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A criminological investigation into the secondary victimisation of child victims in the criminal justice system

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A criminological investigation into the secondary victimisation of
child victims in the criminal justice system

by

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A dissertation submitted in fulfilment of the requirements for the
degree

Magister Artium (Criminology)

In the Department of Social Work and Criminology at the

UNIVERSITY OF PRETORIA

FACULTY OF HUMANITIES

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November 2019



DECLARATION AND ETHICS STATEMENT

I, Samantha van Niekerk, hereby declare that the dissertation '*A criminological investigation into the secondary victimisation of child victims in the criminal justice system*' submitted in fulfilment of the degree MA (Criminology) at the University of Pretoria is my own independent work and had not previously been submitted for a degree at another university. In addition, I declare that all sources that I have used or quoted have been indicated and acknowledged.

The author, Samantha van Niekerk, also declares that she has obtained ethics approval for the research described in this dissertation.

In addition, the author declares that she adhered to the ethical standards required in terms of the University of Pretoria's Code of ethics for researchers and the Policy guidelines for responsible research.

A handwritten signature in black ink, appearing to read 'S. van Niekerk'.

Samantha van Niekerk

28 November 2019

Date

ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to the following individuals:

- The interview participants who provided phenomenal insight into the experiences of child victims. Without your perspectives this research would not have been possible.
- The Teddy Bear Clinic for Abused Children for providing me with the opportunity to conduct research with your personnel.
- My humble appreciation goes to Combined Private Investigations, for the financial assistance which allowed me to further my education and gain valuable insight into a field that I am passionate about.
- My sincere gratitude goes to my supervisor, Dr. Laetitia Coetzee, for the indescribable guidance that you provided. Your patience, wisdom and words of affirmation assisted me in enjoying the entire research process.
- A heartfelt thank you goes to my family and friends for the unconditional love and constant support.
- Brendon, there are no words great enough to say thank you for your love and encouragement. You never fail to push me to do the absolute best that I can.



SYNOPSIS OF THE DISSERTATION

A dearth in research pertaining to the secondary victimisation of child victims in the criminal justice system (CJS) exists. The study set out to conduct a criminological investigation into the prevalence and nature of secondary victimisation of child victims, identifying whether current policies and legislation are enforced in practice, and considering and describing measures which should be taken to reduce the occurrence of secondary victimisation of child victims in the CJS. In order to achieve this aim, a qualitative research approach was applied and Piquero and Hickman's extended control balance theory guided the study.

Eleven semi-structured interviews were conducted with role-players who have at least two years' experience working with child victims in the CJS. These role-players consisted of one social worker in private practice and social workers from the Teddy Bear Clinic for Abused Children. By utilising thematic analysis, distinct themes and sub-themes were identified.

The results indicated that child victims invariably encounter secondary victimisation whilst proceeding through the CJS. This victimisation was reiterated to be related to various criminal justice professionals who deal with child victims without the sufficient training and knowledge needed. The effect of secondary victimisation was proven to be substantial on child victims and showed to often result in withdrawal, delinquent behaviours as well as suicidal tendencies. The majority of the participants affirmed that the current provisions, although powerful in theory, are not being enforced in practice and expressed the dire need for training to be provided to all professionals who engage with child victims.

KEY TERMS:

Victim, child, child victim, victimisation, secondary victimisation, criminal justice system, victim vulnerability, re-victimisation.



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CHAPTER 1: INTRODUCTION AND PURPOSE

“History will judge us by the difference we make in the everyday lives of children”

~ Nelson Mandela

1.1. INTRODUCTION

The Service Charter for Victims of Crime in South Africa was officially launched in November 2007, amalgamating the current legal framework on victims' rights with the essential services to be rendered to them. The Charter was introduced with the aim of ensuring that victims are the key focus in the criminal justice process, as well as to eliminate secondary victimisation from occurring (Brand South Africa, 2007). Bruce (2013:100), alludes to the fact that apart from primary victimisation, the process of proceeding through the criminal justice system (CJS) can be a daunting task for any survivor. With the possible addition of insensitive or disrespectful treatment by officials, a victim can be traumatised even further. This apathetic treatment can be extended by police members, prosecutors, and other role-players within the CJS. In addition, the process of cross-questioning is often considered a concerning exercise, especially when children are involved.

Earlier studies, focusing on the victimisation of children and youth, emphasised individual types of victimisation in order to create prevention plans and response strategies. Although this is vital to the creation of effective strategies, it does not incorporate the array of victimisations experienced by children during their childhood. When children experience one type of victimisation, it makes them susceptible to other forms of victimisation. This, in turn, generates a vulnerability across all aspects of the child's life (Leoschut, 2017). Negative treatment, whether it be insensitivity or disrespect by criminal justice officials, who these victims encounter following the primary victimisation, can be referred to as secondary victimisation (Bruce, 2013:97). The first step to understanding this vulnerability and how it occurs in practice is through the eyes of role-players (e.g. practitioners in the CJS cluster and helping professions) who work closely with these children.

There is limited information available with regards to secondary victimisation of victims in general, especially in the South African context. Moreover, the dearth of research pertaining to secondary victimisation of child victims is even more prevalent. It is believed that the current research, investigating the secondary victimisation of children in South Africa by analysing the opinions of role-players who work directly with these children, will be advantageous as it is

challenging to conduct research with child victims due to ethical constraints. Due to the voice of children often not being heard, role-players who work with child victims would be able to shed light on this under-investigated phenomenon. Knowledge pertaining to the secondary victimisation of child victims in the CJS can be used to improve or redirect current practices.

1.2. ORIGIN OF THE STUDY

With children being the future leaders of a country, protecting and guiding them is of paramount importance, even more so subsequent to negative events occurring in their lives. A SABINET search of journal articles, books and other sources related to the topic under investigation was done, after which it became clear that a dearth in research exists in South Africa regarding the experiences of child victims who come into contact with the CJS. Moreover, it is apparent that there is a lack of South African research focusing on the prevalence of and types of secondary victimisation experienced by child victims. Based on this dearth of research, an interest was sparked to explore whether these child victims succumb to further or secondary victimisation throughout the CJS process, and if it occurred, what the nature of such victimisation is. In addition, the researcher wanted to find out which policies and legislation are currently in place, to protect child victims from secondary victimisation, and whether it is enforced in practice. The current study focuses on children who have succumbed to various types of victimisation (e.g. neglect, physical abuse and sexual abuse). Due to a dearth in research, it is very difficult to obtain statistics and to ascertain the extent of the phenomenon. The researcher could only obtain statistics from two sources. One in which Charles (2018) states that of the 124 526 rapes which were reported over the past 3 years in South Africa, 41% of these rapes were committed against minors. He further mentioned that researcher Stefanie Röhrs from the Children's Institute had pronounced that the problem faced is that current policies and laws are not being implemented. The second source being the South African Police Service (SAPS) annual report (Crime situation in RSA, 2018) which stipulates that between 2017 and 2018, 43 540 children were victims of various crimes. With the available statistical information articulating that an innumerable number of children are being victimised, it is insightful to investigate the secondary victimisation of these children while proceeding through the CJS. Due to the concerning statistics of child victimisation and the lack of research conducted, the current study originated.



1.3. RATIONALE FOR THE STUDY

Very little research has been conducted on secondary victimisation in the South African context, thus there is a need for understanding with regards to this field in order for future prevention plans and strategies to be formulated or refined. It would be advantageous to do a study in South Africa to understand if secondary victimisation of child victims in the CJS is in fact a problem, and if so, provide recommendations to alleviate such occurrences. With regards to child victims of abuse, judicial intervention methods are very often seen as the cause of secondary victimisation. Often, the service providers rendering support and guidance to these victims are not specialised to work with children. Research conducted in Brazil indicates that this results in individuals, who are there to assist in all the processes, post-victimisation, having a lack of training and this limits them to ethically assist the vulnerabilities faced by child victims and witnesses (Rogue, Ferriani, Gomes, Da Silva & Carlos, 2014:71). The dependence that children have, both intellectually and psychologically places them in a vulnerable position, thus the enhanced need to protect them. Children, in general, need guidance in understanding the judicial processes, and the psychological support to undergo these processes. Furthermore, children's rights are more likely to be violated when their circumstances place them in a vulnerable position, such as them being extremely young, having a disability or a dysfunctional family. These children are easily taken advantage of and their rights are often denied (Child Rights International Network, 2018). It is vital to understand if there is a risk for these children in terms of being further victimised or traumatised.

It is also important to take into consideration the fact that if one conducts research with children, their responses might reflect their learned responses and not what they actually feel or believe, especially if they were previously in a manipulative situation. What makes the current research advantageous is the fact that the children will not be interviewed. Instead, the opinions of role-players who work with these children and are aware of the children's views, sentiments and experiences will be obtained. These role-players work within the criminal justice system, offering advocacy to victimised children and guiding them through court processes. Due to their close position when assisting children and their distinctive knowledge of child victims' experiences with the criminal justice system, they are believed to be in the best position to provide insightful information. Since research of this nature could be additionally traumatising and go against the best interest of child victims, it is deemed more sensible to first conduct this research from the perspectives of role-players, who work directly with these children and offer support to child victims, to determine their perceptions regarding the prevalence and the nature of secondary victimisation of child victims in the CJS. This might

yield more accurate findings as the experts are more objective and unbiased. Additionally, each role-player who is a subject matter expert when it comes to children who have been victimised, will provide diverse perceptions based on their unique experiences. Consequently, the research question to be addressed in the current study is: What are the perceptions of role-players regarding the secondary victimisation of child victims in the CJS?

1.4. AIM AND OBJECTIVES

The aim of the current study is to conduct a criminological investigation into the secondary victimisation of child victims in the CJS. In pursuit of the aim of the study, the following objectives were formulated:

- Investigate the prevalence and nature of secondary victimisation of child victims in the CJS by means of the perceptions of role-players.
- Identify whether the provisions (policies and legislation) in South Africa, which aim to reduce the occurrence of secondary victimisation, are enforced in practice.
- Explore and describe measures that should be taken to avoid or reduce the occurrence of secondary victimisation of child victims in the CJS.

1.5. VALUE OF THE RESEARCH

Without establishing whether current practices are in fact detrimental to children, there is no way to authenticate whether it needs to be improved. Therefore, it is vital to determine if child victims are experiencing secondary victimisation, as a result of exposure to legal, medical or mental health systems. As previously discussed, there is a lack of current research available in respect of the secondary victimisation of child victims in South Africa. Once a thorough understanding is obtained regarding the prevalence and nature of the examined problem, by means of interviews in which the experience and perceptions of role-players will be obtained, all knowledge can be used to improve or redirect current practices. With the redirection of these contemporary practices, society as well as the affected individuals may benefit. In terms of society, members might be more trusting and inclined to report victimisation encounters due to the fact that systematic changes have decreased the chances of secondary victimisation occurring. When it comes to victimised children, it is cardinal that they feel and are protected by the systems put into place to assist them. If needs be, training techniques could be altered in order to ensure that the role-players working with victimised children, are in fact qualified to do so. It is therefore believed that the current study will be of substantial value.

1.6. OVERVIEW OF THE RESEARCH METHODS

Although comprehensive descriptions of the research methods of the current study will be provided in chapter 3, an outline will be provided within this introductory chapter. With the interpretation of individuals' experiences, the study took on a qualitative approach which aimed at understanding how social life is perceived through individual experiences (Sarantakos, 2013:40). Perceptions and realities are constructed by an individual, therefore the subjective paradigm was employed (Neuman, 2012:48). Due to the lack of knowledge regarding the secondary victimisation of child victims, an exploratory purpose guided this research. The aim of the current research did not incorporate implementations or provisions; thus, the type of research was basic and pure in nature, providing a possible foundation for research to be conducted in the future. An instrumental case study design was utilised whereby descriptions and themes were collected and analysed in order to derive conclusions therefrom (Fouché, Delport & De Vos, 2011:272).

In order to yield the maximum information possible, non-probability sampling was used and the sample was selected purposefully and non-randomly (Leedy & Ormrod, 2013:154). In line with supporting the explorative study, a purposive or judgement sampling method was utilised in order to ensure the appropriate selection of role-players who were able to provide in-depth information. The desired number of participants were obtained by using the purposive sampling method (Christensen, Johnson & Turner, 2015:171). A pilot study was conducted to determine the effectiveness of the research instrument. Qualitative interviews, guided by a semi-structured interview schedule, were conducted and the responses were audio recorded after obtaining the permission of the research participants.

In order to make sense of the qualitative data obtained, the responses were consolidated and interpreted. All subjective information retrieved was analysed simultaneously with the data collection, ensuring the prevention of unfocused or repetitive details (Merriam, 2009:171,175). Once saturation had been reached and additional information was no longer being obtained, themes and patterns were drawn from the provided perceptions by means of thematic analysis. This process encompassed the guidance, interpretation as well as representation of the obtained textual data (Nowell, Norris, White & Moules, 2017:1). Ethics remained an essential part of the research process and the following aspects were considered throughout: voluntary participation by informed consent, avoidance of harm and confidentiality. Furthermore, trustworthiness was ensured by achieving credibility, confirmability, auditability and transferability.

1.7. DEFINITION OF KEY CONCEPTS

The following key concepts are of importance for the purpose of understanding the current study:

1.7.1 Child

In line with the Children's Act 38 of 2005 and the Constitution of the Republic of South Africa, 1996, the operational definition of a 'child' for the purpose of this study is any person under the age of 18 years.

1.7.2. Victim

According to the United Nations Convention on Justice and Support for Victims of Crime and Abuse of Power (2010), the Department of Justice and Constitutional Development (Sa), and the National Policy Guidelines for Victim Empowerment (2009), the definition of the term 'victim' includes the following:

- 'Victims' refer to any natural persons who have collectively or individually succumbed to harm. This is inclusive of physical or mental injury, emotional or economic suffering and the violation of any fundamental rights.
- Regardless of whether a crime has been reported to the police; whether a perpetrator has been identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the victim and the offender; an individual can be a victim.
- Where appropriate, 'victims' may also include any immediate family or dependents of the direct victim as well as any individuals who succumbed to suffering as a result of assisting the victim while in distress in an attempt to prevent victimisation.

For the purpose of this study, a victim may be described as any person, under the age of 18 years who has succumbed to harm due to another individual's behaviour or omission.

1.7.3. Secondary victimisation

The South African Service Charter for Victims of Crime (2006:2) describes secondary victimisation as the processes, actions and omissions which either intentionally or

unintentionally give rise to the re-victimisation of an individual who has already experienced or been through a traumatic event as a victim through:

- Disbelief of the individual's account
- Victim blaming
- Insufficient support services assisting the victim on the following levels:
 - Interpersonal,
 - Institutional, and
 - Broad social.

The National Prosecuting Authority provides the following definition for secondary victimisation (South African Service Charter for Victims of Crime, 2006:3):

Secondary victimisation can result from the failure to treat a victim with respect, dignity and understanding based on the dynamics of the offences which they have experienced.

Secondary victimisation is defined by the United Nations Centre for Crime Prevention as victimisation that occurs not as a direct or primary result of the criminal act but rather through individuals' and institutions' responses to the victim. They further explain that institutionalised secondary victimisation mostly occurs within the CJS where victims' human rights may, at times, be denied especially when they are part of a particular ethnic, racial or gender background (South African Service Charter for Victims of Crime, 2006:3).

According to Bruce and Artz (2019:114), secondary victimisation refers to insensitive, harsh or disrespectful treatment by officials in the criminal justice system and health sector, which results in additional distress for victims of crime.

In the current study, secondary victimisation will refer to an individual, under the age of 18 years, who is revictimised by the intentional or unintentional actions and/or omissions of role-players in the CJS during the processes involved in pursuing a case or being involved in a case and having contact with the CJS.

1.7.4. Role-players

For the purpose of the proposed study, role-players will refer to social workers who work with child victims in the CJS and have practical knowledge pertaining to the presence or absence as well as the nature of secondary victimisation of child victims in the CJS.

1.8. STRUCTURE AND LAYOUT OF THE REPORT

The dissertation will consist of five chapters. Chapter one included an introduction to the study as well as the purpose of the envisaged study. The aim and objectives were discussed, the value of the research was elucidated, and important concepts outlined. In addition, a brief overview of the methods that were used in the study were introduced. Chapter two will revolve around clarifying and discussing previously completed studies in order to address the advantages, disadvantages, limitations and recommendations of the literary framework. This chapter will give insight into why the current study will be of value to the criminological research field. The theoretical framework will also be included in this chapter.

Chapter three will focus on the research methods that were used to retrieve the information which will be depicted in chapter four. The data collection and data analysis process will be discussed in detail. Chapter four will include the empirical results. The final chapter will link the findings of the study with the literature and theoretical framework discussed in chapter two. The attainment of the objectives will be discussed, and conclusions and recommendations will be provided.

1.9. SUMMARY

In this chapter the key concepts were defined operationally. In addition, the origin and rationale for the study were discussed to provide insight into the topic under investigation. Furthermore, an exposition of the aim and objectives were given, as well as a brief overview of the methods that were applied in this study. Chapter 2 will include an exposition of scientific literature pertaining to the prevalence and nature of secondary victimisation of child victims in the CJS, as well as the provisions which are in place to reduce the occurrence of secondary victimisation. The chapter will also include a thorough explanation of Piquero and Hickman's extended control balance theory, and the possible application of the theory to secondary victimisation will be explored and debated.



CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. INTRODUCTION

The following section will analyse the existing literature focusing on the secondary victimisation of victims in general, as specific literature focusing on child victims is minimal. Both international and South African studies will be analysed in detail where after the advantages and limitations will be addressed. Subsequently, the relevant policies and legislation will be discussed. This chapter will further include a comprehensive discussion of Piquero and Hickman's extension of the control balance theory, initially developed by Charles Tittle (Tittle, 1995). The manner in which this extended theory guides the current study will be divulged.

2.2. INTERNATIONAL STUDIES

Various international studies relatable to the current study will be discussed below in order to make comparisons to this study, as well as to validate the need for such a research study to be conducted in a South African context.

2.2.1. Effects of criminal proceedings on adult crime victims in Germany

An international study focusing on secondary victimisation of adult crime victims during criminal proceedings was conducted by Orth (2002) in Germany. The positive and negative effects of criminal proceedings were looked into by means of the perceptions of 137 victims of violent crimes who had been involved in trials several years prior. The participants were contacted with help of the Weisser Ring, which is the largest victim assistance association in Germany. Victims who had received financial support for criminal proceedings, within five years prior to the study, were sent a questionnaire as well as a request to be involved in the study. The total number of victims who had received this financial support was approximately 1300, of which 73% were female. The sample was randomly chosen, and anonymity was maintained throughout the study. Eighty-three percent (83%) of the sample consisted of females and 65% of the females in the sample were victims of sexual offences. More than half of the participants indicated that they were victimised by a perpetrator known to them and 95% of them asserted that they had reported the crime themselves. The average time that had lapsed since the trial was three years and more than 90% of the participants were present

during the trial. Just under 90% of the cases had resulted in the successful sentencing of the offender (Orth, 2002:316).

Within this study, the trial outcomes as well as procedural variables were measured in order to better understand the potential causes of secondary victimisation. Some of the outcomes and variables that were evaluated, include; subjective effects, outcome satisfaction, punishment severity, procedural justice, interactional justice and psychological stress. Secondary victimisation was investigated in this study by appraising the effects of the criminal proceedings, as perceived by the study participants. Interestingly, the two main predictors of secondary victimisation were outcome gratification and procedural justice and not, as might be expected, interactional justice and psychological stress as a result of the criminal proceedings. Furthermore, the results of the study indicated that crime victims customarily endured secondary victimisation emerging from criminal proceedings. Within these results, it was proposed that 67% of the participants were of the opinion that they had experienced secondary victimisation. Various authors (Fattah, 1997; Gutheil, Bursztajn, Brodsky & Strasburger, 2000; Koss, 2000; Symonds, 1975), hypothesised that although criminal procedures may not extend a victim's psychological strains which were caused by the initial victimisation, additional negative psychological changes may be induced. This assumption was touched on during the discussed study, where secondary victimisation was explained as not always being accredited to stresses caused by criminal proceedings, but often rather to the participants' evaluation of the outcome and procedures (Orth, 2002:313,321).

Within Orth's study, sample characteristics were a disparaging issue when it came to the interpretation of medial subjective effects. Subjective effects, resulting from criminal proceedings, were assessed by questions indicating psychological change, such as "what consequences did the criminal proceedings have on your ability to cope with the crime?" In this regard, Orth (2002:321) opined that future research should focus on the measuring of subjective effects in a more precise manner. Sample representativeness lacks in this study for a number of reasons, namely the low response rate of 32%, demographic and victimological variables were controlled, and no verification exists that the trials were legally problematic as the majority of the perpetrators received sentences. Thus, due to the restricted soundness of the subjective effects measuring scale, this study remains a controversial experiment of the secondary victimisation hypothesis. Furthermore, the backdated assessment of criminal proceedings, involving trauma victims, allows for methodological errors (Orth, 2002:322). The practical implications of this study's results are twofold. Firstly, the fact of whether it is beneficial for victims to report crime to the police and secondly, the averting of secondary victimisation from occurring as a result of criminal proceedings. With the high frequency of

secondary victimisation being perceived in this study, it was suggested that victims should be aware of the prospective wounding effects of criminal proceedings. It is however imaginable that victims might experience additional negative consequences when not reporting crime, therefore it is advisable that research is done to extensively assist psychologists and lawyers in the manner in which they should advise victims to report primary victimisation. When exploring the prevention of secondary victimisation as a result of criminal proceedings, the rules of providing justice to the perpetrator cannot be abandoned even if this intervenes with the justice of the victim. Procedural justice for the victims of crime may however be increased without the deranging of procedural justice for the perpetrator. Providing victims the opportunity to provide a testimony of the detailed consequences faced due to the victimisation, is a constructive way in which justice for victims may be increased (Orth, 2002:323-324).

Some of the research participants had stated in the comments section that the criminal proceedings against the perpetrator had harmed them more than the victimisation itself. The study alludes to the monopoly of Germany's penal action, obligating victims to participate in criminal proceedings. Due to this forced cooperation of victims, it is highlighted that intervention and prevention strategies need to consequently be put into place (Orth, 2002:316-317,324). Due to the lack of child focused studies, light needs to be brought upon the sensitivity of child victims and exactly how criminal procedures, involving the perpetrator, may affect them. The current research will cover the limitations of the above discussed study as it will use role-players who consistently deal with the CJS and the effects thereof, eliminating the time lapse from when the victimisation had occurred. Moreover, although the perceptions of role-players will be explored, the information received during the conducted interviews, will yield more objective and unemotional information than that which is obtained from victimised individuals.

2.2.2. Children's perspectives of secondary victimisation in Israel

Ben-Arieh and Windman (2007:321,327), focused on the secondary victimisation of children in Israel and the child's perspective thereof. The study sample included 28 child victims of violent and sexual crimes aged 14 to 18 years, as well as 38 parents of victimised children. The child victims and parents of child victims, who had received assistance from the Israeli Child Victim Assistance Project (CVAP) between 1999 and 2002, were not necessarily interconnected, thus the generation of two individualistic research samples. The research sample was additionally restricted by disregarding victims whose parents committed the crime against them, as well as parents who were offenders or witnesses in the criminal activity. The study was conducted with an explorative purpose, encompassing self-reports from a small

non-representative convenience sample. Similar to the study described above, the participants all received guidance from CVAP. This study aimed at analysing children's needs along with the magnitude at which these needs are met during judicial procedures, the children and their parents' perceptions regarding the effectiveness of services rendered by investigative officials, and lastly, the recognition of any correlation between the provided assistance and the child victims' willingness to cooperate. Expressions of neglect in recognising the victimisation phenomenon and the subsequent elements of primary and secondary trauma, were provided in this study, encapsulating the necessity of conducting research focusing on this phenomenon.

