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RELEVANCY AND ADMISSIBILITY OF CHILD TESTIMONY: A COMPARATIVE APPRAISAL

Mohmamad Ismail Bin Mohamad Yunus

Recently, there has been substantial increase in the number of criminal cases involving sexual crimes against children. Fortunately, due to society's encouragement and concern on the problem, children are starting to speak out and parents, teachers, social service agencies, law enforcement as well as prosecution started to listen to them and the Parliament also has recently passed the legislation on Sexual Offences Against Children 2017.[1] The question is what makes the sexual abuse of children different from other criminal cases is because of the victim are children. Referring to the definition of child under Child Act 2001, it is defined as a person under the age of eighteen years.[2] It is the nature of children that they are particularly vulnerable as victims of the crime. In addition, the fact that mostly children are physically fragile and smaller, naive and young made them are less able to articulate their experiences and feeling if being victimized.

Introduction

According to Mike McGrath and Carolyn Clemens, typically, the offender has threatened the child with physical harm and the threats are taken seriously.[3] Moreover, children often feel ashamed of their involvement and will not immediately tell their parents or other adults what has happened to them. Consequently, most of the sexual abuse cases involving children are complicated due to further delay reporting of the offense. In fact, it is common for children to keep the incident happened to them as secret for weeks or even months. As a result, this will cause the physician's examination could not be conducted in immediate time after such incident but can only be done after long time of incident. Therefore, medical reports as well laboratory tests result often are not available as evidence to corroborate the

* Assistant Professor, Department of Legal Practice. Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia, *E-mail: ismailmy@iium.edu.my*

statement of the witness. This shows the importance of child witness or testimony to maintain that there is a case.

Besides, victims of child sexual abuse, also more frequently report in pain in relation to other health problems, and have a greater disposition to depression. Children who are the victims of child sexual assault can also experience health and behavioral problems for instance poor academic performance, HIV, feelings of hopelessness and low self-esteem, paranoid ideation, post-traumatic stress disorder, suicide attempts, as well as withdrawal from social interaction.[4]

In most of these cases, due to fear, shyness and trauma the child always refuse to testify the incident.

There are also some cases reported when the refusal by the child is because the offender is a parent or a member of the victim's household, as there is often placed pressure on the child not to testify. The phenomenon of child abuse appears to have become increasingly common in modern society and provoking widespread public concern. In the last two decades or so, it was reported mostly that the child abuse case is within the family itself, and not on acts of abuse perpetrated by strangers.

In fact, many recent cases or proven cases of abuse shows that the parents themselves or someone entrusted with a child's care who are the one who committed the abuse.

Therefore, the objective of this legal project is to know whether a child should be allowed to give evidence, after knowing that several dilemmas may take place when a child is giving evidence in court. Besides, this research is also to promote accurate knowledge and understanding of children and their ability to give evidence, as well as to know the admissibility of child evidence under Malaysian law as well as to some other countries like Netherlands, Pakistan, India and Hong Kong.

Referring to the Perspective of International Law as regard to this matter, it is vital to take a look to the United Nations Convention on the Rights of the Child (1989) as well as United Nations Guidelines on Justice Matters Involving Child Victims and Witnesses of Crime. The United Nations Convention on the Rights of the Child 1989 (UNCRC) is an international treaty that establishes human

right standards for children[5]. Malaysia acceded to the UNCRC on 17 February 1995 and initially ratified the Convention with twelve reservations, which express a government's disagreement with certain provisions in the treaty while still approving the treaty as a whole.[6]

By virtue of Article 12(2) of the UNCRC, it provides that the child shall be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child. However, it must bear in mind that this right is not absolute. Article 12(2) of the Convention envisages that this right to be exercised in a manner consistent with the procedural rules of national law. The significant of procedural laws exist in national law is to ensure that the court is able to trust any testimony given by a child in judicial proceeding.

Furthermore, In relation to child witnesses, according to the international standards it suggests that testimony given by a child should not be simply declared inadmissible. Paragraph 18 of the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, presume that every child should be treated as a capable witness which subject to examination[7]. Meaning to say, a child is to be deemed as a capable witness and his or her evidence is admissible unless and until it is proven otherwise by means of examination in court.

