

# CHAPTER 1

## GENERAL INTRODUCTION AND FRAMEWORK OF THE STUDY

### 1. INTRODUCTION

The problem of court-induced trauma in child victims of sexual abuse is so serious that it merits considerable attention. According to Mayer (1990:15), some authorities believe that the secondary victimization or re-victimization by the criminal justice system is more traumatic for the child than the abuse itself.

Newgent (2001:1) states that parents, child-protection officials, and even the system that protects children can unintentionally induce trauma in young victims. She states further that not only do these victims endure the sexual assault, but they also have to face a whole crowd of strangers - policemen, social workers, counsellors, nurses and lawyers - prodding them, asking them to relive the assault again and again. According to Newgent (2001:1) these professionals tend to hurt young victims in their attempt to help. Experts consulted, agree with Newgent.

During discussions with experts, it became clear that legal professionals, especially state prosecutors, are so overloaded with work that the needs of sexually abused children

become seriously neglected, which leads to re-victimization. Ms S. Snyman (2004), Commissioner of the Children's Court, is strongly of opinion that all children who are in the forensic process become re-victimized. The Criminal Justice System is not a child-friendly environment and characterized by a male-dominant environment. Ms S. Lotter (2004), social worker at the Pretoria Regional Court, indicated that many prosecutors are not equipped with the necessary skills to deal with these children. They are insensitive to the special needs of sexually abused children, and therefore contribute to the re-victimization of the child during the forensic process.

Advocate J. Scheepers (2004), who specializes in family law, is of opinion that children are not properly prepared for court cases. He sees forensic procedures as a process that starts from the day on which the case is reported, until after the court case. If the child is not properly prepared for the court case, the child could experience the forensic process as negative and feel re-victimized and depowered.

According to Prof C. Vorster (2004), clinical psychologist specializing in forensic cases, and Ms J. Wessels (2004), magistrate in the regional court in Pretoria dealing with sexual offences, children are often re-victimized due to the fact that state prosecutors are not trained in this field. According to them, these professionals unintentionally re-victimize victims and do not take into consideration what these children had already endured.

If a greater understanding can be developed among state prosecutors dealing with these children - with specific reference to the trauma they had endured during the abuse - it

could lead to addressing re-victimization. The researcher will make use of the Person-Centred Approach when developing and implementing a training programme. By using the Person-Centred Approach, the emphasis will be placed on the uniqueness of each case that needs investigation. This approach will then also contribute to a better scientific understanding of the sexually abused child.

Adv. Scheepers (2004) mentions that there is no formal training for legal professionals on the topic of sexual abuse with specific reference to the dynamics of sexual abuse and the long-term effects thereof. Ms C. Massyn (2004), co-ordinator of the Justice College training of prosecutors in South Africa in Child Law, is of opinion that aspects regarding re-victimization of the child during the forensic process are not included in their manual to train prosecutors, and could be of great value in the training process. The researcher will conduct a study to develop a training programme for state prosecutors working with sexually abused children, based on the Person-Centred Approach, to address re-victimization of these children during the forensic process.

## **2. PROPOSED TITLE**

Development of a training programme for state prosecutors to address re-victimization of the sexually abused child during forensic procedures.

### **3. PROBLEM FORMULATION**

The research process begins with a research issue or a problem that can potentially be solved through a research study. According to the New Dictionary of Social Work (1995:48), problem formulation is the process of “defining the phenomenon into which research is to be carried out”.

In recent years, there has been a growing concern regarding children’s ability to endure court proceedings, to cope with the emotional demands of the trial process, and therefore to give competent evidence (Castle, 1997: 24). It has been acknowledged both within legal communities in South Africa and abroad, that the court system has not been particularly sensitive to child witnesses’ special needs, and that there is a need to narrow the gap between meeting the rights of children and the rights of defendants.

In an attempt to make the system more child-friendly and accessible to child witnesses, and to address potential re-victimization, the South African Law Commission began the process of courtroom reforms in 1988 through the investigation of new ways of protecting child witnesses (Louw & Olivier, 1996). Kriel and Hollely (1998) and Muller (2001) stated that, although reforms have gone a long way towards improving conditions for child witnesses, the system is still fraught with difficulties.

Most of the research that has been conducted on the issue of child sexual abuse has focused on children as witnesses in sexual abuse cases (Don-Wauchope, 2000:2). The

emphasis has largely been placed on whether children make reliable and credible witnesses. According to Muller and Tait (1997:593), the focus was mainly on the child's competence to give evidence. Don-Wauchope (2000:3) mentions that a paucity of literature and research exists regarding children's subjective experiences of testifying in criminal courts in sexual-abuse cases.

Various studies explored the traumatic experiences of children testifying in sexual abuse cases (Jacobs, Lyon & Goldstein (1998), Kriel & Hollely, (1998)). Although it is readily accepted that testifying in sexual abuse cases is potentially traumatic, it is important to note that every child witness is a unique being. Thus according to Don-Wauchope (2000:3) a child's experience of testifying is likely to be individually shaped by various internal and external variables operating at any time. Goessoftly (2003:1) mentions that the negative influence of forensic procedures (legal procedures) on a child can be referred to as re-victimization.

The researcher is of opinion that state prosecutors are not always aware of the dynamics of sexual abuse and the related trauma the child had to endure, and therefore they do not protect the child against further re-victimization. The dynamics and long-term effects of sexual abuse are not included in the Child Law Manual for State Prosecutors - the manual from which state prosecutors receive their primary training.

Muller and Tait (1997:278) did some research on how children perceive court personnel. The most significant finding was the concept regarding the prosecutor. Children referred

to the prosecutor as “somebody who hurries you” and “he doesn’t give people enough time to talk”. These comments seem to imply that these children perceive a prosecutor as being a person who urges one to answer quickly and does not give one an opportunity to think.

It is important for state prosecutors involved in the forensic process to understand aspects of trauma related to sexual abuse as well as the long-term effects of abuse. In the researcher’s own experience it is understandable why children make the above comments about prosecutors, as people that urge a quick answer. In many cases, the child meets the prosecutor minutes before he/she needs to testify. The prosecutor then expects the child to tell him/her ‘quickly’ what had happened to him/her. It can be stated that if state prosecutors are not aware of the dynamics of sexual abuse and the related trauma, this can contribute to the re-victimization of a child. The prosecutors need to form a better understanding of why it is difficult at that time for a child to just ‘quickly’ tell them what had happened to them.

The development of a training programme for state prosecutors dealing with these cases can contribute to the development of a better understanding and knowledge of the dynamics of sexual abuse cases, which in extent can then lead to address re-victimization of the child during forensic procedures.

## **4. PURPOSE, GOAL AND OBJECTIVES OF THE STUDY**

### **4.1 Purpose of the research**

The purpose of the study will be a combination of exploratory and descriptive research.

*Exploratory research* according to Bless and Higson-Smith (1995:204) is conducted when the research needs to gain insight into a situation, phenomenon, community or individual. In De Vos, Strydom, Fouche and Delport (2002:109), Fouché (2002) mentions further that the researcher can also use exploratory research to “become acquainted with a situation so as to formulate a problem or develop a hypothesis”. The researcher will use an exploratory research approach in this study to gain more insight into what the training needs of state prosecutors are regarding sexual abuse of children, in order to address re-victimization during the forensic process. This will form part of the qualitative study.

*Descriptive research* will be used in a study that focuses on “how” and “why” questions (Fouché, in De Vos et. al. 2002:110). The descriptive research will provide a better understanding of a situation. In this research, the descriptive research will be used to determine “how” training of professionals can address re-victimization of the sexually abused child during the forensic process. As Fouché (In De Vos et. al., 2002:109) mentions, such descriptive research can have a basic or applied goal and can be qualitative or quantitative. Rubin and Babbie (2001:125) describe descriptive research to

be of a more intensive nature. According to Bless and Higson-Smith (1995:201) in quantitative research, description typically refers to the characteristics of a population; in this case it applies to the state prosecutors.

## 4.2 Goal

According to De Vos et. al.(2002:108), goals can be classified as either basic or applied. Neuman (2000:23) states that basic research has painstakingly sought answers to questions that could possibly have an impact on thinking for over a century. Basic research provides a foundation for knowledge and understanding. Applied research, however, is aimed at solving specific policy problems or helping practitioners to accomplish tasks.

De Vos et. al. (2002:109) mentions that the distinction between theoretical and practical results confirms the principal difference between pure and applied research studies. However, in practice, the goals of pure and applied research overlap. Many supposedly pure research findings (especially in the area of human relations) have practical implications. Conversely, most applied research findings have implications for knowledge development.

The **goal for this study** is to develop a training programme for state prosecutors to address re-victimization of sexually abused children during the forensic process. Applied research will be used to conduct the study.



### **4.3 Objectives**

Arkava and Lane (1983) in De Vos et. al. (2002:108) refers to objectives as exploration, description and explanation. For the purpose of this study the researcher will make use of an exploratory research approach to gain insight into a situation phenomenon (De Vos et. al., 2002:108).

The objectives of the study will be explained under literature, empirical study, and conclusions and recommendations.

#### 4.3.1 Literature

- To undertake a literature study to form a foundation for the study. The following aspects will be explored during the literature study:
  - The Person-Centred Approach as a theoretical framework for the development and implementation of the training programme for state prosecutors.
  - The impact of child sexual abuse and the long-term thereof.
  - Re-victimization of the sexually abused child during court procedures.

#### 4.3.2 Empirical study

- To explore perspectives and knowledge of state prosecutors dealing with the sexually abused child during forensic procedures.

- To develop, implement and evaluate the value of a training programme for state prosecutors in order to contribute to the knowledge development of state prosecutors, regarding sexual abuse, thus addressing re-victimization of the sexually abused child during forensic procedures.

#### 4.3.3 Conclusions and recommendations

- To reach conclusions and make recommendations based on the outcome of the study.

## **5. RESEARCH QUESTION AND HYPOTHESIS**

Fouché, in De Vos et. al.(2002:102), mentions that for “ a problem to be researchable it must demand an interpretation of the data leading to a discovery of a fact”. Rubin and Babbie (2001) in De Vos et. al. (2002: 102) states further that this discovery of facts must have a clear significance and utility for the practice. In this study, a research question and hypothesis will be utilized, thus making this research a combination qualitative-quantitative study.

In this research, the following research question can be asked:

- How can a training programme for state prosecutors contribute to addressing re-victimization of the sexually abused child during the forensic procedures?

The stating of hypotheses and the testing thereof are an important part of the research process. According to Bless and Higson-Smith (1995:37) “ problems are questions about

relations among variables and hypotheses are tentative concrete testable answers to such problems”. The hypothesis thus forms the suggested answer to the problem (Bless & Higson-Smith, 1995:37). Babbie (1992:55) state that: “hypotheses are specified expectations about empirical reality, derived from propositions.” The following hypotheses are constructed, guided by the expectations regarding the proposed research study.

- A training programme for state prosecutors can contribute to knowledge development of state prosecutors regarding sexual abuse and address re-victimization of the sexually abused child during the forensic process.

The quantitative part of this study will be presented as a one-group pre-test-post-test design. Measures of the dependent variables O1 and O2 are compared at two different states of the independent variable within the same group (before and after) (Fouché in De Vos et. al., 2002:144).

## **6. RESEARCH APPROACH**

Fouché (2002) mentions in De Vos et. al. (2002:104) that the researcher must assess the suitability of either the quantitative, qualitative or combined quantitative-qualitative research approach for the topic selected. Mouton and Marais (1990: 155-156) identifies the following characteristics of the quantitative and qualitative approaches:

Quantitative approach:

- It is more highly formalised as well as more explicitly controlled, than the qualitative approach.
- Its range is more exactly defined than the range of the qualitative approach.
- It is relatively close to the physical sciences.

Qualitative approach:

- The procedures are not as strictly formalised as in quantitative research.
- The scope is more likely to be undefined.
- A more philosophical mode of operation is adopted.

According to Schurinck (in De Vos et. al., 1998: 241-243) “ the main aim of the quantitative approach is to measure the social world objectively, to test hypotheses, and to predict and control human behaviour. The qualitative approach is more interpretive and holistic in nature, with the main aim of understanding social life and the meaning that people attach to everyday life situations.”

For the purpose of this study a combination of the qualitative and quantitative approaches will be used, specifically the dominant-less-dominant design (De Vos et. al., 2002:366). Creswell (1994) in De Vos et. al. (2002:367) the dominant-less-dominant design refers to the researcher presenting a study from a single dominant paradigm with one small component of the overall study drawn from the alternative paradigm.

In this study the researcher will present the study from a single dominant paradigm, quantitative approach, where a training programme will be implemented and evaluated. One small component of the overall study will be drawn from the qualitative approach, where professionals will be interviewed to gain data for the development of the training programme.

## **7. TYPE OF RESEARCH**

### **7.1 Applied Research**

The different types of research can broadly be classified as basic versus applied research (Bailey, 1994:24). Applied research aims to solve problems, while basic or pure research attempts “to advance knowledge just for knowledge sake” (Rubin & Babbie, 2001:99). Basic research is carried out additional to the knowledge base of social work – thus to gather information that will be added to existing information. Applied research can be defined as knowledge development, knowledge utilisation, and/or intervention design and development (De Vos et. al, 1998:69-70).

Bailey (1994:24) draws the reader’s attention to the fact that applied research and basic research is not always mutually exclusive and at times basic research would for instance include some practical aspects. Applied research will be utilised during this study to

direct the researcher to find and develop possible solutions to problems in the field of study.

For the purpose of this study, perspectives and knowledge of state prosecutors working with these children during the forensic process will be explored and their needs for training in this field will be identified. A training programme will be created, through which state prosecutors can be trained to address re-victimization of sexually abused children during the forensic process.

## **7.2 Intervention research**

The sub-type of research proposed for this study is intervention research. Rothman and Thomas (1994:4) describe intervention research as an integrative perspective for human service research. In doing so, a basis is provided for bringing together three types of research and inquiry as facets of intervention research:

- Empirical research to extend knowledge of human behaviour relating to human service intervention (referred to as Intervention Knowledge Development – KD),
- The means by which findings from intervention knowledge development research may be linked to, and utilised in, practical application (referred to as Intervention Knowledge Utilisation – KU),
- Research directed towards developing innovative interventions (referred to as Intervention Design and Development – D & D)(De Vos et. al., 1998:11).

In the New Dictionary of Social Work (1995:35) intervention research can be defined as “research directed at the establishment of procedures for designing, testing, evaluating and refining techniques and instruments, with a view to intervention in social problems in communities and groups.” Intervention research is thus an integrated approach to research directed at providing solutions to practical problems.

For the purpose of this study, Intervention Design and Development (D&D) research is relevant. The proposed study is, essentially, a problem-solving process seeking an effective intervention to address re-victimization of sexually abused children during the forensic process. Rothman and Thomas’s main phases of intervention Design and Development will be utilised:

*a) Problem analysis and project planning.*

During this phase, the researcher will focus on the following aspects:

- Identifying and involving clients – state prosecutors.
- Gaining entry and co-operation from settings – permission from the authoritative management to interview and include the state prosecutors in the study.
- Identifying concerns of the population (state prosecutors).
- Analyzing concerns or problems identified.
- Setting goals and objectives.

*b) Information gathering and synthesis.*

- Using existing information sources.

- Studying natural examples.
- Identifying functional elements of successful models.

*c) Design.*

- Designing an observational system.
- Specifying procedural elements of the intervention.