Research authorities from the Israeli National Council for the Child (NCC) provided ethical approval for the Ben-Arieh and Windman (2007) study and a trained associate from CVAP was utilised for the recruitment of the sample. Anonymity, confidentiality and participation consent were ensured, and the feedback rate of child victims and parents of child victims were 60.8% and 50.6%, respectively. Data for this study was collected by distributing two comparable questionnaires, each consisting of a set of six questions. These sets of questions were inclusive of socio-demographic details, offence characteristics, complaint procedures, police inquiry processes, the CVAP's inclusion in the cases and the costs incurred by the victims' families. Piloting, using five unrelated child victims and five parents of child victims, was completed, and both questionnaires were revised prior to the commencement of the study. Data resulting from the abovementioned question sets, were either independently analysed or combined and analysed. Subsequent to the data analysis, results were depicted in two ways, namely the experienced satisfaction of respondents and the corresponding variables within both the complaint (reporting) and investigation stages, as well as the effectiveness of the CVAP in preventing secondary victimisation (Ben-Arieh & Windman, 2007:327-329).

Findings displayed that 73% of the child victims were satisfied, highly or very, with the manner in which their crime reporting had been handled. On the other hand, only 55% of the child victims' parents reported satisfaction on a general level. In line with 55% of parents who showed high levels of satisfaction in terms of the perceived receipt of convenience, respect and privacy, 60% of the child victims concurred with this satisfaction. Interestingly, when it came to the analysis of the responses of the investigation process, both the child victims as well as the parents' satisfaction levels declined substantially. Notwithstanding the lowering of satisfaction levels with regards to the investigation phase, the extent to which child victims reported satisfaction, remained relatively higher than the parents of child victims. The adequacy of provided information relating to counselling services, rights and the entire legal

process, was perceived by both participant groups as either scarce or non-existent. This provision of information, or lack thereof, was outlined both for the reporting and investigation phases of the criminal proceedings (Ben-Arieh & Windman, 2007:330). From the above mentioned it is clear that satisfaction levels decreased as the criminal process continued. When looking at variables which correlated, it was found that both respondent groups experienced higher levels of satisfaction when they perceived higher levels of respect provided to them during the entire criminal justice process. Furthermore, a link was established between convenience and levels of satisfaction. Whilst child victims' responses showed correlations between satisfaction and being listened to, the parents' responses showed correlations between satisfaction and the level of explaining how the criminal process works. Both child victims and the parents showed that they were highly satisfied with the assistance received from the CVAP (Ben-Arieh & Windman, 2007:330-331).

The research study concluded that in order to reduce the secondary victimisation of child victims, authorities need to institute a system that will ensure the timeous explanation regarding support options and services to child victims and their parents. Furthermore, it was suggested that measures be taken to reduce lengthy proceedings (Ben-Arieh & Windman, 2007:333). The fact that child victims were generally more satisfied, might be due to the fact that they are less critical than adults. In addition, it is a known fact that parents are extremely protective of their children, even more so when they have been victimised. A non-representative sample was used in this study, consequently minimising the advantage of generalisability. Another limitation of this study is that even though parents were asked to allow child victims to complete the questionnaire on their own, this could, however, not be controlled and therefore responses were possibly provided with the assistance or guidance of parents. Looking beyond the limitations of this study, it remains a valuable exploratory study focusing on a topic where a dearth of research exists. The current study aims to also explore this neglected phenomenon, specifically in the South African context. An advantage of the current study is that instead of focusing on the perceptions of the child victims, the perceptions of those who work with these direct victims of crime will be the focus. The advantage of making use of role-players who work with victimised children is that it will yield more objective and unemotional information than that which is obtained from victimised individuals and/or their parents.

2.2.3. Secondary victimisation of young sexual crime victims in Brazil

A study conducted in 2014 by Roque, Ferriani, Gomes, Da Silva and Carlos drew attention to the justice system in Brazil and the secondary victimisation of child and adolescent victims of sexual violence. A qualitative approach was taken whereby judges from the São Paulo Court of Justice in Brazil, constituted the study population. This Court of Justice is recognised as having no specialised methodologies in place for children's and adolescents' testimonies to be heard. Written permission was received by the organisation after which a list of judges was provided to the researchers for their planned study. Fifteen participants were randomly selected from this list, and twelve of the selected participants agreed to participate. The sample was composed of eight males and four females, who were all between the ages of 35 and 40 years. Advantageously, the participants had between 5 and 20 years' experience, enhancing the usefulness and meaningfulness of the information received. Semi-structured interviews, as well as observation, were used as the data collection methods. The interviews were guided by pre-determined criterion, which were attentive to the attitudes of the participants with regards to the interrogation of child and adolescent victims of sexual abuse, as well as the matters which are addressed during the interrogation process. These interviews lasted for approximately 45 minutes and were audio and video recorded at the participants' workplaces. A complimentary process, to the interviews, were the observations which took place during the interrogation process. Observations commenced upon the arrival of the victim, whether a child or adolescent, family members of these victims and the relevant defence lawyers (Roque et al., 2014:68-70).

Data retrieved from both the interviews and the observations were analysed by means of thematic modality content analysis. The testimonies were firstly read in depth, central ideas herein were identified, the fundamental explanations from the central ideas were interpreted, contrasts between the initial ideas and the underlying meanings were sought, and lastly all the main themes were defined in order to construct inferences. It was realised, through this study, that the technical preparations and training given to judges for them to adequately interpret the law in terms of child victims and witnesses, is not sufficient. This realised inefficiency was based on the fact that the judges are required to share the rationale behind their decisions, prior to the final conclusion being made. The need to vanquish conventional means in which procedures are carried out using a schematic, pre-determined framework, was raised. It can be surmised that using a set structure to examine cases which are unique in their nature, might be problematic. Cases should however be handled with rational discernment and just thinking, without the abandonment of substantive rationalisation (Roque et al., 2014:71).

The findings of this study indicate that local Brazilian judicial intervention methods are seen to re-victimise children and adolescents. Often these child or adolescent victims go through interrogation for the purpose of producing material criminal evidence. Interrogation can be described as the undertaking by trained authorities of questioning witnesses, who are commonly in need of protection as they are vulnerable, regarding the recalling of an event which they either witnessed or experienced. This places a demanding responsibility on the victim being interrogated. Interrogation can further be related to the systematic process of questioning an individual in order to obtain reliable information (High-Value Detainee Interrogation Group, 2016:2). It was found in this study that the procedures followed, during the interrogation phase, are both inconsistent and particular in nature, whereby authorities involved take on a juridical positivist approach. Issues may arise when using a specific procedure for interrogating in all cases. Thus, a one size fits all approach is problematic, seeing that each case is unique and should be handled accordingly. This becomes apparent when comparing a case of an adult victim of a housebreaking to a child being sexually abused. These exact procedures are ones which open up the possibility of secondary victimisation, as they are not created to suit the needs, rights and expectations of children. It was discovered that interrogation processes are restricted by methodical documentation and limitations of the institution. Participants however stated that the procedures that they are required to follow, along with the time availability, creates a scenario where significant communication and interaction with the victim is just unviable. The judges further stated that great difficulty lies in communicating in such a way that children understand them. This difficulty refers to terminology used, especially in terms of sexual cases, and the vocabulary utilised to describe sexual organs as well as sexual acts (Roque et al., 2014:71-72).

Based on the above results, it is clear that services provided by the legal system in Brazil are in need of intervention strategies. Other problems identified in this study relate to the secondary victimisation of children who were victims of sexual abuse during interrogation processes and include the following: the inappropriate use of language by judges, the imposing of a variety of interventions on child victims, repeat interrogation, a lack of training and information, as well as the methods used to sort through evidence. Furthermore, it was suggested that with institutions having an absence of guidelines to interrogate victims of abuse, it essentially results in a situation of institutional abuse. Overall, the analysed findings found that services for child and adolescent victims of sexual abuse maintained an inadequate standard throughout the entire judicial process. It was concluded in this study that approaches taken by the Brazilian justice system affects both behaviour and further development of children, as no focus has been set on the priorities and needs of child victims (Roque et al., 2014:74-76).

The current research has many similarities to the study discussed above, as they both gather information from experts who come into constant contact with child victims. The outcomes of the above discussed study assisted in shedding light on the many difficulties faced in court rooms dealing with cases involving child abuse victims.

2.2.4. Strategies to reduce child witnesses' anxiety

Thoman (2014) wrote an article which considered the anxiety that children experience whilst testifying in court. The author highlighted that this anxiety may result in the harming of the child involved as well as the impairment of their testimonies, consequently destabilising justice. It is thus deemed important that lawyers interacting with these children attempt to reduce the anxiety and stress felt by the child. Du Preez (2004), describes stress as a manner in which the mind and body react to environmental threats which may be harmful to a child's functioning (Du Preez, 2004:45). The article is based on four main themes, namely how children as witnesses have evolved, how anxiety may manifest into harm, why legal workers should be striving to reduce anxiety in child witnesses, and particular strategies which often assist in lessening a child's anxiety. The American justice system has seen a considerable increase in the allowance of children testifying in court with millions of children who partake in testifying each year. This increase was not seen until 1975 after a new evidence rule, stating that 'every person is competent to be a witness', changed the role that children play as witnesses. The evolution of child witnesses can be seen predominantly in cases involving divorce, custody, criminal proceedings and child protection. In order for justice to occur, the testimony of all witnesses is required, therefore supporting the fact that children will continue to be needed for testimonies. It is of common belief that children deserve to verbalise their experiences and be involved in the process of ensuring justice (Thoman, 2014:237-239).

When looking at the relationship between anxiety and harm, Thoman (2014:240) states that anxiety often has an effect on the social, emotional as well as academic functioning of a child. When a person is slightly older, anxiety may lead to substance abuse or the inability to excel in a career, however young children who experience anxiety may exhibit a range of complications. These complications can include isolation, reduced social interaction, and not having appropriate coping mechanisms. A negative correlation has also been found between anxiety and depression. When it comes to testifying, children will naturally display anxiety as they worry about an event or its outcome. It is highlighted that children often display anticipatory stress while they wait to testify. Numerous events which occur during trial may induce anxiety in a child, such as the courtroom environment, possible contact with the perpetrator, a lack of understanding of judicial terminology as well as the responsibility that

comes with having to answer questions. Children are also seen exhibiting anxiety when they are under the belief that they will be punished if they do not respond as expected. This is especially true when it comes to older children as they are cross-examined more harshly. In this article, a testimony being impaired due to anxiety, was explored. The effectiveness of a child's participation is said to be dependent on the level of anxiety they experience. Anxiety is said to hamper not only a child's performance while testifying, but their credibility and memory as well (Thoman, 2014:239-243). It can thus be said that children who are exposed to numerous distressing events experience deep-rooted effects and are therefore victims of complex trauma (The National Child Traumatic Stress Network, Sa).

There are three main reasons why critics often argue against putting methods into place to reduce children's anxiety. It is said that teaching these methods causes a delay, not all anxiety is considered negative and it is believed to sometimes be constructive, and thirdly critics believe that not all children experience further negative effects as a result of their anxiety. In disagreement with the critics' beliefs, Thoman (2014:245-251) states that due to a reduction in anxiety lessening the harm experienced, allowing for better testimonies and assisting with justice, lawyers should be seeking ways in which to ensure the reduction of anxiety experienced by child witnesses. When the negative aspects of testifying are decreased, child witnesses will benefit, thus reiterating the need for strategic implementation. These strategies include providing legal system education to child witnesses so as to ensure that the child has basic legal knowledge and can respond with greater confidence and accurate memory recall. The conducting of desensitisation training is another strategy which assists children in overcoming their trial-related fears and may eliminate undesired emotional or psychological reactions. Two different approaches can be taken in desensitisation training, namely the performing of a mock trial and the encouragement of visiting court.

The teaching of coping methods is an important strategy that should be implemented. It includes techniques such as breathing practices, instilling positivity by means of positive self-talk or comforting objects and explaining how to answer tricky questions. Communication should remain child focused in order to ensure the reliability of the child's testimony. This can be done by the lawyer gaining trust from the child, allowing and assisting the child to practice alternatively perceiving a situation or understanding a notion from a different point of view, and using props to prepare the child for court. The schedule of a child should be taken into consideration so that interactions are scheduled for the most effective times, for example, a young child will give better testimony in the morning when they are wide awake. An important strategy to reduce anxiety is the recruitment of an individual who can provide the child with support. Lastly, specialised trial procedures should be sought prior to the trial, such as limiting

the observers in the courtroom and seeking courtroom modification in order to assist with lessening the chances that a child will feel anxious or overwhelmed (Thoman, 2014:252-267). Should the findings of the current research suggest that children experience anxiety while proceeding through South Africa's CJS, it may be extremely useful to implement strategies such as those discussed above.

2.2.5. Victimisation of the disabled and subsequent secondary victimisation

In 2015, the Arc's National Centre on Criminal Justice and Disability (NCCJD) in the United States of America (USA) developed a project looking into the violence, abuse and bullying within society affecting people with intellectual or developmental disabilities. The NCCJD serves as an interface between disability professionals and criminal justice whereby it focuses on and promotes the justice and safety for individuals with intellectual and developmental disabilities, who are victims, witnesses, suspects or offenders. Collaborative efforts were had with disabled individuals, experts in the fields of disability and criminal justice, as well as practitioners, in order to draw on the experiences and encounters by these individuals. It was stated that individuals who live with disabilities are more likely to experience victimisation, even more so when this disability is cognitive (The Arc of the United States, 2015:2). The current research links the experiencing of victimisation with children's control deficits and this too can be used to explain why disabled individuals have an increased chance for victimisation. Similar to children, individuals with disabilities might be found to submit to their circumstances as a reaction to feeling out of control. In this project, specific challenges were found to affect individuals with disabilities, namely increased vulnerability, lack of resources or support systems, dependence on an abusive caregiver, lack of independence, and isolation (The Arc of the United States, 2015:2).

Once these individuals had previously been victimised, it was found that they often experience secondary victimisation through the justice process in the following ways: lower rates of police follow-ups, cognitive barriers to the CJS, being perceived as untrustworthy or not credible, and experiencing speech or cognitive difficulties (The Arc of the United States, 2015:3). All of the above challenges can be related to what children go through and therefore the secondary victimisation that these individuals incur are very possibly experienced by children as well. It is clear from the above that disabilities not only hinder individuals from resisting victimisation but also from adequately proceeding through the criminal justice process. Individuals from which these experiences were drawn, in this project, state that it is highly likely that underreporting occurs as many individuals do not recognise that they are being victimised or

are afraid of the consequences of reporting the incident, thus the true statistics of victimisation against disabled individuals is unknown. Furthermore, reasons were provided as to why these individuals do not report their experiences of victimisation, namely not being aware of their rights, fear of re-victimisation, blame or punishment fears, fear of losing those closest to them, fear of revealing the actions of those who are believed to have more power over them as well as previously being taught to conform to what others are doing and not to resist (The Arc of the United States, 2015:6).

Disabled individuals promoted their rights and stood up for themselves by addressing criminal justice professionals and highlighting the important role that people with disabilities play in educating those around them so as to reduce victimisation. Suggestions of explaining and assisting disabled individuals in creating their own safety plans were made. These suggestions included who individuals should speak to upon suspecting that they are going to be hurt, having the details of a reliable source who will regularly check in, contact information for all emergency personnel, as well as personalised safety measures that the individual should take. It was reiterated that education needs to be provided to all relevant role-players in order to allow the chance of preventing primary victimisation (The Arc of the United States, 2015:3-5). A section of the project looked into the supporting of child sexual abuse victims who have disabilities, as it is stated that these children are exceptionally vulnerable to secondary victimisation and are deprived of assistance in the CJS. Two predominant issues were summed up, namely disabled children being at much higher risk of being further victimised and the lack of professional knowledge in this regard. The National Children's Alliance shed light on a model which interprets the 'cascade of injustices' experienced by these children. As depicted in the following figure, the model contains four facets of injustices faced by disabled children:

Figure 1: Model depicting cascade of injustices



Source: The Arc of the United States (2015:7)

Firstly, disclosing of abuse or victimisation is often obstructed by the victim not recognising the act as abuse or victimisation. Other reasons, such as being unassertive due to the disability, not being able to effectively communicate, being afraid to disclose information and not being understood or being considered dishonest, further hinder the disclosure of a victimising act. Secondly, investigations are often not commenced due to the pre-assumption that the victim will not be able to display the required witness attributes. These attributes can include personal qualities such as confidence, consistency, attention to detail and accurate communication. Individuals with disabilities, specifically those leading to cognitive difficulties, will have a harder time presenting these qualities. It is often seen that perpetrators provide a rational explanation for the proposed victimisation and are therefore dismissed. Unfortunately, there are also cases where the child's disability masks the extent of the abuse and therefore it is often overlooked. Thirdly, prosecutors are reluctant in filing charges as they are afraid that the child, will be perceived as an incompetent witness, which will result in an unsuccessful trial. Fourthly, trials often result in no conviction being carried down due to judges having doubts about the child's communication as well as questioning their competency (Arc of the United States, 2015:7-8).

Findings and focal points within this project can be related to the focus of the current study because children have a similar dependence as those with intellectual and developmental difficulties. Provisions and dependencies may include physical, emotional and physiological

¹ Ableism – the judgement, discrimination or oppression of individuals who are considered to have disabilities (The National Conference for Community and Justice, Sa).

guidance. Children's intelligence increases by means of others teaching and guiding them. Just as children need guidance and understanding, those with disabilities need to receive assistance in physical daily activities as well as in understanding their psychological difficulties. Both children and individuals living with disabilities are often victims of secondary trauma as a result of the CJS lacking in infrastructure, support and resources. Children and individuals with intellectual difficulties are more reliant on caregivers even though they may not necessarily be physically perceived as vulnerable (Gann, 2018:16).

2.2.6. Secondary victimisation of male rape victims in England

In 2018, Javaid conducted qualitative research regarding victims who often do not speak out about their victimisation, with a focus on gender, policing and sexual violence. The sample consisted of 70 research participants who work within the fields of policing, male rape counselling, elective casework and therapy. Twenty-five individuals from the sample were interviewed, whilst the other 45 were provided with questionnaires. With high education levels and approximately seven years of experience working with male sexual abuse victims, the data received would be perceivably valuable and meaningful. Those participants who were interviewed were not permitted to take part in the questionnaire, and vice versa. Although all the received data was analysed, Javaid's publication focuses on his analysis of the data drawn from police officers, therefore the discussed outcomes relate to the responses of 53 police officers. The sample selection process incorporated initial emails which were sent out purely to inquire whether individuals had handled cases of male rape and the experience acquired aiding male rape victims. Interview questions comprised of myths regarding male rape, the participants' own perceptions of male rape, as well as their responses to the victims of male rape. These questions allowed the researcher to gain understanding regarding the conceptualisation of male rape. The questionnaires contained equivalent questions and themes to those incorporated in the semi-structured interviews (Javaid, 2018:5-6).

In line with the previously discussed study, Javaid made use of thematic analysis where he transcribed and assessed all responses. This was completed by analysing the data set for themes and patterns, after which codes and labels were assigned. Six prominent themes emerged from the analysed data, namely police insensitivity and secondary victimisation, police training, how male rape is treated by the police, the choice of offering a specific gendered forensic examiner to victims, the choice of offering a specific gendered police officer to victims, as well as limited police resources and its impact. It was suggested that the testimonies of male rape victims are questionable due to the way in which the complainants behave. Empathy and sympathy were thus found to often be based on how 'upset' the victim

appeared, as it is believed that a rape victim should show signs of being distraught (Javaid, 2018:7-8). In this regard, McMillan (2015:623) states that victims have great difficulty relating their experiences of sexual abuse and therefore require sympathetic receivers to attend to their stories. It was further found that police officers often doubt whether the crime should be considered a real rape or not. As reported by a participant, many police officers maintain rape myths which misrepresents the sexual experiences of male victimisation. This judgemental view from some police officers justifies the reiteration of a required sensitive approach when it comes to any victim of sexual abuse. Not only will a sensitive approach assist the needs of the victim, it may also guide authorities in initiating further relevant information that can be used as evidence. It was conclusively discussed that the male victim holds the responsibility to properly convey, and in turn, convince officials that they are in fact victims of sexual abuse (Javaid, 2018:8). With regards to the findings under the police sensitivity and secondary victimisation theme, it is understandable why these victims are highly likely to experience secondary victimisation.

Almost every participant revealed that no specific training is provided to police officers with regards to male rape cases, but rather the training given is generic and more so than not relates to characteristics of female rape cases. Perceptions were also provided by police officers, pertaining to the belief that when specific training is not provided with regards to cases such as male rape, an attitude of 'it cannot or would not have happened' is adopted. The mistreatment of male rape by police was brought under attention as participants suggested that police are misguided regarding the male rape phenomenon. Police response officers, who have the first form of contact with the victim post-victimisation, are the most important individuals to start with when it comes to providing specialised training. Without the suitable, sensitive and objective treatment of victims, the likeliness of victims to disengage with the police, escalates. In terms of both the offering of specific gendered forensic examiners and specific gendered police officers, it was found that victims in England are not provided with a choice. The general reason discussed by the participants was the cost implications of having both male and female medical examiners and police officials readily available (Javaid, 2018:8-12).

A scarcity of police resources was mentioned in this study as a factor which results in a negative experience for the victim, as a number of authoritative staff members work on the case and do not provide the victim with consistent and focused services (Javaid, 2018:12-13). Many of the themes analysed above may be directly linked to the current research. Sensitive and empathetic approaches are critical when it comes to working with child victims. It is thus important to decipher whether insensitivity is also an issue experienced in South Africa and if

there is a consequent need to improve practices and training of officials in this regard. Credibility is often considered a problem when it comes to children's testimonies, due to their memory capabilities and their intelligence levels, and therefore there is a link between Javaid's (2018) study and the current research as generic training and misinformation given to authorities might increase the risk of secondary victimisation. A need arises to understand the way in which children are treated by police and legal officials. Although the above study could not be generalised to the greater population, important factors implicating the rights and needs of victims, were assessed.

2.2.7. Problematic court proceedings in multiple countries

2.2.7.1. Britain

Halley (2019), published an article about the British legal system possibly re-traumatising a young girl who was sexually abused. The initial abuse entailed an 18-year-old dental student who sexually abused a six-year-old female. The sexual abuse victim was interviewed by a police officer and social worker. Even though this interview was recorded, the recording could not be used as evidence in court, which resulted in the victim having to provide a further two hours' evidence in chief. Subsequent to this provision of evidence, the victim had to endure two more hours of cross-examination. Due to these procedures, as well as the case being widely broadcasted, it was stated that the victim was likely to experience secondary victimisation. Halley further reiterated that a victim, especially one of such a young age, being re-victimised by the judicial system is entirely unacceptable, and avoidable. A model, known as Pigot, was recommended in 1989 as an alternative, stipulating that pre-recordings can be used during court procedures in order to eliminate children from providing evidence in court and subsequently preventing secondary victimisation. The United Kingdom has however struggled for 30 years with questions of how and whether the model should be implemented.

2.2.7.2. Scotland and Chile

According to Halley (2019), improvements and controls of the court processes in Scotland were implemented in 2014, by senior judges, to minimise child victims experiencing secondary victimisation. These improvements and controls are in respect of the courts imposing unyielding schedules as well as perusing the questions asked. Although these controls were provisioned for more serious cases and the majority of cases proceeded as usual, this forms a base on which further improvements can be implemented. Moreover, Halley (2019)

concluded that upon the learning and understanding of using consistent and monitored questioning techniques by investigators, presiding officers and lawyers, children will be less vulnerable to being subjected to secondary victimisation. In 2015, the Scottish Court Service (2015:11) published an evidence and procedure review report encapsulating the legislative provisions and usage of special measures for children and vulnerable witnesses. The fact that young vulnerable witnesses require unique care was noted, along with the explanation that using conventional methods to question children has become impermissible. A large percentage of child victims are often involved in cases of domestic or sexual abuse. With that being said, it is well known that such victims are already in a vulnerable position before progressing through procedures in which they will need to detail a traumatic event (Scottish Court Service, 2015:11).

Numerous legislative provisions were added to the Criminal Procedure (Scotland) Act 1995. Although the review report suggested that the provisions in the pre-2014 Act had not yet commenced, the following list of special measures were said to be available to witnesses (Scottish Court Service, 2015):

- Evidence taken by a commissioner
- Remote TV link, either in a different court, a remote location or within the court building
- A screen
- A supporter
- Giving evidence-in-chief in the form of a prior statement.