Malaysian Law Perspective: Competency of Child Witness under Evidence Act 1950

Section 118 of the Evidence Act 1950 deals with the competency of witnesses. In the law of evidence, competency means that there is no legal reason why the person concerned should not give testimony in court. Section 118 states the categories, which make a person incompetent to give evidence. The court in this context has to decide based on the intellectual capacity and understanding of witness whether he or she can give a rational account of his or her action or what he or she has heard[8]. This section therefore provides that all persons are competent to testify unless they are, in the opinion of the court, (a) unable to understand the questions put to them or (b) unable to give rational answers to those questions owing to (i) tender years, (ii) extreme old age, (iii) disease whether of mind or body, or

(iv) any other such cause of the same kind[9]. The explanation to the section provides that a mentally disordered person or a lunatic whom capable of understand the questions put to him and giving rational answers then may become competent witness.

As far as child evidence is concerned, although a child can be a competent witness, courts generally do not rely absolutely on the evidence of the child if such evidence is uncorroborated. The court must be sure that the witness understands the question and whether he is able to give rational explanation of what he has seen or heard or done on a particular occasion[10].

Therefore, it must bear in mind that no precise age is fixed by Malaysian law within which they are absolutely excluded from giving evidence on the presumption that they have not sufficient understanding. The intellectual capacity of a child to understand questions and to give rational answers is the sole test of his testimonial competency and not any particular age.

It is vital to cross-refer to Section 90(9)(b) of the Child Act 2001 whereby it allows the child to give sworn evidence or make any statement when making his defense.[11] The law that deals on evidence of child of tender years in Malaysia is provided under Section 133A of Evidence Act 1950.

It provides that where a child of tender years who is called as a witness does not, in the opinion of the court, understand the nature of an oath he may given unsworn evidence if the court is satisfied that he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth[12]. Meaning to say in the case if the court is in opinion that the child does not have competency to give sworn evidence or does not really understand the nature of an oath, his evidence may still be accepted by producing unsworn evidence within the ambit of Section 133A of the Evidence Act 1950 provided that he possesses sufficient intelligence and understands the duty of speaking the truth in order to justify the admissibility of his evidence. However, it is clear that Evidence Act 1950 does not define the meaning of sufficient intelligence, therefore such term may refers to an understanding of the obligation to speak the truth, having a sufficient memory to retain

an independence recollection of the past events occurrence and having the capacity to communicate memories of the event in response to questions at trial[13]. However, it should be noted that this section applies only to unsworn evidence meanwhile the law relating to the sworn evidence of a child is still governed by the rule of prudence.

Section 133A which was introduced in the Evidence Act 1950 is the equivalent of Section 38 of the English Children and Young person Act 1933 (repealed since 1991).[14] It is stated that in England, prior to 1993, children could testify in criminal proceedings only if they were found competent to swear the same oath as adult witness.

The competency of a child could never be presumed[15]. Even for the purpose of giving unsworn testimony, it will still necessary to establish by positive means that the child understood the ordinary duty of telling the truth. It was the duty of a court or judge to determine competence and proper level of competence before proceeding to admit evidence from a child. This could involve the child being asked question by the trial judge and it could also involve the calling of expert opinion evidence from child psychologist[16]. If a child was allowed to testify without such prior examination, any conviction based on that child evidence was liable to be quashed on the ground of material irregularity.

However, in Malaysia, there is no specific procedure for the inquiry, it is sufficient for the trial court to adopt its own process to ascertain the child's capacity[17]. Heliliah JCA in *Public Prosecutor v Chan Wai Heng*,[18] stated that the notes of evidence recorded by the session judge incorporated as a process by which he had formed his own satisfaction that the child witness SP7 in this case did not understand the oath or affirmation. Thereafter certain question were posed to SP7 after which it was later recorded by the session court judge that SP7 is possessed of sufficient intelligence and understand the duty of speaking the truth.

Whether the unsworn evidence of a child must be corroborated?

What mean by corroboration is define in the English case of *R v Baskerville*,[19] where it states that evidence in corroboration must be independent testimony which affects the accused by connecting or

tending to connect him with the crime. In other words, it must be evidence, which confirms in some material particulars not only evidence that a crime has been committed but also the prisoner committed. It is in fact evidence, which is relevant, admissible, and credible, and independent and which implicates the accused person in a material particular.