*d) Early development and pilot testing.*

- Developing a prototype or preliminary intervention – the training programme for state prosecutors.
- Conducting a pilot test.
- Applying design criteria to the concept of preliminary-intervention.

*e) Evaluation and advanced development.*

- Selecting an experimental design – one group pre-test-post-test design.
- Collecting and analyzing data.
- Replicating the intervention under field conditions.
- Refining the intervention.

Although performed in a stepwise sequence, some or many of the activities associated with each phase continue after the introduction of the next phase. At times, the researcher has to go back to previous phases when difficulties are encountered or new information is obtained.



## **8. RESEARCH DESIGN AND METHODOLOGY**

The New Dictionary of Social Work (1995:53) defines research design as the “ plan of a research project through which data is gathered in order to investigate the hypothesis or to realize the aim”. De Vos et. al. (1998:77) uses the term “research design” only for those groups of small worked-out formulas from which prospective quantitative orientated researchers can select or develop one or more suitable to their research goals and objectives.

According to De Vos et. al. (2002:272) a qualitative research strategy differs inherently from the quantitative research design, in that it does not usually provide the researcher with a step-by-step plan or a fixed recipe to follow. In quantitative research, the design determines the researcher’s choices and actions, while in qualitative research the researcher’s choices and actions will determine the design or strategy. Qualitative researchers will, during the research process, create the research strategy best suited to their research, or even design their whole research project around the strategy selected.

An exploratory and descriptive design will be followed, as it would help the researcher explore, describe, and gain new insights into, the phenomenon of sexual abuse, as well as perspectives of state prosecutors regarding sexual abuse and re-victimization and training needs of state prosecutors working with sexually abused children.

According to Grinnell (in De Vos et. al., 1998:124) an exploratory study has the purpose to uncover generalizations and develop hypotheses, which can be investigated and tested later, with more precise and more complex designs and data-gathering techniques.

Because they go no further, they are sometimes called pre-experimental or non-experimental designs. The exploratory and descriptive design is therefore utilized to undertake a preliminary investigation prior to the more structured study of the phenomenon i.e. to develop, implement, and evaluate a training programme for state prosecutors dealing with sexually abused children during the forensic process.

The researcher will apply the one group pre-test-post-test design (Delpont & Fouché in De Vos et. al, 2002:144) (i.e. quasi-experimental/associative design) to reach the following objectives:

- a) To develop a training programme for state prosecutors working with sexually abused children during forensic procedures, as a way to address re-victimization of these children.
- b) To implement the developed programme among state prosecutors working with these children by means of a workshop.
- c) To evaluate the impact of the programme with specific reference to knowledge and insight development among state prosecutors.

The state prosecutors insight and knowledge, in this study, will be presented as the dependent variable (O1 + O2), and the training programme (X), as the independent variable.

The study can be illustrated as (pre-test-post-test):

O1            X            O2

## 8.1 Data Collection

The qualitative data collection method that will be used in this research will be:

- **Semi-structured interviewing schedule**

In qualitative research, interviewing is probably the most prominent method of data collection (Greeff in De Vos et. al., 2002:292). Greeff (in De Vos et. al., 2002: 292) also refers to Bergum and Schurinck, when they referred to the interview as a discussion that includes the attitude of the interaction, as well as the social interaction between equals, in order to obtain research-relevant information. This means that the researcher has the responsibility to involve the interviewee in the conversation, and simultaneously gather information that is relevant to the study. Greeff (2002:303 in De Vos et. al.) states that the semi-structured interview schedule will be used as a guideline only, and not dictate the interview. The semi-structured interview schedule also maximizes the opportunity of the participant to tell his/her story.

An individual interview will be scheduled with each of the respondents in the study. The purpose of these interviews will be to determine:

- What the training needs are of state prosecutors who deal with sexually abused children during the forensic process.

- **Questionnaires**

The questionnaire is an essential part of this study. The respondents will complete a pre-test questionnaire before the exposure to the developed programme and a post-test after the exposure to the developed programme. A questionnaire is defined as a “set of questions on a form that is completed by the respondent in respect of a specific research project” (New Dictionary of Social Work, 1995:51).

Group-administered questionnaires will be used for the purpose of this study. All the respondents will group together throughout the duration of the programme. The researcher will be available to give instructions and to clarify uncertainties that may occur.

It must be noted that the construction of a questionnaire needs to be done systematically and the appropriate questions must be included. According to Bailey (1994:108), “the keyword in questionnaire construction is relevance.” This means that the questions must be relevant to the goals of the study and to the individual respondent that will be taking part in the study (Bailey, 1994:108).

- **Indexes and scales**

“For the sake of simplicity, all indexes and scales will be called “scales” without forgetting the difference” (Delport in De Vos et. al., 2002:185).

Scales can be classified as:

- Nominal.
- Ordinal.
- Interval ratio scales.

## **8.2 Data analysis**

Quantitative data can be analysed either manually or by computer (De Vos et. al., 2002:222). The researcher will analyse the data by means of a computer. The data will then be displayed by means of tables.

Creswell (1998), in De Vos et. al.(2002:340), describes the qualitative data analysis as a “data analysis spiral”. According to Creswell (1998), the researcher “moves in analytic circles rather than using a fixed linear approach”. The process described by Creswell (1998) in De Vos et. al. (2002:340) is as follows:

- Collecting and recording data (semi-structured interviews with state prosecutors).
- Managing data.
- Reading and memoing.
- Describing, classifying and interpreting.
- Representing and visualising.

The analysis of the qualitative data will be done by means of descriptions of the training needs of the state prosecutors to develop a training programme.

## **9. PILOT STUDY**

It is essential that the researcher gather background knowledge regarding the research problem, before the research is initiated. According to Strydom (in De Vos et. al., 1998:78) a pilot study is one way in which the prospective researcher can orientate himself/herself to the project he/she has in mind. The pilot study forms an important part of the research that will follow. “The pilot study can be viewed as the dress rehearsal of the main investigation” (Strydom in De Vos et. al., 2002:211).

### **9.1 Literature Study**

A literature study will inform the researcher about other research that has been done in the past regarding the specific research field.

The researcher needs to ask:

- “What have others said about this topic?”
- “What theories address it, and what do they say?”
- “What research has been done previously?” (Babbie, 1992:110).

Strydom (1997:179) agrees that researchers can only reach the goals that they have set out to reach, if they are up to date with current knowledge on the research subject. The researcher must take responsibility to continue reviewing literature throughout the research process because “in course of research, new aspects and problems arise requiring information” (Bless & Higson-Smith, 1995:23).

The literature review will focus on the following aspects:

- The Person-Centred Approach as theoretical framework for the study – when developing and implementing the training programme.
- The impact of child sexual abuse and the long-term effects related to sexual abuse.
- Re-victimization of the sexually abused child during court procedures.

## **9.2 Testing of questionnaires and measuring instruments**

The questionnaire will be pre-tested with a group of individuals who have similar characteristics as the target group, before being utilized in the research study. These individuals will not be included in the main research study. This will ensure that the researcher can test and change the questionnaire before presenting it to the targeted group of respondents.

### **9.3 Feasibility of the study**

According to Bless and Higson-Smith (2000:154) a feasibility study is “ a study designed to determine whether a particular strategy or intervention is likely to reach its stated objectives”. One should therefore be certain that the planned study would be feasible before pouring large amounts of money, material, time, and energy into it.

The researcher is currently in private practice and views the study as an integral part of her practice where new knowledge in this field of study can be obtained. The researcher has sufficient time to conduct such a study, and had also received a bursary from the University of Pretoria for this purpose. The respondents that will take part in the study are easily accessible, and will not have to incur any financial expenses. Ms C. Massyn (2004), the programme co-ordinator of the Justice College, where the training of state prosecutors is being done, has already granted permission.



## **10. POPULATION, SAMPLING AND SAMPLING METHODS**

### **10.1 Universe**

Arkava and Lane (1983) in De Vos et. al. (2002:27) refers to universe as “all potential subjects who possess the attributes in which the researcher is interested”. For the purposes of this study, this applies to all state prosecutors.

### **10.2 Population**

Population sets boundaries on the study unit. Bless and Higson-Smith (1995:84) define a population as “the entire set of objects and events or group of people which is the object of research, and about which the researcher wants to determine some characteristics”.

A population can be described as the sum total of all the units of analysis (Bailey, 1994:83). The unit of analysis refers to “what” it is that the researcher is interested to investigate (Mouton, 2001:51).

In this research, the state prosecutors in the Pretoria Magisterial District who work with child sexual abuse cases are the population to be studied. Ten respondents were selected that would form part of the qualitative part of the study.

### **10.3 Sample and sampling methods**

It would be ideal to study the whole population to gather the information needed for the research study, but it is seldom possible where the population is very large, therefore sampling will “allow a researcher to make relatively few observations and generalize from those observations to a much wider population” (Babbie, 1992:192). The sample therefore comprises the elements of the population that are included in the study (De Vos et. al., 2002:199).

A non-probability sampling technique will be used in this study; specifically the purposive sample, where the type of sample is based on the judgement of the researcher. The sample will then be composed of elements that contain the most characteristic, representative or typical attributes of the population (Singleton et al., in de Vos et. al. 2002:207).

The researcher will select respondents from the population that will be studied to best fit the elements of the study. State prosecutors who are currently working with child sexual offences in the Pretoria Magisterial District will be included in the qualitative part of the study. State prosecutors who receive training at the Justice College in the Pretoria Magisterial District will form part of the quantitative study, where the training programme will be implemented.

The researcher will make use of the guidelines for sampling as presented by Stoker (1985) in De Vos et. al.(2002:201), where the size of sampling depends on the size of the population.

## **11. DEFINITION OF MAIN CONCEPTS**

### **11.1 Sexual abuse**

Sexual abuse can be defined as: “any childhood sexual experience that interferes with or has the potential of interfering with a child’s healthy development.” Crosson-Tower (2002:53)

Berlinger & Barbieri (1994: 51) define sexual abuse as “any sexual activity with a child where consent is not or cannot be given”. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participant, and all sexual contact between an adult and a child, regardless of whether there is deception or understanding of the sexual nature of the activity.

The researcher is of the opinion that sexual abuse is taking advantage of a child for the sexual gratification of an adult. Because this happens outside the developmental world of the child, the effect of sexual abuse will always be detrimental for the child.

## **11.2 Re-victimization**

The negative influence that an investigation has on a child can be referred to as re-victimization (Goesssoftly, 2003:1).

According to Coughlan and Jarman (2002:545) the repetition of the details of the abuse is required when giving evidence. Unfortunately, this process is highly traumatic for the children and thus re-victimization can take place.

The researcher views re-victimization as the reliving of a trauma, without sufficient support and understanding of any other person.

## **11.3 Forensic procedures**

O'Brien and Sullivan (1980:34) define forensic procedure as “pertaining to court (or) legal proceedings”.

De Forest, Gaenslen and Lee (1983:1) refer to the concept forensic procedure as: “the application of the principle and methods of a science to a legal problem”. Muller (2001:8) adds to this definition when he refers to forensic (interview) as gaining information that will be used to determine guilt in a criminal process.

The researcher will define forensic procedure as gaining information and/or evidence for legal procedures.

#### **11.4 Person-Centred Approach**

Du Toit (1998:9) describes the Person-Centred Approach as follows:

- The facilitator in the Person-Centred Approach should try to understand how the client sees himself/herself.
- The facilitator should abandon the temptation to subtly guide the individual and should concentrate on one purpose only: that of providing deep understanding and acceptance of the attitude consciously held by the client, as he/she explores step by step into the dangerous areas which he/she has been denying to consciousness.

The Person-Centred Approach tends to focus on the attitudes of the facilitator, the so-called core conditions of empathy, congruence, and unconditioned positive regard.

Egan (1994:21) defined the approach as “the needs of the client as the starting point, not the model or methods of the helper”. It is an active approach.

The researcher can define the Person-Centred Approach as an active process where the uniqueness of each person is paramount. The approach should also empower clients to develop unused or underused opportunities and potential.

### **11.5 Training programme**

Only one definition defines a training programme, namely a programme designed for training in specific skills ( Dic, 2003: [http://dictionary.com/training\\_programme\\*](http://dictionary.com/training_programme*) ).

## **12. ETHICAL CONSIDERATIONS**

Ethical considerations are not as simple as “what is right and what is wrong”. In social research, it becomes even more complicated, because research is not done in a sterile laboratory, but it focuses on human beings. According to Strydom (In De Vos et. al., 2002:63) ethics is a set of moral principles, which offers rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, etc. The researcher ought to evaluate her own conduct according to ethical guidelines, which also serves as standards. Strydom (In De Vos et. al.,2002:63) is of the opinion that ethical principles should thus be internalised in the personality of the researcher.

Bailey (1994:454) defines ethical conduct according to Webster’s Dictionary as conforming to accepted professional practices.

The following ethical agreements would be considered in this study, according to Strydom (In De Vos et. al., 2002:64-74):

- *Harm to experimental respondents*

In social sciences, respondents can mostly be harmed in an emotional manner. Emotional harm is more difficult to detect than physical harm, and therefore the researcher should be very careful when conducting research. Respondents have to be informed beforehand of the potential impact of the investigation. In this study, respondents will take part in a training programme to improve their knowledge on the subject. The researcher does not foresee any emotional harm to any respondents in this study.

If it comes to the attention of the researcher that any of the respondents are in need of emotional intervention, the researcher will refer the respondent to a professional who can fulfil this need. The researcher is of the opinion that the research should be conducted in a responsible and ethical manner. The respondents should be treated with respect, and their rights should be taken into consideration.

- *Informed consent*

The respondents need to be informed of all the possible aspects of the study. Informed consent becomes a necessary condition in research. Emphasis must be placed on accurate and complete information, so that the subjects will fully comprehend the investigation and consequently be able to make a voluntary, thoroughly reasoned decision about their possible participation. In this study, the researcher will be able to give the respondents a

clear view of what their participation in the study will entail, by inviting them to voluntarily partake in a training programme that could be of benefit to them. There will therefore be no hidden agendas during this study. Each respondent will also receive a copy of the informed consent signed by him or her.

- *Deception of respondents*

Deceiving respondents refers to deliberately misrepresenting facts, withholding information, or offering incorrect information, in order to ensure participation of subjects when they would otherwise have refused it. Information about the training programme will be accurately communicated to the respondents. The researcher will further ensure that the content of the training programme is thoroughly researched and scientifically grounded.

- *Violation of privacy, anonymity, and confidentiality*

Privacy refers to “that which normally is not intended for others to observe or analyze”. Privacy implies the element of personal privacy, while confidentiality indicates the importance of safeguarding the privacy and identity of respondents. In this study, privacy will specifically refer to these aspects that could be included in the contents of the training programme. The researcher will be sensitive not to make any identities of relevant case studies known to the respondents. The researcher will then deal in a confidential manner with the information given by the respondents during the study. To ensure further confidentiality, the respondent will participate anonymously in the study.



- *Actions and competence of researcher*

Researchers are ethically obliged to ensure that they are competent and adequately skilled to undertake the proposed investigation. An obligation rests on the researcher towards all colleagues in the scientific community to report correctly on the analysis of data and the results of the study. The researcher should therefore constantly be aware of his/her ethical responsibility when conducting the research. Ethical responsibility then lies primary with the researcher and also implies some aspects of integrity when conducting research. A qualified supervisor will guide the researcher to ensure that this aspect of the ethical guidelines will be adhered to.

