. At present, there is enhanced training and court staff and training protocols in the UK.
6. Judges are in themselves enough to impose special measures under their discretion and that they don't require explicit special measures under the law.
7. Intermediaries are a special measure introduced in England and Wales in 2004 and have been using them as the English model since then. Initially, this began as a pilot and

was only registered with the Ministry of Justice. Within England and Wales there aren't any intermediaries for the accused but this provision does exist in Northern Ireland. Intermediary special measures were not found in legislation and included counsel in the live link room, mini tent in the live link room, rocking horses for breaks. Intermediaries might also be able to use figures – this could reduce stress. In a child, they can move them, bend them etc, can also use body maps.

8. However, when unregulated, intermediaries can go well beyond their roles and negatively exploit the situation.
9. There's a lot which judges can do without intermediaries but in some cases difficulties will be so complex that you need an intermediary. E.g. R.B – Case went to COA in 2013 unsuccessfully. Profoundly deaf individual without speech was interviewed 14 times and was helped by an intermediary to develop a type of sign language that was idiosyncratic to her. If her interview was entirely pre-recorded we wouldn't have to go back for the retrial.
10. Ground rules hearings are recommended. The purposes of these hearings are to set parameters for fair treatment and supporting effective participation.
11. Dr. Cooper proposed a three-strand strategy for judges:
 - a. Seek to identify those who are vulnerable. (Consider what to ask in a case management questionnaire. Require lawyer training and use of 'toolkits'.
 - b. Require counsel to work collaboratively and have a ground rules hearing when a witness party is vulnerable.
 - c. Be flexible and prepared to respond on a ranges of ways from changing the chair in the witness box to fundamentally changing communication in complex cases with specialist support.

Lady Justice Halley in 2014 case “ We have to adapt for the witness , not a case of witness having to adapt to court .”

Questions and Responses (note who asked the question, their jurisdictions, and key points from the response/discussion):

Q: A member of the audience from Jamaica indicated that information is already available in the Caribbean on special measures and the sexual offences model guidelines could be found on www.juristproject.org because there they have dealt with a range of vulnerabilities including indigenous people and girls with disabilities.

The sexual offences model guidelines contain best practices across the Caribbean for dealing with vulnerable witnesses and sexual offences. It also includes directions to the jury. Some of the judges around the Caribbean suggest that the prosecutor would come on the day of the trial and try to impose a special measure but if the child didn't have this in mind then what are you doing on the day of trial. Therefore realisation has to be at the stage of the police from the initial interaction with the police to have the children made comfortable. Good example is sexual offences model court and sexual offences response centre in Antigua. .

Comment on Jamaica special measures: applications need not be made to the parties of the proceedings but the judges on their own volition can undertake this special measures not only in relation to victims and witnesses but also the defendant can make an application or the court can make it on his behalf. Example was where there was a deaf defendant.