Beyond the provisions provided to children and vulnerable witnesses, principles were also put into place to ensure that justice officials follow a number of general duties. These duties include allowing a victim or witness to obtain details regarding what has transpired in the investigation or court proceedings, ensuring the safety of these victims both during and after an investigation, allowing victims the necessary support, and providing victims and witnesses the opportunity to participate in the investigation should it be deemed appropriate. A section of the report was dedicated to the usage of special measures in Scotland. Since the initial introduction of special measures in 2004, it was highlighted that applications for these provisions had drastically increased. In cases where victims and vulnerable witnesses applied for provisions, the majority requested a television link, a screen or a supporter. According to available data from 2011, it was summarised that 2835 applications were filed for child witnesses whilst 711 were for adult witnesses. These statistics were seen to rise in the first half of 2014 with 3202 child witnesses and 1467 adult witnesses who applied for assistance by means of special measures. The expectation for a demand of further special measures was

briefly discussed and based on the fact that the definition of a vulnerable witness is ever expanding (Scottish Court Service, 2015:12-14).

On a successful note, Chile passed a law which provides for interviews to be video-recorded whilst approved questioning techniques are used in order to prevent the occurrence of secondary victimisation of child victims. A campaign, entitled *No pregunten mas*, which translates to no more questioning, was the motivation for this law to be put into place (Halley, 2019). It is clear from the above exposition of international legislative changes, that there was, and is a need to implement provisions in order to protect vulnerable persons. The current study will shed light on the provisions that are in place in South Africa as well as the effectiveness and application of these provisions.

2.3. SOUTH AFRICAN STUDIES

The following section will provide an exposition of research which has previously been conducted in South Africa and will include a discussion of the advantages and disadvantages of each study.

2.3.1. Child witnesses in the criminal justice system

Ovens, Lambrechts and Prinsloo (2001) published an article focusing on children who have to testify in court. These researchers highlighted that the most important element of an effective judicial system is the protection of the child victim or witness. It was reiterated that without specialised services being provided to this vulnerable group, the chances of being exposed to the negative effects of the CJS are greater and in turn this introduces the prospect of further or secondary victimisation. According to the International Bureau for Children's Rights, caution should be taken in ensuring that children are not exploited for the purpose of conducting legal proceedings against an offender. It was therefore suggested that in cases where children are required to provide evidence in order to successfully prosecute an offender, a flexible legal process should be developed so as to minimise further trauma to the child. One manner in which a child witness can be made to feel more comfortable is by allowing a guardian to be appointed to a child witness. This guardian will then attend all court proceedings in which the child participates and may provide the court with recommendations regarding the child's welfare. It is also important that an uncompromising procedure be put into place for the privacy of the child witness. This procedure will allow for the confidentiality of all information provided by the child (Ovens et al., 2001:25-26).

In cases where hearings involve child witnesses, it is important to prioritise the docket and process the cases as quickly as possible. The proceedings should thus be expedited by the court due to postponements possibly causing extended stress on a child. When a court is determining whether to grant a postponement or not, it is suggested that the age of the child as well as the potential impact on the child, be taken into consideration. Moreover, when a child is deemed unfit to testify in an open court, provisions should be made to allow testimony by closed circuit television. Possible reasons why children may need this alternative, include fear, the established likelihood that the child may suffer trauma as a result of testifying, mental irregularities, or possible behaviour from the defence which will deter the child from providing a testimony. It is advisable that whilst determining whether children need alternative means to testify, the possible use of victim impact statements should also be considered. This statement should include all information relating to the financial, social, psychological and medical effects that a crime has had, and will have in the future (Ovens et al., 2001:26-28; Cassell, 2009:613). It is thus not only a reflection of the objective facts of an incident, but also a provision of the subjective effects thereof.

With regards to the cross-examination of a child, there is a great deal of uncertainty regarding the child witness and what to expect from them. Adults are often found to be insensitive and uninformed in terms of the level and manner in which they should communicate with these children. Thus, the child witness is faced with an adult who dominates and in essence interrogates the child. There has always been an underlying discomfort when it comes to discussing sexual abuse or sexual topics in the presence of strangers. This discomfort becomes more complicated when children are involved and need to provide details about a sexual incident, especially in a court setting. Furthermore, studies have shown that suggestive questioning is problematic and results in children producing false testimonies (Ovens et al., 2001:29-30). Above and beyond the traumatic effects of the primary victimisation on a child, the process of cross-examination has the ability to add to this trauma and subsequently affect the testimony that a child provides.

Ovens et al. (2001:30) examined the impact that trauma, which results from numerous scenarios as discussed above, has on a child's memory. Information that is critical to the primary victimisation is often more easily and thoroughly remembered than subsidiary details. Moreover, questions that are not closed-ended and are appropriate to a child's developmental stages, often elicit the most accurate responses. Although repetitive questions may assist a child in recalling information, it may also aid in the increase of inaccurate recollections. According to Ovens et al. (2001), research conducted has shown that children who possess specific characteristics, such as poor coping or management skills, are more prone to

developing irrational responses to stress or trauma. These reactions then result in the child dissociating from reality. The possibility exists that trauma victims develop symptoms of post-traumatic stress disorder (PTSD) as well as negative characteristics such as nightmares, flashbacks and invasive thoughts about the traumatic event. All of these symptoms hamper a child's process of recalling information and providing an adequate testimony.

Depending on the research findings of the current study, the above discussed article provides possible changes for procedures within the CJS which might protect and lessen the trauma and vulnerability of child victims. Furthermore, the above discussed study highlights many of the effects, specifically causing changes in the way children respond to providing information of the initial trauma or primary victimisation that they experienced. Insight regarding children's responses and how they process information after a traumatic incident may be useful in the current study as these effects on a child might also be present in the event that they experience secondary victimisation. Moreover, when taking into account that the study conducted by Ovens et al. was in 2001, it is important to see if child victims are still exposed to similar situations of secondary victimisation eighteen years later and if some of the recommendations provided in their study have been implemented.

2.3.2. Disabled children as invisible victims of crime

Hesselink-Louw, Booyens and Neethling (2003) published an article focusing on how children with disabilities are the invisible or unremembered victims of crime. Reiterating the previously described international study, as found in the Arc of the United States, individuals with disabilities are at a higher risk and are more vulnerable to violence and abuse. The main reasons for this increased abuse rate amongst disabled children are that these children are often perceived as being less human and thus perceived as worthy of less attention. Many individuals believe that these children do not have feelings and the difficulties that come with parenting such children often result in frustrations that are taken out on the child. The research study aimed to describe and explore the different crimes which are being committed against children with disabilities. The aim was achieved by completing a qualitative study where five case studies, all relating to the abuse of children who have disabilities, were analysed. The cases had been reported to the Johannesburg Family Violence, Child Abuse and Sexual Offences Unit and the commander of this unit provided permission for these case studies to be accessed and analysed (Hesselink-Louw et al., 2003:165-167).

The first two analysed case studies both represented physically and mentally disabled female children who had been sexually abused by a perpetrator unknown to them. Both of these victims were unable to communicate. The first victim had been left unattended throughout the day even though numerous persons had contact with her. She was later treated for a vaginal infection at the Teddy Bear Clinic and the doctor that attended to her stated that she had been a victim of chronic sexual abuse. Due to the verbal disability displayed by this victim, the identity of the perpetrator is still unknown, however the stepfather was suspected to be the abuser. It was later found that the neglect of the child was a result of both of her parents being alcoholics and the victim was removed from school after the parents discovered that she had found a way to complain about her circumstances at home. With no existing institutions for disabled children in Johannesburg at the time, the child was placed back with her mother and therefore is still being exposed to the same neglect and abuse. The second victim, also unable to communicate, could not provide details of the perpetrator and the abuser is still unknown to the police. This victim's mother states that she was unaware of the abuse and all caregivers and family, who interacted with the child, denied having abused her (Hesselink-Louw et al., 2003:171-172).

The third case study focused on a 10-year-old female who is physically disabled and provided her best friend with details of how her brother would have sexual intercourse with her if she lost a game that they often played. A medical examination proved that this girl was raped repeatedly by means of anal penetration. The victim would not provide an official statement or testify against the perpetrator as she stated that her brother looks after her well and she purely wanted the sexual acts to cease. Information given to a psychiatrist by the perpetrator suggests that he had been sexually victimised by his mother's boyfriend at a very young age. This reciprocal abuse cycle led to the parents having had to subject both the victim and her brother to continuous therapy. The fourth case study involved a child with minor physical disabilities who was acutely physically abused by her caretaker. With no existing facilities for physically abused persons, this victim was sent to a safe haven for those with mental difficulties. The fifth case study represented an adult female with a mental disability who had been raped repeatedly during her childhood. The information was only disclosed by the victim when she was 18-years-old and it was believed that the perpetrator was an uncle who had been residing with the family (Hesselink-Louw et al., 2003:172).

The article reiterates that crimes committed against disabled persons often results in a lesser sentence for the perpetrator. Explanations for this include the difficulties faced when investigating such cases, the specialised training needed for law enforcement members to

deal with these cases, communication problems faced by the disabled victim and negative stereotypes regarding these victims (Hesselink-Louw et al., 2003:173-175).

It was concluded that disabled individuals need to be empowered in order to resist crime and reduce any chances of being re-victimised. It was highlighted that prevention programmes and adequate support structures need to be improved in order to assist with the personal safety and self-esteem of disabled individuals (Hesselink-Louw et al., 2003:179). In relation to the current research, just as individuals with disabilities are more vulnerable and at risk, so are children. As stated above, lesser sentences are often handed down in cases where the victim is disabled. The reasons provided for these lesser sentences can be directly linked to cases where children are involved because special training is also needed for law enforcement members and communication is often problematic when it comes to children's testaments or explanations of an event. Through the analysis of the case studies, this study advantageously highlights the fact that communication is a major problem when it comes to disabled children and being sexually victimised. It would be beneficial to explore the experiences of disabled victims who experience other types of victimisation.

2.3.3. Secondary victimisation of adult rape victims

According to Steyn and Steyn (2008), rape victims often do not report their incidents of rape to the SAPS due to the fear of being re-victimised. Two counsellors, who work at the Pietermaritzburg Rape Crisis Centre, were approached to provide access to adult rape victims who were willing to participate in this study. This centre is a non-governmental organisation, situated in Pietermaritzburg, South Africa. Qualitative interviews were conducted with ten adult rape victims. Qualitative information which was obtained from the interviews, indicated that re-victimisation, experienced by rape victims, at the hands of SAPS members, can be divided into two categories, namely processes and consequences. In the processes category the research participants highlighted officials' uncaring attitude, unwillingness to communicate and intimidation. The majority of the interviewed victims reported feelings of police members having an absolute lack of sympathy and no motive to assist with rape victims' cases. Victims felt negative feelings towards the entire process of interacting with police officials, including their reporting of the primary victimisation, as well as the recording of statements detailing the crime event. The consequences of these interpreted feelings were that victims stated that they would think twice before seeking help from the SAPS in the future (Steyn & Steyn, 2008:41-60).

The subjective results stated above are unfortunate as police officials are individuals with the most influence in victims' initial steps to gain control of their victimisation experiences. These officials also have the responsibility to assist, guide and reinstate feelings of control for victims. As seen in the majority of the above discussed studies, there exists a lack of training throughout the judicial structure of various countries. It is clear from the responses provided by the ten adult rape victims that specialised training is also needed in a South African context. Without the assistance of trained officials, no victims will be able to proceed through the justice processes with confidence. In order to positively suggest alterations in the handling of victims in South Africa, further research needs to be conducted in order to holistically understand who, how and when mistreatment or secondary victimisation is occurring or likely to occur. Further research needs to be conducted, focusing on the perceptions and experiences of victims with a wider range of victimisation types as well as different demographics, including victims' ages and gender.

2.3.4. Children's testimony in the criminal justice environment

A decade after the previously discussed study by Ovens et al. (2001), Prinsloo (2010) published an article pertaining to the testimony of children in the criminal justice environment. The research highlighted the significance of a child's development and memory in providing testimony in court. Children are said to create their own descriptions of what they experience around them and when traumatised by a hostile environment, irrational fears and expectancies are the result. Stipulations were made regarding the changes that have been implemented in South Africa's CJS which do not provide for the young sexually abused victim. A number of cases were described in this article which highlighted the effects that stress has on a child's testimonial capabilities. Firstly, a young boy of 6-years-old was expected to wait the entire day to provide evidence. When the time came to be cross-examined, the young child could not recall the information he had provided in his recorded interview. Unfortunately, the prosecutors then concluded that the case could not proceed, and that the child was unfit to provide evidence. The turmoil of this event drove the child to a state of regression, where he began wetting his bed and had trouble sleeping (Prinsloo, 2010:125-126).

In another case, a young girl with cerebral palsy was not provided with the correct information or any kind of sensitivity; she was therefore a clear victim of secondary trauma. The child was in a wheelchair and no arrangements were made for her family to use a parking bay nearer to the court. She was expected to testify in an open court and further to that, the court personnel reprimanded the victim's mother when she tried to provide her daughter with a glass of water

during the trial. Due to the young girl not having been informed that she would require her glasses for identification of the perpetrator, she had to be pushed around the room in her wheelchair in order to point out the alleged individual. Whilst being cross-examined, the child became emotional and sat crying in the court room, and no court personnel intervened or tried to neutralise the situation. Lastly, a teenager who had been a victim of rape was only called for a trial more than a year after the initial victimisation had occurred. With the general understanding of there not being an intermediary available at the Pretoria North regional court, the defence and prosecution deemed it unnecessary to investigate whether the 13-year-old girl would need this provision. The child found it extremely challenging to verbalise her victimisation experience and many of the terms that she used, she did not completely understand, but had heard from professionals and doctors (Prinsloo, 2010:126).

Prinsloo (2010) reiterated that a child's development and memory play an extremely important role when testifying. If children need to be interviewed for justice purposes, it is essential that their cognitive development is taken into consideration. In terms of a child's memory, professionals need to understand that a child's age can be used to measure what can be expected from that child. Their age should however not be used as a measurement of their capacity. It can thus be said that an interviewer needs to have cognisance of the levels of a child's memory, in order to adapt their approaches accordingly. It was concluded that although accused persons have rights as well, it is not just to expose children to such harsh proceedings. In order to address the preconceptions about a child's capacity to testify, it was emphasised that the context of the child must always be considered (Prinsloo, 2010:126,132).

2.3.5. The criminal justice system and a child rights-based approach

Townsend, Waterhouse and Nomdo (2014) published an article focusing on the upholding of children's rights in the CJS. Two studies were undertaken, which sought the perspectives of court support workers, in order to explore whether the CJS follows a child rights-based approach for child victims of sexual abuse. It was stated that although a small number of child sexual abuse victims lead relatively normal lives following the victimisation, the overall majority of victims experience a long-lasting array of different types of harm. Above and beyond this experienced harm, if the case is reported and referred to the CJS, they are exposed to trauma when having to repeatedly relive the experience by retelling their stories. The first study sought court support workers' perspectives by means of written reports of cases that stood out to them. The second study made use of face to face interviews with court support workers in order to gather qualitative information about their experiences with child sexual abuse victims.

Support workers described that there are a number of role-players that the child victims come into contact with from the time of disclosure to their engagement in court. On a further note, it was stated that children are told to not fear contact or confrontation with their perpetrators. This is an unrealistic statement as adult victims fear their perpetrators and therefore it cannot be expected that a child should not. The court support workers, however, stated that there are not always sufficient resources to limit the contact or confrontation of child victims and perpetrators. An example was provided where children and the alleged perpetrator are sometimes transported together to court. The general conclusion in this article read that children's rights to dignity, equality and to not be treated in a cruel or inhuman manner, are in many instances undermined (Townsend et al., 2014:75-81).

Both abovementioned South African studies primarily focused on the secondary victimisation of victims of sexual violence. The study discussed above is similar in scope to the envisaged current study, however, it is too narrow in its focus, thus research with a broader spectrum is needed so as to establish whether these undermined rights of children are experienced in cases other than sexual abuse.

2.3.6. The criminal justice system and individuals with speech disabilities

The Convention on Rights of Persons with Disabilities (CRPD) was sanctioned in South Africa in 2007, specifically addressing access to justice for individuals with disabilities (United Nations, 2006:1-31). The proceeding two studies divulge matters relating to the struggles that individuals with speech difficulties or disabilities face.

2.3.6.1. Identifying barriers implicating individuals with severe communication disabilities or those with little to no functional speech

Bornman, White, Johnson and Bryen (2016) published an article which aimed at identifying the barriers experienced by individuals, who have severe communication disabilities, in the South African CJS. Parallel to the current research, the data was retrieved from experts in the field and focused on their perceptions. The qualitative research was completed with 56 experts within the CJS. The sample was purposively selected, followed by snowball sampling due to the sensitive nature of the investigated topic. In-depth interviews were conducted with three experts, namely a forensic social worker, a forensic nurse and a childcare specialist. The remaining 53 participants originated from various professional fields and formed part of four focus groups. Attempts were made to include police officers in the study, however despite

receiving consent from police officers to participate, the focus groups were not attended. The data discussed within the article thus included the perceptions of social workers, lawyers, social auxiliary workers, therapists, teachers, youth care workers, a forensic nurse and a disability advocate. Ethical elements were adhered to and the participants' identification was protected in order to ensure confidentiality (Bornman et al., 2016:1-6).

The first data collection technique (interviews) was used to provide the researchers with an in-depth understanding of the topic as the experts could provide details of their experiences in dealing with disabled victims as well as these victims' experiences of testifying in court. The interview questions focused on the experiences that the participants had with regards to working with victims who have communication difficulties and the testimonies provided by these victims. The responses provided during the semi-structured interviews were used as guidance in the preparation for the focus groups. Questionnaires and interview schedules were thereafter constructed and piloted with five experts who had experience working with disabled victims of crime. The piloting process resulted in adjusting the interview questions. Prior to the commencement of the focus groups, an interview schedule was produced which was then improved upon using the assistance of the interview participants. The focus group interviews spanned over approximately an hour and focused on three questions, namely the barriers faced when a disabled individual has to testify, aids that may assist in the event that an illiterate person needs to testify in court but cannot speak, and specific words that are deemed necessary to use in testifying in court. The in-depth interviews were digitally recorded, and inductive thematic analysis was completed. The responses gathered during the focus groups were uploaded to the ATLAS.ti programme which identifies patterns. The responses were then divided into significant themes and thereafter sub-themes (Bornman et al., 2016:6-8).

Two main barriers were identified during the in-depth interviews. Firstly, it was suggested that professionals within the CJS have an insufficient level of knowledge or training and secondly, a barrier exists in terms of the ideas and attitudes of professionals regarding individuals with disabilities. Two out of the three interviewees suggested that training will serve in overcoming these barriers. As a result of thematically analysing the different types of barriers, the researchers were able to draw a link to two specific participation barriers, namely opportunity barriers and access barriers. Opportunity barriers refer to barriers which are inflicted by others and are not controllable by individuals with severe communication disabilities. Opportunity barriers are divided into four groups. Firstly, practice barriers are procedures which limit those with disabilities, policy barriers refer to legal documents which limit the opportunities of disabled individuals, the lack of knowledge and skills by those who work with disabled persons

limits the way in which they can assist and lastly, attitudinal barriers refer to the negative attitudes of professionals, family and the community with regards to disabled individuals in general. Access barriers on the other hand alludes to limitations and barriers of the individual with a disability (Bornman et al., 2016:8-9).

From the responses received during the focus groups, it was found that participants believe there to exist more opportunity barriers than access barriers. The participants mentioned each opportunity barrier and provided examples. Much like the responses from the three interviews, the focus group participants stated that one of the main existing barriers incorporates the lack of knowledge and training that they, as experts within the South African CJS, have for working with persons with disabilities. The lack of available resources as well as attitudinal barriers were briefly noted by the participants. Although the focus group participants discussed opportunity barriers as far outweighing access barriers, there were a few examples provided where these participants believe alterations need to be made by the CJS in order to provide disabled victims equal access to the justice process. Access barrier examples included the memory and expressive abilities of an individual with speech disabilities, the limited attention span that these individuals possess, the victims blaming themselves for the event, feelings of isolation which are often present when living with a disability and the dependence that these victims often have on those who have victimised them (Bornman et al., 2016:9-11).

It is clear from both data sources that the training of officials, regarding working with victimised individuals who have a speech disability, needs to be prioritised. The research however suggests that this training be conducted with an interdisciplinary approach so as to ensure that role-players from all facets of the CJS work together to address a system which allows for secondary victimisation. Emphasis was also placed on the debilitating role that negative perspectives from others play in providing these victims with access to justice. For example, cases where police officials do not retract statements from individuals with disabilities due to their personal opinions that these individuals will not be credible witnesses (Bornman et al., 2016:11-13).

The discussed research advantageously analysed and placed the participants' perceptions into specific barrier groups. With the information found in this study, it can be pointed out that by providing role-players in the CJS with the necessary training, the abovementioned barriers may be minimised. Opportunity barriers, which are caused by external persons and processes, may be reduced by training the individuals who come into contact with disabled victims as well as using this training to alter current methods. Having enlightened role-players and a system that provides equal access for an array of victims, could lead to the minimisation of the access

barriers. When a victim interacts with an expert who has physical experience or trained knowledge on how to deal with the barriers that may be present alongside a disability, the chances of this victim feeling less isolated and more at ease to express their perceptions increases. The current research can be closely linked to the discussed study as children have an array of barriers that they too face, once becoming a victim and having to proceed through the CJS.

A recent article published by White, Bornman and Johnson (2018) aimed to identify elements which aid individuals with little to no functional speech (LNFS), who have been sexual crime victims, in accessing the CJS. It is clear that persons with LNFS would find accessing the CJS challenging due to the fact that they cannot rely on language or speech to make their case. Similar to the abovementioned study, a qualitative approach was used with 25 participants who all retained a high education level. The majority of participants had at least six years' experience working with victims of crime who testify, whilst just over half of the participants had at least seven years' experience working with disabled victims of crime. These participants were utilised for three focus groups and three semi-structured in-depth interviews. Firstly, three expert witnesses were interviewed followed by three focus group discussions. The focus groups were split into a Gauteng group, a KwaZulu-Natal group and a Western Cape group which were comprised of six, eight and eight participants, respectively. Ethical approval was obtained before the participants were sought and informed consent was provided by the participants prior to the commencement of the study (White et al., 2018:19-23).

The in-depth interviews consisted of asking the participants eleven questions revolving around legal terms, court cases involving disabled individuals, as well as factors in place to assist these individuals in accessing the CJS. A uniform question was asked in all three focus groups, namely, what may enable the process of an individual, who cannot speak, to access the CJS? The results from both the interviews and the focus groups were combined where after qualitative analysis was done in order to recognise the main themes. The researchers then identified the various types of facilitating factors according to the International Classification of Functioning, Disability and Health's (ICF) list of contextual factors. These contextual factors are made up of both personal and environmental factors. Personal factors are those which we consider internal factors, such as age, gender, social background and education. Environmental factors are composed of the physical, attitudinal and social environments in which we live. According to the ICF, environmental factors can be grouped under five main categories, namely products and technology, natural environment and human-made changes to it, support and relationships, attitudes, and lastly services, systems and policies (White et al., 2018:24-28).

From the results of the study, it was clear that the participants viewed both personal and environmental factors as an important means to facilitate access to the CJS. Two specific sub-themes came up as personal facilitating factors that would aid a person with LNFS. It was said that these persons would need to feel both supported and at ease in order to cope with accessing the CJS. All five of the abovementioned environmental factors emerged within the data and sub-themes were recognised within each. The participants stated that when it comes to products and technology, there always needs to be an assistive communication kit available and communication boards, along with training, needs to be provided to the relevant role-players working within the CJS. With regards to the natural environment, it was suggested that alternative court contexts be considered, for example, allowing individuals with disabilities to testify in a children's court. Prioritising cases where disability victims are involved, was seen as important, along with allowing for appropriate questioning techniques and unique modes of communication (White et al., 2018:25-26).

Thirdly, the participants recommended that in order to assist a disabled individual during judicial procedures, comprehensive support structures need to be put into place. This support is multifaceted, including both support from family and friends, trained role-players helping the victim feel at ease, as well as having the correct translators or interpreters. As was discussed in the previous study, there exists an array of attitudes or stigmas around disability. The participants in this study proposed that these stigmas be addressed in order to assist these individuals to proceed through the CJS. Lastly, the participants stated that there is a need for reform in terms of services, systems and policies. Training needs to be provided to experts on all levels in the CJS in order to enable effective service delivery. Court preparation is also deemed necessary for both pre and post-court appearances, as there is currently no specialised counselling in place for individuals with disabilities. Not only does there need to be training for role-players at all levels, but cooperation also needs to exist. All levels of the CJS need to be streamlined and all individuals involved in the CJS need to have the skills to work with vulnerable victims. Legislation too needs to be reformed in order to assist individuals with LNFS to access the CJS and have a chance at justice (White et al., 2018:26-28).