- *Co-operation with contributors*

The researcher is not sponsored by outside contributors that could lead to some difficult ethical matters. The researcher received a bursary from the university that does not prescribe any outcomes to the study.

- *Release or publication of findings*

Researcher must compile a report as accurately as possible so that this report can contribute to further studies on the topic or can convey the correct information to the public. A specific ethical obligation lies on the researcher to conduct the study in such a manner as to ensure that the investigation proceeds correctly and that no one is deceived by the findings. This ethical guideline then implies, as Strydom (In De Vos et. al., 2002:63) mentioned earlier, that the researcher need to internalise certain ethical aspects

as part of the researcher's personality. The student and supervisor will co-publish an article of the research findings.

- *Debriefing of respondents*

Debriefing sessions after the study provides respondents the opportunity to work through their experience and its aftermath. Here the researcher can assist respondents in minimizing possible harm. The researcher must rectify any misperceptions that may have occurred in the minds of participants after completion of the project. In this study, the researcher will then focus especially on the assurance that the respondents do not have any misconception of the information that was given in the training programme. The debriefing session afterwards will be of great value.

### **13. FRAMEWORK OF THE RESEARCH REPORT**

CHAPTER 1: General introduction and framework of the study.

CHAPTER 2: A Person-Centred Approach as frame of reference for the development and implementation of the training programme for state prosecutors.

CHAPTER 3: The impact of child sexual abuse and long-term effects thereof.

CHAPTER 4: Re-victimization of children during court procedures.

CHAPTER 5: Empirical research findings.

CHAPTER 6: Recommendations and conclusions.

## **CHAPTER 2**

# **A PERSON-CENTRED APPROACH AS FRAME OF REFERENCE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A TRAINING PROGRAMME FOR STATE PROSECUTORS**

### **1. INTRODUCTION**

The Person-Centred Approach will be used as a scientific foundation for this study. Greenberg (2004:53) is of the opinion that one of the exceptional features of the Person-Centred Approach is the belief that human beings have within themselves, the ability to guide their own lives in such a manner that it is both personally satisfying and socially constructive. This is coupled with a belief that a particular type of helping relationship will free people to find their inner wisdom and confidence, which can lead to increasingly healthier and more constructive choices. Anderson, Weston, Doueck and Krause (2002:368) mentioned that the prosecution of child abuse cases continues to be an area in which there is a strain between the judicial system and the social work profession. The former is predominately interested in the conviction of the accused and the latter is primarily interested in the protection of the child's emotional wellbeing. In an effort to assist the sexually abused child throughout the court process, the researcher proposes the

concept of a Person-Centred Approach, to address the potential for re-victimization of the child during the judicial process.

When conducting research from a Person-Centred Approach as frame of reference, it is important to understand the basis of this theoretical approach as a whole. For the purpose of this study it is the researcher's opinion that it is important to have a clear understanding of where the Person-Centred Approach has its origin and the historicity of the approach will also be discussed.

## **2. HISTORICITY OF THE PERSON-CENTRED APPROACH**

### **2.1 The influence of Carl Rogers**

Carl Rogers (1902-1987) developed the Person-Centred Approach. Moore (1988:395) mentioned that Rogers developed his theory mainly from his clinical therapeutic experiences as well as from his own life experiences. Rogers (1980) saw human beings as having the tendency to grow and develop, and that this would result in constructural directional flow towards a more complex and complete development. Rogers also believed that if people are fully accepted, they could not help but change.

Carl Rogers was born on 8 January 1902 in Oak Park, Illinois, the fourth of six children. He grew up on a farm and at an early age his father, who was an engineer, taught him that a farm needs to be managed scientifically. (Moller, 1993:239). According to Moller

(1993: 239) there were two aspects in Rogers's earlier years that had a great influence on his future, namely, his strict spiritual upbringing and his intense interest in the ethical and moral issues in life. Rogers had an intense interest in the sciences. At the age of twelve he had already done intensive research on the night flying moth, to such an extent that he was considered an expert (Moore, 1988:395). This aspect also describes and gives more perspective on why Rogers placed so much emphasis on the experiences of an individual and what the impact of these aspects are on his behaviour (Rogers, 1980:115).

After Rogers had finished his High School education, he enrolled for a University course in Agriculture. After two years he decided to study Theology at the Union Theological Seminary in New York. This institution was known for its liberal teaching methods. These studies motivated Rogers to study a more open and explorative science such as psychology. He enrolled at the University of Columbia and studied under the guidance of John Dewey and Leta Stetter Hollingworth. He received his doctorate degree in Psychology in 1931. In 1940 he became a professor at the University of Ohio where he started writing his first work on non-directive therapy. In 1945 while he was working at the University of Chicago, he wrote one of his most important books, namely: *Client-centred therapy: its current practice, implications and theory* (1951). In 1957-1963 he acted as professor at the University of Wisconsin. Since 1968 he had worked at the Centre for studies of the Person in La Jolla California, until he died in 1987 (Moller, 1993:240).

### **3. UNDERLYING THEORY OF THE PERSON-CENTRED APPROACH**

The underlying theory of the Person-Centred Approach can be described as humanistic phenomenological. Rogers places a lot of emphasis on the individual as a whole, and the active role a person plays in his/her own self-actualization (Moore, 1988: 396). According to Rogers (1961:166) a person's surroundings play only a facilitative or inhabited role in the promotion or achievement of self-actualization. He mentions further that in conjunction with the phenomenological perspective, the subjective evaluation people make of their own world has an influence on their behaviour and their self-concept. Rogers (1961:166) mentions that the aim of one's own life is to be "that self which one truly is". Rogers explains that the individual has the ability to develop his own potential to become the self one truly is (Moore, 1988: 397). According to Rogers (1961:168) people then also develop a certain ability to see themselves, which he then refers to as the self-concept. This plays an important role in determining a person's behaviour. The more the person has the ability to act appropriately according to his self-concept, the greater ability such a person will have in reaching his full potential (Moore, 1988:397). Moore (1988:397) responds to Rogers when he explained that if a person's self-concept does not match his/her true self, this aspect could stand in the way of such a person developing his/her full potential. The outcome of the latter can be that people will believe that they are unable and therefore do not reach their full potential due to inabilities in themselves. According to Rogers the main aim is to create an environment

where an individual can explore, and where he can develop his/her full potential (Moore, 1988:397).

Rogers had great discomfort with directive approaches and expressed himself as follow: “these (directive) approaches have two basic assumptions in common. They assume that the counsellor is the one most competent to decide what are to be the goals of the individual, and what are the values by which the situation is to be judged... all of the earlier approaches have deeply ingrained in the idea ‘ the counsellor knows best’. A second basic notion is that, by searching, the counsellor will discover techniques which will get the client to the counsellor chosen goal in the most efficient manner” (Rogers, 1942:27). During the ‘non-directive’ approach it is of importance that the facilitator, and in this study, the state prosecutor, shall not assume the role of the expert on the client. Thinking one is an expert on the client one creates an obstacle for the client, rather than contributing to his growth development (Rogers 1942:20-27).

When discussing the theoretical foundation of this approach, the emphasis needs to be placed on the uniqueness of each individual. This implicates that every child should get the opportunity to explore his/her potential by utilizing the Person-Centred Approach. The state prosecutor can assist the child to identify and use this potential. Furthermore Mearns (2004:90) is of opinion that all human beings experience their phenomenal world individually. The same apparent response may be occasioned by different combinations of stimuli in different people. He went further and indicated that each individual has a ‘unique’ problem and should be treated in a ‘unique’ way. When referring to the sexually

abused child, in this study, each child's experience of his/her abuse is unique and the circumstances around the abuse are also unique. Therefore the *Person-Centred Approach* is not *problem-centred*. When the state prosecutor assumes that he knows what the child has endured and how to work with each sexually abused case, he falls into the trap of viewing the case as problem-centred rather than Person-Centred. Chalmers (1993:92) is of the opinion that the police investigation (forensic investigation) is, unlike a social work investigation, not 'child-centred' but 'crime centred'. The police look for information that supports the suspicion that the crime has been committed. They may continue their work only if it appears that a criminal charge may result. While the sexual abuse may have taken place over a period, or involved several acts of abuse, the police focus their attention on only one act that holds the promise of a successful prosecution. During this investigation, the child will be involved in several interviews extending over a considerable period of time, each interview being conducted by a different police officer (Chalmers, 1993:93). This investigation process is clearly not child friendly.

#### **4. PSYCHOLOGICAL CONDITIONS OF THE PERSON-CENTRED APPROACH**

The Person-Centred facilitator believes that all clients have within themselves vast resources for development (Mearns, 1996:14). It is the facilitator's task to create new conditions for relationships in which the growth process can be stimulated. Mearns (1996:14) mentions that the facilitator should attempt to provide different soil and a



different climate in which the client can recover from past deprivation or maltreatment and begin to flourish as the unique individual he or she actually is. It is the nature of this new relationship environment and the facilitator's ability to create it that is central to the whole therapeutic enterprise. Rogers, Kirchenbaum and Henderson (1989:11) mention that Rogers believed that the tendency to self-actualize exists in every individual, and that this tendency is facilitated in a climate of three conditions namely:

- **Congruence or genuineness (realness)**

According to Rogers et. al., (1989:11) congruence or genuineness can be seen as the most basic of the three conditions, because not one of the other conditions can possibly be so meaningful in a relationship. The term 'congruence' is used when a person presents himself, as he actually is – thus being transparent and open.

According to Mearns (1996:75) congruence poses challenges to helpers, as they often tend to be incongruent. He explains further that empathy can actually be defined as a 'process', unconditional positive regard as an 'attitude' and congruence as a 'state of being' of the facilitator in relation to the client. Facilitators are congruent when their response to the client is genuine, open, portraying their true self – their behaviour perfectly reflective of what they feel inside – when their response to the client is what they feel and not pretence or defense.

Moustakas (1959) in Rogers et. al. (1989:89) explained the importance of his congruence in psychotherapeutic work with children as follows:

*“I saw that I must stop playing the role of the professional therapist and allow my potentials, talents and skills, my total experience as a human being to blend naturally into the relationship with the child and whenever humanly possible to meet him as a whole person”.*

Mearns (1996:83) refers to being ‘congruent’ as a state of the facilitator responding to expressions that are relevant to the client and which are relatively persistent and striking.

- **Empathy**

Empathic communication involves the ability to perceive accurately and sensitively the inner feelings of the client and to communicate an understanding of these feelings in language attuned to the client’s immediate experience. Empathic communication plays a vital role in nurturing and sustaining the helping relationship, providing the means through which the facilitator becomes emotionally significant and influential in a client’s life (Hepworth, Rooney & Larsen, 2002:92). Hepworth et. al. (2002:92) is further of opinion that in mandated circumstances where involuntary clients are not seeking a helping relationship, empathic understanding reduces threat and defensiveness. It conveys further an interest and helpful intent and creates an atmosphere conducive to behavioural change. State prosecutors are often confronted with sexually abused children that feel that they do not want to be in this process and they see the court and the personnel as a threat. The state prosecutor then needs to convey an empathic attitude when dealing with these children.

Rogers (1987:29) quotes the following about empathy:

*“ This formulation would state that it is the facilitator’s function to assume, in so far as he is able, the internal frame of reference of the client, to perceive the world as the client sees it, to perceive the client himself as he is seen by himself, to lay aside all perceptions from the external frame of reference while doing so and to communicate something of this empathic understanding to the client”.*

According to Thompson (1996:140) empathy is referred to as the ability to sense and identify the feelings of others and to communicate it to the client from his or her point of view, that is entering the client’s frame of reference. Egan (1994:123) views empathy as a form of communication that involves both listening to and understanding the client. Empathy is not only a technique, but it is a *way of being* with the client. It does not mean that the helper simply sits there passively looking warm and friendly (Grobler, Du Toit & Schenk, 2003:154). Empathy must be communicated - the client must experience, know and hear that he or she is understood. Mearns (1996:56) describes that releasing one’s empathic sensitivity is an act of giving. The facilitator is giving himself as a mirror to the client.

Mearns (1996:39) defines empathy as a:

*“Continuing process whereby the facilitator lays aside her own way of experience and perceiving reality, preferring to sense and respond to the experiences and perceptions of her client. The sensing may be intense and*

*enduring with the facilitator actually experiencing her client's thoughts and feelings as powerfully as if they had originated in her".*

Glauser and Bozarth (2001:143) are of opinion that through empathy, the facilitator experiences to some extent what the world of this individual is like. Duncan and Moynihan (1994:52) state that empathy is “a function of the client’s unique perceptions and experience and requires that therapists respond flexibly to clients’ needs, rather than from a particular theoretical frame of reference or behavioural set”.

Egan (1994:107) distinguishes between accurate and inaccurate empathy. Inaccurate empathy means that the facilitator has understood the client incorrectly, or not entirely correctly. In such a case the facilitator must allow him- or herself to be corrected by the client.

According to Egan (1994:117) empathy can help the facilitator accomplish the following goals:

- *Build the relationship.* In interpersonal communication, empathy is a tool of civility. Making an effort to get in touch with another’s frame of reference sends a message of respect. The state prosecutor can, by using empathy, create and build a relationship where the child is sincerely respected.
- *Stimulate self-exploration.* Empathy is unobtrusive tool for helping clients explore themselves and their concerns. When clients are understood, they tend to move on –

to explore substantive issues more widely and deeply. When the sexually abused child observes the true empathy of the state prosecutor, it will help him/her to give information about his/her abuse more openly, especially when he/she experiences the support of the state prosecutor given to him/her through empathy.

- *Check understandings.* You may think you understood the client and what he/she had said only to discover that you had missed the point. Therefore, empathy is a perception-checking tool. By conveying empathy the state prosecutor can have a better understanding of the child.
- *Providing support.* Since empathy provides a continual trickle of understanding, it is a way of providing support without the helping process. It is important that the state prosecutor continually makes sure that he/she understands the frame of reference from which the child is conveying information.
- *Lubricate communication.* Empathy acts as a kind of communication lubricant that encourages and facilitates dialogue. This can in turn, help the state prosecutor to make the child feel at ease and understood.
- *Focus attention.* Empathy helps the client and facilitator alike to focus on core issues. This includes experiences, core behaviours and core feelings. By using empathy, the state prosecutor can help the child to focus on the issues of the case. The child will be able to focus his/her attention on these aspects, by knowing that somebody is really trying to help and understand him/her.
- *Restrain the helper.* Empathy restrains the helper from doing useless things such as asking too many questions and giving premature and inept advice. Empathy puts the ball squarely in the client's court, thus in its own way empathy encourages the client

to act. By using empathy the state prosecutor will encourage the child to take part in court proceedings in such a manner that he/she will feel empowered rather than re-victimized.

- *Pave the way.* Empathy paves the way for stronger intervention suggested by the helping model, including challenging a client's assumptions and perceptions, setting goals, formulating strategies, and moving to action.

