

**A TRAINING PROGRAM FOR INTERMEDIARIES
FOR THE CHILD WITNESS
IN SOUTH AFRICAN COURTS**

by

ULRIKE CHARLOTTE WANDA SCHOEMAN

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PROMOTER: DR. J.M.C. JOUBERT

OPSOMMING

**‘N OPLEIDINGSPROGRAM VIR DIE TUSSENGANGER VIR DIE
KINDERGETUIE IN DIE SUID AFRIKAANSE HOF**

deur

Ulrike Charlotte Wanda Schoeman

Promotor: Dr. J.M.C Joubert
Departement Maatskaplike Werk en Kriminologie
Universiteit van Pretoria

Graad: Doctor Philosophiae (Maatskaplike Werk)

In hierdie studie word daar gekonsentreer op die ontwikkeling, implementering en evaluering van ‘n navorsings-gebaseerde opleidingsprogram vir die tussenganger in die Suid Afrikaanse hof met die doel om die tussenganger se kennis en begrip vir die rol en pligte van die tussenganger te verbeter. Die motivering vir die studie het sy oorsprong in die feit dat die adverseriële aard van hofverrigtinge ‘n struikelblok vir die kindergetuie is. Die navorsings probleem, naamlik dat daar geen nasionale navorsings-gebaseerde opleidingsprogram vir tussengangers in Suid Afrika is, word bespreek.

Daar is van intervensie navorsing as ‘n navorsingsmetodologie gebruik gemaak en ‘n twee fase navorsingsbenadering is gevolg. ‘n Kwantitatiewe opname navorsingsontwerp is tydens die eerste fase gebruik. Die navorsingsvraag wat vir die eerste fase geformuleer is, is: *Wat is die pligte en rol van ‘n tussenganger?* Selfontwerpte vraelyste is voltooi deur 54 landroste en 34 staatsaanklaers, wat vier verskillende werksinkels bygewoon het. Hierdie data het die literatuurstudie gekomplimenteer en beide is gebruik om ‘n opleidingsprogram vir tussengangers saam te stel.

Die kwantitatiewe benadering is ook vir die tweede fase van die navorsing gebruik. 'n Kwasi-eksperimentele een groep voortoets-natoets ontwerp, is gebruik. 'n Assesering deur middel van 'n vraelys is voor die aanvang van die opleidingsprogram onderneem. Dit assesering is weer herhaal na die aanbieding van die opleidingsprogram. Dit is gedoen om die effektiwiteit van die program te bepaal. Die navorsingshipotese was as volg geformuleer: *Indien 'n tussenganger volgens 'n navorsings-gebaseerde opleidingsprogram opgelei word, sal die tussenganger se kennis van die rol en pligte vir die hulpverlening aan die kindergetuie voor, tydens en na die verhoor, in die Suid Afrikaanse howe verbeter.*

'n Vyf-dag opleidingsprogram was geïmplementeer. Die hipotese is bevestig nadat die data geanaliseer en met die literatuur vergelyk is.

In hoofstuk twee is die impak van die Suid Afrikaanse regstelsel op die kind as getuie bespreek en in hoofstuk drie, vier en vyf is alle aspekte van kinderontwikkeling, met spesifieke klem op die kindergetuie wat in 'n aparte vertrek moet getuig, bespreek. Kognitiewe ontwikkeling en taal ontwikkeling is in die konteks van die kindergetuie bespreek. Hierdie inligting is gebruik vir die ontwikkeling van die opleidingsprogram. In hoofstuk ses is die ontwikkeling van die opleidingsprogram uiteengesit met die klem op uitkomsgebaseerde onderrig gegee. In hoofstuk sewe is al die data wat versamel is, gekwantifiseer, geanaliseer en geïnterpreteer. Hieruit kan die gevolgtrekking gemaak word dat die respondente 'n verbetering in hulle vaardighede en kennis sowel as hulle pligte en teoretiese kennis as 'n tussenganger getoon het. Hulle het ook getoon dat hulle praktiese vaardighede verbeter het as gevolg van die opleidingsprogram. Die gevolgtrekking kan dus gemaak word dat die opleidingsprogram vir tussengangers suksesvol geïmplementeer is en voldoen aan die vereistes van 'n uitkomsgebaseerde opleidingsprogram. Die bevindinge wat verkry is, dui aan dat opleiers van tussengangers oral in Suid Africa die ontwikkelde opleidingsprogram suksesvol kan toepas.