This study concluded that although individuals with LNFS might have unequal access to the CJS, there are a number of facilitating factors that can, if used effectively, aid in the process of allowing individuals with speech disabilities a chance to access the CJS. The researchers recommended that a Disability Resource toolkit should be initiated and utilised as a guideline in ensuring equal access to the CJS for individuals with LNFS (White et al., 2018:31). With the information found in this study, it is clear that a problem with access to the CJS cannot be fixed purely by providing training to police officers or social workers. All levels of experts need

to be on the same page when it comes to assisting persons with unique circumstances. This can be directly linked to the current research as children, particularly those who have been victimised and are vulnerable, need assistance from a number of different experts. With revised services, systems and policies, the South African CJS may be in a position to better assist vulnerable victims and witnesses.

2.3.7. Statistics pertaining to crimes committed against children

The following table summarises statistics of incidents reported against children, as taken from the South African Police Services' (SAPS) report (Crime situation in RSA, 2018):

Table 1: Crimes committed against children

CRIMES COMMITTED AGAINST CHILDREN				
CRIME CATEGORY	2016/2017	2017/2018	Count Difference	% Change
Murder	839	985	146	17,4%
Sexual offences	24 677	23 488	-1 189	-4,8%
Attempted murder	936	1 059	123	13,1%
Assault with the intent to inflict grievous bodily harm	7 589	7 562	-27	-0,3%
Common assault	10 211	10 446	235	2,3%
Total	44 252	43 540	-712	-1,6%

It is clear from the above statistics that children in South Africa are at an undeniably high level of danger when it comes to being victimised. With the vulnerability that these children face, it is important to identify what the CJS is doing in order to protect further victimisation from occurring.

2.3.8. Child witnesses and the use of therapy dogs

Carte Blanche (2019) posted one of their inserts pertaining to an innovative programme that is being used by the Teddy Bear Clinic for Abused Children on YouTube. This voluntary programme was described as a way in which therapy dogs are being used to assist child victims with court preparations by dressing the dogs up in outfits which can be directly related to various court personnel. It was stated that this process allows children to identify with the array of courtroom members and understand their respective roles and responsibilities. It aims to break down stereotypes by allowing children to acknowledge that where not all dogs are

going to bite, similarly not all adults are bad. Along with the fracturing of negative connotations or associations, child victims are guided through the processes followed in court and assisted with the reduction of their fears. One of the volunteers revealed that a similar programme is being used in the USA, however, it is believed that South Africa is the first country to incorporate the dressing up of the dogs for specific roles. Furthermore, a discussion was had regarding a child witness programme where it was claimed that child victims are unable to provide coherent and chronological information. Due to the lack of understanding that children have, they begin to internalise their feelings and fears which often results in short and long term psychological or behavioural problems.

A child victim discussed her personal experience of physical abuse where she had been burned with boiling water and beaten with a broom by her grandfather's girlfriend. Her mother described her behaviour following the abuse as angry and incomprehensible which had led her mother to seeking help from the Teddy Bear Clinic. Succeeding the dog headed therapy, this child victim proclaimed that she did not feel afraid whilst interacting with the animals and stated that they had assisted her in understanding more about the court. Due to the hostile environment of a courtroom, the touching of the animals creates a sense of well-being for children and reduces their levels of stress. It was concluded that the inclusion of therapy dogs in witness preparation has thus far been successful in increasing the confidence of these children. Although the addition of this programme has made a positive contribution, it was advantageous to analyse the findings of the current research in order to conceptualise if and where further improvements are needed in order to reduce the occurrence of secondary victimisation.

2.4. CURRENT LEGISLATION AND POLICIES

There are a number of provisions (policies and legislation) in South Africa which aim to reduce the occurrence of secondary victimisation, however, it is not clearly known whether these provisions are enforced in practice, therefore the current research aimed to explore this. A brief overview of these policies and legislation will be provided below. The overview will focus on aspects that are specifically relevant to the secondary victimisation of child victims in the criminal justice system.

2.4.1. Victim Empowerment Programme

South Africa is signatory to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985). This Declaration emphasises that victims should be both appropriately recognised and subsequently treated with respect. The Declaration alludes to the fact that victims are permitted to have access to all levels of justice and for their harm and loss to be timeously addressed. It is further stated within the Declaration that victims are entitled to receiving suitable support in terms of dealing with the various levels of trauma caused by the victimisation (National Policy Guidelines for Victim Empowerment, 2009:3-6).

The Victim Empowerment Programme (VEP) is a domestic mechanism which was established to ensure the inclusion of victim empowerment services in legislation, to aim for the standardisation of victim empowerment services and to extend victim-offender mediation, compensation and restitution (Artz & Smythe, 2019:65). This policy aims to establish a society in which the needs and rights of crime and violence victims are realised and appropriately addressed within a restorative justice framework. The South African Services Charter for Victims of Crime (i.e. the Victims' Charter) is central to the VEP.

2.4.2. Criminal Procedure Act 51 of 1977

According to Prinsloo (2008:49-64), certain sections of the Criminal Procedure Act 51 of 1977 were introduced as a mechanism to deal with child victims in South Africa as well as a measure to protect child witnesses. Protection measures were established and include the providing of evidence by means of closed-circuit television, the use of intermediaries where witnesses are under the age of 18 years, the protection of witnesses' identities, offender identification taking place through one-way-glass, as well as victim rooms. Although this Act was amended to ensure the provision of a friendlier justice environment for children, Prinsloo (2008:49-64) indicated that it was deemed as inadequate in this goal. However, according to Ovens et al. (2001), a number of advantageous provisions with regards to dealing with child victims in South Africa were introduced in the Criminal Procedure Act 51 of 1977.

The following sections highlight these provisions:

2.4.2.1. Section 153(5)

Section 153(5) of the Criminal Procedure Act 51 of 1977 divulges that with criminal proceedings where the witness is under the age of 18 years, the court is entitled to command that no persons, other than the witness and their parent, may be present at these proceedings. Such persons may only be present if the court deems it necessary. This legislation is in place to assist in the prevention of further trauma, by removing children from an open court setting, where they would have otherwise come into contact with, or be in the vicinity of the accused.

2.4.2.2. Section 154(3)

With regards to the protection of a child's identity, section 154(3) of the Criminal Procedure Act 51 of 1977 stipulates that no information, which may reveal the identity of a witness under the age of 18 years, is permitted to be made public. This provision must be adhered to unless otherwise authorised by a judicial officer or presiding judge who believes that publication of such information would be fair, or in the interest of a specific person/s.

2.4.2.3. Section 158

Section 158 of the Criminal Procedure Act 51 of 1977 states that all criminal proceedings that take place in a court need to be done in the presence of the accused. It was however added that a court may, on its own accord or upon application by a public prosecutor, order that a witness testify or provide evidence by means of a closed-circuit television or similar electronic media. This provision may only be ordered if the facilities are available and if the court believes that the order will prevent delay, minimise costs, be more convenient, be of interest to the safety of the state or public, or prevent harm that might occur to a person if they testify at such a proceeding. The court may however, to ensure a fair and just trial, order that the prosecutor and accused have the right to question a witness and thereafter observe the witness' reaction. Moreover, should a court refuse an application for a child, under the age of 14 years, to provide evidence by means of closed-circuit television or similar electronic media, the reasons for such a refusal must be provided and minuted in the proceedings record.

2.4.2.4. Section 164

Section 164 of the Criminal Procedure Act 51 of 1977 provides provision for those who are considered unable to understand the nature of an oath or affirmation, whether it be due to

ignorance as a result of age, inadequate education or other causes. This section states that these individuals may be allowed to provide testimony without the procedure of taking an oath or affirmation, only on the basis that the judge or presiding officer warns a witness that the evidence provided needs to be the truth, the whole truth and nothing but the truth (Ovens et al., 2001:33).

2.4.2.5. Section 170A

Section 170A of the Criminal Procedure Act 51 of 1977 provides provision for witnesses under the biological or mental age of 18 years by striving to remove any direct confrontation between the witness and the accused. When it appears to a court that criminal proceedings would expose any such witness to unwarranted stress, the court has the jurisdiction to appoint a qualified person to be an intermediary. This intermediary is appointed to enable the child to provide testimony or evidence. It is asserted in this section that examinations, cross-examinations and re-examinations are to take place through the intermediary. Moreover, the intermediary may convey questions to the witness, unless otherwise stipulated by the court. Advantageously, when an intermediary has been appointed, the court may allow for the witness to provide evidence at an informal place, where a person who would upset the witness is out of sight, and where the court can hear, directly or through a device, both the witness and intermediary.

2.4.3. Children's Act 38 of 2005

According to the Children's Act 38 of 2005, a child which is of an appropriate age and developmental stage to participate in a matter which concerns them has the right to do so and any perceptions expressed by such a child needs to be taken into consideration. In terms of the objectives of the Act, article 2 alludes to the fact that the best interest of a child is of paramount importance in any and all matters which concern the child's care, well-being and protection. Additionally, it refers to carrying out obligations of international instruments in order to ensure the well-being of children. The Act aims to develop structures within communities which will allow for the care and protection of children, protect children from discrimination and various types of harm, provide protection and care to children who are in need thereof, acknowledge the special needs that disabled children might have, and to promote the development of children.

Pertaining to general principles, article 6 recognises the Act's intention to, during all proceedings or decisions involving a child, respect and protect the child's rights and dignity, tend to a child in a fair and non-discriminatory manner, realise a child's developmental needs, and recognise the needs and environment appropriate to a child with disabilities. Moreover, in matters where a child is concerned and it is believed to be in the best interest of that child, their family should be given the opportunity to articulate their views. With regards to a child's participation in any matter that may concern them, article 10 stipulates that where a child is of an appropriate age and developmental stage, the child should be given the chance to suitably participate and their sentiments considered.

A child has the right to bring any matter to the court as long as the matter concerned falls within the jurisdiction of that court, as set out in article 14. Once a child has brought a matter to the court and the child is involved in the hearings, article 42(8) urges that the venue in which child hearings are held should as far as possible be designed in a way that keeps children calm, where access is obtainable by children with disabilities, where informal methods do not compromise the reputation of the court, and where criminal cases are not also held. Article 61 additionally asserts that presiding officers in a children's matter should, where all other circumstances permit, allow the involved child to express their views should they wish to do so. In instances where a child is deemed unable to participate, the reasons thereof should be recorded. Should it be surmised that it would be in a child's best interest to intervene during cross-questioning, this needs to be done. Article 61 further reiterates Section 170A of the Criminal Procedure Act 51 of 1977 by stating that, where necessary, a child must be questioned through an intermediary. In terms of ensuring the protection and best interest of the child, a court is permitted to order for a matter to be disputed in the absence of the child as long as the reasons are recorded.

2.4.4. Bill of Rights of the Constitution of the Republic of South Africa, 1996

Section 28 of the Bill of Rights of the Constitution of the Republic of South Africa, 1996 reiterates the rights that children have to all basic needs as well as social services and protection from maltreatment, abuse or degradation.

2.4.5. White Paper on Social Welfare

Section one of chapter 8 of the White Paper on Social Welfare, which came into force in August 1997, incorporates the principles, guidelines, recommendations, proposed policies and

programmes for the development of social welfare in South Africa. This provision looks at incorporating a multifaceted approach which looks at the protection of children and their family from violence and abuse. It furthermore regards this approach as a matter of urgency (White Paper on Social Welfare, 1997; Ovens et al. 2001:32).

2.4.6. SAPS National Instruction 3/2008 (Sexual Offences)

The purpose of the National Instruction 3/2008, with reference to sexual offences, is to ensure that relevant SAPS officials extend a professional service to victims, including child victims, in terms of investigating offences and assisting the victims. This instruction moreover demands that officials stay mindful of the severe trauma that sexually abused victims have succumbed. Whilst assisting a sexual abuse victim, there needs to be effort made in terms of reassurance, attention, relevant and appropriate questions, and determining if the child requires any other type of immediate care.

The succeeding section will encapsulate the important characteristics of theory and the reason why it advantageously assists with research.

2.5. THEORETICAL FRAMEWORK

2.5.1. The importance of theory

Theories are, simply put, a product of scientific enquiry (Williams & McShane, 2010:1-2). Although theories are often criticised, they remain useful for providing insight and strategy to numerous professions. The way in which individuals understand certain issues will determine the approach that they take. Theories thus help to answer questions and aid professionals or researchers to formulate their own beliefs and therefore structure their approaches accordingly (Parrott, 2003:73-74). With the provision of detailed images of what a phenomenon might entail, and the possible reactions towards this phenomenon, theoretical perspectives assist in the understanding of fixed ideas and details. Thus, the transformation of raw data into descriptions and guidelines for future actions, is the result of theory and is tested by how well it provides explanations and predictions of reality (Schmallegger, 1996:92). There are numerous characteristics which constitute a good theory and some of these attributes will be briefly discussed. One of the most important characteristics of a good theory is falsifiability, which entails the testing of theories in order to prove or disprove explanations. These tests are conducted as an attempt to assess whether alternative or preferable

explanations exist. When a phenomenon is explained in a basic way, the principles of parsimony are achieved. Complicated explanations on the other hand, lead to ambiguous interpretations from the reader and are thus not ideal to be used in theories. The use of a broad scope constitutes a good theory as it is assumed that the theory provides more extensive explanations of a phenomenon. The more facts provided in a theory, the more plausible a theory becomes. Moreover, it is important that a theory's explanations are validated by means of correctly placing ideas and elements, as this allows a theory to have logical consistency (Coutinho & Steyn, 2015; Akers, 2012:6-7; Tibbetts, 2012:7; Williams & McShane, 2010:5).

When a theory can be empirically tested it is said that the theory can be successfully placed under scientific testing. It is very important to allow for testability when creating a good theory. A theory needs to have predictability, therefore when focusing on children and their vulnerability, a theory should aim to predict how a child will be affected by the CJS as well as whether they will succumb to subsequent secondary victimisation. In order for a theory to be useful, empirical validity should be sought after. Empirical validity reiterates that scientific research is available and in support of a theory (Akers, 2012:9-10). It is also achieved when real life phenomena are the basis for the theory. When theory provides functional direction for the alteration of how society both deals with and interprets criminological phenomena, policy implications are improved. Lastly, a theory should have the potential to be integrated with other theories in order to strengthen its sentiments (Coutinho & Steyn, 2015).

Theory should be at the forefront when examining the potential strategies for making improvements to the CJS in order to minimise the effects of this system on child victims. Theories can be both erroneous and create accurate predictions, which can both be addressed by basing theories on scientific knowledge as well as scientific observation and testing (Tibbetts & Hemmens, 2010:3-4). Theory can simply be defined as an explanation of an occurrence. Theory can further be described as an organised statement of opinions regarding a phenomenon, which attempts to provide descriptions, predictions, explanations and control over a phenomenon, such as crime for instance (Winfree & Abadinsky, 2003:3). These explanations are practical in assisting with explaining and understanding the world around us. In criminology, theories allow for the opportunity to analyse and dissect the various beliefs about crime, and the effects thereof, which have evolved over the years. Theory, in essence, is the attempt to explain behaviours which in turn is the base of what is practised in criminology. Answers to questions such as how are children made more vulnerable or traumatised whilst proceeding through the CJS, are strived for (Van der Westhuizen, 2011:124).

When studying criminological theories, a greater understanding of the CJS as well as all individuals within the system, is produced. Without these understandings, it would be impossible to create and test solutions to criminological problems (Williams & McShane, 2010:1-2). Upon the understanding of the CJS and the individuals who work within this system, the vulnerability of children who are exposed to the system can begin to be understood. Moreover, it is not until the vulnerability of children and the possible secondary victimisation is understood that alterations can be made to minimise this phenomenon.

Due to the dearth in research pertaining to the secondary victimisation of child victims, minimal theoretical explanations have been developed in this regard. Piquero and Hickman's theory was identified as the only theory that could possibly act as a theoretical framework for the current study. Piquero and Hickman's extended control balance theory will hereafter be discussed and subsequently applied to the current research.

2.5.2. Piquero and Hickman's extended control balance theory

The extended control balance theory by Piquero and Hickman will be utilised as the theoretical framework to guide the current research study, however, the initial theory will be discussed before delving into the extended theory. Charles R. Tittle initially developed a theory in 1995 known as the control balance theory. This theory was proposed as an integrated criminological theory rooted in previous theories such as rational choice, routine activities and differential association (Cullen & Wilcox, 2010:957; Newburn, 2013:244). The central idea of Tittle's work is that the control individuals are subjected to, relative to the amount of control that they exercise, determines the chances of, as well as the type of deviant behaviour they may exert. He further states that four main variables result in deviance, namely predisposition, constraint, opportunity and motivation (Newburn, 2013:245; Tittle, 1995; Tittle, 2009:213).

This theory is based on the idea of control, which is twofold. Firstly, control refers to the degree to which other individuals and a person's surroundings can limit the behavioural options that that person has. Secondly, control refers to the extent to which an individual can escape these controls as well as exercise these controls over others. This theory stipulates that a control ratio, which is the central cause of deviance, is constituted by the ratio of controls exercised versus controls experienced. Tittle theorised that deviance is associated with control ratio imbalances which could consist of either control deficits or control surpluses (Braithwaite, 2009:246; Newburn, 2013:245; Tibbetts, 2012:165; Tittle, 1995:142). It is hypothesised that control deficits have an impact on repressive types of deviance, such as street crimes,

whereas control surpluses have an impact on autonomous deviance, such as white-collar crimes. Tests examining the causal relationship between control ratios were in support of the hypothesis that control imbalances, both in deficit and surplus, tend to be associated with deviance in various domains (Curry, 2017). The theory was designed to account for all types of deviance, which can be stipulated as any behaviour that the majority of society deems unacceptable or behaviour that results in negative responses (Piquero & Hickman, 2003:283).

In 2003, Alex R. Piquero and Matthew Hickman extended Tittle's control balance theory and developed a framework to understand and evaluate how the control balance theory could account for victimisation. The researchers conducted a study which comprised of a sample of 253 self-administered survey respondents at an urban university. These surveys had been completed in April 1999 and the sample had been selected from the entire student population. The students retained the right to voluntary participation as well as anonymity and less than one percent of the students refused to participate. The survey comprised of questions relating to demographic characteristics, lifestyle characteristics as well as the amount and types of victimisation that had occurred at the university since May the previous year. The purpose of collecting the data was to measure control ratios as well as experiences of victimisation, in order to test the hypothesis that control imbalances predict or go hand in hand with victimisation. Firstly, the researchers used all demographic variables to predict the chances of victimisation with predictive analysis. Secondly, predictive analysis was done on the lifestyle characteristics in order to predict victimisation. Lastly, the demographic and lifestyle variables were combined in order to predict victimisation using predictive analysis. The results were two-fold as the researchers found that both demographic and lifestyle characteristics were linked to victimisation and it thus confirmed previously conducted research. For example, it was found that older individuals are less likely to experience victimisation and those, who are often younger, exposing themselves to late nights and risky situations on campus, are at a much higher risk of being victimised. This correlates with the opportunity perspective of victimisation. The results also indicated that control deficits and control surpluses were positively associated with both general and predatory victimisation (Piquero & Hickman, 2003:288-291).

Similar to the hypothesis that states that control deficits and control surpluses lead to various types of deviation, the researchers linked these deficits and surpluses to victimisation. Individuals who experience a balanced control ratio are therefore the least likely to experience victimisation. It was said that persons who have control deficits, being subject to more control than they are able to exert, are weaker due to their perceived lack of control. This results in these individuals seeking independence, a freedom from external controls, which in turn

produces feelings of degradation. Naturally therefore, a deficit in control leads to predation (violence), defiance (challenging the control) or submission (Saponaro, 2013:36). It was highlighted that persons with control deficits are often less likely to exert protective behaviours on those with control surpluses. When looking at criminal activities and previously conducted research, offenders are known to target individuals who are more vulnerable and easier to access. This known information can be related to control balance where the vulnerability of potential victims is compared to the likelihood that they will counter offend. In summary, individuals with a lack of control do not have the response skills or confidence to defend themselves. Thus, an expectation of a link between control deficits and victimisation exists and it can be stated that the more control deficits individuals experience, the more these individuals become vulnerable to victimisation (Piquero & Hickman, 2003:285-286).

On the other side of the ratio, individuals who experience a surplus in control may also be at risk for victimisation, however not for the reason of being weak or unable to practice resistance. These control surpluses desensitise and place individuals in a position where they feel untouchable. The problem with this manner of acting is that these individuals attempt to expand their control by seeking more exciting situations, placing them at risk for victimisation. This risk originates due to these persons feeling that there are minimal things in the world which will restrain their superiority. Piquero and Hickman (2003) concluded that the direct relationship between control imbalances and deviance, as stated by Tittle, is in line with the direct relationship with control imbalances and victimisation, for completely different reasons (Piquero & Hickman, 2003:286-287).

The abovementioned theory will subsequently be applied to the current research.

2.5.2.1. Application of theory

The extended control balance theory can be useful for understanding the current research, as children often experience control deficits as they are not in a position to have physical, emotional or financial control over their circumstances. This can be used to directly explain the primary victimisation which they experience. Children who have been victimised in any way might feel like they cannot escape the control exerted on them. In many South African cases, children are victimised by individuals known to them, therefore when they are in the vicinity of these controllers, it would be natural to think they would feel like their behavioural options are extremely limited. With this imbalance, there might just be a direct link to general or antecedent victimisation. Often children adapt to their surroundings and circumstances in what they believe to be an attempt to protect themselves. This attempt is based on the level

of control they believe they have. One of children's adaptations to the deficit of control is submission, which increases their vulnerability. When children are victimised, they often use submission as an adaptation method because of their lack or perceived lack of control. In terms of children proceeding through the CJS, there are numerous events in which they do not understand what is happening or struggle to intellectually relay information as required by officials and the courts. These events include the giving of statements, cross-questioning, intimidation and identification parades, to name a few.

As previously mentioned, children are often traumatised by having to retell their version of events numerous times. If and when any type of negative treatment or disbelief of the child's story by officials occurs, these children will understandably feel a lack of control. Court proceedings and legal jargon are often confusing for the average person, therefore for children it will be even less understandable. Even with the help of support workers, a lack of control and vulnerability is bound to be felt and therefore the possibility of submission increases. Children reacting in an emotional or confused manner can possibly be perceived by officials as a weakness in the child's original testimony which causes questioning and in turn the possibility of the child being treated with frustration and doubt. These types of reactions by officials are not in line with the Children's Act 38 of 2005 as they do not focus on the paramount importance of the interest of the child. When children are doubted, and their voices are not heard, their vulnerability increases.

2.6. SUMMARY

In this chapter, an exposition of literature related to secondary victimisation was given. Although the literature that was discussed is not always directly related to the current research, the various methods and outcomes highlighted in the literature review is of vital importance when it comes to guiding this study, as well as possible future studies. A number of legislative documents in South Africa were highlighted, however as previously mentioned the manner in which they are applied and the difference that they make for victimised children, is currently unknown and will be explored in the empirical section of this study. In addition, the theoretical framework of this study was discussed by providing a comprehensive discussion of Piquero and Hickman's (2003) extended control balance theory. Subsequently, this theory was applied to the current study. In the following chapter, detailed descriptions of the methodology utilised in the current research, as well as the ethical considerations will be provided.



CHAPTER 3: RESEARCH METHODOLOGY AND ETHICAL CONSIDERATIONS

3.1. INTRODUCTION

In this chapter, the methodological procedures of this study will be discussed. Furthermore, an exposition of the advantages and disadvantages of using specific methods will be provided. The provisions that were considered in order to maintain quality of data are also discussed. Due to the current research being inclusive of human interaction, ethical considerations remained important, therefore the ethical aspects that were accounted for during this study, are divulged.

3.2. AIM AND OBJECTIVES OF THE STUDY

The aim of the current study is to conduct a criminological investigation into the secondary victimisation of child victims in the CJS. In pursuit of the aim of the study, the following objectives were formulated:

- Investigate the prevalence and nature of secondary victimisation of child victims in the CJS by means of the perceptions of role-players.
- Identify whether the provisions (policies and legislation) in South Africa, which aim to reduce the occurrence of secondary victimisation, are enforced in practice.
- Explore and describe measures that should be taken to avoid or reduce the occurrence of secondary victimisation of child victims in the CJS.