- **Unconditional positive regard**

Unconditional positive regard is assumed to be an important – if not the most important-therapeutic agent in client-centered therapy. According to Sommerbeck (2004:292) an essential aspect of unconditional positive regard is to respect the uniqueness of each individual client. Mearns (1996:59) indicated that it is difficult to restrict the process of empathy to specific behavioural responses. He refers to unconditional positive regard as elusive, since it is an attitude of the facilitator. He defines unconditional positive regard as:

*“The label given to the fundamental attitude of the Person-Centred facilitator towards her client. The facilitator, who holds this attitude, deeply values the humanity of the client and is not deflected in those values by any particular client behaviours. The attitude manifests itself in the facilitator’s consistent acceptance of and enduring warmth towards the client”.*

It is important that this attitude stays consistent with all clients regardless how they behave (Moller, 1993:263). Mearns (1996:59) agrees with Moller (1993) and refers to

unconditional positive regard as accepting a person in totality, regardless of his/her behaviour. In this study the state prosecutor will be confronted with the sexually abused child, who frequently acts with disruptive behaviour and then it is important that the state prosecutor would accept this child in totality, regardless of his/her behaviour. By accepting the child in totality, the uniqueness of the child is respected and the child will feel self-worthier.

This condition exists when the facilitator in such a way perceives the experiences of the client that neither feels more worthy than the other. Unconditional positive regard or acceptance is not the same as approval. Such an attitude requires an acute awareness of one's own values, biases, and judgments, and an ability to suspend those during one's encounter with others (Thompson, 1996:140). The state prosecutor should be aware of these aspects especially regarding his own values, biases and judgments when he/she works with the sexually abused child.

Later, Rogers began referring to another condition: 'presence' (Greenberg & Geller, 2001:132). This can be viewed as a fundamental rather than a fourth condition. Describing presence as the special way where in a facilitator could be spontaneously present with the client, Rogers noted that: "When I am closest to my inner, intuitive self and in touch with the unknown me...then simply my presence is releasing and helpful" (Rogers et. al., 1989:137). According to Rogers, the state prosecutors have the ability to focus their attention in such a way on the child with whom they are working that the child will experience that the prosecutor "is present". This can only release a sense of valued acceptance in the child.

## **5. THE CHARACTERISTICS OF CONDUCTING RESEARCH FROM A PERSON-CENTRED APPROACH**

Mearns mentions in Takens and Lietaer (2004:79) that one makes a choice in working in a 'relationship oriented' way or a 'problem centred' way. One basic assumption in the Person-Centred Approach is that the etiology and manifestation of problems are idiosyncratically determined. People react differently to the same situation. On the contrary, from the problem-centred side one holds the view that people with the same problems will, by and large, react in the same way to the same situation. It could be emphasized that working from a Person-Centred Approach when dealing with the sexually abused child in the forensic process, it should be noted that each child, although abused, would not react in the same way. The abuse has a different effect on each child because each child is unique and also the specific circumstances in which the abuse took place. Each child is a part of a larger family and that family has its own dynamics that will have an influence on the way the child has experienced the abuse.

### **5.1 Meeting the respondent as an equal**

The state prosecutor in this study will become part of the study in such a manner that their role as prosecutor will be respected and also the important role they have in the forensic process, when working with the sexually abused child.



In this study the researcher will meet with state prosecutors to determine what their needs for training are in the field of sexual abuse, as a way to address re-victimization during the forensic process. It is important for the researcher to meet with these participants as equals, having their own authority and knowledge in ‘their world’. During this study the researcher will also develop the training programme for the state prosecutors in such a manner that they will understand that when a child is consulted during the forensic process, he/she must be treated as an equal in his/her own right. Only if his/her uniqueness is respected and understood, can the effects of re-victimization during the forensic process be addressed.

## **5.2 Emphasis on the frame of reference of the respondents**

Mearns and McLeod (1984:376) explain that by understanding the respondent’s frame of reference and how that frame of reference can change, involve empathic ability on the part of the researcher. The expression of empathy has far reaching effects. It shows understanding and builds trust. Mearns and McLeod (1984:376) state further that mutual trust is particularly important when the researcher has to work with the respondent over a long period of time or is allowed access to the private conscious experience of the respondent.

During this study the researcher will not particularly need access to the private conscious of the respondents. The prosecutors and the researcher could rather see themselves as partners rather than opponents. By developing the training programme for the state

prosecutors, the researcher will place emphasis on the prosecutors needs regarding their work with sexually abused children during the forensic process. The prosecutor, in turn, does not have to be the person to specifically gain access to the private conscious experiences of these children, but should have a clear understanding of the necessity of trust in these relationships. The researcher will emphasize the fact during the training programme that the sexually abused child being involved in the forensic process, has to disclose the information about the abuse over and over again. In court he/she has to tell his/her story to another stranger again. The prosecutor must understand that this aspect is traumatic to the child. When reaching out to the child the prosecutor needs to understand the frame of reference of the child and respect his/her uniqueness. By doing so, the prosecutor will develop trust in the relationship with the child.

### **5.3 The process orientation of the Person-Centred Approach**

Mearns and McLeod (1984:377) mention that research from a Person-Centred framework is inevitably more dynamically responsive to its products. Another significant aspect of the research process is the development of the collaborative relationship between researcher and respondents.

The researcher will need to establish a collaborative relationship with the respondents by establishing trust in the relationship with them, so that differences can be communicated to each other and the research process can evolve to a deeper level to reach its goal. The latter is as essential as it is important to breach difficulties and conflicts between the

different professions. If one can reach this goal, common ground can be created to address the needs of the sexually abused child during the forensic process.

#### **5.4 Research based on a Person-Centred philosophy seeks authenticity**

As in therapy, Mearns and McLeod (1984:379) explain that ‘congruence’ of the researcher is an important aspect of the research process. They define researcher congruence as:

*“The accurate transmission of the feelings of the researcher in his behaviour in relation to a participant”.*

Congruence in the researcher emphasizes his/her full involvement with the respondent in an interested, attentive way. Mearns and McLeod (1984:380) go further to explain that it communicates to the participants a feeling of responsibility towards the research relationship and the process of investigation. Congruence in the researcher is particularly important when he/she is seeking congruence in the respondent. Rogers thought about the fully functioning person always in terms of the process of becoming, never about a state or an end product (Schmid, 2004:38). Rogers state in Schmidt (2004:38) that, “the significant meaning of authenticity is, to more and more become authentic, that is, to become the author of one’s own life”.

This aspect also needs to be explained to the respondents in such a manner, that they need to understand the value of authenticity, when working with the child. Authenticity is

defined as the sharing of self by relating in a natural, sincere, spontaneous, open and genuine manner. Being authentic involves relating personally so that those expressions are spontaneous rather than contrived. State prosecutors thus need to relate as real persons expressing their feelings and assuming responsibility for them rather than denying their feelings or blaming the client for causing them. Hepworth et. al. (2002:113) is of the opinion that authenticity also involves being non-defensive and human enough to admit errors to clients. Realizing that they expect clients to lower their defenses and to relate openly (thereby increasing their vulnerability), state prosecutors themselves must model humanness and openness and avoid hiding behind a mask of “professionalism”. By doing this, the child will experience that the state prosecutor respects him/her and conveys the message of “wanting to help”.

### **5.5 The Person-Centred Approach to the value system of others**

If there is any aspect that would be central to the values system of the Person-Centred researcher, it is an acceptance of other value systems (Mearns & McLeod, 1984:382). In the context of the Person-Centred Approach to research, acceptance of other value systems can be seen as a basic prerequisite to entering the frame of reference of the respondent. Mearns and McLeod (1984:383) states that acceptance is not seen as a ‘skill’, or even an ‘attitude’, but a basic value in itself. In this study the researcher needs to accept the value system of each respondent and by doing that, the respondents will follow and accept the value system of the child when working with him/her. In Diagram A: the researcher illustrates the aim and outcome of the research. The totality of the

research will have the theoretical foundation based on the Person-Centred Approach. This approach will be used in both the qualitative and quantitative parts of the study, as indicated on the diagram. (See diagram A).

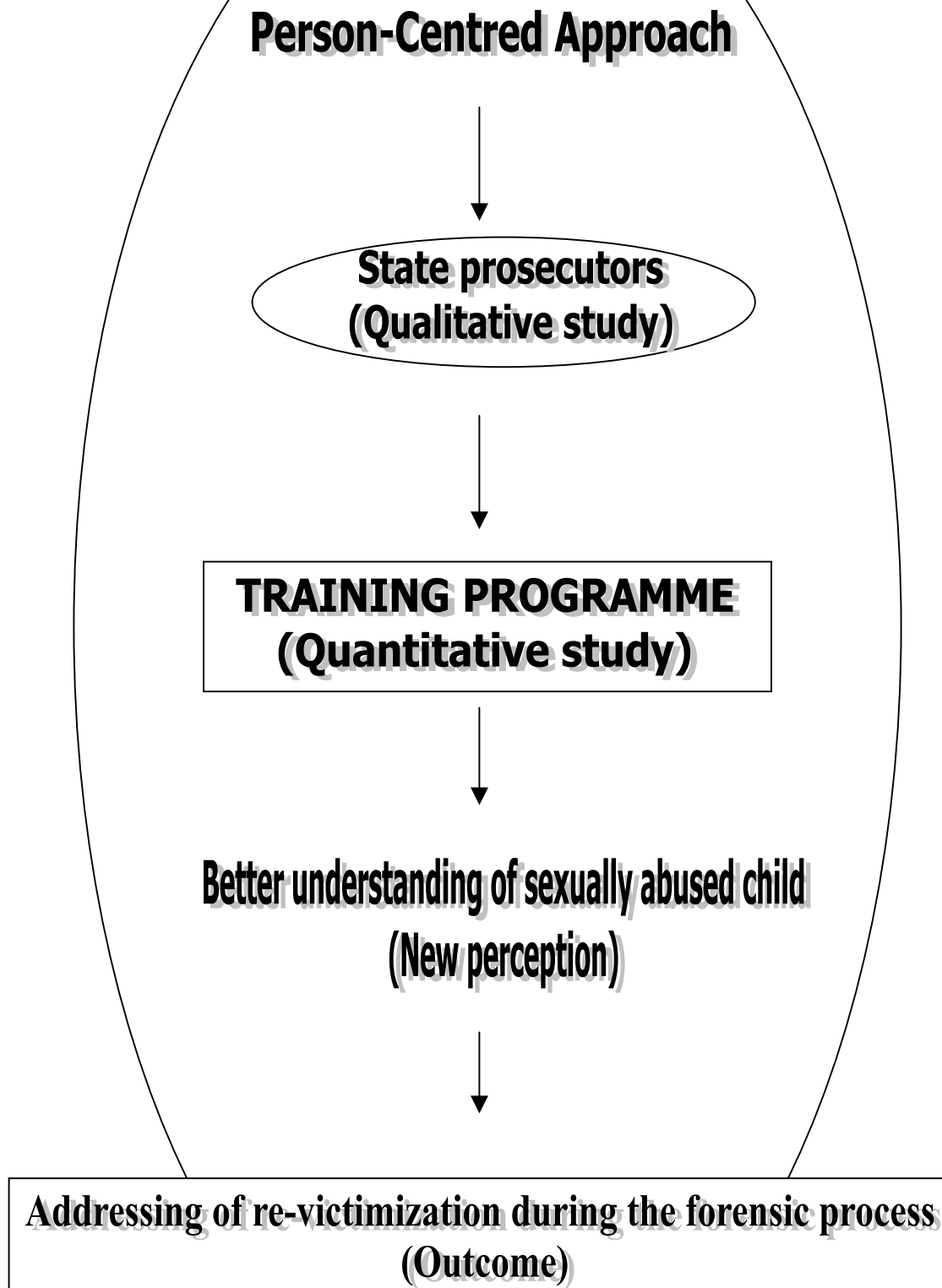


Diagram A: Person-Centred Approach

## 6. THE THEORETICAL BASE OF THE PERSON-CENTRED APPROACH IN THIS STUDY

Grobler et. al. (2003:3) mentions that it is important to understand the nineteen propositions that are underlying to the Person-Centred Approach. These propositions indicate:

- What possibly motivate people on various levels of consciousness?
- Provide tentative guidelines for facilitators in their efforts to understand, think about, and make sense of what we can observe of others, like what they say, do and feel when we encounter them.

Schmid (2004:41) is of the opinion that:

*“If we were fully functioning persons we could always, with all persons and moment by moment, be the person the client needs in the given moment and provide the answers the client needs, thus creating the optimal relationship at any given instant. But we are not fully functioning persons; we are all more or less maladjusted persons. This raises the question: what we do ‘have’ that can be of help and that can allow us to enter encounter processes in difficult relationships, in spite of our being restricted by our own fears and security needs? The answer is we have our ability to reflect. We have our intellect”.*

It is clear that Schmid (2004:41) conveys the message that as facilitators, we are not perfect and do not have all the answers. If we reflect and try to understand our clients, by using our intellect, we can assist them.

In this chapter the different propositions will be described and demonstrated with appropriate examples where possible. These propositions will be used as a theoretical basis for the development of the training programme for the state prosecutors. The focus of the programme will be placed on the development of better understanding of the sexually abused child during the forensic process.

## **6.1 Discussion of the different propositions of the Person-Centred Approach**

- **Proposition 1: Human experiences at a conscious and unconscious level**

“Every individual exists in a continually changing world of experiences of which he is the center” (Rogers, 1987:483).

According to Grobler et. al.(2003:44) there is three elements to this proposition namely:

- Every individual experiences his world as central, unique, and personal.
- This personal world is continually changing.
- The experiences that constitute this world can be conscious and/or unconscious.



Grobler et. al. (2003:45) mentions that the individual's experiential world includes experiences on a conscious and unconscious level. This is only known to the individual, which means that outsiders can only have an idea of an experience if the individual tells them about it. Thus only the individual can give an outsider a glimpse of what is going on inside his or her private world. This emphasizes the uniqueness of each individual. Each child's circumstances are unique and cannot be compared to other cases.

When working with the sexually abused child, it is very important to understand that the facilitator (being the prosecutor in this study) is entering a private domain of a child's being. Only the child can really give you a glimpse of what he/she has experienced during the abuse. The child is part of a family setting, which is continually changing, and which he/she is the center of.

**Example:**

Three sexually abused boys from one family with totally different personalities disclosed their abuse to the facilitator individually. When they entered the forensic process, the boys also reacted differently because of their uniqueness. It is thus important to emphasize the uniqueness of each child, although they were all exposed to the same type of abuse. They reacted differently as they gave different meanings to what happened to them.

- **Proposition 2: The Individual**

“The organism reacts to the field as it is experienced and perceived. This perceptual field is, for the individual, reality” (Rogers, 1987:484).

People respond to experiences and perceptions individually and cannot be judged or condemned (Grobler et. al., 2003:50). The same apparent response may be occasioned by quite different combinations of stimuli in different people. The experience and perception a child develops about a specific incident (perceptual field) is a reality to that child. It needs to be understood and more importantly it “cannot be judged or condemned”. This experience is real to the child and not what any other person thinks the child may have experienced.

**Example:**

A five-year-old little girl is sexually abused by her uncle and her granny. She is so entwined in her relationship with her uncle and granny that she cannot understand what the fuss is all about regarding the sexual abuse. She regarded the abuse as receiving nurturing and attention from them that she did not receive from her parents. She later develops guilt feelings regarding the abuse because her mother and other caregivers condemn and judge her perception regarding these incidents.

- **Proposition 3: Wholeness/Unity**

“The organism reacts as an organized whole to this phenomenal field” (Rogers, 1987:486).

People can be regarded as complete with a combination of their ideas, feelings, behaviour, needs, values and physical attributes. All these aspects need to be taken into account when working with an individual (Grobler et. al., 2003:55).

When working with the child the wholeness/unity refers to understanding the background of that child and how that child functions as part of a greater unity, being the family

unity. Thus the functions of this unit need to be taken into consideration. Chalmers (1993:89) mentions in his research that the growth of a child could not take place in isolation, since the child is usually part of a family system.