The above definition of corroboration has been adopted in the Malaysian case of *Attan b. Abdul Ghani v PP*,[20] whereby Sharma J has summarized the corroboration rules as follows.[21] :

1. There must be some additional evidence rendering it probable that the story of the complainant is true and that it is reasonably sure to act upon it.
2. The evidence must come from independent sources.
3. It must implicate the accused in the material particular. It confirms that the accused committed the crime.

There is now a requirement in law that the unsworn evidence of any child of tender years has to be corroborated by some material particular in support implicating an accused before he can be convicted. Abdul Malik Ishak J. in the case of *Sidek bin Ludan v Public Prosecutor*,[22]

> *"A conviction cannot stand on the uncorroborated evidence of an unsworn child witness. It is insufficient for the trial court to merely administer warning on the dangers of so convicting as the amendment now makes it a rule of law, more explicitly, that the evidence of an unsworn child witness shall be corroborated."*

Alauddin JCA in *PP v Richard Devadasan,*[23] stated that PW5 was 13 years old at the time of giving evidence. However that puts him at only 11 years old at the time of the incident. In dealing with the evidence of a child of tender years, it must always be remember that evidence of a child must be regarded with suspicion because it is a matter of common knowledge that children at times find it difficult to distinguish between reality and fantasy. They find it difficult after a lapse of time to distinguish between the result of observation and the result of imagination. Juries should be invited to consider their own experience in connection with stories told by children. It is the

sound rule of practice not to act on the uncorroborated evidence of a child, whether sworn or unsworn, but this is a rule of prudence and not of law. Besides, though normally a child does not have the same temptation to take sides and speak falsehood. Nevertheless there is a danger in placing absolute reliance upon the evidence of a child witness as adults who have interest in this case can easily influence it. Therefore the evidence of a child witness is to be taken with great caution.

The Federal court in dealing with the same issue in *Loo Chuan Huat v Public Prosecutor,*[24] mentioned that the rule is that the jury must be warned that it is unsafe to act on the evidence of a child unless it is corroborated in material particulars implicating the accused.

On the evidence available before him the learned judge found that there was no corroboration to the evidence of PW5. In this case, the statement made by PW8 (respondent friend) is contradicted to the statement made by PW5 and not corroborating it. The next thing to consider whether there is corroboration of PW5 evidence by the evidence of PW3 (his mother). According to PW3 when she rushed to the living room from the kitchen the deceased was already lying on the floor. When the attack took place PW3 was actually in the kitchen as such PW3 evidence could not in any way corroborate PW5 evidence.

Child Evidence Under Islamic Law

It should be noted that one of the conditions for the testifying witness in Islam is that such person must be *baligh* (age of majority) before his or her testimony can be accepted. The Maliki jurist however accepts the testimony of a child for blood related offences (*al-dima*) in emergency cases[25]. The child nevertheless must be a *mumayyiz* (of the age of discernment) and was present at the occasion and there was no other adult witnessing the event.

The Hanbalis also accepts the testimony of a child in injury cases on the condition that that the testimony of the child must be given before he or she leaves the scene of the incident because such circumstances will show that the child is speaking the truth and still

remembers the event well[26]. Meanwhile, according to the report quoting Ahmad Ibn Hanbal, it stated that the testimony of a child will be accepted if the child is above ten years old. With regard to this narration, Ibn Hamid is in the opinion that the testimony of the child above the age of ten will be accepted in all cases except for *Hudud* and *Qisas*. [27] In fact, the admissibility of such evidence is the same as in the case of slave.

Therefore, from the discussion above we can see that generally, a child lacks the competency to give evidence in Islam. This is in contrast with the common law position where the general rule states that infancy does not render a witness incompetent.

Reasons for the Muslim jurists to put certain limitations on competency of children in giving evidence because they feel that a child lacks understanding and discerning power which is inherent in persons of tender years, which then preventing them from understanding the nature of certain events.[28] The authorities from the Holy Quran will be now examined in order to determine the competency of child witness in Islam.