Consequently, the following research question was addressed in the current study: What are the perceptions of role-players regarding the secondary victimisation of child victims in the CJS?

3.3. RESEARCH PARADIGM AND APPROACH

The qualitative approach adopts an interpretative nature, delving into the cultural and historical interpretations of social life as perceived through individual experiences. Qualitative research is considered to take on a multidimensional approach and emphasis is placed on thoroughly understanding, through the researcher's interaction with the participant, detailed information

in order to interpret it correctly (Sarantakos, 2013:40,43). The main goal of qualitative research is to interpret the significant understandings that individuals have regarding specific situations. This positively allows us to view life from a variety of perspectives and make sense of how and why people hold different perceptions (Neuman, 2012:92; Wagner, Kawulich & Garner, 2012). Furthermore, this approach regards social life as the bearing of highly insightful details (Braun & Clark, 2013:37; Anfara & Mertz, 2014:20). The themes and ideas that the participants held in this research study were sought after and the data that was gathered encapsulated actual occurrences by documenting what the participants said. Even though this is a non-numerical approach, the received data is rich in context, complex and detailed (Neuman, 2012:93; Thomas, 2013:78). Within qualitative research, the researcher is responsible for obtaining the subjective information and interpretively linking it to the purpose of the study and ensuring that it relates to the research question. Theory can advantageously be generated from the knowledge gained via a qualitative approach (Christensen et al., 2015:66-69). A quantitative approach would thus not have been appropriate for the current research as the required data cannot be gathered numerically.

The current study made use of the subjective paradigm in order to understand the constructionism in terms of social reality. Constructionism emphasises that our social realities are seldom dependant on the objective but rather on the beliefs and theories that people hold. The subjective paradigm thus focuses on the idea that people construct their own realities (Neuman, 2012:48). The current research strived to understand the constructed realities of role-players working in fields where children possibly experience secondary victimisation or are treated differently following their victimisation. The in-depth nature of qualitative research magnified the subjective information received and allowed for sufficient information to be interpreted. It is important to note that the findings in the current study are non-generalisable due to the small qualitative research sample. However, generalisability was not aimed for in the current research as the purpose was rather to gain in-depth information, thus using a non-rigid approach allowing for the obtaining of detailed and rich data (Kumar, 2014:133).

3.4. TYPE OF RESEARCH

The type of research focused on in the current study was basic and pure in nature, for the main reason that no provisions or implementations were set out for the data received throughout the research process (Kumar, 2005:9). Although the current research can be used in future for the initiation of improved judicial processes and the enhancement of training initiatives for those who work with victimised children, this study was done purely to generate

new theoretical knowledge. The findings of this study are thus a foundation on which future research can be based (Terreblanche, Durrheim & Painter, 2006:45). This study aimed to collect information and magnify knowledge by focusing on current knowledge as well as accumulating undisclosed information regarding the role-players' perceptions of secondary victimisation of child victims in the CJS. Gulbrandsen and Kyvik (2010:344) stated that basic research is undertaken to acquire new knowledge regarding observable facts without the goal of using or applying this new knowledge. This type of research is thus suitable for the current study as it does not involve the use of findings to solve specific problems (Gulbrandsen & Kyvik, 2010:344).

3.5. RESEARCH PURPOSE

An explorative research study is needed when there is a lack of information on a new and upcoming topic (Fouché et al., 2011:95). The current research investigated a phenomenon of which very little information is currently known, thus an exploratory research purpose was best suited for this study (Neuman, 2011:38). Moreover, explorative research leads to insight and often involves the use of in-depth interviews (Babbie & Mouton, 2001:80). Although unique research exists in South Africa pertaining to the difficulties and implications of the CJS on individuals with speech barriers, there is no specific research done on the secondary victimisation of children. The research conducted by Hesselink-Louw et al. (2003), Ovens et al. (2001) and Prinsloo (2008:2010) included information about the secondary victimisation of child victims in the CJS, however it was not the main aim of their studies. The purpose of the current study was explorative in nature as it explored the perceptions of role-players and used their insights to understand facets of the secondary victimisation of child victims in the CJS. Due to the lack of research done in the South African context regarding the secondary victimisation of child victims in the CJS, this remained the only research purpose suitable for the current study.

3.6. RESEARCH DESIGN

A case study design is a method of investigating a case or phenomenon within a natural setting. This design was utilised because of the fact that the research focused on the meaning that role-players attach to their experiences with child victims who proceed through the CJS. Furthermore, the design allowed for gaining insight into the perceptions held by these role-players (Babbie & Mouton, 2003:281). The case investigated in the current research was the role-players' perceptions. An instrumental case study design was utilised in order to provide

an understanding of these role-players' perceptions pertaining to the secondary victimisation of child victims in the CJS. Instrumental case study designs are used to provide insight into a phenomenon where the cases are analysed in depth and the contexts examined. As in any qualitative research, the current study ensured that the collection and analysis of data occurred concurrently (Baxter & Jack, 2008:549,554). This design collected both descriptions and themes from role-players which were then further analysed to derive conclusions (Fouché et al., 2011:272). A case study design was found to be the best suited for the current research as it is flexible and affordable and can be used in the majority of social environments (Fouché & Schurink, 2011:322).

3.7. RESEARCH METHODS

3.7.1. Sampling procedures

Non-probability sampling was utilised so as to select the sample purposefully and non-randomly in order to yield the maximum amount of information possible (Leedy & Ormrod, 2013:154). Non-probability sampling fits the goal of the current research as the information received from the samples could not be generalised to the greater population. Thus, the sample did not need to be representative of the population (Neuman, 2011:242).

A purposive or judgement sampling method was useful in the current study as it is complimentary to an explorative research study (Neuman, 2012:149). Ten role-players, who were able to provide in-depth information, were appropriately selected for this study. These role-players included social workers from the Teddy Bear Clinic for Abused Children, who work with and have practical knowledge pertaining to child victims in the CJS. The Teddy Bear Clinic is a multi-disciplinary organisation focusing on child victims of neglect, physical abuse and sexual abuse. Furthermore, their focus lies on abuse awareness programmes, various types of assessments, court preparations, as well as counselling (Teddy Bear Foundation, Sa). The geographical location of the Teddy Bear Clinic, in Johannesburg, made it easily accessible to the researcher. Permission to conduct research at the Teddy Bear Clinic was granted (see Appendix B). In order to retrieve useful and meaningful information, these experts were required to have a minimum of 2 years' experience in the field and needed to be able to converse in either English or Afrikaans. In order to ensure the desired number of participants were obtained, a purposive sampling method was used (Christensen et al., 2015:171). Interviews were conducted until the researcher was confident that saturation had been reached and no additional data was being obtained.

3.7.2. Pilot study

A pilot study was used for the purpose of gaining experience by testing for possible problems occurring in the study. It is beneficial to carry out pilot studies as they are not overly time consuming, are cost-effective and are a method to improve the quality of data (Bordens & Abbott, 2011:158). The semi-structured interview schedule was tested during this process. A social worker in private practice, who has extensive experience in the field, was interviewed for the pilot study. Due to the richness of information received during the interview, the data was included in the main study. The results of the pilot study were analysed and because no problems arose, the questions did not need to be adjusted or improved (Christensen et al., 2015:284). In line with the processes followed during the pilot study, as well as the verbal feedback from the pilot study participant, the interview process remained the same for the remainder of the study.

3.7.3. Data gathering instrument and method

The researcher made use of qualitative interviewing, which entails the questioning of research participants and the recording of their responses. The questions asked did not have to be altered or redesigned due to the responses received in the pilot study (Babbie, 2007:305). The following was adhered to so as to avoid the possibility of problematic interviews and to ensure that the interviews were effective (Creswell, 2009:183):

- The researcher remained objective so as to avoid providing her own perceptions, which may in turn alter the responses given by the interviewee.
- Attention was given to understanding the interviewee as far as possible in the allowed time frame, in order to be able to pick up on any verbal cues and receive more detailed information.
- The responses were written down even though the interviews were audio-recorded, in case of damage to equipment.

A semi-structured interview schedule (Appendix D) was used to guide the interviews. Pre-set questions were therefore utilised to direct the research participant as well as the process of the interviews (Greeff, 2011:352; Fouché et al., 2011:352). The formulation of this interview schedule provided an advantage to the researcher as she was able to be well prepared and was constantly reminded of the purpose, goal and possible limitations of the interviews (Greeff, 2011:352). Within the interview schedule, the guideline questions were set out so as to flow

in a methodical manner. This assisted the research participant in adapting to the type of questions and providing more detail as the questions progressed (Greeff, 2011:353). Semi-structured interviews were utilised in the current study as the focus remained to obtain detailed information regarding the beliefs and understandings of role-players regarding the secondary victimisation of child victims. The semi-structured interview schedule was also advantageous, as it allowed the researcher to ask follow-up questions depending on the responses provided to the initial questions in the schedule (Babbie & Mouton, 2001:289).

One of the relevant data collection methods made use of in case study designs is interviews. In the current study, interviews were conducted in a semi-structured manner in order for the participants and researcher to work together to arrive at the goal of the study. This collection method provided the opportunity for the researcher to listen attentively to the participants' descriptions as well as to pick up on any underlying cues (Leedy & Ormrod, 2013:145). The interviews took place within an office at the Teddy Bear Clinic. A total of eleven role-players (10 from TBC and one private practitioner) were interviewed and each interview took between 30 minutes and an hour to complete. The responses were audio-recorded and extensive written notes were made. Prior to each interview being conducted, the participants were required to sign an informed consent form which explained the purpose and procedures of the study as well as the ethical considerations.

3.7.4. Data analysis and reporting

Following the data gathering process, the analysis of qualitative data, where the collected data is organised, is vital (Bachman & Schutt, 2012:216). Qualitative data needs to be consolidated and interpreted in order to make sense of the data obtained (Merriam, 2009:175). It is beneficial to analyse the subjective data simultaneously to the collection of the data, in order to prevent the data from becoming unfocused or repetitive (Merriam, 2009:171). The data gathered in this study, from experts in the form of verbal opinions, was analysed after which links between these perceptions were identified. Sensitivity was maintained throughout the process of analysing the qualitative data in order to ensure that rich descriptions of the research data were maintained (Bachman & Schutt, 2012:216).

The analysis of qualitative data is an ongoing process, which commences as soon as data is collected and continues throughout the research process (Bradley, Curry & Devers, 2007:1760; Nowell et al., 2017:4). Thematic analysis was utilised for this study by means of identifying themes and patterns of the lived experiences or perceptions of the abovementioned role-players (Nowell et al., 2017:1). The data was collected with the assistance of audio

recordings after which each recording was transcribed and patterns, from direct quotes or common ideas, listed. Prior to any recording taking place, permission was requested and obtained from the research participants. All information relating to these classified patterns was then identified and sorted. Sub-themes were then created in order to catalogue related patterns. The themes emerging from this analysis process were used to form a comprehensive understanding of the participants' experiences or perceptions. The researcher advantageously picked up on patterns during the interview and obtained more information about these patterns from the participants. Preparation and organisation are crucial when it comes to qualitative data analysis and therefore the researcher ensured that, beyond the physical data collection, administrative processes were kept in order. This entailed the meticulous filing and safekeeping of signed consent forms, written notes and audio-recordings as well as the corresponding transcriptions. This assisted in making the analysis process easier (Flick, 2014:372). Thematic analysis was advantageous for the current study as it is a useful method to examine the perspectives of various participants where similarities or differences were highlighted, and unexpected insights gained. It furthermore assisted the researcher in the analysis process (Nowell et al., 2017:2).

The process of thematic analysis includes the guidance, interpretation and representation of textual data. Guidance of the textual data refers to the initial two phases of thematic analysis where the researcher first familiarises herself with the data and thereafter generates initial codes for the data. In the process of interpreting the textual data, the next three phases of thematic analysis come into play. These phases include searching for themes within the data, reviewing these themes and thereafter providing the themes with definitive names. Representation relates to the final phase of thematic analysis in which a report is produced, encapsulating the analysed data (Nowell et al., 2017:1,4-11).

3.7.5. Data quality

Trustworthiness was aimed for in the current research by ensuring that the participants' perspectives were ethically gathered and thereafter represented accurately. Credibility, confirmability, auditability and transferability are the four concepts that were aimed for in order to achieve trustworthiness. An enhancement strategy was considered, namely peer debriefing, which enhances the concept of confirmability. In terms of peer debriefing, other researchers currently busy with qualitative research were met with and research decisions discussed. The process of auditability was also followed by writing up all procedures in order for other researchers to be able to conduct similar studies (Lietz & Zayas, 2010:191-198; Nowell, et al., 2017:3). The current qualitative research study incorporated sufficient details,

in order to convince relevant parties that what the researcher interpreted does in fact make sense (Merriam, 2009:210). With regards to transferability, member checking was utilised where the received data, as transcribed by the researcher, was communicated with the participants in order to allow for any feedback or alternatively an approval of the interpretations made (Cope, 2014:89). Thus, the trustworthiness of the study was enhanced.

3.8. ETHICAL CONSIDERATIONS

The current research includes interaction and contact with humans and therefore ethics is an essential part of the research process (Dantzer & Hunter, 2012:22). Prior to the data collection commencing, ethical clearance was applied for and approved by the Research Ethics Committee of the Faculty of Humanities at the University of Pretoria (See Appendix E). The following ethical aspects were considered throughout the study.

3.8.1. Voluntary participation by informed consent

No participants were coerced into participating in the interviews, thus participation was voluntary. The participants were informed of their rights to refuse to participate as well as their right to withdraw from the process at any point (Silverman, 2013:162; Leedy & Ormrod, 2010:101; Wisker, 2009:212). The means of voluntary participation was further satisfied through informed consent (Appendix C). Due to the research sample chosen, all research participants had legal capacity to provide consent. Informed consent was documented in writing (Maxfield & Babbie, 2009:32) and included the purpose of the study, how the retrieved data would be used, the procedures that would be followed as well as the participants' time required (Wisker, 2009:212).

3.8.2. Avoidance of harm

Due to the researcher interviewing role-players who are professionals in their respective fields, the chances of harm were reduced and as a result, no unusual stress, lowering of self-esteem or embarrassment occurred (Leedy & Ormrod, 2010:161). With no unusual negativity resulting from the data collection as well as no deception being utilised, debriefing of the participants was not deemed necessary (Christensen et al., 2015:131-133).

3.8.3. Confidentiality

Any individuals or entities referred to within the interviews were kept confidential and were not used in outlining the findings of the study. All information gained was kept private and the participants were in no way later linked to the information that they provided. The face-to-face interviews withdrew the possibility of anonymity, however all identities remained confidential in the writing of the dissertation (Dantzker & Hunter, 2012:28). Due to the nature of the interviews, information provided by the participants was known and linkable by the researcher (Maxfield & Babbie, 2009:32). This was however kept confidential throughout the process of the study as well as within the final research report (Davies, Francis & Jupp, 2011:294). In order to extend the knowledge gained from the current study, the research will be disseminated through a dissertation, scientific journal articles and through conference papers. According to the University of Pretoria's policy, all data collected during the current study will be stored at the Department of Social Work and Criminology for 15 years.

3.8.4. Competency of the researcher

The researcher remained truthful and respectful throughout the research study and all processes were completed ethically and honestly. All the research participants were treated with dignity and not judged based on the perceptions that they presented to the researcher (Strydom, 2011:123). Moreover, the researcher completed a Methodology module and compiled a research report as part of the BA (Hons) in Criminology degree completed prior to embarking on the Master's degree. The current research was furthermore guided by a qualified supervisor from the Department of Social Work and Criminology at the University of Pretoria.

3.9. SUMMARY

This chapter outlined the methodology that was utilised to conduct this research as well as the ethical considerations that were relevant to this study. The proceeding chapter will discuss all empirical results brought forward by means of the above discussed research methods.

CHAPTER 4: DESCRIPTION AND INTERPRETATION OF RESULTS

4.1. INTRODUCTION

In the previous chapter it was anticipated that the role-players from the Teddy Bear Clinic would provide insightful information regarding the secondary victimisation of child victims in the CJS. In order to achieve this goal and receive the relevant in-depth information, semi-structured interviews were conducted with eleven role-players. The interview schedule was designed based on themes identified from the literature review as well as information that is unknown due to the dearth in available research. The interviews were voice recorded in order to allow for the researcher to document all the data comprehensively. It was clear to the researcher that a handful of the participants felt uncomfortable with the knowledge that they were being recorded, this apprehension was however lessened by explaining the research and engaging in non-research related conversation prior to the commencement of the interviews.

The voice recorded interviews were transcribed immediately after completion of the interviews, whereby the researcher meticulously typed out the responses of the participants. All transcribed interviews were kept confidential by the researcher and the electronic data secured with a password. The subsequent section will look into the analysis and interpretation of the transcribed interviews. For confidentiality purposes, the participants have been referred to as participant A to K, thus ensuring that no link can be made to the participant. Where necessary, and to emphasise specific points, the participants' responses will be provided verbatim. Furthermore, where verbatim responses are given, any identifying information has been removed in order to ensure confidentiality. Following the transcription of the interviews, all received data was thematically analysed, and therefore summarised according to themes and sub-themes. Subsequently an exposition of the themes will follow.

4.2. DESCRIPTION OF THEMES

The process of thematic analysis includes the guidance, interpretation and representation of textual data. Firstly, the researcher familiarised herself with the data by repeatedly listening to the voice recordings as well as reading through the transcribed data. Thereafter, initial codes were generated for the data so as to provide the researcher with numerical patterns to be analysed (guidance). These patterns were then reviewed in order to identify themes and sub-themes which were subsequently definitively named (interpretation). These identified themes

and sub-themes have been presented in Table 2 below. Lastly, the researcher produced a report, encapsulating the thematically analysed data, which is provided hereafter (representation) (Nowell et al., 2017:1,4-11).

Table 2: Themes and sub-themes

Section 1	
Demographic background information	<ul style="list-style-type: none"> ▪ Gender ▪ Profession ▪ Place of work ▪ Experience
Section 2	
Themes	Sub-themes
Theme 1: Causal factors	Sub-theme 1.1: Reporting process (SAPS) Sub-theme 1.2: Court personnel Sub-theme 1.3: Court procedures Sub-theme 1.4: Repetitive detailing of primary victimisation
Theme 2: Reactive factors	Sub-theme 2.1: Victim's understanding of secondary victimisation Sub-theme 2.2: Verbal nuances
Theme 3: Consequential factors	Sub-theme 3.1: Physiological effects Sub-theme 3.2: Emotional or psychological effects
Theme 4: Reduction factors	Sub-theme 4.1: Training Sub-theme 4.2: Sensitisation
Theme 5: Resource availability factors	Sub-theme 5.1: Special courts Sub-theme 5.2: Lack of child friendly infrastructures Sub-theme 5.3: Finances
Theme 6: Legislative factors	Sub-theme 6.1: Legislative documents Sub-theme 6.2: Implementation of legislation and enforcement of provisions

4.2.1. Demographic background information

The following table summarises the relevant demographic information of the eleven role-players who were interviewed.

Table 3: Participants' demographic backgrounds

Participants	Gender	Profession	Place of work	Experience (years)
Participant A (Pilot study)	Female	Social worker	Private practice	> 40
Participant B	Female	Social worker	Teddy Bear Clinic	5
Participant C	Male	Social worker	Teddy Bear Clinic	3
Participant D	Female	Social worker	Teddy Bear Clinic	5
Participant E	Female	Social worker	Teddy Bear Clinic	2
Participant F	Female	Social worker	Teddy Bear Clinic	12
Participant G	Female	Social worker	Teddy Bear Clinic	> 20
Participant H	Female	Social worker	Teddy Bear Clinic	15
Participant I	Female	Social worker	Teddy Bear Clinic	> 20
Participant J	Male	Social worker	Teddy Bear Clinic	2
Participant K	Female	Social worker	Teddy Bear Clinic	4

It is clear from the above table that the majority of participants were female, however, it was found to be advantageous to obtain information from male participants as well, as the perceptions of male and female social workers varied as will be discussed in chapter 5, paragraph 5.4. Once the interviews were transcribed, it was clear that the participants with less experience provided information which was equally valuable as those with more experience.

4.2.2. Theme 1: Causal factors

The factors described below make reference to the main themes identified as causing secondary victimisation to child victims. From the analysed data it was clear to the researcher that the participants felt the reporting process, court personnel, court processes and repetitive retelling of the victim's story were the main causal factors of secondary victimisation for child victims.

4.2.2.1. Sub-theme 1.1: Reporting process (SAPS)

Ten of the eleven participants (B to K) expressed varying degrees of dissatisfaction with the reporting process where SAPS officers engage with the child victims. The participants stated that this is the first line of communication and initial correspondence that a child has with the CJS, therefore it is one of the most important processes. With that being said, it is also one of the processes that the participants found to be the most problematic. The most prominent obstacle discussed by the participants, with regards to the reporting process, was the manner in which SAPS officials treat the children who have already been victimised. There was an array of mistreatments presented by the participants, of which each will be discussed below, and verbatim quotes provided thereafter.

Participant B, D, F, G and J had shared their perceptions regarding SAPS officials not believing child victims when they proceed to the police station to report their primary victimisation. Beyond discrediting the child's story, the officials were said to question the victims in a disbelieving and condemning manner. Participant B highlighted that the manner in which children are received by police officials is troublesome especially when a child is known to be the 'black sheep' of a community or a rebel. These children are then not believed purely because of their background, which in turn results in them being questioned instead of empathised with or immediately being assisted. Participant D and G emphasised the above by adding that the child victims are questioned in a manner which indirectly blames them or accuses them of lying. This distressing approach was rationalised as being due to the officers not knowing how to deal with or approach child victims, particularly those who have been sexually abused. Participant F related that when children report matters to the police, they are treated inappropriately, in terms of unsuitable remarks, and that leads them to have minimal faith in the CJS as a whole. The following quotes have reference to the above explained responses:

- Participant B: *“Sometimes they are not believed immediately, and it is because of the dynamics of how they were raised in the household. A child that is known to be a very problematic child, when they report something they are not believed. They constantly have to prove that whatever happened to them really happened.”*
- Participant D: *“They {police} are not being educated on how to deal with these victims, especially for sexual abuse. They ask questions such as ‘why were you walking at night?’ ‘why are you wearing short dresses?’ ‘you are not telling us the truth, you agreed to this.’”*



- Participant F: *“If people go to the police station they are mistreated.”*
- Participant G: *“There is also victimisation when reporting, when they {child victims} go and report they are not believed.”*
- Participant J: *“The rule of the police is to open a case and investigate and that’s when you find out whether I’m telling the truth or lying...if you conclude while I am coming to open a case, that I am lying, then you didn’t do your job properly. You failed me.”*

Participant D, J and K mentioned that statements are often taken from child victims without any level of privacy. All three of these participants shared the view that child sexual abuse cases are of such a sensitive nature that the victims should be handled in a private office, however it was reiterated that this does not happen in practice. The previously victimised children are often interviewed by the police in public spaces or in a charge office when they are expected to be attended to in a private room. Participant J went on to express that *“there are those that are seen in front of everyone and they are unable to open up and share exactly what happened to them.”* The final two participants who were interviewed expressed that within the disadvantaged communities, it is the duty of the police officers to collect the child victims and transport them to their forensic assessment appointments, counselling or any other court duties that they may have to attend. It was explicitly stated that the officers do not adhere to or respect this duty and the children have vocalised the following to these social workers:

- Participant J: *“He could not come and pick me up because he was busy.”*
- Participant K: *“They don’t have vehicles.”*

Half of the participants also discussed the desensitised nature of the SAPS personnel’s responses and conduct whilst engaging with the child victims. It was articulated that there is an immense lack of knowledge possessed by these officers with regards to the handling of child sexual abuse cases. It was confidently suggested by Participant J that *“not just anybody should open a sexual abuse case, especially police because you find the clients are often complaining about the police.”* The need for a professional, who is qualified to open and deal with such cases, was described. It was further discussed that police officers are not trained to deal with the emotions of a child, therefore it is traumatic for the child if they are first received and interviewed by these officers. Interestingly, participant J asserted that he had never

received complaints about female police officers and his clients only proclaimed their disdain for male officers. Along with the lack of knowledge and desensitised nature that many SAPS members display, it was recommended that not only should they as officials remain sensitised, they need to sensitise the child victims as well in order to ensure that the children understand the entire process that will transpire. The final interviewed participant declared that although many officers are equipped with the information necessary to deal with these victims, somehow there are still cases of victims not being handled in a sensitive manner. The issue of police asking unbecoming questions was briefly mentioned. The below quotes give reference to discussions with participant F and I, specifically relating to male child victims and the insensitivity of police officers:

- Participant F: *“You find our boys have a challenge of reporting cases of abuse because of stigma, some officer will just make fun of him and say, ‘oh come on didn’t you enjoy it.’”*
- Participant I: *“SAPS they are not trained, they are still stuck in that traditional thing that says a boy child cannot verbalise their feelings, that they need to be tough. So, they lack knowledge, they only know their dockets.”*

It is clear from the above explanations and quotes that the manner in which children are received, handled and protected by some SAPS officers is of such a nature that secondary victimisation can be expected.