**Example:**

A seven-year-old girl being sexually abused by her foster father will experience the sexual abuse not only on a physical level, but will also experience emotions like acceptance, closeness, love as well as guilt feelings regarding the abuse.

The conflicting aspects regarding sexual abuse can be noted here. This proposition supports the professional person to view the child as being complete with a combination of feelings, behaviour, needs and physical attributes.

- **Proposition 4: Self-determination**

“The organism has one basic tendency and striving – to actualize, maintain, and enhance the experiencing organism” (Rogers, 1987:487).

Grobler et. al. (2003:17) explains that “ a human being has one basic striving: to actualize, maintain, and develop the total self”. Grant (2004:159) mentions that one reason why it is essential to respect the right of self-determination is that the alternative is a more or less subtle degradation of those to whom the right is denied. Benn (1967 ) in Grant (2004:159) goes further to indicate that “if one denied a man this right, it would be

open to others to use him, like beasts and their tools, for their own purposes and as they choose”.

The child needs to be assisted in striving to develop his/her total self. In this study it specifically refers to empowering the child to such an extent that the courtroom experience could rather be empowering and self-actualizing, than a re-victimizing experience.

**Example:**

The social worker facilitates a process in which children can make their own decisions to report the sexual abuse to the police. Such children can truly experience the court procedures as empowering because people listened to them and believed their stories. These children can only experience acceptance and respect, as they were allowed to demonstrate their rights of self-actualization.

- **Proposition 5: Needs and behaviour**

“Behaviour is basically the goal-directed attempt of the organism to satisfy its needs as experienced in the field as perceived” (Rogers, 1987:491).

In Grobler et. al.(2003:59) this proposition refers to behaviour of the individual being associated with needs and the individual’s needs motivating behaviour. In short all forms of behaviour has the same motive, reason or goal.

Understanding a child's behaviour as motivated by his/her needs could assist the state prosecutor to form a better perspective of the child, why he/she cannot be rushed when testifying or when he/she wants to recant his/her disclosure.

**Example:**

A teenager girl is just in the process of giving her testimony and decides that she cannot testify anymore. She experiences feelings of guilt and she is scared of the outcome of the trial. She does not want to see her father going to jail; she never wanted this in the first place.

It is clear that when a child experiences loss this can be seen as the child being deprived of his/her basic needs. The child reacts by deciding not to carry on with the case. Her behaviour is thus directed in satisfying her needs, namely not to experience further losses. The professional person needs to explore further to discover with the child the motive for the decision she made.

- **Proposition 6: Emotions**

“Emotion accompanies and in general facilitates such goal-directed behaviour, the kind of emotion being related to the seeking versus the consummated aspects of the behaviour, and the intensity of the emotion being related to the perceived significance of the behaviour for the maintenance and enhancement of the organism” (Rogers, 1987:492).

The purposeful behaviour that is mentioned above is facilitated and accompanied by a specific emotion. The importance that the person attaches to the behaviour in terms of

self-preservation and self-enrichment correlates with the intensity of the emotion (Grobler et. al., 2003:61).

Experiences are individual, so the intensity of emotions varies from one person to another. This can be viewed as a way to understand why each individual will react with a different emotion to a specific aspect or circumstance. Emotional experiences differ but it doesn't make the experience less significant or important.

**Example:**

Two girls from one family who are both being sexually abused by their father have two total different reactions to the abuse. The one girl reacted with rebellious behaviour and decided to report the abuse, while the other one did not want to report the abuse but rather allowed the abuse to continue as a way to seek acceptance from her father.

- **Proposition 7: Frames of reference**

“The best vantage point for understanding behaviour is from the internal frame of reference of the individual himself ” (Rogers, 1987:494).

Grobler et. al. (2003:68) describes it as “ the best way to understand behaviour is to view it in terms of the individual's frame of reference”. Van Kalmthout (2004:195) describes that one of the central values of the Person-Centred Approach, as system of meaning, is namely, that clients know best about what their problems are, what they need and what

the best ways are of being helped. He goes further and mentions that the client has the resources and potential capability for solving these problems within him or her.

Children as clients also have the capability to describe what they had experienced more effectively, than any outsider. They should be granted the opportunity to describe to the state prosecutor what they had endured. The state prosecutor should grant them enough time and not hurry them. Children should experience it as a time in which they are respected and truly listened to.

**Example:**

The state advocate makes an appointment before the trial to meet three children who were severely sexually abused by their father, to understand each child's different experiences of the abuse and expectations of the case. The fact that the state advocate listened carefully to each child's own experience from their own frame of reference, empowered these children. They felt empowered that such an important person was really willingly making time to listen to them and that their perceptions are also important to take into account.

It is of utmost importance that the prosecutors take note of these personal experiences of each child and not make their own interpretation of what impact the abuse had on the child.

- **Proposition 8: The self**

“A portion of the total perceptual field gradually becomes differentiated as the self”  
(Rogers, 1987:497).

According to Grobler et. al. (2003:9) a section of the individual's total perceptual field is gradually differentiated to become the 'self'. Grobler et. al. (2003:9) referred to this self as the perception a person has about who he or she is. The concept 'total' implies all their experiences, which are inherently part of who they are. Grobler et. al. (2003:10) goes further to explain that as their experiences change, so the 'self' will change accordingly.

When working with the child during the forensic process, the child is experiencing different aspects of the process and the way in which he/she is dealt with by different professionals. If these experiences are negative to the child he/she integrates these negativities as part of him/hers 'self'. This in turn can be referred to as re-victimization.

**Example:**

A 9-year-old girl discloses information that her uncle is abusing her. She discloses this to her mother first who reacts aggressively. She is then referred for counselling and promised that everything will be okay. During the following weeks statements are taken by various police officers in a very intrusive manner. It takes months for her trial to come to court and again she needs to talk to a number of strangers about the abuse. Everybody is only focusing on what he/she needs for a conviction and the child's experiences regarding the abuse, is not taken into account. As the case proceeds further the child experiences changes and inherently makes changes in her "self". She is not listened to and experiences re-victimization.



- **Proposition 9: The self and significant others**

“As a result of interaction with the environment and particularly as a result of evaluation interaction with others, the structure of the ‘self’ is formed as an organized fluid, but consistent. Conceptual pattern of perceptions of characteristics and relationships of the ‘I’ or the ‘me’ together with values attached to these concepts” (Rogers, 1987:498).

This proposition entails the importance of interaction with other people and the environment and how it affects the ‘self’. No person lives in isolation, everybody interacts with others, our perceptions of these interactions become part of who we are (Grobler et. al., et. al., 2003:13).

The child’s family with its structures and boundaries also needs to be understood, when working with the sexually abused child. Structures in these families are not always defined and become diffused. The child is constantly in interaction with others. These interactions form part of how the child is formed and organized.

**Example:**

A 14-year-old girl from an incestuous family explains to a counsellor that she plays an important role in her family. She describes herself as a person who fulfilled an important role in the family as her mother cannot fulfill in her father’s needs, which also includes his sexual needs. The child perceives the sexual abuse as part of who she is and therefore does not want to approach the authorities with this matter.

- **Proposition 10: Values, own and adopted from other people**

“The values attached to experiences, and the values which are a part of the self structure, in some instances are values experienced directly by the organism, and in some instances are values interjected or taken over from others, but perceived in distorted fashion as if they had been experienced directly” (Rogers, 1987:498).

An individual’s value attached to an experience can be influenced by own experience or by others and be assimilated into the self as if it had been experienced personally (Grobler et. al., 2003:65).

It is very important for the facilitator not to praise, condemn or criticize a client. The client can be tempted to take over values of a facilitator in order to gain the facilitator’s acceptance and not because this behaviour reflects the client’s own values (Grobler et. al., 2003:66).

The child’s experiences of what had happened to him/her are often entwined with the experiences of his or her parent. It is of utmost importance to evaluate the child’s experiences and come to the core of the child’s inner experiences. It is therefore very important as stressed by Grobler et. al. (2003:66) that the facilitator must not praise,

**Example:**

A girl conveys her experiences of her sexual abuse to a counsellor while the mother insists on being with the child while she discloses this information. Every time the child says something she looks at her mother for recognition and approval. The mother interrupts and changes the child’s story by giving her account and experience. For certain reasons the child will stick with the mother’s story as a way to maintain her mothers’ acceptance.

condemn or criticize the client.

It is very important for the state prosecutor when meeting with the child to be aware of significant others that may place stress on a child on how to testify about the abuse, as well as to understand what significance the abuse has for the child.

- **Proposition 11 (a and b): Dealing with experiences at a conscious level**

“As experiences occur in the life of the individual, they are either:

(a) symbolized, perceived, and organized into some relationship to the self.

(b) ignored because there is no perceived relationship to the self structure...” (Rogers, 1987:503).

Grobler et. al.(2003:23) explains that according to this proposition it is clear that Rogers (1987:503) refers to two important aspects namely, the process of symbolization as well as the relationship to the ‘self’. He goes further to describe that the individuals deal with experiences by firstly integrating these symbolized experiences with the ‘self’. Secondly, an individual might not register certain experiences – not being important to the ‘self’.

By taking note of this proposition the facilitator can come to a better understanding why many children take so long to disclose what has happened to them, as it is very difficult for them to symbolize their experiences and make them part of their ‘self’.

**Example:**

A 33-year-old successful businesswoman, who was sexually abused as a child describes that she detests communicating with male colleagues. She would prefer not to be alone with them in one room, as she does not trust them. According to her, the reason for her behaviour may be the fact that her husband cheated on her and never let her feel special. She actually hates men. This woman feels so ashamed about the sexual abuse that she blocked it out as if it had never happened.

- **Proposition 11 (c and d): Dealing with experiences at an unconscious level**

“ As experiences occur in the life of the individual, they are either ...

- c) denied symbolization or
- d) given distorted symbolization because the experience is inconsistent with the structure of the ‘self’” (Rogers, 1987:503).

In this case Grobler et. al.(2003:32) explains that “some experiences (specifically those that do not fit with the self) are not conscious and therefore we cannot attach any symbols to them”.

This is when the child can't integrate the sexual abuse experience with the personal self as it does not fit in with the child's 'self' structure. The young child also does not have the cognitive ability to understand what has happened to him/her. The child will also find it difficult to integrate the sexual abuse with the self. When the child discloses the sexual abuse, the information might be distorted and disorganized.

**Example:**

A medical doctor refers a 12-year-old child to a counsellor after she has been examined and it was confirmed that she was severely sexually abused. The child finds it difficult to explain to the doctor or her parents what had happened to her and linked her injuries with the incident when she fell with her bicycle. Because she cannot integrate this experience into the self-structure, she will rather behave as if it did not happen and rather find another reason for her behaviour.

- **Proposition 12: Self and behaviour.**

“ Most of the ways of behaving which are adopted by the organism are those which are consistent with the concept of self”(Rogers, 1987:507).

According to Grobler et. al. (2003: 28) symbolized behaviour is usually consistent with the individual’s self-concept. This proposition refers to the way people will respond to certain life experiences. People can only behave in a way that fits in with their self-concept.

People find it more comfortable to behave in such a manner that is compliant with their self-concept. When they react differently they will experience stress, as their behaviour will not be consistent with the self-concept, which then create discomfort.

**Example:**

A successful businessman is accused of sexual abuse of his daughter. He cannot admit this incident because this does not fit in with his image. He reacts by blaming his daughter of being an irresponsible teenager. The reason for his behaviour is that he cannot adopt his misbehaviour, as it does not fit in with his self-concept, which is linked with him as a successful businessman. In most of the cases these people do not understand their behaviour, therefore they have to reject it and find other explanations for it.

The prosecutor may refer to this father as a person who experienced no remorse, as he denies the sexual abuse .

- **Proposition 13: Behaviour and unconscious experiences**

“Behaviour may, in some instances, be brought about by organic experiences and needs which have not been symbolized. Such behaviour may be inconsistent with the structure of the self, but in such instances, the behaviour is not ‘owned’ by the individual” (Rogers, 1987:509).

An individual’s behaviour can also be motivated by unsymbolized experiences and needs or distorted symbolization. Therefore an individual will rather deny inappropriate behaviour than change his or her entire self-perception, because this is a very drastic and painful process (Grobler et. al., 2003:34).

The child may recant his/her disclosure because by denying what had happened may be easier for the child to deal with, than to be confronted with aspects of a dysfunctional or maladjusted family of which he/she is a part.

**Example:**

A Grade 1 girl kept on denying that she had been sexually abused even after her mother had already confirmed the abuse. A possible reason for the little girl's behaviour can be related to the possible guilt or even filthy feelings about the abuse and she would rather deny the abuse than experience the latter. The child will not deliberately respond in this way as these feelings lie on a subconscious level and will therefore not be understood by the child herself. In a case where charges need to be laid against the perpetrator, the girl must not be forced to do so if she is not ready to disclose. This can only re-victimize the child.

- **Proposition 14: Psychological tension**

“Psychological maladjustment exists when the organism denies to awareness significant sensory and visceral experiences, which consequently are not symbolized and organized into the gestalt of the self-structure. When the situation exists, there is a basic or potential psychological tension”.

Tension is created when unsymbolized or distorted symbolization of experiences cannot be incorporated into the ‘self’ (Grobler et. al. et al., 2003:36). Sexually abused children experience tremendous stress when they have to incorporate the incidence of sexual abuse, which they had to endure. When different professionals confront the children during the assessment and criminal procedures, they have to endure the pain again

because these professionals do not take into account what these children have already endured. This invasive non-child friendly process re-victimizes the child.

**Example:**

A father rushes a child into a consultation room of a counsellor after he suspects that she was sexually abused. The child is in total shock and cannot convey any information to the counsellor. On the one hand the child is not ready to disclose information and on the other hand, the parents are pushing her to disclose the details of the abuse.

Children cannot be forced to disclose information about the abuse if they are not ready to do so. An assessment process can therefore not be a once off session. It will only be possible for the child to disclose information when he/she can trust the person to whom he/she needs to disclose the information. This process will then empower a child as a person.

- **Proposition 15: Reconstruction of self**

“Psychological adjustment exists when the concept of the self is such that all the sensory and visceral experiences of the organism are, or may be, assimilated on a symbolical level into consistent relationship with the concept of self” (Rogers, 1987:513).

As stated by Grobler et. al. (2003:76) “a person becomes well adjusted when all or a maximum of experiences can be symbolized congruent with the person’s self-perception”. The authors explain further that the new self-structure enables the individual to symbolize a wide range of experiences to such an extent that the behaviour of an



individual is not motivated by experiences that have not been symbolized. This in effect means that an individual can express his/her experiences in a more controlled way, so that the experiences are in accord with his/her self-perception. If however unsymbolized and distorted symbolized experiences are allowed, Grobler et. al. (2003:76) is of opinion that various changes can occur. He mentions that the 'self' could be restructured to fit experiences or the behaviour could change to fit the existing 'self'.

The child needs to be empowered by a facilitator so that the child can strive to become a well-adjusted person.

**Example:**

State prosecutors meet with children before a trial and provide them with a clear description of what they can expect from the court procedure. If this can take place, children will feel more respected and will realize that the purpose of the court case is not only about retrieving more information from them, but that they are also respected as worthy individuals.

Children will be able to convey information easier if they feel that they are in control and if they can give information when they are ready to do so. It is therefore of utmost importance to listen attentively to what a child has to say.