For instance, the child testimony has been illustrated by Allah SWT in Surah Maryam verse 27 when Allah mentioned:

> *"Then she brought him (the baby) to her people, carrying him. They said, "O Maryam! Indeed you have brought a thing* Fariyya *(an unheard mighty thing)".*

It was in the case of Prophet Isa (pbuh) that a testimony was made by him when he was only an infant. As a result, such testimony helped to clear his mother, which is Maryam from the accusation of adultery. The above verses of Al-Quran signify that the people were protested when they saw Maryam was carrying a baby in her arms. This is because when a woman is seen carrying a newborn baby, it is on assumption that she is married. Otherwise, it will be held that she had committed adultery. But upon heard the newborn baby (the Prophet Isa pbuh) speaks, they now started to believe the truth.[29] Though people somehow will argue that the Prophet Isa A.S was a child who has been given a special ability to speak while he was still a baby during that time, but the significant of this case indirectly is

to show to the people the admissibility of child's evidence in Islamic Law.

Besides, under the Islamic law, the evidence of a child may be accepted in certain cases to preserve and protect the rights and interest of people. A good example can be seen through legal maxim states that, "Hardship begets facility" means a strict to the rule of law can cause difficulty and hardship to the people in certain circumstances. Therefore, in this context, it is necessary to lighten the burden of the people and to disregard the general rules in certain exceptional circumstances in order to avoid any injury or injustice from its application.[30]

Under the Malaysian law, The Syariah Court Evidence (Federal Territories) Act 1997 by virtue of Section 83(1) of the Act provides that all Muslims shall be competent to give *syahadah* or *bayyinah* as witnesses provided that they are *aqil*, *baligh*, *adil*, have a good memory and are not prejudiced.[31]

Section 83(4) of the Act further provides that a person who is not *baligh* or a person who is of unsound mind is competent to give *bayyinah* but not competent to give *syahadah*.[32] Nevertheless, the explanation to this subsection stipulates in some cases the *syahadah* of a child can be accepted as long as there is no enmity between them.

In making a comparison with the Evidence Act 1950 and Syariah Court Evidence (Federal Territories) Act 1997, it can be said that there is no specific requirement of corroboration on the evidence of a child in latter statute. In contrast under the Evidence Act 1950, Section 133A specifically mentions that where the unsworn evidence of a child is given on behalf of the prosecution, the accused shall not be liable to be convicted of the offence unless that evidence is corroborated.

Section 86 of the Syariah Court Evidence (Federal Territories) Act 1997 provides a rule regarding the number of witnesses.[33]

(1) A claim by a person who is known to be rich that he has become a pauper is not sufficient to prove his claim unless it is corroborated by the evidence of three male witnesses.

(2) In the case of sighting of the new moon, the evidence of one male person who is adil shall be sufficient to prove such fact.
(3) The evidence of one male person shall constitute sufficient proof in the following circumstances:
    (a) Evidence of a teacher in a case involving school children;
    (b) Evidence of an expert in the valuation of damaged goods;
    (c) Evidence as to the acceptance and rejection of witnesses;
    (d) Notification of dismissal of a representative;
    (e) Evidence as to the defects in any goods for sale.
(4) Evidence of a female person is sufficient to prove any fact, which is usually seen within the knowledge of a female person.
(5) Except as otherwise provided in this section, one male and two female witnesses shall give by two male witnesses or evidence.

Based on the above provisions, it did not state any explicit requirement for corroboration on the evidence of a child. However it seems that the availability of only one child witness to give evidence in Syariah court may not be sufficient since subsection (5) of Section 86 clearly provides that evidence shall be given by two male witnesses or by one male and two female witnesses.[34]

Therefore, it can be seen that under civil law it clearly requires corroboration for children's evidence, meanwhile the Islamic law laid down various conditions to strengthen the evidence of children which includes consistency of the witnesses, elimination of any possibility of being taught by others and capability to understand the testimony.

Admissibility of Child Evidence in Other Jurisdictions

The Position in Netherlands

Compare to other states like United States, the research on the topic of child evidence is still rare in Netherlands. As in the Netherlands, children rarely testify instead specially trained expert will interview the child witness then testify themselves regarding children statement.[35] However, the child witness in Netherland is restricted to sexual abuse victims. If child of sexual abuse is reported, the alleged victims usually are interview by specially trained police officers or

court appointed expert witness. Dutch professional have used SVA (Statement Validity Analysis) as a method of assessing child sexual abuse complaints for some years. Statement Validity Analysis is known as a method of structuring an assessment of child sexual abuse complaints by systematically collecting and examining information from children interview and other relevant case facts.[36]

This method includes Criteria-based contents analysis (CBCA), and the evaluation of other data, such as psychological characteristic, interview characteristic, behavioral indicators, motives to report, the context of original disclosure or report, pressures to report falsely, the relationship between the child and the alleged perpetrator, the history of the statement and biographical information (all of which are addressed in the SVA Validity Checklist)[37]. It is said that the justification or significant behind this approach is to shield the children from the trauma of testifying.