4.2.2.2. Sub-theme 1.2: Court personnel

Similarly, ten of the eleven participants outlined the detrimental impact, in terms of secondary victimisation, that prosecutors and other court personnel have on child victims. The main factors that were focused on with these professionals was their lack of knowledge or understanding of how to deal with children, the lack of feedback and communication provided to these children and their families, and their main goal being to win the case. Nine of the participants particularly focused on how prosecutors and court personnel do not necessarily comprehend the manner in which child victims should be handled. Beyond not having cognisance of how children need to be treated, it was said that these professionals are not even aware of the factors that contribute to secondary victimisation. It was expressed by participant A that as much as judges need education, it is the prosecutors who need to protect the child and therefore the knowledge that they require is paramount. She further stated that

there are prosecutors who have requested her assistance for the types of questions that they should be asking so that they can ensure the minimisation of further trauma to the child. Although this indicated to the researcher that there are professionals who would like to seek advice and learn, it also indicated that there are personnel who are not as knowledgeable about the practices as they should be. The below quote emphasises the responses discussed from participant A:

- Participant A: *“I personally feel that our prosecutors are our biggest issue. Whatever they have received {in terms of training} is not enough, they have to become experts because only experts are good enough to help a child.”*

Participant B summarised her perception regarding court personnel as follows: *“the way the kids are being welcomed in court, it really does bring secondary trauma to them”*, whilst participant C stated that *“the defence attorneys and lawyers are not child friendly, they want to defend their client so they really don’t care that this is a child or not.”* He further went on to express that at times he feels as if some prosecutors and lawyers are not trained on how they should handle the cases of children because they do not make the distinction that they need to be gentle when it comes to children. Similar to the point made by participant C, participant A and J provided the following insights into the main goal of these professionals:

- Participant A: *“There’s one thing that these personnel would like to see happen, primary to the best interest of the child, it is to get the perpetrator guilty...Assessments are not fact-finding missions only, it’s a way to help get the information to help the child.”*
- Participant J: *“The main aim of the defence lawyers is to win the case and they try to confuse the child.”*

A number of the participants explained how they had confronted these court professionals, particularly prosecutors, in order to understand why questions are being asked in a harsh or condescending manner. Through the explanation of all of these confrontations, it was highlighted that the professionals state that they are attempting to prepare the child for court as the questions will be asked in a similar way by the lawyer in court. Participant K stated that other prosecutors state that they *“are not supposed to be friendly like social workers.”* Communication and feedback are essential in providing guidance to child victims and their families, it was however clear from participant B and F that there exists a lack of

communication from the court's side. It was reiterated that children, often their parents as well, are unaware of where their cases stand, on many occasions they do not understand why or for what they are attending court, they do not receive results from doctors and they are completely uninformed regarding how the court process will work and what will be required of them. The uncovering of this information relates to Ben-Arieh and Windman's (2007:33) conclusions that authorities need to implement a system which ensures child victims and their parents are timeously informed about support options and services.

It is understandable that each professional has a specific task at hand, however, with the responses received from the participants, it is evident that the focusses and mannerisms displayed by some prosecutors and other court personnel is in actual fact doing harm to those children who are already in a position of trauma and despair.

4.2.2.3. Sub-theme 1.3: Court procedures

Although participant A confidently voiced that the problem does not lie with the court and its procedures but rather with the professionals, all the other participants articulated that the court processes contribute to children experiencing secondary victimisation. The predominant concern identified was prolonged court procedures, especially when it comes to cases in which child victims are concerned. It was clearly stated that the delays in the court procedures, in terms of prosecution, has a major impact on these children. These findings re-iterate the suggestion by Ovens et al. (2001) that hearings which involve children should be prioritised and their cases processed as quickly as possible.

The understanding of the high volume of cases waiting to be finalised was explained, however the focus remained on the overwhelming effect that this has on the child victims. Additional insight was provided into the fact that children have an expectation that court processes will play out similarly to the assessments and counselling, and therefore when the process gets delayed it causes uncertainty, disappointment and a feeling of being failed. Participant C mentioned that children naturally begin to forget certain details after a prolonged period of time, reiterating that when a case drags on for more than two years, the details in a child's account will naturally change or diminish. The following quote, provided by participant F, discloses reasons as to why cases are often prolonged:

- Participant F: *“The lawyer is sick, or the perpetrator has changed lawyers, the magistrate is sick, there is no interpreter for the child, there is no intermediary.”*

Similar to that of Halley's (2019) article, an example was provided by participant F where the procedures taking place within the court were highlighted to be very problematic. A 7-year-old had been raped by her father's friend after he had lured her into the bushes. It was said that her father had provided his friend with an instruction to take his daughter out for ice cream however when she accompanied the friend and ended up in the bush, she was choked and forced to undress. Her father's friend proceeded to rape her both vaginally and anally. The young girl was found a few hours later by her family after which the matter was reported to the police. With DNA evidence available it was believed that the case would not take long to be concluded. This was however not the reality as there was a long waiting list at the laboratory which needed to process the DNA evidence. Participant F sympathetically stated that due to the constant postponements in this case, the victim was only able to provide testimony when she was 9 years old. Besides the evidence that had been provided, the young victim was expected to provide testimony in an open court and was cross-examined for a whole of two days. This example gives insight into a case which severely traumatised a child victim due to, not only the lengthy process, but also the procedures forcing the child to give testimony in an open court and be questioned for an unnecessarily long period of time. Orth's research conducted in Germany can be directly compared to the findings discussed in this section where children are obliged to participate in criminal proceedings and are consequently harmed more (Orth, 2002:324). The following quotes summarise the opinions as described above:

- Participant F: *“They claim that their turnaround time is 9 months, yet it’s not, we have cases that drag for 4 years.”*
- Participant G: *“The court process is the worst for them but there are those {social workers} who are very competent with court preparation.”*
- Participant J: *“Cases of children normally drag, cases get dragged for 3 years due to a lot of procedures and processes that are involved. I had a case with one child who testified in an open court, in front of the suspect. The case was opened in 2016, still today it has not been finalised. So, whenever this child had to go to court she would cry, even today she will cry.”*

The issue of bail approvals that cause major trauma to a child was then briefly introduced by participant H and I. This is particularly true in cases where the victims and their families are uninformed about the successful bail application of their perpetrator and when the bail was approved without the proper finalisation of an investigation. Participant H posed the following

rhetorical question: If the justice system focuses on people being innocent until proven guilty, then what is happening to the child? It was then proclaimed that the child is suffering because an alleged perpetrator gets arrested however after a week they are released and “*found to be threatening the child or doing things to the child.*” Subsequent to these comments, the participant advocated that perpetrators should not be granted bail until the investigation and evidence is finalised. Participant I indicated that when these children observe the alleged perpetrator roaming the streets, they are adversely affected.

4.2.2.4. Sub-theme 1.4: Repetitive detailing of primary victimisation

The process of child victims having to persistently depict what has happened to them was established to be one of the major causes of secondary victimisation. More than half of the participants discussed how the reliving of the primary victimisation leads to the children believing that they are guilty, that they are not believed, and that they should not have opened the case in the first place. The children were said to get to the point of “*I don’t want to talk anymore because whatever I say now, nobody believes me*” (Participant A) and “*what do you want to know? I’ve been saying this to a lot of people, there is nothing more that I want to say*” (Participant H). This questioning of themselves was purely related to the number of professionals consistently asking them the same questions over and over again. The child victims have to relay their story when they disclose it to somebody near to them, when they report it to the police station, to the specialised unit, when they go for medical assessments, when they are assigned a prosecutor, when they go for counselling and when they give testimony in court. This leads to a child victim feeling as though the other adults obviously did not believe them, because here they are retelling their traumatic story once again. Participant E added that it is very distressing for these children to relive the trauma and tell the professionals everything that happened.

It can thus be reasoned that children experience trauma as a result of the CJS and its multiple factors aiding in causing secondary victimisation.

4.2.3. Theme 2: Reactive factors

It was important for the researcher to gather data regarding child victims’ understanding of what secondary victimisation is and if they discuss these instances with social workers during counselling. The participants unanimously provided the following information in this regard.

4.2.3.1. Sub-theme 2.1: Victims' understanding of secondary victimisation

As was expected, the data gathering process validated that children do not understand what secondary victimisation is nor do they comprehend that it is what they may be going through. It was stated that the children purely feel abused or feel pain, however they cannot make the distinction between primary or secondary victimisation. In other words, the child victims become so immune to the pain that they have been experiencing, that for example, when professionals treat them in a certain way or neglect to care for them, they tell themselves that it does not affect them because they have been through this before. This gives rise to the following questions: How is secondary victimisation then recognised by the social workers who come into contact with child victims who have already gone through numerous CJS processes? The research participants' responses will be explicated in the following sections.

4.2.3.2. Sub-theme 2.2: Verbal nuances

Participant A, D, E and H gave insight into the fact that professionals who are experts in the field will easily be able to observe what a child is or has been going through. They divulged that children who have been re-victimised often convey the following to them:

- Participant A: *"I don't want to go there again. I don't want to speak to that one, if anybody needs to talk to me can you talk to me?"*
- Participant D: *"I am tired of going to court."*
- Participant E: *"I want this whole thing to be over."*
- Participant H: *"...the way you are doing things, the other person said this and that, the way you are doing things with me, I don't feel like I am judged."*

Participant A further informed the researcher that when these types of remarks are provided by a child, it indicates that secondary victimisation has taken place and that the child 'has been pushed over the edge'. Similarly, participant B disclosed that her clients often provide feedback regarding how they felt when a professional spoke to them in a certain way. Participants C and I presented statements which indicate that child victims who have been re-victimised become reluctant and want to decline further appointments or withdraw the case altogether. From the above findings, Piquero and Hickman's consideration of control

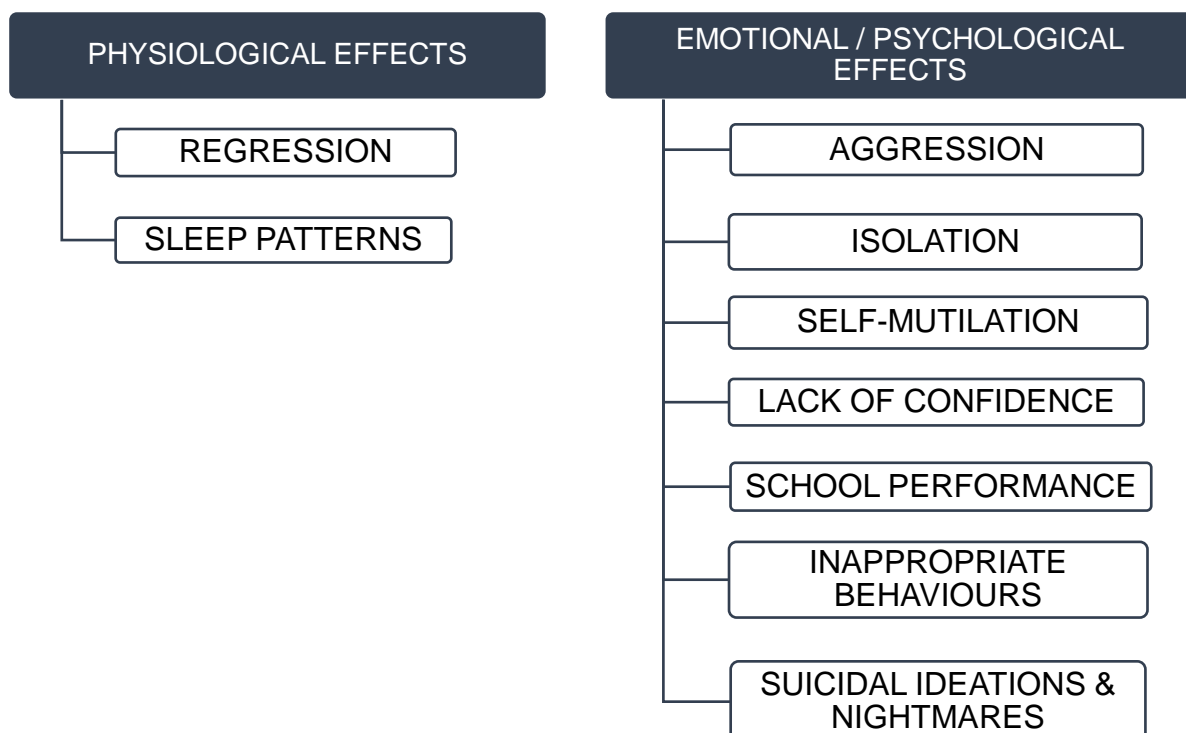
imbalances being directly related to victimisation, can equally be linked to secondary victimisation as these child victims verbally display an increased vulnerability and lack of control.

4.2.4. Theme 3: Consequential factors

A number of factors were identified during the analysis process in terms of the consequences and effects that secondary victimisation has on child victims. The main ideas recognised from the participants' responses were grouped into physiological and emotional or psychological effects. As will be discussed in more depth below, it became clear after analysing the qualitative data, that the effects on a child victim are related to them being re-victimised and staging behaviours which were not as prominent following the primary victimisation.

The following figure provides a visual summary of the analysed feedback as provided by the participants.

Figure 2: The effects of secondary victimisation





4.2.4.1. Sub-theme 3.1: Physiological effects

Two main physiological effects were found to be present in terms of child victims succumbing to secondary victimisation. Various participants discussed factors such as children beginning to show signs of regressing, in terms of mannerisms that they had already outgrown, and alterations to their sleeping patterns. All of these factors were linked to secondary victimisation and the effects that it often has on child victims of crime. The mentioned factors were grouped under physiological effects as the researcher analysed the data and found that the participants related the trauma that children feel after being re-victimised to physiological changes that occur within a child, resulting in them changing certain behaviours. In terms of regression, it was discussed that children particularly regress to the phase of bed wetting. The re-victimisation that they experience places them in an emotional position where they react by returning to habits or behaviours that they had already overcome.

Although isolation will be discussed in detail below as an emotional effect, it was divulged that isolation often manifest into the child's behaviour. In order to achieve this isolation, it was discovered that some children lock themselves in their rooms, mostly interacting with their phones. Where children were known to go to sleep early, they now preoccupy themselves with their phones or technology until midnight. This isolation was therefore linked to the changes in sleeping patterns that often occur when a child victim is further traumatised. The following quotes verify the above discussed physiological effects.

- Participant C: *“Often the feedback that we will get from the parents, you’ll be told that the child has regressed, back to square one; the child is bed wetting.”*
- Participant K: *“Our kids tend to be withdrawn, they lock themselves in their rooms, mostly chatting on their phones all the time.” “If the child used to sleep early, they now sleep at around 12 o clock.”*

It is evident, from the above discussed factors, that complex physiological effects are prominent when children have been re-victimised. With reference to the discussion on a child not being equipped to communicate these factors, it can be envisaged that there are further effects that even professionals might not be aware of or are unable to detect.

4.2.4.2. Sub-theme 3.2: Emotional or psychological effects

It was further found by the researcher that child victims are emotionally and psychologically affected by secondary victimisation. These effects were discovered to cause internal conflict and disruptions for these children as well as consequently leading to aggression, isolation, and inappropriate, obstructive and dangerous behaviours. Firstly, two of the participants expressed that the effect of aggressiveness occurs both due to the primary, as well as the secondary victimisation. It became clear during the data collection that the complexity of adding to a child's trauma, after they have already been victimised, results in these children acting out and becoming aggressive, sometimes even victimising other children. Insight was provided that parents begin to classify their children as naughty, however this is due to the lack of understanding of the child's increased trauma. Participant K related the withdrawal to the fact that children do not have the necessary means to deal with the emotions that they experience after being traumatised multiple times. These are emotions that are hard for a child to understand and they are unable to effectively communicate their experiences and feelings.

The second identified psychological effect of isolation was divulged by three of the participants. Participant D explained that child victims, who have experienced secondary victimisation, tend to isolate themselves "*in a way that they were not like before*" as a means of coping with the additional trauma. Where children were observed being 'bubbly' at school and getting along with others, they are now seen sitting in a corner on their own. She further reasoned that this manner of reacting to trauma is the child's way of attempting to avoid being victimised even further. Children believe that if they isolate themselves and create space between them and others then they will be safer and out of harm's way. Similar to the response provided above, participant F agreed that the social functioning of a child is greatly impacted due to secondary victimisation as they withdraw themselves as much as possible. As can be imagined, isolation and withdrawal will have an effect on all of a child's relationships, which in turn will negatively affect their development. Beyond the isolation described above, participant K revealed that there have been parents of children that she works with, who have reported that their child left home or disappeared, and only returned after two or three days. The following quotes verify the above discussed consequential effects.

- Participant B: "*What usually happens is isolation...it's just for them to avoid being victimised again.*"
- Participant F: "*Social functioning is affected...they become withdrawn, a whole list*"



- Participant K: *“Most of them become withdrawn, obviously when you get home after being asked so many questions, you see you’re dealing with emotions that are hard for a child to understand.”*
- Participant I: *“It {secondary victimisation} leads to behavioural problems, they act out and they become aggressive...and it causes a problem at home because the parents don’t understand.”*

It was found that child victims who succumb to secondary victimisation often have a lowered self-esteem and subsequently lose hope and trust. Thoman’s (2014) suggestions of implementing strategies that teach child victims methods of coping, should be considered for children who lose hope and confidence. These methods were related to positive self-talk and activities which could decrease any type of anxiety or fear. Due to secondary victimisation deeply affecting the healing process, child victims begin to lose confidence in themselves, in others as well as the system and when healing is hindered, children are prone to taking on feelings of guilt and shame. The guilt and shame were discussed as being a bracketed feeling of regret that children begin to latch on to, they begin feeling as though they have done something wrong because they are being traumatised even further. In terms of a lack of confidence and being mistrusting, these child victims are found to group all adults into their represented world of trauma purely because the people who have hurt them in the past were adults, and they are often dealing with adults when they experience secondary victimisation. Adjoined to the minimised hope, it was uncovered that not only do children lose ambition for themselves or adults, they reach a point where they are no longer interested in continuing with their cases.

The following quotes summarise the abovementioned effects:

- Participant A: *“I don’t trust you because why would you be different from all these other adults?” “It {secondary victimisation} affects the healing process badly because the healing process had been postponed.”*
- Participant E: *“They start having issues with regret, you know ‘should I have self-blame?’ ‘maybe I did something wrong.’ These children become mistrusting of adults, mistrusting of justice.”*
- Participant F: *“Our children’s self-esteem is affected, confidence is affected.”*

- Participant G: *“It {secondary victimisation} lowers the self-esteem...now the child thinks okay maybe I have done something wrong or I didn’t say what I was supposed to.”*

Furthermore, it became clear that re-victimised children’s school performance was adversely affected. This was both related to the fact that court cases often require children to be present, therefore they physically miss school to attend appointments, as well as the fact that the emotional turmoil affects their capacity to perform well at school. Participant J spoke of a child who he had worked with who stopped going to school altogether. The child was turned away from the school due to his absenteeism exceeding the maximum allowed days. The participant stated that he took the initiative to negotiate with the school in order to allow for the child to return. Although the negotiation had a positive outcome, it was learned that the process of rejection that the child had experienced, at the hand of the school’s decision, had an immensely negative impact on him emotionally. It therefore became clear to the researcher that the criminal justice processes are extremely demanding on a child in terms of time and commitment and therefore may have more negative effects on a child than was previously considered. Other participants divulged the relation between secondary victimisation and school performance, where child victims began achieving lower grades due to the trauma that they have repeatedly experienced. It is reasonable to then take on the understanding that with a child’s lack of confidence and loss of hope, their motivation to continue putting effort into their schooling, becomes diminished.

The consequential impact of secondary victimisation was found to manifest in a child’s behaviour in instances where they start behaving inappropriately and take on dangerous habits. In order for traumatised children to find a coping mechanism, it was discovered that they resort to precarious activities such as alcohol consumption and drug abuse. In line with what was previously mentioned, psychologically a child will isolate themselves to minimise their chances of being harmed further. Moreover, they consume substances which numb the current emotions that they are experiencing so vividly. An explanation was provided as to how numbness allows a child to believe that they are now capable of making a decision to not allow emotions to affect them and to immobilise their responses of getting worked up, and consequently feeling disappointed. The following has reference:

- Participant B: *“They tend to find ways in which they can cope with this secondary trauma, in a way that is inappropriate, in a way that they were not like before. Their behaviour seems to change a lot.”*

Furthermore, it was established that these considerable changes in behaviour often go unnoticed by the child and may only be discovered when a child's family, school, church or therapists begin to notice a change and speak out. Additionally, participant B discussed the various environments that a child comes into contact with. These environments consist of a home environment, a school environment, a church environment, and a therapy environment. An indication was provided that upon a child's environments not aligning, a huge shift in their behaviours and responses is seen. This alteration was linked to the child not having certainty or a level of consistency on which they can base decisions and actions.

In terms of depressive traits that child victims of secondary victimisation start possessing, it was disclosed that nightmares are experienced and suicidal ideations become prominent. Due to the overwhelming nature of being further traumatised, child victims begin to feel overpowered and therefore depression is experienced. Moreover, depression was said to sometimes lead to dangerous behaviours, including self-mutilation. Three participants discussed the fact that they have worked with children who either desire to, or physically began to cut themselves. This is a means for the child to suppress the pain and trauma that they are currently experiencing. It was further divulged that child victims explain how this self-mutilation makes them feel relieved in some way. The following quote looks at information provided in relation to a disclosure that a child had with participant J:

- Participant J: *“Children normally cut themselves, they normally say to me that whenever they cut themselves, they feel relief when the blood comes out.”*

Based on the above discussions and verbatim quotes, it is apparent that in many circumstances, secondary victimisation has far more consequential effects on child victims than what people may anticipate. Although the effects are prone to begin with emotional turmoil, due to the lack of support and negative treatment that children receive throughout the processes of the CJS, the effects begin to manifest into physiological as well as psychological pain, and in turn unhealthy behaviours.

4.2.5. Theme 4: Reduction factors

The researcher asked participants questions related to the avoidance or reduction of secondary victimisation. It was clear by the responses given that secondary victimisation cannot be prevented, however there were identified sub-themes which suggested how this phenomenon can be reduced. These sub-themes were related to the need for training, the

requirement of professionals to remain sensitised, child victims to be provided with efficient information regarding what to expect during the justice process, and the desire for court procedures to be transient. Based on the causal factor theme (theme 1) which was previously discussed, it is comprehensible that the ways in which secondary victimisation can be reduced were directly related to the factors that cause the further traumatisation of child victims.

4.2.5.1. Sub-theme 4.1: Training

With regards to responses provided by the participants when asked what can be done to avoid or reduce secondary victimisation, the majority of the participants emphasised the need for training of professionals who work with child victims. Ten of the eleven participants relayed their concerns of the current availability and efficiency of training, and further stipulated the type of training that is believed to be necessary to minimise the frequency of secondary victimisation. Professionals such as SAPS members, prosecutors and court personnel were specifically disclosed as causing trauma to children who had previously been victimised. Accordingly, the participants divulged the need for these professionals to be trained, specifically in terms of how to deal with a child victim. Detailed explanations of the participants' responses will subsequently be disclosed.