- **Proposition 16: Defense of self**

“Any experience which is inconsistent with the organization or structure of the self will be perceived as a threat, and the more of these perceptions there are, the more rigidly that self-structure is organized to maintain itself” (Rogers, 1987:515).

When an individual experiences aspects that create conflict with the individual’s self-perception, these experiences can be considered as threatening to the self (Grobler et. al. et. al, 2003:40).

In general a child that was sexually abused has experienced ‘threats’ before entering the forensic process. When this child experiences further ‘threats’ during the forensic process and he/she is not treated with respect or not truly listened to it can create more conflicting experiences for the child, which in turn, is ‘threatening’ to the ‘self’. According to Chalmers (1993:92), the child who has been sexually abused and who is involved in the criminal justice system, the world is more about feelings than facts, and the law fails to recognize this.

**Example:**

A 7-year-old child walks into a courtroom filled with strangers and also sees the perpetrator awaiting the trial. The child is asked to wait in the waiting room for hours before the court case commences. Minutes before the child needs to testify, the prosecutor approaches the child to get important information about the abuse and to prepare the child for the court case. If the child refuses to share some of the information and is forced to do so, it will create tension for the child. These instructions can be a further threat to the child.

- **Proposition 17: Conditions for facilitation**

“Under certain conditions, involving primarily complete absence of any threat to the self-structure, experiences which are inconsistent with it may be perceived and examined, and the structure of self revised to assimilate and include such experiences” (Rogers, 1987:517).

Grobler et. al. (2003:72) mentions that the self-concept can be reorganized if the individual can symbolize the experiences of conflict with the self, especially ones that pose no threat to the self. The facilitator needs to create a climate of unconditional acceptance where the client can feel safe to explore his/her stress and pain. Grobler et. al. (2003:72) goes further to explain that the client has no need to fight for the preservation of the symbolized self or to defend it and as the symbolized self becomes accepted, unsymbolized experiences are gradually admitted to consciousness.

The facilitator needs to create a climate for the child to feel safe to explore his/her feelings and needs. This can only be accomplished if the child feels accepted and respected. The child needs the opportunity to discover and explore these aspects that seem threatening to him/her in his/her own time.

**Example:**

After a child had disclosed the sexual abuse, the trial started. During the child's preparation to give evidence, the state prosecutor realized that the child could not remember the content of the abuse. The question arises if it is in the best interest of the child to continue with the trial to find the perpetrator guilty, or must the child rather be withdrawn from the case.

When a child is taken to court it is important to make sure that there is enough information to proceed with the case. Information needs to be clear so that children are not placed at risk when testifying in court with an unclear and undefined case. This can never be in the best interest of a child. It is important to create an environment for the child where he/she can truly experience his/her feelings. Children should also be allowed to experience their feelings and not be instructed to experience their feelings in a specific way.

- **Proposition 18: Acceptance of self**

“When the individual perceives and accepts into one consistent and integrated system all his sensory and visceral experiences, then he is necessarily more understanding of others and is more accepting of others as separate individuals” (Rogers, 1987:520)

According to Grobler et. al. (2003:79) if an individual is able to symbolize most of his or her experiences and integrate them into a total self-concept, such an individual will be more able to understand others and accept them as separate unique individuals.

Individuals who have the ability to be aware of their experiences consciously and integrate them into the 'self', and not be threatened by other people's experiences, are able to say, " I know I'm OK" and "I can allow you to be who you are" ("You're OK") (Grobler et. al., 2003:79).

The child is always part of a bigger family system. The child feels so part of this system that he/she will find it difficult at times to function as a separate entity. The child must be provided with the opportunity to **explore his/her experiences** to come to the conclusion that he/she is a separate and unique entity of this family. He/she will then not feel threatened by other people's experiences.

**Example:**

A child is facilitated while giving her account of the abuse. When her mother interrupts her, her mother is asked to leave the consultation room so that the child could be listened to and not feel threatened by what her mother had experienced. It is important to listen to the child. The child must be provided with the opportunity to decide what she needs from the disclosure of information. The uniqueness of the child needs to be respected throughout the process, with the focus on empowering the child through the process.

- **Proposition 19: Developing your own valuing process**

“As the individual perceives and accepts into his self-structure more of his organic experiences, he finds that he is replacing his present system – based so largely upon introjections which have been distortedly symbolized – with a continuing organismic valuing process” (Rogers, 1987:522).

Grobler et. al.(2003:81) explain that the individual now starts to decide for him/herself what is important and realizes that there is no need to adopt other people’s values. Guiding children through the criminal process provide them with the opportunity to start and develop their own values. They will then experience that they are unique and respected. Chalmers (1993:88) is of opinion that the long-term objective is to help the child grow into a well-adjusted adult who could, in time, become an adequately functioning citizen, parent and family member.

**Example:**

After a girl has testified the prosecutor meets her outside the courtroom and tells her that she did well. She child feels relieved because the prosecutor has made her feel good about herself. This also makes her feel respected and acknowledged as a unique being with her own values.

## 7. CONCLUSION

To follow the Person-Centred Approach in dealing with sexually abused children, can provide the state prosecutor an opportunity to get a glimpse into the child's world, how the child functions and that a child's behaviour is always goal directed. The prosecutor will further develop a better understanding of how children function as a unity and how they form part of a greater unity (the family) and how this may have a great influence on children's behaviour during court procedures.

The Person-Centred Approach cherishes the belief that each individual has the ability to develop in a positive and constructive manner. Carl Rogers's own upbringing had a great influence on his theory, where aspects regarding ethics, morality and spirituality were of great importance and can be seen as the core elements of the Person-Centred Approach.

The Person-Centred Approach has an underlying theory indicating that each individual should strive to become the 'self one truly is' (Rogers, 1961:66). Rogers emphasizes that the individual knows the best and that the prosecutor has the task to create an atmosphere through a relationship, where the growth process of the child needs to be encouraged. This self-actualizing process can be facilitated when the prosecutor adopts the psychological conditions namely: congruence, unconditional positive regard and empathy. Rogers added a fourth condition later in his life: namely 'presence' where the mere presence of the facilitator can contribute to the healing process. By adopting these

conditions it will enable the individual to open up towards the facilitator in an environment where he/she feels accepted, safe and respected.

The Person-Centred Approach is a dynamic evolving process, which creates enough space for the uniqueness of each individual. When the state prosecutors adopt this approach in their work with sexually abused children, it can make a vast difference to these children's experiences during the court process. The children will experience that they are respected, accepted and truly listened to. As a result, re-victimization will be limited and children will then be able to experience the court process as empowering rather than a process of re-victimization.



## **CHAPTER 3**

# **THE IMPACT OF CHILD SEXUAL ABUSE AND THE LONG-TERM EFFECTS THEREOF**

### **1. INTRODUCTION**

In most instances, a child who has to testify in court as a witness to a criminal act brings with him an unpleasant experience, be it of abuse, witnessing violence against another person, or family conflict. This experience can have a negative impact on the child's development, behaviour and perception of this environment. These experiences have been labelled by the professional world as traumatic.

This chapter will focus on sexual abuse as phenomenon and how the types of abuse are divided into categories based on the identity of the perpetrator. The progression of abuse is also described to indicate how the perpetrator usually can befriend a child and slowly and progressively gain access to more private areas of a child's life. When working with sexual abuse cases, especially familial abuse, it is important for the prosecutor to have some understanding of the dynamics of the incest family. In this chapter different family dynamics of the incest family will be explored. This will assist the prosecutor to

understand why it is so difficult for many children to disclose information about sexual abuse.

Sexual abuse has different effects on children and therefore the researcher will attempt to describe how the degree of trauma of a victim can be determined, what impact the abuse had on the child and the long-term effects thereof. Child sexual abuse is widely regarded as a cause of mental health problems in adult life. The relation between child sexual abuse and the long-term effects of child sexual abuse will be explored. It is important for the prosecutor to realize that sexual abuse is not a once off incident, but something that people will carry with them for the rest of their lives.

## **2. DEFINITION OF SEXUAL ABUSE**

There is no universal definition of child sexual abuse. However, a central characteristic of any abuse is the dominant position of an adult that allows him or her to force or coerce a child into a sexual activity. Child sexual abuse may include fondling a child's genitals, masturbation, oral-genital contact, digital penetration, and vaginal and anal intercourse. Child sexual abuse is not solely restricted to physical contact; such abuse could include non-contact abuse, such as exposure, voyeurism and child pornography. Abuse by peers also occurs.

Crosson-Tower (2002:123) defines sexual abuse as:

- Any childhood sexual experience that interferes with or has the potential for interfering with a child's healthy development.
- More simply – sexual abuse is the use of a child for the sexual gratification of an adult.
- Sexual exploitation, for example, may not only be the actual genital manipulation of a child and the request to touch an adult, but also compelling the child to observe sexual acts or have pictures taken for pornographic purposes.
- Rape denotes sexual intercourse usually undertaken with violence to the victim.

Castle (1997: 51) defines sexual abuse as “any sexual activity with a child where consent is not or cannot be given”. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Sexual crimes according to Hesselink-Louw and Schoeman (2003:160) include rape, attempted rape, indecent assault, intercourse with a minor and other sexual crimes. The same authors mention that the South African Police Service (SAPS) Docket Analysis on Crime Against Children states clearly that sexual crimes include the criminal categories of rape, attempted rape, indecent assault, sodomy and statutory sexual offences.

According to Scott (2001:22), the South Africa Statutes of Law (1997) define **rape** as sexual intercourse with another person without consent and against her will. Milton (1996) in Scott (2001:22) also refers to rape as intentional, unlawful sexual intercourse with a woman against her will. According to Venter (2003) in Hesselink-Louw and Schoeman (2003: 161), rape is not gender-oriented and includes both vaginal and anal penetration. In this regard, Scott (2001:22) also mentions that South Africa's Immorality Amendment Act No 2 of 1988 extends the provisions relating to sexual offence by a male with youths, so that they also apply to a female. Therefore, an individual may now be found guilty of the offence of rape or attempted rape, irrespective of the gender of the youth upon whom the procuring of the defilement is directed ("Juta Statutes" 1997:663 in Scott, 2001:23).

Lazenby (1996) in Scott (2001:23) defines **indecent assault** as any sexual contact with a person against her will. Included in this contact is fondling, masturbation, touching of buttocks, kissing that involves the tongue and any other sexual acts not defined as rape. South African Law defines indecent assault as the unlawful and willful assault of another with the intention to commit an indecent act. With this definition, indecent acts include willful touching or the attempted touching of the sexual organs of the victim's, or any assault of an indecent nature (Middleton, 1995 in Scott, 2001: 23)

### **3. TYPES OF SEXUAL ABUSE**

This type of maltreatment is usually divided into categories based on the identity of the perpetrator:

#### **3.1 Familial Abuse**

The predominant form of sexual abuse in South Africa takes place within the home, and is committed by a member of the family. This type of abuse is commonly referred to as incest and comprises 70 – 80 percent of all cases of sexual abuse. The problem of incest and sexual abuse is not confined to particular geographical areas.

Crosson-Tower (2002:128) refers to incest as: “Sexual abuse by a blood relative who is assumed to be part of the child’s nuclear family. An individual assuming the role of a surrogate parent, such as a stepfather or live-in-boyfriend, may be included in a functional definition of incest”. Mayer (1983:83) cites categories of incestuous activity in families and to each attaches an assessment of harm to the child. The first and least damaging to the child is sexual molestation. This includes noncoitus sexual contact, petting, fondling, exhibitionism and voyeurism, all of which result in the sexual stimulation of the perpetrator. The second category, sexual assault, consists of manual, oral, or genital contact with the genitals of the victim, masturbatory activities, fellatio (oral stimulation of the penis), and cunnilingus (oral stimulation of the clitoris). The last most damaging category is called forcible rape and includes forced sexual contact resulting in assault with the penis. Fear, violence and threats are used to ensure

compliance from the victim. Mayer (1983:96) states that the latter two categories produce the most trauma for the child, but past victims of abuse say that this is not the case. A survivor who has been a victim of molestation may be as severely impacted as one who has been forcibly raped (see discussion later in this chapter under the degree of trauma - section 6).

### **3.2 Extra familial Abuse**

Extra familial abuse, perpetrated by someone outside the child's family, represents according to Crosson-Tower (2002:125) about 40 percent of reported abuse. The abusing adult is often called a pedophile, that is, an adult whose primary sexual orientation is towards children. Pedophilia literally means, "love of children" (de Young. 1982:45). Child pornography uses children to produce sexually explicit material such as graphics, photographs, films, slides, magazines and books (Pecora, Whittaker, Maluccio, Barth & Plotnick, 1992:38). Using the child for pornography may be part of the engagement process – a form of initiation of the child by the perpetrator – or the pornography may be an end in itself. New evidence gives credence to the possibility that child pornography actually stimulates perpetrators to commit a sexually abusive act (Finkelhor, 1990:54)

#### **4. PROGRESSION OF SEXUAL ABUSE**

There is usually a progression in the sexual abuse of a child. The perpetrator may “try out” behaviours to measure the child’s comfort. Child sexual abuse, however, is as unique in its definition as it is as a traumatic experience in that there is often a subtle process involved that does not necessarily involve violent coercion (Lewis, 1999:99). The abuser uses tricks or bribes to lure the child into a sexual experience. The interaction between the adult and the child may seem innocent at first with little physical contact. Once the abuser has developed this ‘trusting’ relationship with the child, the events may take on a more sexualized nature with sexual intercourse being the final stage. This grooming process often confuses the child’s feelings of having experienced an abusive event. This confusion sets the foundation for what research has identified as the complex reaction to a traumatic experience (Lewis, 1999:110).

Crosson-Tower (2002:71), describes the progression of sexual abuse as follow:

1. Nudity (on the part of the adult)
2. Disrobing (of the adult in front of the child)
3. Genital exposure (by the adult)
4. Observation of the child (bathing, undressing, or excreting)
5. Kissing the child in a lingering, inappropriate manner
6. Fondling (of the child’s breast, genital area, thighs, or buttocks)
7. Masturbation (mutual or solitary)

8. Fellatio – oral stimulation of the penis (of the perpetrator or the child)
9. Cunnilingus – oral stimulation of the vulva or vaginal area (of the child or the perpetrator)
10. Digital penetration (of anus, rectum or vagina)
11. Penile penetration ( of the vagina, anus or rectum)
12. “Dry intercourse” (the rubbing of the perpetrator’s penis on the genital or rectal area, inner thighs, or buttocks of the child)

Not every case of sexual abuse progresses in the same manner, but there are generally five separate phases of child sexual abuse. Certainly, a longer-term relationship between the child and the perpetrator allows for a more leisurely progression over a period of time.

#### **4.1 Phases of sexual abuse**

Molako (1999:42) describes the phases of sexual abuse as: engagement, sexual interaction, secrecy, disclosure and suppression. It will be discussed in more detail as follows:



#### 4.1.1 Engagement phase

- In this phase the perpetrator engages the child around non-sexual issues and becomes a friend or person who provides material rewards and meets the psychological needs of the child.
- During this stage the perpetrator begins to violate the victim's boundaries by intruding in what should be the victim's private places such as the bathroom or the bedroom.
- However, no sexual advances will be made at this stage since this is only to win the victim's trust and the perpetrator will make the victim feel comfortable in his/her presence.