The Position in Pakistan

Up till 1984, Pakistan's law of evidence was governed by an 1872, British introduced legislation. In 1984, the laws of 1872 were changed by a *Qanun-e-Shahadat* Order 1984. A lot of the 1872 legislation was however, adopted by the 1984 law[38]. One such example was Article 3. This Article stipulates who can testify as a witness[39]. This Article 3 states:

> *"All persons should be competent to testify unless the court considers that they are prevented from understanding the questions put to them, or from giving rationale answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind; ……"*

It should be noted that the words "tender years" do not specify any particular age of a witness but it refers to the capacity of a witness to understand things and then how to reply to them which made them qualify him as a competent witness. This means under the law of Pakistan, there is no precise age that determines the question of competency[40]. In this context, it can be said that a minor is only restricted to testify any fact before the court if he or she is found not yet able to understand the question put forward upon them and their failure to give rational answers to the said questions.

Nevertheless, in the case if children of minority age or tender age have not created any impediments to understand the question or to give rational answers, then in such circumstances their testimony will be counted as a valid one. Likewise in the case of *NazirHussain v State,*[41] where it was held that the testimony of an eight-year-old girl was accepted and she was considered to be a competent witness.

From this explanation above, it can be seen that what law requires is not the factor of age but the intelligence of a particular child witness in the circumstances of the case through his appreciation of the difference between falsehood and truth as well as his duty to tell the latter.[42]

However, it was held consistently by the court that a testimony of a child must only be accepted after great caution and inspection. This is because it is a nature of children often mistake dreams for reality, and are greatly influenced by fear of punishment, as well as by hope of receiving reward.

Nevertheless, it is said that under Pakistan law, it is upon the discretion of the court to decide whether a child is or is not disqualified to be a witness due to the reason of lack of understanding. There is no statutory provision of law that requires the court to test the intelligence of a child witness at the initial stage to find out whether he is capable of understanding questions and giving intelligent answers[43]. It is agreed that it is desirable the intelligence of the child witness should be tested before commencement of his examination so that if he is found deficient in intelligence, thus valuable time of the court may be saved by not examining him. Referring to the case of *Panchhi v State of UP*,[44] it is stated that the evidence of a child witness would always stand irretrievably stigmatized. It is not the law that if the witness is a child the evidence shall be rejected, even if it is found reliable. The law is that, the evidence of a child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell him or her and thus he or she is an easy prey.

As regard to how the child may be tested, it has been practice for a long time that a judge should put simple and ordinary questions to a child witness and should then record the answers received. Then

there should be briefly record observations by the judge in which later they need give a ruling as to whether in his opinion the child has the capacity to testify.

The Position in India

It should be noted that there are no recommendations being discussed in India regarding the need to accommodate child witness in the legal system, and there are no relevant case precedents[45]. This means that children may not testify against adults either on their own behalf or on the behalf of others. For instance, it is rare that children are witness to dowry death. Dowry death is refers to a relatively new method of spousal abuse, where women are burned to death by their spouses or in their laws so that the husband may remarry for another dowry.[46] Even in the case if the children may have witnessed dowry deaths, but their testimony will not be admissible in the court.

The only time under which they may appear in court in cases related to adult such as when their parents asking for divorce. In the case if the children are over 10 years of age, they may be included in court proceedings and allowed to state whether they wish to stay or live with their mother or father. Nevertheless, their level of involvement is limited to stating their preference.

It is clear that the west has used child witnesses for a number of years, and in fact their contributions have been instrumental in affecting the court decision but this kind of practice is not used in India. The answer may lie in differing societies perception toward children[47]. It is well known that in India children are socialized to be docile and submissive and to accept adult values and directions. In this context, children are expected to be seen but not to be heard. Furthermore, the Indian law viewed that children are not deemed capable of making sound decision, and although it is believed that they are an important resources but it does not get realized until only they reach the adulthood.[48]

Until that particular time come, they are considered to be highly vulnerable and in need protection, and this kind of protection include being protected from the trauma of having to raise their voices against adults who harm them.

