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Advocates and survivors demand tougher sentences for child sex abusers

Chris Hook | 9NEWS

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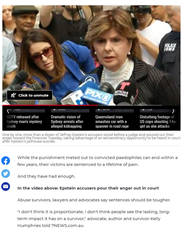

One by one, more than a dozen of Jeffrey Epstein's accusers stood before a judge and poured out their stories of sexual abuse. Their testimony left no doubt that the extravagant world of rich and famous he lived in meant almost anyone's behaviour was fair game.

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While the punishment meted out to convicted paedophiles can end within a few years, their victims are sentenced to a lifetime of pain.

And they have had enough.

In the video above: Epstein accusers pour their anger out in court

Abuse survivors, lawyers and advocates say sentences should be tougher.

"I don't think it is proportionate, I don't think people see the lasting, long-term impact it has on a survivor," advocate, author and survivor Kelly Humphries told 7NEWS.com.au.

"Harsher sentencing would make a lot of difference to recidivism and people continuing to offend and it would also help our survivors feel a sense of justice."

Small price for vile acts

The past few months reveal a long list of the kind of Australian sentences advocates say are not even close to doing justice to the suffering endured by victims.

Shopping centre security guard Mohammad Hassan Al Bayati, who stole a three-year-old girl away from her mother while the pair were in the Homebush DFO playground then sexually abused her, could serve as little as two and a half years.

But the damage to the girl and her family is forever.

"This tragedy squeezed life, positive outlook, trust and happiness out of us in a way that is hard to describe," the child's mother told the court in a victim impact statement.

2017 Homebush Security guard Mohammad Hassan Al Bayati leads his victim away. Credit: 7NEWS

In the first week of August, Geelong Grammar music teacher Malcolm John was jailed for just 9 months for abusing an eight-year-old girl in 2017 and 2018.

A local advocate, who goes by the name 'Michael Advocate', told the Geelong Advertiser the result was disappointing.

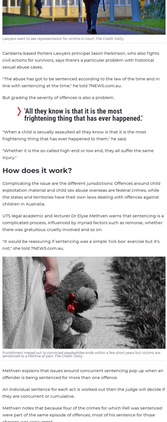
"Eleven months' jail for destroying a young girl's life [is] totally out of touch with the community's expectations," he said.

Convicted predator and music teacher Malcolm John. Credit: 7NEWS

And disgraced Catholic cleric George Pell - who maintains his innocence and is understood to be considering an appeal to the High Court - could serve as little as three years an eight months in prison, despite assaults on two choirboys in the mid-1990s.

He was found guilty of the oral rape of one of the 13-year-old boys, molesting another and then assaulting one of the boys again.

One of the victims is now dead and his father said through his lawyer he was "disappointed" and the sentence was "inadequate".



Disgraced cleric George Pell. Credit: Andy Brownbill/AAP

Also in early August, 60-year-old Perth lollipop man Michael Cyril Hyde, was handed a minimum 10-and-a-half year sentence for molesting three girls between 2011 and 2016.

One of his victims was just 22 months old.

And he filmed himself doing it, adding his own depraved efforts to a collection of thousands of child exploitation videos.

But the US, in July, a Florida man who filmed himself having sex with a one-year-old was jailed for 70 years.

Survivors 'ripped off'

"There is definitely a disparity between what happens in the US and what happens in Australia - in the US they don't mind building prisons," anti-abuse campaigner and Bravehearts executive director Hetty Johnston told 7NEWS.com.au.

Anti-abuse campaigner Hetty Johnston says sentences need to be tougher. Credit: David Caird/AAP

"The law here holds the civil rights of dangerous sex offenders higher than the rights of children not to be abused."

Melbourne-based lawyer Judy Courtin, whose practice Judy Courtin Legal seeks compensation for abuse survivors through civil action in the courts, says many of her clients feel "ripped off" by the sentences handed out.

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She sees a confluence of issues contributing to the problem, most obviously guilty plea deals to lesser charges and a lack of victim representation in criminal cases.

"Often if offenders plead guilty it will be to a lesser charge," Courtin told 7NEWS.com.au.

She uses the example of an offender pleading guilty to assault rather than anal rape, because the sentence will be much less.

"The convictions don't reflect what happened, so sentencing certainly doesn't reflect it," Courtin said.

> 'It feels like their lives are being toyed with.'

"From a victim's perspective ... it feels like their lives are being toyed with."

Kelly Humphries agrees.

"They [lesser offence guilty pleas] undermine the survivors' story and dismiss the trauma of it," she said.

"As soon as you feel brave enough to step up you take another blow and you feel like you are not good enough and you don't matter."

Moving forward

For these kinds of reasons, Courtin wants to see representation for victims in court, and wrote a submission to the royal commission into institutional child sex abuse recommending as much.

Concurrent sentences are also an issue.

That's where a predator is sentenced for abusing multiple victims and is sentenced for each, but serves them all at once, instead of one after another.

Lawyers want to see representation for victims in court. File Credit: Getty

Canberra-based Porters Lawyers principal Jason Parkinson, who also fights civil actions for survivors, says there's a particular problem with historical sexual abuse cases.

"The abuse has got to be sentenced according to the law of the time and in line with sentencing at the time," he told 7NEWS.com.au.

But grading the severity of offences is also a problem.

> 'All they know is that it is the most frightening thing that has ever happened.'

"When a child is sexually assaulted all they know is that it is the most frightening thing that has ever happened to them," he said.

"Whether it is the so-called high-end or low end, they all suffer the same injury."

How does it work?

Complicating the issue are the different jurisdictions. Offences around child exploitation material and child sex abuse overseas are federal crimes, while the states and territories have their own laws dealing with offences against children in Australia.

UTS legal academic and lecturer Dr Elyse Methven warns that sentencing is a complicated process, influenced by myriad factors such as remorse, whether there was gratuitous cruelty involved and so on.

"It would be reassuring if sentencing was a simple 'tick box' exercise but it's not," she told 7NEWS.com.au.

Methven's report on 'we've made it so difficult' found that within a few short years of a victim's testimony a majority of child sex offenders were back in the community.

Methven explains that issues around concurrent sentencing pop up when an offender is being sentenced for more than one offence.

An individual sentence for each act is worked out then the judge will decide if they are concurrent or cumulative.

Methven notes that because four of the crimes for which Pell was sentenced were part of the same episode of offences, most of his sentence for those charges was concurrent.

'We've made it so difficult'

Humphries was abused for seven years - her assailant got four years with a minimum of 18 months.

"And I'm still serving my time," she said.

But at least he was convicted.

> 'The most horrendous things happen to them and it just gets thrown out of court.'

"People have had the most horrendous things happen to them and it just gets thrown out of court," she said.

And Humphries is tough. She works as a police officer.

Other survivors don't necessarily have the same well of resilience to draw from.

She says it is still too hard for victims of such vile crimes to do something about it.

> 'The biggest hurdle is ... reporting it.'

"The biggest hurdle is disclosing the offence and reporting it, then you have to go through the investigation period," Humphries said.

Then there is the ordeal of giving evidence and 'talking about the most shameful thing to ever happen to you in the public space'.

"We have made it so difficult for people to speak up about it because they don't think justice will be served, so they think 'why bother?'"