#### 4.1.2 Sexual interaction phase

- In this phase the perpetrator will engage the child in age-inappropriate sexual contact.
- The perpetrator will manipulate the relationship developed in the engagement phase to such an extent that it will start including sexual contact.
- Sexual contact usually progresses from exhibitionism and inappropriate kissing to fondling or ultimately to oral or genital contact.
- If the abuse is not reported or exposed after the first sexual contact, the perpetrator will then choose a safer place and time to make his/her next sexual advances with the victim.

#### 4.1.3 Secrecy phase

- In this stage the perpetrator's objective is to ensure access to the child and to facilitate a continuation of sexual contact.
- Maintaining secrecy in this phase is essential to the perpetrator's continued access to the child.
- Secrecy is maintained through direct or indirect coercion and through bribes or threats.
- Force and threat are not necessary when the child is subject to a feeling of total entrapment. Merely the realization of the consequences of disclosure is enough to render the child powerless. For example:
- The family may lose the breadwinner through conviction, thereby reducing or completely removing the family's stable income.
- The child himself may be removed from the family and placed in a stranger's care.
- The child is not believed.

#### 4.1.4 Disclosure phase

- Disclosure may be accidental either through observation by a third party, signs of physical or genital injury, diagnosis of sexually transmitted disease or the occurrence of pregnancy.
- With accidental disclosure, intervention may be difficult because neither the participant nor the members of the family may be willing to reveal the secret.

- Disclosure can be purposeful in a case where the child consciously reveals the abuse activity, depending on a variety of reasons such as the child's developmental level.

#### 4.1.5 Suppression phase

- After disclosure, suppression may occur because of denial, guilt or fear of family disruption by caregivers or the perpetrator, who may in turn, exert pressure on the child to retract her accounts of the abuse events.
- Incest is thus a process that is maintained by the manipulative relationship between the perpetrator and the victim.

#### CASE STUDY

*Georgia's abuse followed the classic progression. Soon after her divorce, Georgia's mother's boyfriend, Chip, moved in with the family. Chip spends evenings alone with Georgia and her infant brother while the mother worked. Chip appeared to be the ideal babysitter. He engaged 7-year-old Georgia in games and won her trust. After several months of tickling, fondling, and bathing – interspersed with a variety of innocent games – Chip suggested they play a new game. He demonstrated to Georgia the “inflatable quality” of his penis and encouraged her to “play with it”. Such play followed by Chip's statement that that was “his or her little game” and she mustn't tell anyone. If she did, he told her, he'd have to leave, and her mother would never forgive her.*

*When her mother observed Georgia rubbing her baby brother's penis sometime later, she questioned her: Georgia's response was that she "wanted to see if it got as big as Chip's." Not wanting to admit to herself that her boyfriend could be guilty of any wrongdoing, the mother passed off her remark by telling her daughter that she "shouldn't talk like that". Several years later, when Georgia developed an extreme tenderness in her vaginal area, the mother took her to a doctor who, in conference alone with Georgia, managed to uncover the story. The mother reacted in disbelief and sobbingly ordered Georgia to "take back your awful lies".*

## **5. FAMILY DYNAMICS OF INCEST**

Understanding the family dynamics of the incest family is very important when working with a child who has been sexually abused within his/her family environment. When describing the different family interactional patterns it is important to note how in each family, these patterns have a function in that specific family.

Patton (1991) in Crosson-Tower (2002:101) suggests five interactional patterns among incestuous families:

**a) Possessive-Passive**

Research done by the CIBA foundation in 1984 referred to the stereotype relationship pattern within a family in which child sexual abuse occurs. This family consists of an authoritative father and a mother who appears weak and dependant on her husband (CIBA, 1984).

Patton (1991) in Crosson-Tower (2002:102) refers to this as the possessive-passive pattern and often referred to in feminist literature as the patriarchal family. The father sees his wife and children as possessions, where the mother tends to be passive, insecure, and often withdrawn. The mother is often unable to protect her daughter, because she learned through her own childhood that men behave this way. The daughter regards her father as the undisputed head of the family and this makes her very vulnerable. The father turns to his daughter for sex for a variety of reasons but mostly as an abuse of power.

CASE STUDY:

*I can remember that when I was eleven years old how my father sexually abused me and always regarded us as his possessions. I had to do whatever he wanted from me. My mother was also very scared of my father and always said we should do what he expected of us – then things would be all right again. I hated him for sexually abusing me, but there was nobody I could turn to.*

(Mather & Debye, 1994: 45)

**b) Dependent-Domineering**

This pattern is characterized by a strong, domineering woman with a weak, inadequate husband. The father looks to his wife for support and nurturing, and she treats him as she does their children. The father allies himself with the children, and that is why many of these children in these liaisons with their fathers, would describe their fathers as caring and loving, and their mothers as cold and rejecting. The father may be prone to outbursts of anger and spends much of his energies compelling others to meet his needs.

Eventually the mother feels that her own needs are not being met and withdraws from the husband and the children. Because she is more outgoing than a dependant wife and has developed better social skills, she often seeks gratification outside her home through a

job, activities, or education. The more the mother is absent, the more the daughter is required to perform housekeeping tasks and the father turns to her for his emotional as well as sexual needs.

In the following case study it will be explained how this withdrawn mother sacrifices her daughter to her husband. When referring to this case study it is also important to understand why many children have a very negative feeling towards their mothers, who were not the perpetrators, but who were not attentive enough and sacrificed their children to be sexually abused.

*CASE STUDY: A child whose mother knew that her husband sexually abused their daughter*

*It was seven o' clock in the evening. I walked unsuspectingly into my mother's bedroom to ask her a question about my homework. I stopped in my tracks at the doorway. She was dressed in her favourite turquoise dress, had her "going out for the evening" makeup on, and was spraying herself with perfume.*

*"What are you doing?" I asked in dismay.*

*"Tonight is my night to play cards with the girls. Remember?" she casually responded.*

*I had not remembered. The blood drained from my face as I realized that once again, this would be a night of terror. A night of trying to outrun, outsmart, outdistance my father. And once again, my mother was leaving me alone, unprotected and at the mercy of my father. She knew that he was sexually abusing me...I hated her for allowing this!*

**c) Dependent-Dependent**

In this family two needy dependent individuals come together, each with the anticipation that the spouse will magically meet his or her needs. Both parents experienced abuse or deprivation in their own childhoods. The women have frequently been abused while the men, if not abused, have observed maltreatment in their families of origin. These couples cling to each other in desperation, but since they are of no emotional support to each other, they turn to their children for nurturance.

Often the oldest daughter assumes the role of surrogate mother and sees her task as keeping the family together. As she continues in her role, the father sees her as a rival to his wife, and because his daughter appears to be more nurturing, he turns to her for comfort. A girl in such a family is endowed with a great deal of power and status. Her siblings are liable to resent her for the position she holds. In turn, the victim represses anger towards her mother for not protecting her.

**d) Conflict-Avoiding**

In conflict-avoiding families, the mother sets the emotional tone. Sexual and emotional problems are not discussed and the mother tends to distance herself. The daughter emerges as nurturer and mother figure. The father and mother covertly agree with the arrangement, rather than to bring up her role reversal problem for discussion or



confrontation. The daughter in turn realizes that she cannot go to her mother for help and has in fact been abandoned despite her mother's outward appearance of competence.

It is noted in the CIBA foundation report that “the distance between the mother and the daughter may be so great that even when the child tells her mother what is happening, the allegations are dismissed. The problems are not discussed within the family and if the child is taken to the family doctor, the purpose of the visit seemingly is to seek professional confirmation for the mother's denial” (CIBA, 1984:12).

**e) Conflict-Regulating**

In research done by Glaser & Frosh in 1988, it is found that conflict-regulating families are far more openly ‘disturbed’ than conflict-avoiding families. According to Glaser and Frosh (1988:39), they are disorganized and argumentative, frequently violent, with obviously weakened generational boundaries and role confusion.

In conflict-regulating families the daughter is “sacrificed” to regulate conflict and avoid family breakdown. In these families the mother gives little or no support to her children. The daughter feels rejected by her mother and resentful of her lack of protection. The family allows the daughter's abuse and does not seek help (Patton (1991) in Crosson-Tower (2002:106)).

## **6. DEGREE OF TRAUMA FROM SEXUAL ABUSE**

Not every child is affected by sexual abuse in the same way. Carey (1997:357) is of opinion that variables mostly associated with an increased risk of re-victimization are: the frequency and duration of the abuse, penetration or forcefulness of abuse and the perpetrator's degree of relational significance to the survivor. According to Crosson-Tower (2002:134) the degree of trauma experienced by the child depends on several variables namely:

### **6.1 The type of abuse.**

Some victims of family incest appear to be more deeply affected than those who were abused by someone outside the family. Yet abuse by non-family members who have either meant a great deal to the victim or who have been sadistic or violent can also have profound effects.

### **6.2 The identity of the perpetrator.**

The relationship with the perpetrator can lead to more significant trauma. Roberts, O'Conner, Dunn, Golding & ALPAC study team (2004:527) states that when the father or father figure was involved in the molestation, it tends to be more traumatic for the victim. When children discover that someone on whom they may have been dependent has caused them harm, and that this trusted person has manipulated them through lies and

misrepresentations about moral standards, this creates significant trauma for the child. Finkelhor (1995:65) mentions that these children will experience a degree of immense betrayal, not only at the hands of their offenders, but by family members they believe should have protected them against the abuse.

### **6.3 The duration of the abuse.**

Most abuse in incestuous families goes on from one to three years before disclosure. Roberts et. al. (2004:527) is of the opinion that damage appears to be more severe when the abuse continued for longer periods.

### **6.4 The extent of the abuse.**

A perpetrator who takes a child further along the progression, or does more physical damage to the child, creates more residual effects. According to Roberts et. al. (2004:527), if penetration was involved, the degree of trauma may be more severe.

Finkelhor and Browne (1985:65) is of opinion that if the offender evokes a sexual response from the child, the trauma is often more intense than if the offender used the child to masturbate and if the child is enticed to participate, the trauma is usually greater than when the offender uses brute force.

### **6.5 The age at which the child was abused.**

Developmentally, children pass many milestones. Each interrupted developmental stage will cause its own particular effects. The degree of the child's understanding also impacts on the extent of the trauma experienced. Child victims at an early age or stage of development may understand few of the sexual implications of the activities (Finkelhor, 1995:65), whereas teenagers have a heightened awareness of sexual issues and confusion often arises especially about sexual identity. Victimized boys, for example, may wonder whether they are homosexuals. Victimized girls may wonder whether their sexual desirability have been impaired and whether future sexual partners will be able to "tell" that they have been sexually abused (Freshwater, 2001:392).

### **6.6 First reactions of significant others at disclosure.**

Most children attempt to tell at least one adult of the victimization. Individuals who decide to tell a trusted adult may receive some support to lessen the impact. If the adults who are involved in the child's life are not willing to believe the child, he/she may be blamed or forced to keep the secret until adulthood. Freshwater (2001:381) also suggests that denial by significant others such as family members concerning the abuse, can also hinder the development of the child's personal relationships.

In the following case study the experience of a fifteen-year-old girl who was sexually abused by her stepfather, indicates how children fear to disclose information about sexual abuse as well as the reactions of significant others.

*CASE STUDY: Girl being sexually abused by her stepfather*

*Once I told my mother what was going on, I figured that was the end of it... that it was all over. I was wrong. It was just the beginning of the next phase of the whole mess.*

**6.7 The point at which the abuse was disclosed.**

Treating adult survivors of sexual abuse has shown that keeping the secret does, in fact, compound the trauma. Lev-Wiesel (2000) in Wilcox, Richard and O’Keeffe (2004:339) suggests that victims were more able to survive with positive indicators of self-esteem if they placed the responsibility for the abuse on the abuser and not on themselves. In the following case study it is indicated how the perpetrator manipulates the child not to disclose any details of the sexual abuse. The victim believes that there is nothing she can do and integrates more guilt feelings and an overwhelming sense of powerlessness.

*CASE STUDY: Fourteen-year-old being sexually abused by her father*

*I remembered one night when my father sneaked into my room. He started his usual stuff, you know, the groping and touching and that stupid laugh. I don't know, something just snapped in me and I jumped off the bed. I ran down the stairs to the front door. He hollered down to me, "Get back here!!"*

*I stood at the front door thinking, who would believe me? And then the words, "Thou shall honor thy father and thy mother," went floating through my head and I went back up those stairs. There was nothing else for me to do.*

(Mather & Debye, 1994:22)

## **6.8 The personality structure of the victim.**

Children differ in as many ways as perpetrators. A child being abused in a similar manner to another, might react totally different. Wilcox et. al. (2004:244) mention that personal resilience can play a pivotal role in the way an individual can successfully adapt to adverse and traumatic events. They reason that good school performance, coupled with

wide-ranging peer affiliations, enhances the victim's positive perceptions about him-/herself, facilitating the potential for overcoming the damaging effects of abuse.

Current research has shown that children are more likely to suffer more intensely and persistently when the trauma they have experienced was caused by a person or people they know (Hendricks, Black & Kaplan, 1993:21). Trauma also results from the nature of the event itself. Lewis (1999:5) explains that traumatic experiences are defined by their often sudden, horrifying and unexpected nature. The situation is, therefore, perceived to be so extreme that it overwhelms the individual's ability to cope.

## **7. THE IMPACT OF CHILD SEXUAL ABUSE**

A child internalizes experiences of 'self' and of 'self' in relation to others during childhood (Wieland, 1997:35). Internalization is defined as the taking in and the processing of the meaning of outer experiences as they relate to the self. The child will internalize certain messages to create an internal working model, which will finally become the base from which a child will respond to or interact with the outer world. Bates, Pugh and Thompson (1997:28) describe this as the development of an internal map or mirror of the world due to external experiences, which will influence the child's behaviour. Therefore, as a result of the sexual abuse, a child who has been sexually abused will internalize certain information that will influence that child's behaviour.

It is important to note that child sexual abuse is an expression of power and authority (Lewis, 1999:98). When an abuser chooses his victim, he is mainly concerned with how vulnerable the victim is. The following aspects indicate how the child may experience the impact of child sexual abuse and how this has an impact on his/her behaviour:

## **7.1 Loss**

Possibly the most pervasive consequence of experiencing the trauma of sexual abuse, is the overwhelming sense of loss felt by the child. The most profound loss of all, as argued by Walker (1992:41), is the loss of childhood itself. The normal process of developing trusting and secure attachments with adults and peers is damaged, and this leaves the child with the unenviable legacy of a life defined by fear and distrust. The child's capacity and spontaneity to develop these attachments are replaced by a need to become invisible.

### **7.1.1 Symptoms of loss**

In effect, the child who has experienced the trauma of sexual abuse often has to go through a phase of bereavement with regard to the loss of his/her childhood. Kubler-Ross (1981:58) argues that child victims of abuse will experience the following phases of bereavement:



- Denial: isolation and searching disbelief and denial that the traumatic experience has ever occurred. When these children are asked about the abuse they will often deny that it ever happened, although they might have disclosed it previously.
- Anger: a common response to trauma. The child rarely expresses his/her anger to the offender and, therefore, it is often misplaced and evident in other relationships or behaviour. For example: inflicting behaviour - they will cut themselves or might develop eating disorders. These children may often be aggressive to even their own peer groups.
- Depression: the apathetic phase, which, if not resolved, can have severe consequences on the child's future wellbeing.
- Acceptance: ultimate acceptance of the abuse and the loss of childhood and an ability to resume a more stable or healthy lifestyle.