Therefore, it can be summarized that the recognition of children in India does not truly include recognizing their ability to make choices or their courage to serve as witness even on their own behalf. Through all of this, it can be said that children do not have a voice in India and specifically not a voice against adults.[49]

The Position in Hong Kong

The relevant legislation that governs the evidential status of children is found in Section 3 and 4 of the Evidence Ordinance (1992).[50] Section 3 of Evidence Ordinance provides "The following persons only shall be incompetent to give evidence in any proceedings (a) Children under 7 years of age, unless they appear capable of receiving just impression of the facts respecting which they are examined and of relating them truly."

The law of Hong Kong indeed has different definitions for the word child. For instance, under the Reformatory School Ordinance (1991) and Juvenile Offenders Ordinance (1991) defined child means a person under the age of 14.[51] However, in another laws such as Employment Ordinance (1992) it is defined as 15.[52] In this context, it can be said that whether a person regarded as a child under tenders years then left to the discretion of the court to decide. Referring to the case of *Chan Chi v R* (1968), [53] a 14 years old boy became a prosecution witness as the judge did not think the boy looked of tender years. Besides, in the case of Tam Hoi Hon v R (1963)[54], it is said that a 12 years old prostitute had been sworn and evidence taken without some previous inquiry by the judge in assessing her capacity to understand the oath. The appeal court however was in the opinion that the child had attained a maturity considerably beyond that normally associated with a child of 12 years.

As regard to the issue of corroboration, Section 4 of the Evidence Ordinance 1992 states that unsworn evidence of a child is admissible if the child is sufficiently intelligent and manages to understand the duty of speaking the truth.

The trial judge has directed the jury that the unsworn evidence must be corroborated[55]. In the case if there is omission of this direction

from the trial judge this may lead the court to quash the conviction like what happened in the case of *Yeung Ming v R* (1966).

Conclusion

It is irrefutable facts that the phenomenon of child sexual abuse and other case related to child has become increasingly common to modern society nowadays.[56] In Malaysia, the public, as well as related professionals, in the past often perceived instances of child abuse to be isolated cases rather than part of a widespread phenomenon. As a result, child maltreatment did not receive widespread attention until late-80s when a few high-profile abuse incidents of children were highlighted in the media. For instance, it was reported last year in Sungai Petani where the police found the body of the two-year-old boy wrapped in a comforter and placed in a fish container in a room. Meanwhile, the boy's four-year-old elder sister was found badly injured from physical abuse and was rushed to the Sultan Abdul Halim Hospital. Pursuant to that, a women and her boyfriend aged 26 and 34 respectively were remanded by the court for the purpose of investigation. Apart from that, one of the case caught the attention of the public recently is on the case of Mohamad Thaqif Amin, an 11-year-old boy whose legs were amputated following alleged physical abuse by an assistant warden at a religious school in the Malaysian state of Johor. He had both his legs amputated on April 22, 2017 due to an infection. From the discussion above, we can see that child abuse can comes in many forms such as physical harm, neglect, social harm, sexual abuse and emotional harm.

Therefore, it is submitted that it would be unfair for child witnesses to be totally prohibited from giving evidence in court for all types of cases without clearly proving whether or not he or she is a competent witness to testify at the first instance. Giving them (children) to testify the incidents may in fact allow them to be more courage to act against the proprietor of the case.

Even under Islamic laws, there are several exceptions to the general rule of children's evidence whereby a child may give evidence in certain cases as has been previously discussed.

Indirectly, it proves that the evidence of children should not be simply declared inadmissible. Therefore a child witness should be treated as competent witness under the law of evidence unless proven otherwise and subject to certain exceptions; the evidence of children is paramount and essential to be considered as relevant and thus admissible in most criminal cases.

Notes

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11. Ibid, note 6, 5.
12. Ibid, note 10, 1147.
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19. [1916] 2 KB 658.
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29. Ibid, note 6, 15.
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32. Ibid.
33. Ibid, 16-17.
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39. Ibid.

40. Ibid.

41. PLD 1984 Lah 509.

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43. Ibid.

44. AIR 1998 SC 272.

45. Bottoms & Goodman. 1996. *International Perspective on Child Abuse and Children's Testimony Psychological Research and Law.* United States of America: Sage Publications, 277.

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