Participant A reasoned that if the necessary training was provided, it would result in an efficient manner of limiting secondary victimisation. Participant B went on to suggest that training be provided to each individual that works with child victims and those persons who are in a position to protect children. This was inclusive of teachers, SAPS members, social workers, psychologists, criminologists, and parents. The training of both teachers and parents were related to being able to identify which behaviours should be questioned, the precautions that should be taken to minimise behaviours indicating the doubting of a child's story, as well as the manner in which to react or assist such a child. Generally, teachers and parents spend time with children for the majority of that child's day, thus it was made clear that these individuals need to have a clear understanding of children and how to analyse and respond to specific situations. Participant C stated that prosecutors, judges, as well as police officers really need to be trained in order to effectively deal with and question children. Six of the participants shared their concerns regarding the need for SAPS officials to be trained, including the members of the Family Violence, Child Protection and Sexual Offences (FCS) unit, which were specifically put into place to work with child victims of abuse. The below quotes give reference to the described need for training:

- Participant A: *“That would be enough for us to make sure that we can limit the secondary victimisation, we will never cut it out completely.”*
- Participant A further stated: *“The most important thing is knowledge and training, to protect the child all the way.”*
- Participant B: *“I gave the example of teachers because they spend most of the time with the children, I think they should be a priority and SAPS should be next.”*
- Participant C: *“It’s not widely available...the problem is the police stations; they are the ones that do not honour those trainings.”*
- Participant D: *“The training isn’t enough for police on finding the evidence.”*
- Participant F: *“There’s a lot of education that needs to be done in SAPS, a lot”*
- Participant G: *“Training, training, training, training, it’s very important.”*
- Participant I: *“For secondary victimisation, I think it’s lack of education that is the most important thing.”*

The abovementioned responses, in line with the dire need for training, were succeeded with explanations of the accessibility and effectiveness of current training. This provided the researcher with a clear understanding of why the participants believe that further, adequate training is necessary. Phrases from Participant A, C and G such as *“very poor”*, *“not testing people’s knowledge”*, *“it’s not widely available”* and *“it’s the last priority”* were presented when asked about the current training being provided. Training seems to be provided without any real depth and by persons who are not experts. There were on the other hand two participants who provided positive feedback about the availability of current training. Participant J stated that he is under the impression that there is training available, however, it needs to be more specialised. Participant H on the other hand, mentioned that the efficiency of the training is good enough, however further mentioned that a more universal training would be beneficial. This was related to the fact that psychologists and social workers do not do the same work, but with similar training, a child may be treated in a uniform manner throughout the process.

With a coherent understanding of why training is needed, as well as the current availability and efficiency of training, the researcher aimed to gain insight into the type of training that the participants believe is necessary. The most frequent responses provided, were that training should be specific, detailed and consistent. It was reiterated that the training should focus on specific aspects such as the understanding of the developmental stages of children, the Children's Act, how to handle sexual offence cases, the psycho-social aspects of abused children, and the understanding of a child's emotions. It should be detailed in terms of going into enough depth so as to ensure that professionals are equipped to use the learned information. The explanation of detailed training was provided alongside the statement that training should be done by an expert and therefore should be acknowledged, through for example a certificate. Consistent to the point where training is done on a regular basis and professionals begin to "*make it a part of their work*" (Participant K). It was mentioned by more than one participant, that training should not occur for only a few days or weeks but needs to be ongoing. An example of why it is important to have ongoing training was provided by two participants, who explained that police officers often get hired and shortly thereafter they are promoted and allocated to another police station. The problem of sitting with an office, of once again insufficiently trained officers, was consequently highlighted.

It would therefore be advantageous if adequate training could be provided to all levels of professionals who come into contact with child victims. Being equipped with the necessary information will aid these professionals in recognising how to minimise the occurrence of secondary victimisation.

4.2.5.2. Sub-theme 4.2: Sensitisation

As was previously mentioned, officials and professionals often become desensitised. Three of the participants suggested that if desensitisation had to be reversed or avoided, it would reduce the chances of secondary victimisation occurring. If professionals could be sensitised to the understanding of children's rights throughout the court process, it would bring about beneficial change. Children would be more protected if professionals were sensitised to the fact that they have to acknowledge the point of view of the child. If their focus was on moving at a child-appropriate pace, then children would not be 'pushed over the edge' and driven towards experiencing secondary victimisation. Once again there was a focus on police officials needing to be more sensitive. Sensitisation clearly lies hand in hand with training because if professionals were taught and constantly reminded about the consequences of their actions that may be causing secondary victimisation, chances are that they would make an effort to adjust their actions and behaviour. While discussing Javaid's (2018) research, it was noted

that it is important to decipher whether insensitivity is an issue experienced by victims in South Africa. It can therefore be confirmed that there is a consequent need to improve practices and training of officials in this regard. The following quotes provide reference to the reduction factor described above:

- Participant E: *“It requires people that work within the police to have a lot of compassion for children and to not become desensitised themselves. It’s not just another case that I have to deal with, but I need to show more compassion and warmth.”*
- Participant K: *“If only they {police} were to be more sensitive.”*

Furthermore, participant A provided insight into the fact that children are extremely perceptive and sensitive regarding the feelings and actions of adults. It was said that children hear and feel whether somebody is sensitive, and this leads to them feeling as though they are being listened to and empathised with. In terms of protecting children and minimising their experiences of further trauma, it is vital that in-depth training is provided, as well as ensuring that all professionals who encounter child victims of crime remain sensitive.

4.2.6. Theme 5: Resource availability factors

There are numerous resources that are needed when proceeding through the CJS. Therefore, the researcher found it fitting to request insight into the availability of the necessary resources as well as the effects that this may have on child victims. The duties of individuals who need to safeguard the protection of children are reflected in the decisions that a government makes, including the allocation of its resources (O’Donnell, 2004:15).

4.2.6.1. Sub-theme 5.1: Special courts

The first sub-theme which was identified, as discussed by many of the participants, was the special courts being implemented by the Department of Justice. Although the majority of the feedback was positive, there was a participant who pointed out the lack of change that this application has brought about. The special court is said to be an informal and child friendly environment where children often feel comfortable and less intimidated. The addition of toys and equipment, meant for children, are some of the ways in which children’s courts have been made child friendly. It was further stated that having an intermediary which works directly with the child and assists them throughout the process of testifying, has made a remarkable

difference. Providing children with this provision, which ensures privacy, has allowed them to render testimony without having to face the alleged perpetrator. With the exclusion of the special courtroom, it was explained that children would not be able to testify, they would change their story, and they would provide the wrong information. These negative effects of not having a special court for children to testify, were related to the immense stress and trauma that children experience. Based on the changes brought about by the special courts and how they have aimed at catering to the needs of children, the following gives reference:

- Participant F: *“When they are hungry there is a break, when they want to sleep there is a bed there, the court adjourns.”*
- Participant G: *“They are child friendly now...children are allowed to bring their own toys.”*
- Participant K: *“The child is able to sit and testify privately. It has made a huge difference because can you imagine a child having to face a perpetrator in court?”*

On the contrary, the following was mentioned:

- Participant A: *“Years ago, there were no special courts, there was no infrastructure like we have now, and it didn’t change.”*

Participant A related her opinion of the lack of change, brought about by adding special courts, to the fact that the problem does not lie with the available resources and infrastructure, but rather with the professionals and their lack of knowledge pertaining to the needs of child victims. Based on the other participants’ responses, the addition of children’s courts can however be seen as making a noticeable difference for children who proceed through the court processes. A few of the participants however, mentioned that in a lot of instances the technology and resources within these rooms are insufficient. One of the main technological advancements, implemented to assist in protecting children, is CCTV cameras. These were however described to be ineffective as they are often not working which causes even more delays in court cases due to postponements.

4.2.6.2. Sub-theme 5.2: Lack of child friendly infrastructures

Although the provision of special courts was saluted and found to be extremely positive for a child, there were other infrastructural factors that were discussed to be lacking and that are believed to seriously affect child victims. Two of the participants went into detail explaining how there are no designated waiting areas for children at court. This lack of infrastructure therefore leads to children bumping into both the perpetrator as well as the perpetrator's family. Moreover, there are no separate bathrooms for victims, thus children often come into contact with the perpetrator's family. It was specified that it is vital to have separate areas where child victims are protected from further trauma. Another participant pointed out that the infrastructure is by no means child friendly and therefore when children walk through the long cold corridors and sit on the tiny benches, they feel that they are going to be condemned. Children often react to this emotional turmoil by expressing the feeling of "*I don't want to go back there anymore*" (Participant B). This is an unsurprising reaction, as most individuals would be reluctant to put themselves in a situation where they have previously felt victimised or traumatised. Participant A expressed her belief that the infrastructure is something that needs to improve. Although participant I stated that South Africa's infrastructure is improving, she concurred that this improvement is minimal and therefore there is an extensive way to go before our infrastructure is at a point of positively aiding and protecting child victims.

4.2.6.3. Sub-theme 5.3: Finances

The final sub-theme which was identified, through the analysis process, pertains to finances. Many of the participants discussed their opinions of whether the lack of improvement in infrastructures and training of professionals, is a result of financial constraint or not. Participant D and H considered that financial restriction is a reason why more efficient or accredited training is not being done. It is believed by these participants that providing professionals with extensive and credible training will be a costly exercise. On the other hand, however, four participants argued that the reason for efficient training not being done and improvements not being implemented in terms of infrastructure and resources, is not due to a lack of finances. Participant A, who had initially stated that the current training that is available is not in-depth enough, stipulated that the funds which are used for these trainers should be used for other experts who would be able to provide more proficient training. It was suggested that the extensive amounts of money which the state is spending on ensuring that perpetrators are placed behind bars, should be fairly distributed to support children who are in need of protection and therapy.

Furthermore, participant B boldly expressed that South Africa has been struggling financially for years, therefore she is under the impression that this is not the reason why implementations have not been put into place to reduce the traumatic experiences of children in the CJS. The main issue was paralleled to professionals in the field who are not passionate about their profession and who therefore do not initiate change. Above and beyond the lack of instigating improvements, it was vocalised that many individuals shift the blame and therefore do not and cannot move in a direction of pragmatic development. Participants F and K comparably indicated that they are under the impression that there is a budget which is in place to support this development. These perceptions were raised alongside the fact that South Africa finances international professionals to come abroad and provide expert advice and training. There is therefore a reasonable amount of funds available in terms of improving our infrastructure and knowledge. It however appears that the interest of the state may be positioned incorrectly. The below yields reference:

- Participant A: *“Can we use the money in the state that we want to try to get the perpetrator to the other side of the bars, rather use it for healing for the children. Why is there no money available? So, where’s the interest lying in the state?”*
- Participant B: *“Financially we have been struggling for decades, so I don’t think that is the problem.”*
- Participant F: *“They even have people coming from America, experts in pornography cases.”*
- Participant K: *“There is a budget that is supposed to take care of such”*

It is transparent from the above discussed sub-themes that certain improvements and implementations have been successful in assisting children, such as the special courtrooms. It is however evident that many changes still need to come about in order to ensure the protection of children and in turn minimise their traumatic experiences whilst proceeding through the CJS.

4.2.7. Theme 6: Legislative factors

In May 1994, South Africa's first democratically elected parliament met, whereby the Constitutional Assembly commenced with the drawing up of a new Constitution. This process led to what is commonly known as the birth certificate of a new South Africa as well as one of the most liberal and progressive Constitutions in the world (Constitution Hill, 2019). When asked questions related to the effectiveness of the enforcement of provisions, which were put in place to protect child victims, none of the participants were fully satisfied. Various responses were provided in this regard, relating to both the theoretical provisions that were put into place as well as the manner in which they are practically enforced. These responses will be disclosed and discussed below.

4.2.7.1. Sub-theme 6.1: Legislative documents

Just under half of the participants passionately expressed how South Africa has one of the most impressive Constitutions, particularly when it comes to theoretically providing protection and justice for children. Although the participants were enthusiastic about the provisions which are in place, it quickly became clear that the legislation is purely impressive on paper and not when it comes to practicality and the implementation thereof. The following provides insight into the responses provided:

- Participant A: *“There is wonderful legislation.”*
- Participant B: *“When you look at the practicality of it, there’s no best interest of the child there, it’s the interest of the person fighting.”*
- Participant C: *“South Africa has the best Constitution, the best Acts to protect children but as to whether they are really executed or enforced, at times I really don’t think so.”*
- Participant F: *“I am really impressed with the paperwork, there is really a lot to protect the children. There is a lot to read about there, but the implementation is a problem.”*
- Participant J: *“We have got a very beautiful legislation but sometimes it’s not always the case that we put this in practice.”*
- Participant K: *“When it comes to being implemented in practice, we are still lacking.”*

In relation to the abovementioned responses, the following sub-theme will discuss feedback, as provided by the participants, with regards to how they perceive the enforcement of legal provisions.

4.2.7.2. Sub-theme 6.2: Implementation of legislation and enforcement of provisions

There were both positive and negative remarks in terms of the enforcement of provisions which were put into place with a focus on protecting children. Participant D explained how legislation is progressively being enforced in a more positive or efficient manner. She stated that with the release of the new parliamentary term, it is clear that the government is working on improving the issue of effective implementation of provisions. Participant E similarly divulged that there are organisations, such as the Teddy Bear Clinic for Abused Children, which try to utilise the provisions within the different Acts. Work is done alongside the SAPS in order to assist child victims and ensure that processes, where children are involved, incorporates these provisions in the best way possible. Participant I was in agreement with the perception that the government is doing its best, however it was mentioned that many professionals who work with children are not familiar with the Children's Act 38 of 2005 and the contents thereof. Discussions were thus had regarding how professionals would be able to enforce specific provisions if they are not knowledgeable about the available legislation.

Participant G was not under the impression that one can positively say whether provisions are imposed or not, she rather focused on the fact that there are professionals who do implement the provisions successfully and there are those professionals who do not make use of them at all. Furthermore, participant B divulged that although sometimes the provisions are enforced, the greatest setback is that it is only being used to suit certain experiences. For example, when a parent has money and is proceeding through a custody battle where the best interest of the child is overpowered, and the battle becomes about the parents and money. In the Children's Act 38 of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, it is stipulated that where a minor is concerned, the most important aspect is remembering to maintain the best interest of the child. When looking at the practicality of this statement however, there is often no best interest of the child, but rather the person fighting to win the case. When a child has been abused by a parent, the idea of the best interest of the child surfaces, however when that parent has money, they feel entitled to hire the best legal team to ensure that the child's story is not believed. In such circumstances, it is then clear that the child's best interest is not being cared for and they are not being effectively protected. Participant B advocated that one of the best ways to reduce secondary victimisation will be to start practicing the law fairly.



Another difficulty was uncovered when participants discussed the fact that parties involved in a court case need to prove their case beyond reasonable doubt. However, this becomes problematic where children are concerned. As was previously discussed, certain professionals, believing they are doing what is required of them, push a child so far that it results in that child becoming confused and therefore small details may change in their testimony. As highlighted by the participants, this seemingly small amount of doubt may result in the State or prosecution finding it extremely difficult to prove that a perpetrator is in actual fact guilty. This is despite the fact that there might be compelling evidence proving otherwise. Participant J highlighted that this becomes especially troublesome for children. Participant H briefly discussed the phenomenon of bail being granted to perpetrators and how this decision counteracts the provisions which are meant to protect our victimised youth. A child begins to have feelings of suffering when they are afraid of a perpetrator and they are made aware that the courts have granted a perpetrator bail within a week. It was suggested that until all the evidence has been collected, bail should not be granted, in order to ensure the safety and protection of child victims.

Participant C briefly discussed his concern regarding the unsuccessful intervention of professionals in removal cases. It was stipulated that when cases of abuse are reported to the Department of Social Development, intervention is expected, and the situation is supposed to be thoroughly assessed. This is however not happening, and the participant stressed that children are experiencing secondary victimisation due to the lack of support and intervention. Participant K provided insight into why the practical implementation of provisions are noticeably lacking. According to the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, fondling is considered sexual assault. In many cases, where fondling was involved, the cases do not progress in court due to the court stating that there is no physical evidence. Unfortunately, perpetrators and sexual offenders are well equipped with the knowledge that if they carry out their actions in a certain way, not leaving any obvious physical evidence, the case will stagnate, and they will get away with the victimisation. This participant additionally shared that from her experience, when a J88² comes back and there is no evidence of tearing, the court rules that there is insufficient evidence. It was clear to the researcher that participant K expressed great frustration in the fact that doctors can understandably, in many cases, not determine whether a child has been fondled, however this does not conclude that the incident did not occur. It further does not necessarily entail that the

² J88 – a legal document which is completed by a medical doctor or registered nurse, where injuries sustained by a victim are recorded. This occurs in any instance where a legal investigation is to follow (Medical Protection, 2014:8).

perpetrator did not experience any type of sexual gratification and did not commit a sexual offence. The following quotes have reference to all of the above discussed legislative factors:

- Participant A: *“Our most important goal, that happens simultaneously to how can I help this child get through this gruesome experience, it is the healing process. Whenever you touch a child’s life...you have to make sure that you contribute to the healing process.”*
- Participant B: *“When they {parent/s} have money, they feel like, no I’m going to make sure that nobody believes this child...but what about what the child said, why are we not listening to the child?”*
- Participant C: *“A lot of children still remain in abusive families and there are no interventions that are taking place, and yet the law demands that we intervene.”*
- Participant C further mentioned: *“I don’t think they really take the best interest of the child.”*
- Participant D: *“they {police} don’t know what is happening in the Children’s Act, they can’t use the Act in practice.”*
- Participant K: *“When it comes to the perpetrator being punished for it {fondling}, I don’t see it happening. They will make sure that they don’t leave any trace”*

Based on the perceptions and detailed examples provided above, it seems as if the CJS has a long way to go before children will be protected in a way that would be expected based on the legislation and provisions that are in place. Based on the described themes and sub-themes above, it is evident from the responses that provisions which were put into place to assist and protect children who have been victimised, are in many instances causing further trauma.

4.3. SUMMARY

This chapter evaluated the analysed data as provided by eleven experts who partook in in-depth semi-structured interviews. The prevalence and nature of secondary victimisation was explored and the effects thereof divulged. Due to the clear perception that secondary

victimisation has numerous consequential factors, the researcher explored the participants' opinions relating to what can be done to reduce this phenomenon. The retrieved data distinctly addressed the research goal by providing insight into experts' perceptions and investigating the phenomenon of secondary victimisation of child victims in the CJS. The subsequent chapter will make use of the interpreted results in order to provide recommendations. The successful addressing of the goals and objectives will be discussed, and conclusions of the research study will be provided.

CHAPTER 5: RECOMMENDATIONS AND CONCLUSIONS

5.1. INTRODUCTION

The current study investigated the secondary victimisation of child victims in the CJS. Thereafter, all the collected data was analysed and in the previous chapter a thorough discussion of the interpreted data was provided. It was confirmed by the study that secondary victimisation is a prominent issue resulting from processes that children go through when proceeding through the CJS, as well as professionals that they encounter. These children are thus exposed to the experience of complex trauma, which as previously described, is both the exposure to numerous distressing events and the deep-rooted effects thereof (The National Child Traumatic Stress Network, Sa). This chapter concludes the research study by focusing on the extent to which the aim and objectives of the study were realised. Furthermore, this chapter will examine the challenges and limitations that were experienced, explain the value of the research, present recommendations for future research, and conclude the entire study.

5.2. ACHIEVEMENT OF RESEARCH AIM AND OBJECTIVES

The main aim of the research was to criminologically investigate the secondary victimisation of child victims in the CJS. In pursuit of this aim, the following objectives were achieved:

- **Investigate the prevalence and nature of secondary victimisation of child victims in the CJS by means of the perceptions of role-players**

The achievement of this objective was observed in chapter 4, where experienced role-players divulged their perceptions regarding the occurrence and nature of secondary victimisation of child victims. Chapter 2 assisted in understanding current international research findings and the gaps in South African research in this regard. The information gathered in chapter 2 therefore allowed the researcher to structure an interview schedule and obtain the necessary feedback to achieve the abovementioned objective. A comprehensive explanation of the attainment of this objective will follow in section 5.4 of this chapter.



- **Identify whether the provisions (policies and legislation) in South Africa, which aim to reduce the occurrence of secondary victimisation, are enforced in practice**

This objective was realised in chapter 4, which recorded the presented ideas of role-players regarding how current policies and legislation are being enforced to protect children in the CJS. Details of the realised objective will be disclosed in section 5.4 of this chapter.

- **Explore and describe measures that should be taken to avoid or reduce the occurrence of secondary victimisation of child victims in the CJS**

The attainment of this objective was also seen in Chapter 4 as the process of data analysis allowed the researcher to group reduction factors together, based on the feedback received from the role-players. A comprehensive explanation of the attainment of this objective will follow in section 5.4 of this chapter.

5.3. VALUE OF THE STUDY

The researcher firmly believes that this study has made a contribution to the knowledge of how the CJS and its processes further traumatise child victims in South Africa. A number of valuable insights were obtained during the research process, through the gathering of literature, theoretical and empirical data. This study assisted in shedding light on an under researched topic as current literature in South Africa focuses mainly on adults' experiences of the CJS. Where children are involved, minimal research has been done and the focus generally lies on the negative experiences and vulnerabilities of children with disabilities or child witnesses testifying in court, and the impact thereof. Gathering data from role-players who work directly with child victims who proceed through the CJS, aided the researcher in obtaining detailed and exclusive knowledge about this topic. According to the researcher's knowledge, this study is the first of its kind to be conducted in South Africa and has thus been instrumental in reducing the current dearth in criminological research with regards to the secondary victimisation of child victims in the CJS.

5.4. KEY FINDINGS AND CONCLUSIONS

As discussed in chapter 2, persons with an imbalance of control are said to be more at risk of victimisation. Piquero and Hickman's extended control balance theory related these balances

of control to a persons' vulnerability, and consequently their chances of being victimised. The empirical results of this study validated that children in South Africa are subjected to secondary victimisation when they are in a vulnerable position. The main themes and sub-themes that emerged from this study will be discussed below. Gender was not categorised within a specific theme, however, the researcher noticed that the male participants provided additional notions, which were not disclosed by any of the female participants. Participant J revealed that he had only ever received complaints about male SAPS officials and never about female officials. Furthermore, participant C stated that officers who work with children and arrive in their full uniform are unaware of the way in which they intimidate and scare child victims.

5.4.1. Theme 1: Causal factors

In the previous chapter, comprehensive explanations were provided focusing on a number of factors which cause child victims to experience further trauma. These factors include the initial reporting of the primary victimisation to the SAPS, the manner in which court personnel interact with child victims, the influence of court procedures, and the repetitive detailing of the victimisation incident.

5.4.1.1. Sub-theme 1.1: Reporting process (SAPS)

Participant feedback overwhelmingly suggested that children experience further trauma when they report incidents to police officials. It was realised that numerous changes need to be brought about in order to reduce the negative manner in which children are dealt with by the SAPS. A child's first interaction with the CJS is generally at a police station, therefore the participants expressed their concern regarding child victims not being taken seriously, being interviewed in a non-private setting, and not being treated with the sensitivity that they require. As recorded in the SAPS' report on the crime situation in the Republic of South Africa (2018), a significant number of children are victimised each year. These statistics, along with the empirical findings in this research, make it clear that our SAPS officials have to accommodate and process a large number of cases involving children (Crime situation in RSA, 2018). The research can be positively related to the previously discussed article by Steyn and Steyn (2008:41-60), where it was recorded that adult rape victims avoid reporting incidents to the SAPS due to their fear of re-victimisation. Similarly, the participants' responses in this study shed light on the doubts that children begin to feel in terms of whether they should have reported a case in the first place. A link was discovered between the international study conducted by Javaid (2018:8-12) and the current research, where male rape victims clearly

have increased difficulty when it comes to reporting sexual victimisation experiences to police officials. It was found that a dominant stigma exists in terms of a male child's experience of, and reaction towards, an incident of victimisation. Even though police officials have the responsibility to assist in reinstating feelings of control within a victim, this research, however, concluded that this duty is not being fulfilled.

5.4.1.2. Sub-theme 1.2: Court personnel

It was confirmed that professionals who work with children throughout the court process are not well equipped or sensitised to protect child victims and minimise their experiences of further victimisation. Furthermore, it was found that most prosecutors are more concerned with their success rate of cases and are therefore, in many instances, unaware of the mannerisms and actions that are contributing to the re-victimisation of child victims. Participants' feedback indicated that prosecutors and court personnel who had been confronted about their harsh approaches, simply state that they are not in a position that obliges them to be child friendly. Conclusions were made indicating that court personnel, who come into contact with children, need to have more knowledge on how to handle such cases with sensitivity, and on the importance of providing feedback to child victims and their families.