Gevolgtrekkings en aanbevelings in hierdie studie word gegee in ooreenstemming met die proses wat gevolg is in die ontwikkeling en implementering van die opleidingsprogram vir tussengangers wat die kindergetuie bystaan in die hof.

SUMMARY

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University of Pretoria

Degree: Doctor Philosophiae (Social Work)

This study concentrates on the development, implementation and evaluation of a research based training program for intermediaries in South African courts in order to improve the intermediary's knowledge and understanding of the role and duties of an intermediary. The motivation for this study had its origin in the fact that the adversarial nature of court proceedings is a major stumbling block for the child witness. The research problem, namely that there is no national research based training program for intermediaries in South Africa, was discussed.

Intervention research was used as research methodology and a two phase research approach was undertaken. A quantitative survey research design was used during the phases. The research question formulated for the first phase was:

What are the duties and role of an intermediary? 54 magistrates and 34 prosecutors who attended four workshops, completed a self-structured questionnaire. This data complemented the literature study and both were used to compile a training program for intermediaries.

The quantitative approach was also used for phase two of the study. A quasi-experimental one-group pretest-posttest design was used. An assessment by means of a questionnaire was done before the training program started and was repeated again after the presentation of the training program to determine the effectiveness of the program. The research hypotheses that was formulated was: *If an intermediary is trained according to a research-based training program, the intermediary's knowledge of her role in assisting the child before and during the trial in a South African court will be improved.* A five-day training program was implemented. The hypothesis was confirmed after the data had been analyzed and compared to the literature.

In chapter two the legal system of South Africa, in respect to the child, was discussed and in chapters three, four and five all aspects of child development were discussed with specific emphasis on the child witness that needs to testify in a separate courtroom. Cognitive development and language development in the context of the child witness were discussed. This information was used to develop a training program. In chapter six the development of a training program was discussed with specific attention being given to outcomes based education. In chapter seven all the data that was collected was quantified, analyzed and interpreted. The conclusion could be drawn that the respondents did show improvement of their skills and knowledge of an intermediary, his/her duties and theoretical knowledge. They also showed that their practical skills had improved by attending the training program. The conclusion could therefore be made that the intermediary training program was successfully implemented and complied with the requirements of an outcomes based training program. The findings obtained indicate that trainers of intermediaries throughout South Africa can successfully apply the developed training program.

Conclusions and recommendations (chapter 8) of this study are put forward in accordance with the process that was followed in developing and implementing the training program for intermediaries who are to assist children when testifying in a court.

KEY WORDS:

Training program
Intermediary
Court preparation
Presiding Officer/magistrate
State prosecutor
Sexual Offences Court
South African legal system
Accusatorial system
Child witness
Child development
Cognitive development
Child communication
Child trauma
Intervention research

SLEUTELTERME:

Opleidingsprogram
Tussenganger
Hofvoorbereiding
Voorsittende beampte/landdros
Statsaanklaer
Seksuele Misdrywe Hof
Suid Afrikaanse regstelsel
Akkusatoriese stelsel
Kindergetuie
Kinderontwikkeling
Kinder kommunikasie
Kinder trauma
Intervensie navorsing

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-

DEDICATED TO:

MY TWO CHILDREN, CARIEN AND JURGENS

AND

MY FATHER, DR. GUNTER GARLIPP

THE SURVIVORS PSALM

I have been victimized.

I was in a fight that was not a fair fight.

I did not ask for the fight, I lost.

There is no shame in losing such fights,

Only in winning.

I have reached the stage of survivor and am no

Longer a slave of victim status.

I look back with sadness rather than hate.

I look forward with hope rather than despair.

I may never forget,

But I need not constantly remember.

I was a victim -

I am a survivor.

(Unknown)

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