5.4.1.3. Sub-theme 1.3: Court procedures

Conclusions that were made in this study can be directly related to the international findings of Orth (2002). Both research studies allude to the fact that the stress caused by criminal proceedings often leads to more harm for the victim than the primary victimisation. It can therefore similarly be reckoned that where children are made to be included in court procedures, intervention strategies need to be put into place within the South African context. As surmised in chapter 2, this research confirmed that children are still being exposed to similar situations of secondary victimisation as those which were found in the study done by Ovens et al. (2001). This research further echoed the findings of Roque et al. (2014) in Brazil, where it was deduced that approaches taken within these justice systems affect both the behaviour and further development of children. This can be attributed to the imposing of a variety of interventions on children, repeat interrogation, and the harsh methods used to obtain evidence. Moreover, the findings of this study reiterated Prinsloo's (2010) article regarding the impact of the criminal justice environment and how children regress, due to the stress that they are exposed to.

5.4.1.4. Sub-theme 1.4: Repetitive detailing of primary victimisation

This research finding corroborated the study of Townsend et al. (2014) which found that when children begin to feel that they are not believed, due to them having to repetitively convey the details pertaining to their primary victimisation, they feel a lack of control. This control deficit places children in a position where they become submissive as a means of protecting themselves, and in turn this results in vulnerability. Participants' responses confirmed that when children feel that they are not being taken seriously or are not believed, they make alterations to the details of their stories. A direct link between a child's perceived lack of control and their adaptive responses, was noticed.

5.4.2. Theme 2: Reactive factors

The participants of this study provided insight into how child victims perceive secondary victimisation and described the common responses that can be seen from a child which indicate that they have experienced re-victimisation.

5.4.2.1. Sub-theme 2.1: Victim's understanding of secondary victimisation

It was determined throughout the data collection process that child victims are not capable of distinguishing between primary and secondary victimisation. Without the knowledge to differentiate these traumas, it was validated that children simply absorb the re-victimisation and try to reassure themselves that they are used to the pain and will therefore not be affected by it. It did however become clear, through the data analysis process, that numerous types of stresses and trauma do occur and have detrimental effects on children. These effects will be concluded in detail in section 5.4.3. below.

5.4.2.2. Sub-theme 2.2: Verbal nuances

Conclusions were made regarding how secondary victimisation is known to push children over the edge. Although child victims do not comprehend that further victimisation is occurring, the layered damage that transpires results in children presenting specific responses. The main responses discovered through the research were verbal indications of discomfort or negative emotions, and opposition to the entire criminal justice process.

5.4.3. Theme 3: Consequential factors

A number of effects, pertaining to child victims who are further victimised, were evident in this study. By grouping together these effects, two main consequential factors were recognised as dominant, namely physiological and emotional or psychological effects.

5.4.3.1. Sub-theme 3.1: Physiological effects

Regression and changes in sleeping patterns were noted as the presiding physiological effects that child victims experience. The current research findings are congruent with the case described by Prinsloo (2010), where the stresses that a 6-year-old child experienced within the court environment, resulted in the child regressing to a stage of bed wetting and having trouble sleeping.

5.4.3.2. Sub-theme 3.2: Emotional or psychological effects

Du Preez's (2004) explanation of stress being a manner in which the mind and body reacts to environmental threats which may be harmful to a child's functioning, was supported with the findings of this research. Stress which occurs in the early phases of a child's life often leads to changes in brain development, and some children are found to mirror the depressive symptoms of adults. The current study corroborates Thoman's (2014) empirical findings pertaining to the notion that when children are subjected to stress and anxiety, their emotional experiences may manifest into suffering and trauma. Both studies established that when a child is traumatised, their social, emotional and academic functioning becomes affected. This research further echoed Thoman's international study where it was found that when a child experiences extended trauma, it often leads to perplex coping mechanisms, isolation and inappropriate behaviours. Children were also found to have a reduced amount of self-confidence which was stipulated as consequently leading to self-harm and suicidal ideations. This research mirrored statements made in the Carte Blanche (2019) insert, indicating that children who do not understand court processes, and have feelings of fear, land up with psychological and behavioural problems.

5.4.4. Theme 4: Reduction factors

It became clear through this research that the elimination of secondary victimisation is unattainable. Two dominant suggestions were however deduced regarding what can be done

to reduce or limit child victims' experiences of further victimisation. The reduction factors identified by the researcher were noticeably connected to the consequential factors discussed above. These propositions will be discussed and concluded below.

5.4.4.1. Sub-theme 4.1: Training

Responses from the participants indicated that the most effective way to reduce the occurrence of secondary victimisation is through training. It was highlighted that training needs to be provided to a number of professionals throughout the criminal justice process as well as other individuals who come into contact with child victims. Feedback provided, confirmed that SAPS officers, prosecutors and other court personnel are in need of specialised training focusing on vulnerable victims, such as children. It was divulged that these professionals, although they may be efficient in their general roles, are not equipped to handle victimised children. Furthermore, teachers and parents were regarded as individuals who could benefit from similar training due to the fact that they are dominant role-players in a child's life and development. It was suggested that training not only be more widely available and well-advertised, but also in depth and consistent. It was summed up that training needs to focus on the areas of the developmental stages of children, legislation which is in place to protect children, how to handle cases of sexual abuse, psycho-social aspects of children who have been victimised, and the understanding of children's emotions. As previously mentioned, it became clear to the researcher that the training which is currently being provided is insufficient and does not yield the desired results. Moreover, the desire for a universal training style to be implemented, so as to ensure that a child is treated uniformly throughout the process, was emphasised.

5.4.4.2. Sub-theme 4.2: Sensitisation

Participants stressed that if desensitisation could be avoided, the chances of secondary victimisation occurring would simultaneously decrease. In order to protect children, it was clearly demonstrated that professionals need to remain sensitive. This sensitivity was related to being able to acknowledge a child's point of view and progress through the CJS at a child-appropriate pace. With the direct role that the participants have in assisting children with their healing processes, it was confirmed that children are especially attentive to the empathy and delicacy that adults display. In order to ensure that sensitivity is successfully maintained when dealing with children, interviewees declared that training is a necessity.

5.4.5. Theme 5: Resource availability factors

As discussed in chapter 4, the researcher explored factors relating to the available resources in South Africa which have an effect on child victims who proceed through the CJS. Although it was confirmed that positive changes have been made, it was highlighted that many factors, related to the availability of resources, are still creating a foundation for secondary victimisation.

5.4.5.1. Sub-theme 5.1: Special courts

Participant feedback allowed for the conclusion that special court rooms, implemented by the Department of Justice, have made a noticeable difference in children's experiences of the CJS. The manner in which this facility has been made child-friendly, allows for an intermediary, and ensures higher levels of privacy, has clearly aided in the protection of young victims. Although special court rooms have assisted in minimising the stresses and negative effects associated with testifying in an open court, it was confirmed that many of the resources needed in this setting are ineffective. CCTV cameras were highlighted as one of the biggest concerns as cases are often postponed due to technological problems and equipment that was not in working condition.

5.4.5.2. Sub-theme 5.2: Lack of child friendly infrastructures

Concerning conclusions were made pertaining to the lack of important infrastructural factors, which should be in place to protect young victims. Participants divulged that child victims have been provided special court rooms so that they can feel more comfortable and safer. The purpose of this provision is however defeated when a child has to sit in the same waiting area as the perpetrator or defence party. The lack of child friendly infrastructures was further extended to public bathrooms where victims often come into contact with either the perpetrator or the perpetrator's family. It was therefore highlighted by participants that there is a need for designated waiting areas and separate facilities to protect child victims from further emotional turmoil.

5.4.5.3. Sub-theme 5.3: Finances

Opinions were provided regarding whether the lack of child friendly infrastructures or ineffective training is a result of financial constraint. It became clear to the researcher that the

dominant issue is not a lack of finances, but rather a need for professionals who are passionate about their positions and who want to initiate change for the better. The feedback provided, indicated that there are funds being utilised for international experts who present their findings on, for example, pornography cases and give expert advice. The individuals attending these types of training are therefore limited to extremely specialised fields. It was therefore advocated that the finances which are available need merely be placed into more beneficial provisions where a wider group would benefit. It was strongly recommended that the funds which are being placed into correctional centres, be fairly distributed to support child victims as well. One should, however, be cognisant of the fact that it is imperative to invest in the rehabilitation of offenders in corrections in order to reduce recidivism which results in more victimisation. Thus, not negating the importance of investing in corrections, one must also advocate for more resources and funds being directed to child victims.

5.4.6. Theme 6: Legislative factors

Due to South Africa being known to have one of the most progressive Constitutions in the world, the researcher found it fitting to request insight into the understanding and implementation of legislative provisions. Unambiguous perspectives were provided by the participants, indicating that exceptional improvement is necessary before the impressive theoretical provisions can be practically enforced.

5.4.6.1. Sub-theme 6.1: Legislative documents

The research participants reiterated just how impressive our legislative documents are in writing. On the other hand, it became clear that these documents are not being used practically or implemented successfully. Participants confirmed that the importance of taking the best interest of the child to heart, as stipulated in the Children's Act 38 of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, is being overlooked. Their views regarding the implementation of legislation and the enforcement of provisions will be elucidated below.

5.4.6.2. Sub-theme 6.2: Implementation of legislation and enforcement of provisions

A noteworthy number of participants indicated that there are institutions which utilise the relevant legal documentation to the best of their ability. Unfortunately, however, it was confirmed that the majority of other professionals who work with children, are not equipped

with the necessary knowledge about these provisions. The main findings boil down to the fact that professionals, although they comprehend the importance of maintaining the best interest of the child, are seemingly unaware of how the child's wellbeing is affected when this is not maintained. Cases therefore often result in children being pushed too far and manipulated into displaying doubt. Concerns related to the lack of intervention in removal cases were provided. This related to cases of physical abuse, neglect, and sexual abuse where it is said that when cases of abuse are reported to the Department of Social Development, it is expected that intervention will take place. Furthermore, where necessary, the children will be removed from this destructive environment. This intervention and assistance for abused children is however not being enforced in practice as children are found to remain within these hostile environments even when it has been proven to be harmful to their wellbeing. Another way in which it was made clear that legislation is being inaptly implemented, was in cases where no obvious evidence of sexual abuse is found. Perceptions provided by participants confirmed that the law tends to be on the side of the perpetrator when it comes to the amount of physical evidence required for a child's case to not be ruled as insufficient. There clearly remains a grey area pertaining to professionals assuming that an offence did not occur because there is no substantial sign of damage to the victim's body. It was concluded that there are immense improvements that need to be made in order to ensure that children are being protected in a way that South Africa's legislation and provisions intend.

5.5. CHALLENGES AND LIMITATIONS

With the limited available research in South Africa regarding the secondary victimisation of child victims in the CJS, it was imperative to use an exploratory purpose for this study. This purpose, along with the purposive sampling method and the small sample size, limited the chances of being able to generalise the findings to the greater population. Using this study as a basis for further research, with a larger sample size and a more diverse range of role-players (e.g. court personnel, police officers), can be beneficial to obtaining further valuable information that can be generalised. The researcher is however of the opinion that this research has built an important foundation for future research.

5.6. RECOMMENDATIONS FOR FUTURE RESEARCH

It is recommended that future research within the scope of this topic could possibly focus on the following:

- It may be beneficial to do research with a more diverse group of role-players, including for example judges, legal practitioners, SAPS members and psychologists. Such a study can further increase the foundation of knowledge pertaining to this phenomenon where after comparisons will be able to be done between the various perceptions of professionals from multiple contexts.
- Further research should be done regarding the secondary victimisation of child victims who have disabilities. It was suggested by Participant B, alongside the explanation that numerous children with disabilities, particularly autism, proceed through the CJS. With minimal available research in this regard, it may be beneficial to gain insight into the effects on disabled children so as to ensure that procedures are put into place to protect and assist this vulnerable group.
- An in-depth study on the current available training for professionals who work with children could be advantageous. The value and the shortcomings of these programmes can be assessed. This could result in the development of a programme which standardises training across multiple contexts so as to ensure that child victims do not experience such contrasting assistance from the professionals that they come into contact with.

5.7. CONCLUSION

Children can experience secondary victimisation as a result of processes, actions and intentional or unintentional omissions that occur subsequently to the primary victimisation. Furthermore, secondary victimisation materialises when children are not treated with respect, dignity and understanding (South African Service Charter for Victims of Crime, 2006:2-3). In conjunction with Alex R. Piquero and Matthew Hickman's extended control balance theory, which indicated that control imbalances result in the increased risk of victimisation, this research indicated that control imbalances can be related to secondary victimisation as well. Prinsloo (2008:49-64) stipulated that the Criminal Procedure Act 51 of 1977 was introduced as a tool to assist with cases involving child victims and a measure to protect young witnesses. The reason why it is vital to make use of, and implement tools such as this, is to ensure that a child does not experience the complex consequential factors which were elucidated in this research. South Africa's Constitution demands that the rights of children and their best interest remain paramount, it is however clear that current implementations of provisions are not mirroring this demand. When taking into account that children, in particular, are vulnerable to



primary and secondary victimisation, it is vital that procedures are put into place and professionals are committed to preserving and aiding in the healing process of child victims.



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APPENDIX A: REQUEST FOR PERMISSION TO PERFORM EMPIRICAL RESEARCH



18 February 2019

Ref. Samantha van Niekerk - 04444508
Tel. 0720409754 / 0112653637
E-mail: Samantha.vanNiekerk@combinedpi.co.za

Dear Dr Omar

REQUEST FOR PERMISSION TO PERFORM EMPIRICAL RESEARCH Samantha van Niekerk - 04444508

I am a registered MA Criminology student in the Department of Social Work and Criminology at the University of Pretoria.

I am required to write a **dissertation**, resulting from a research project, under the supervision of Criminology Lecturer, Dr. Laetitia Coetzee. My proposal has been approved by a departmental Research Panel and will be submitted to the Faculty Ethics Committee of the University of Pretoria.

The following information from the research proposal is shared with you, although a copy of the **research proposal** will be provided to you upon request:

The **aim** of the study is to conduct a Criminological investigation into the secondary victimisation of child victims in the CJS

The **objectives** of the study are as follows:

- Investigate the prevalence and nature of secondary victimisation of child victims in the CJS by means of the perceptions of role-players.
- Identify whether the provisions (policies and legislation) in South Africa, which aim to reduce the occurrence of secondary victimisation, are enforced in practice.
- Explore and describe measures that should be taken to avoid or reduce the occurrence of secondary victimisation of child victims in the CJS.

The **envisaged target group** of the study is: role-players who would be able to provide in-depth information. These role-players will include Social workers as well as Clinical and Educational Psychologists who work with the child victims in the CJS, as well as child legal advisors, police members and court workers with practical knowledge pertaining to child victims in the CJS.

I intend to do the empirical part of the study by conducting personal interviews guided by a semi-structured interview schedule with the abovementioned role-players. It will be highly appreciated if I can interview role-

players (e.g. Social workers, Psychologists, child legal advisors and court workers) working at your institution. Approximately 10 to 15 role-players, who can provide in-depth information, will be selected for this study. For the information to be meaningful, the role-players should have at least 2 years' experience in the field and be able to converse in either English or Afrikaans. In order to ensure that the desired number of participants are obtained, the purposive sampling method will be used in conjunction with snowball sampling, thus role-players can refer me to other role-players who may be willing to assist. This request will not result in any demands from you or your staff, nor will any costs be incurred.

A possible benefit for your organization can be summarised as follows:

There is a dearth of research pertaining to secondary victimisation of child victims. It is believed that the current research, investigating the secondary victimisation of children in South Africa by analysing the opinions of role-players (e.g. practitioners in the CJS cluster and helping professions) who work directly with these children, will be advantageous as it is challenging to conduct research with child victims due to ethical constraints. Due to the voice of children not being heard, role-players who work with child victims would be able to shed light on this under-investigated phenomenon. Knowledge pertaining to the secondary victimisation of child victims in the CJS can be used to improve or redirect current practices.

I undertake responsibility to provide you with a copy of the final report – if required.

It would be appreciated if you will consider this request and if you are willing to assist me in this regard, **grant written permission** (on an official letter head of your agency) to proceed with the project, at your earliest convenience.

Kind regards



.....
Samantha van Niekerk

Faculty of Humanities
Fakulteit Geesteswetenskappe
Lefapha la Bomotho

APPENDIX B: SIGNED PERMISSION FROM AUTHORITY TO CONDUCT RESEARCH



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The Memorial Institute for Child Health and development
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Telephone 20-41

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Cell: 083 306 8588
Fax: 011 986 9875

Diversion programmes
Cell: 029 374 4405

www.tbhc.org.za

THE TEDDY BEAR CLINIC T/A TEDDY BEAR FOUNDATION.

Date: 06 May 2019

Ms. Samantha van Niekerk
Department of Social Work and Criminology
University of Pretoria

Request for permission to conduct research

The purpose of this letter is to grant Samantha van Niekerk, at the University of Pretoria, permission to conduct research at the Teddy Bear Clinic. The project titled, "A Criminological investigation into the secondary victimization of child victims in the Criminal Justice System" entails conducting qualitative interviews with social workers and other relative role-players who work directly with children who proceed through the Criminal Justice System. More than 10 role-players will be accessible at the Teddy Bear Clinic for this research study.

Our staff will be happy to assist with the proposed study so long as the following is adhered to:

- None of the staff are to be disrupted from their daily duties without consent
- No personal information of children's cases is to be requested and / or included in the final dissertation
- No financial burden is to be placed on the Teddy Bear Clinic or its staff

Kind regards,



Dr. Shaheda Omar
Clinical Director
Teddy Bear Clinic

APPENDIX C: INFORMED CONSENT FORM FOR SEMI-STRUCTURED INTERVIEWS



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA



26/08/2019

Our Ref: Ms Samantha van Niekerk
Tel: (011) 265 3601
Cell: (+27) 72 040 9754
E-mail: Samantha.vanNiekerk@combinedpi.co.za

Dear research participant

Informed consent to participate in a research study

My name is Samantha van Niekerk. I am a Master's student at the University of Pretoria. I am conducting a study focusing on the secondary victimisation of child victims in the Criminal Justice System (CJS). Your participation in the study will assist me to achieve the goal of my study. The University of Pretoria's Ethics Committee requires that a researcher should seek informed consent from a research participant before commencing with the research. Informed consent entails the following:

1. **Title of the study:** A Criminological investigation into the secondary victimisation of child victims in the Criminal Justice System
2. **Goal of the study:** The aim of the research is to conduct a Criminological investigation into the secondary victimisation of child victims in the CJS.
3. **Procedures:** One-on-one interviews will be conducted with practitioners in the CJS cluster and helping professions, who work with child victims. Each interview is expected to take approximately 1 hour. The interviews will be audio-recorded with your permission. The recording will be transcribed for purposes of data analysis. Only the researcher and the study supervisor will have access to the recordings and the transcripts which will be stored in a secure place at the University of Pretoria for a period of 15 years. If data is used again, it will be for research purposes.
4. **Risks and discomfort:** There are no known risks and discomfort that may arise from this study due to the research participants being experts in their respective fields.
5. **Benefits:** Participants will not receive any incentives for being involved in the study. The study will benefit the participants indirectly due to the fact that they will contribute

to knowledge in the field of Criminology and this knowledge can be utilised to enhance practices to avoid the secondary victimisation of child victims in the CJS.

6. **Participant's rights:** Participation in the study is voluntary and participants are free to withdraw from the study at any time. Should withdrawal occur, all data pertaining to the participant concerned will be destroyed immediately. Participants also have the right to refuse to answer any question that they do not wish to respond to.
7. **Data storage:** All data collected during this study will be stored at the Department of Social Work and Criminology for 15 years. The collected data may also be used for future research.
8. **Confidentiality:** Information collected in the study will be treated as confidential and the names of the research participants will not appear in the research report or the scientific journal in which the results will be published. Moreover, findings will not be presented in a way that could be directly linked to any specific participant.
9. **Person to contact:** If participants have questions or concerns relating to the study, they may contact the researcher at 0720409754 or email her at Samantha.vanNiekerk@combinedpi.co.za.

Declaration

I,, understand my rights as a research participant and I give voluntary consent to participate in the study. I understand what the study is about and how and why it is being conducted.

Research participant

Date

Researcher

Date

Faculty of Humanities
Fakulteit Geesteswetenskappe
Lefapha la Bomotheo

APPENDIX D: SEMI-STRUCTURED INTERVIEW SCHEDULE

INTERVIEW SCHEDULE: A CRIMINOLOGICAL INVESTIGATION INTO THE SECONDARY VICTIMISATION OF CHILD VICTIMS IN THE CRIMINAL JUSTICE SYSTEM

Section: A: Background information

Date of interview:	
Participant number:	
Name:	
Profession:	
Place of work:	
Years of experience:	

Section: B: Interview schedule: Criminological investigation into the secondary victimisation of child victims in the Criminal Justice System

1. From your experience, do you perceive that child victims experience any type of secondary victimisation whilst proceeding through the CJS? If yes, please elaborate on the type of victimisation that they experience.

2. In your opinion, do child victims understand or perceive what secondary victimisation is? Please explain.

3. Do child victims that you encounter ever share, explain, or report their secondary victimisation experiences to you? If yes, please elaborate on the divulgement.

4. If secondary victimisation is present, what type of effect have you experienced it to have on the child victims?

5. In your line of work, what procedures of the CJS have proved to have the most negative effect on child victims (causing secondary victimisation)?

6. What do you believe can be done to avoid or reduce the occurrence of secondary victimisation of child victims in the CJS?

7. What is your view regarding the availability and efficiency of training programmes for officials who work with child victims?

8. In what way does the lack of infrastructure and resources have an effect on the possibility of child victims experiencing secondary victimisation?

9. From your experience and knowledge, how are the provisions in South Africa which were put in place to reduce the occurrence of secondary victimisation, enforced in practice?

APPENDIX E: FINAL ETHICAL CLEARANCE



26 June 2019

Dear Miss S van Niekerk

Project Title: A Criminological investigation into the secondary victimisation of child victims in the Criminal Justice System
Researcher: Miss S van Niekerk
Supervisor: Dr L Coetzee
Department: Social Work and Criminology
Reference number: 04444508 (HUM021/0219)
Degree: Masters

I have pleasure in informing you that the above application was **approved** by the Research Ethics Committee on 26 June 2019. Data collection may therefore commence.

Please note that this approval is based on the assumption that the research will be carried out along the lines laid out in the proposal. Should the actual research depart significantly from the proposed research, it will be necessary to apply for a new research approval and ethical clearance.

We wish you success with the project.

Sincerely

A handwritten signature in black ink, appearing to read 'Maxi Schoeman'.

Prof Maxi Schoeman
Deputy Dean: Postgraduate and Research Ethics
Faculty of Humanities
UNIVERSITY OF PRETORIA
e-mail: PGHumanities@up.ac.za

Fakulteit Geesteswetenskappe
Lefapha la Bomotheo

Research Ethics Committee Members: Prof MME Schoeman (Deputy Dean); Prof KL Herria; Mr A Bissa; Dr L Beldade; Dr K Barmann; Dr A-M de Beer; Ms A dos Santos; Dr R Fossel; Ms KT Goudier; Andrew J. Dr E Johnson; Dr W Kelleher; Mr A Mohamed; Dr C Puttersill; Dr D Reynolds; Dr M Soor; Prof E Tallard; Prof V Thaba; Ms B Tsohe; Ms D Makalasa

APPENDIX F: LETTER FROM LANGUAGE EDITOR

Lauren Kee
30 Bridgefield Estate
Bronberg Ext 10
Pretoria
0081

TO WHOM IT MAY CONCERN

I, Lauren Kee, declare that I have done the language editing for the dissertation of:

Samantha van Niekerk

entitled:

A criminological investigation into the secondary victimisation of child victims in the Criminal Justice System

submitted in fulfilment of the requirements for the degree of Magister Artium (Criminology), in the Department of Social Work and Criminology at the University of Pretoria.

I cannot guarantee that the changes I had proposed were implemented nor do I take responsibility for any other changes or additions that may have been made subsequent to my suggestions.

Any other queries related to the language and technical editing of this dissertation may be directed to me at 072 368 2782.

Signed at Pretoria on 03 November 2019



Lauren Kee