Finkelhor (1995:70) agrees with Kubler-Ross and is of the opinion that the child victims, whose feelings of betrayal are intense, often show signs of grief and depression over the loss of a trusted person. These reactions are defined by the following:

- Feelings of deep disillusionment and disenchantment.
- An intense need to regain trust and security expressed through extreme dependency and clinging (especially in younger victims).
- The victims' judgment is often impaired and research shows that female victims become vulnerable to similar abuse in later relationships and often fail to recognize when their partner becomes abusive towards their own children.

- At the opposite extreme, reactions to betrayal characterized by hostility and anger have been observed among sexually abused girls. The victim is overwhelmed by a sense of distrust and becomes isolated, shunning any form of intimate relationships. The long-term effects of this avoiding behaviour are made apparent by noted mental problems and sexual dysfunction.
- Adolescent victims tend to show aggressive behaviour in response to anger stemming from feelings of betrayal. This aggressive behaviour is regarded as being a primitive way of trying to protect the self against further betrayals and can develop into more serious anti-social behaviour and delinquency if untreated.

## **7.2 Complex post-traumatic stress disorder**

Lewis (1999:8-10) mentions that sexual abuse does not only result in the loss of childhood, but also gives rise to the more serious symptoms of a complex post-traumatic disorder. She defines this disorder as a prolonged, repeated trauma where there is often a relationship between the victim and the perpetrator of abuse. The symptoms of a complex post-traumatic disorder often result in long-term psychological disturbances. Epidemiological work has shown that up to one quarter of child sexual abuse victims have chronic and often severe mental health problems, caused by the abuse and associated family disruptions, including physical and emotional abuse and loss or departure of a parent (Bagley & King, 1990:109).

### 7.2.1 Symptoms of complex post-traumatic stress disorder

The following symptoms of this manifestation of a traumatic experience highlight the complex impact of sexual abuse on the functioning of the child victim:

- **Low self-esteem**

Wieland (1997:42) confirms that the intrusion causes the child to internalize feelings of being ‘damaged’ and ‘powerless’. This finally leads to behaviour reflecting helplessness or aggression.

Sexually abused children often reveal a view of themselves as defenseless, worthless, guilty, at risk and threatened especially by their parents (Hall & Lloyd, 1993:66-67). This negative self image often pervades other aspects of a child’s life and leads to the child believing that he/she is incapable of meeting the demands of others and blaming him/herself for things that went wrong (Hall & Lloyd, 1993:68).

A low self-esteem is often a result of this distorted self image the child has created. This distortion develops from the negative attitudes towards the abused victim, the image of “spoilt goods”.

- **Fear**

Long (1986:170) argues that the primary fear of young victims of abuse is separation and abandonment followed by fear of physical damage. Lewis (1999:100) supports the latter point and is of opinion that child victims of abuse are often threatened both physically and psychologically “not to tell”. Wieland (1997:67) states that all situations of sexual abuse involve threats. However, the type of threat may vary from one case to another. The victims, therefore, live in a continuous state of fear and anxiety, not only during the abusive period but also for many years after it has stopped. This fear is often extended to any other person who tries to get close to the child.

- **Inability to trust**

As a result of the betrayal the child has suffered at the hands of an abusive person (usually an adult), and because that person has made him/her to feel helpless, the child is severely limited in his/her ability to trust (Lewis, 1999:100). According to Wieland (1997:69) a perpetrator often tells a child that he/she loves him/her and that the child is very important to him/her. Following the statement of closeness, abuse and betrayal of that closeness occurs. These inability of trust may impair future intimate relationships.

- **Anger and hostility**

Children are rarely able to express their anger to the offender and it is often projected on other relationships or evident in their behaviour. Hall and Lloyd (1993:9) found that child victims of sexual abuse are often prone to angry outbursts, aggression and have an ability to produce conflict in many situations. The anger is often not focused and is often inappropriate in the context of the situation to which the child is responding. In addition, Hall and Lloyd (1993:69) state that the anger is a set of complex responses to the abusive experience, the abuser, and other potentially protective adults, especially the mother. Children might experience that the mother did not protect them or even allowed the abuse to happen.

- **Inappropriate sexual behaviour**

The child may act-out sexualized behaviour in the form of repetitive re-enactment to gain mastery over the event. In acting out the abuse to show others what happened to them, it allows them to attempt to undo feelings of helplessness (Lewis 1999:100). Many child victims have difficulties in distinguishing between affection and sex (Hall & Lloyd, 1993:8). Sex may therefore be used to gain attention and affection. Finkelhor (1995:68-69) mentions further that the impact of sexual abuse can be seen when children display behaviour such as sexual preoccupations and repetitive sexual behaviour, such as masturbation or compulsive sexual play. These child victims show developmentally inappropriate knowledge and interest regarding sexual activities, including wanting to

engage school-age playmates in sexual intercourse or oral genital contact. Adolescent boys often show sexual aggression and may try to victimize their peers or younger children. Adolescence in young adulthood often marks the increase in promiscuous and compulsive sexual behaviour in child victims. Their emotions are therefore sexualized through the abuse experience.

In February 1996 at a National Summit Conference, a multi-disciplinary group of 60 to 70 professionals from California, who were involved in the investigation and evaluation of child sexual abuse, identified premature eroticization as one of the behavioural symptoms of child sexual abuse among pre-schoolers (Coulborn-Faller & Cordin, 1995:75). This symptom supports the above-mentioned authors and includes the following behaviours:

- Pre-occupation with genitals.
  - Repetitive seeking to engage others in differential sexual behaviour.
  - Excessive and indiscriminate masturbation with objects.
  - Precocious, apparently seductive behaviour and depiction of differentiated sexual acts in doll play.
- 
- **Depression**

In response to the child's inability to express appropriate feelings about the abuse, he/she may become clinically depressed, showing signs of emotional constriction and flat or

bland affect (Lewis, 1999:102). Hall and Lloyd (1993:63) also noted periods of extreme sadness in the child's behaviour as well as the fact that the child could not explain these periods. In addition, the child rarely understands the extent of the losses in his/her life, which are due to being abused and the sadness often reflects the signs of this unresolved grief reaction.

- **Guilt or shame**

Child victims of abuse often experience intense feelings of guilt or shame as they feel that in the long run, they were responsible for the abuse. According to Ryan and Blum (1994:57), children's first reaction whenever they are sexually abused will be to ask the question "why did it happen to me?" Wieland (1997:62) states that the secrecy around the sexual abuse will create in the child the question "why me?" This often leads to the answer "because of me". Long (1986:170) mentions that most guilt develops on three levels of responsibility after disclosure namely:

- a) For the sexual behaviour.
- b) For the disclosure.
- c) For the disruption of family (or other relationships).

Tsai and Wagener (1997:420) attribute the high levels of guilt about childhood experiences of abuse to the following:

- a) Silence about the abuse, suggesting that the abuse was an experience to be ashamed of and not to be revealed to others.
- b) Feelings of responsibility for the sexual abuse often made worse by the reaction of the abuser and other significant others blaming the child.
- c) Believe that the abuse was a punishment for the child's bad behaviour.
- d) An inability to stop the abuse, giving the child the idea that he/she "allowed" it to happen.
- e) Any feelings of physical arousal felt during the abusive period.

- **Self-destructive behaviour**

As mentioned, child victims of abuse do not learn appropriate ways of dealing with feelings of anger, guilt and shame unless a therapeutic intervention takes place (Hall & Lloyd, 1993:69). This often results in the child turning these feelings in on him/herself. Consequences of this inappropriate behaviour can be extreme, ranging from periodical acts of self-mutilation, frequent abuse of substances and promiscuity to suicidal attempts. This aspect is described in greater detail under the long-term effects of child sexual abuse.

- **Powerlessness**

It has been mentioned that child sexual abuse is an expression of power and authority of one individual (usually an adult) over a vulnerable child (Lewis 1999:98). The child



becomes powerless to fight the abuse. This will be discussed later in this chapter under the long-term effects of child sexual abuse.

- **Blurred role boundaries and role confusion**

Whenever a child is sexually abused in an intra “familial” context, the boundaries within the family are distorted (Wieland, 1997:23). For example a female child in an incestuous relationship with a father may take on a more parental role in terms of her relationship with her siblings.

*“Children of incestuous relationships are brought up to put the needs of others above their own. Rather than being brought up to believe they are responsible for themselves, they are taught to be responsible for others” (Child Line 1998:3-4).*

- **Pseudo-maturity or developmental regression**

Children may find it difficult to relate to their own peer groups. They may have developmental stages incongruent with their age because of the abusive relationship. The loss of childhood impacts on the child’s personality, making the child appear more serious and also more mature than is expected for his/her age. Walker (1992:61) states that the child’s capacity for play and spontaneity is diminished. They have been forced into sexual acts that they are not ready for and now have to deal with this enormous emotional load that the abuse has inflicted on them. This is also the reason why they find

it difficult to relate to their peers of their own age. Lewis (1999:27) is of the opinion that the opposite behaviour can also occur when the child victim regresses in development. The child regresses to a previous state of development in which he/she felt more secure. This process is defined by a loss in the achievement of skills, for example the child reverts to bed wetting, thumb sucking or asking for a bottle.

- **Dissociation**

Dissociation refers to the extent to which the victims of abuse shut themselves off from aspects of the abuse such as the pain, the associated emotions or the particular behaviour of the abuser, so that they can cope with the effects of the abuse (Hall & Lloyd, 1993:93).

## **8. LONG TERM EFFECTS OF SEXUAL ABUSE**

When prosecutors deal with sexual abuse cases, it is of importance for them to understand that sexual abuse is not a once off incident, but has long-term effects that the child carries with him-/herself into adulthood. The following long-term effects will be discussed that a prosecutor will need to take into consideration when working with a sexually abused child. This will help the prosecutor to understand the world of a sexually abused child and what he/she will have to endure for the rest of his/her life.

## 8.1 Self-esteem and personal power

Sexual abuse also being the abuse of power often leaves a victim with a sense of powerlessness. The victims of sexual abuse often have to deal with these losses, which affects their self-confidence for the rest of their lives. Spies, O'Neil and Collins (1998:370) are of the opinion that “when adults have been abused as children, their personal boundaries, their right to say ‘no’, as well as their sense of control in the world have all been violated. As a result the child may also become powerless as an adult survivor. It is noted that many children are told directly that they will never succeed, that they are stupid, or that they’re only good for sex. It is clear that with messages like these, the child will have difficulty in believing in him/herself”.

In research done by Spies (1996:47), authors like Sanderson (1990) and Dolan (1991) note that one of the most difficult tasks for any therapist is to deal with adult survivors of sexual abuse who need to identify themselves with their own bodies again. The abuse had taken away their sense of power especially regarding the way their bodies have endured the abuse. These survivors often result in self-mutilating behaviour. They punish their bodies for taking part in the abuse especially when they experienced any possible sense of pleasure. By self-mutilation survivors gain a sense of control over their bodies, which creates a scenario in which they can experience control.

Wyatt, Gunthrie and Notgrass (1992) in Spies (1996:50), refers to this behaviour as a coping mechanism that the adult survivor needs in order to survive. Spies (1996:51) refer

to other coping mechanisms, which many adult survivors use to survive or cope with their sexual abuse trauma. These mechanisms are:

- Self-mutilation.
- Suicide.
- Eating disorders.
- Substance abuse.
- Sleeping disorders.

Spiegel (1990:252) reported on the psychological damage caused by abuse and noted that, “along with the pain and fear comes a marginally bearable sense of helplessness, a realization that one’s own will and wishes become irrelevant of events, leaving a damaged or fragmented sense of self”.

On the opposite side of the behaviour extreme, some sexual abuse victims may have unusual and dysfunctional needs to control or dominate. Aggressive and delinquent behaviour most often noticed in male victims, seems to develop from a need to be tough, powerful and fearsome to compensate for basic feelings of powerlessness. When victims become offenders, thereby re-enacting their own abuse, it may be in a response for a need to regain the sense of power that was lost during their own abusive experience (Finkelhor, 1995:65).

## 8.2 Feelings

Bass and Davis (2002:201) indicates that when children are sexually abused their feelings of love and trust were betrayed, and then feelings of pain, rage and fear are too great to experience fully. The child has no other option to suppress his/her feelings in order to survive the pain of the abuse. An adult survivor explains it as follows:

CASE STUDY:

*Certain feelings just went under. I stopped having them at a really young age. I stopped having physical sensations. You could beat me and it literally didn't hurt. By the time I was thirteen, I no longer felt angry. And once I stopped feeling anger, I never felt love either. What I lived with most was boredom, which is really not a feeling but a lack of feeling. All the highs and lows were taken out.*

(Bass & Davis,1988:202)

Spies et. al. (1998:372) notes that adult survivors of child sexual abuse have fears that if they open up their feelings, they will suddenly go out of control. Finkelhor (1995:65) mention that when a child is repeatedly used for sexual gratification that is inappropriate to his/her level of development, sexual behaviour is conducted in exchange for affection, attention, privileges and gifts. The child learns to use sexual behaviour to manipulate

others in order for the child to satisfy developmentally appropriate needs. They also associate sexual activities with frightening memories and events. These children get so confused in their sexual development, that when they are adults, they are very confused or uncertain how to react to the feelings that they experience in these relationships. Many adult survivors also find it difficult to adjust and realize that the abuse was not their fault because for many years they believed they were to blame or had a responsibility toward the offender. Some offenders even place the shame and blame on the child's shoulders, while other victims blame themselves for the abuse. In the latter instance, the abuser's control over the abusive experience is often underlined by his manipulation of the child into believing that if he (the offender) is not loved by the child, he will not survive. The child is, therefore, not necessarily stigmatized by feelings of shame, but rather overwhelmed by feelings of responsibility (Roberts et. al., 2004:540).

### **8.3 Intimacy**

Intimacy is a bonding between two people based on trust, respect, love and the ability to share deeply. Bass and Davis (2002:233) mentions that most survivors have problems with trust, because they had to take care of themselves and it feels unfamiliar and scary to be in a close, committed relationship. They will go as far as to describe intimacy as suffocating and invasive. Spies et. al. (1998:372) describes that the building blocks of intimacy – as giving and receiving, trusting and being trustworthy – are learned in childhood. If children are given consistent loving attention, they develop skills for establishing and maintaining nurturing relationships. Unfortunately, in the case of abuse

where adults abused the child's innocence, skewed the natural trust of the person, such a child can only grow up with confusing messages about the relationship between sex and love, trust and betrayal.

A survivor describes her feelings as follows:

CASE STUDY:

*I had nobody who cared about me, nobody who touched me, or whom I touched emotionally. I didn't know how to be emotional. I'd go into total anxiety if there were a hint of connecting with anybody. It is hard to explain how severe that is. It's really a critical problem. People die from it. I think "shy" has got to be the biggest euphemism for pain.*

(Bass & Davis, 1988:234)

#### **8.4 Sexuality**

Spies et. al. (1998:372) mentions that survivors of child sexual abuse are afraid of sex. Every time the survivor feels aroused as an adult, they also feel afraid of being hurt or hurting someone else. Finkelhor (1995:65) states that the offender transmits misconception and confusion about sexual behaviour and sexual morality to the child.

Spies et. al. (1998:372) is of the opinion that survivors would rather avoid any sexual activity, because they fear they will be suffocated or overwhelmed by such intimacy or lose control over themselves and their boundaries.

In research done by Freshwater (2001:380), it is noted that women who have been victims of child sexual abuse have a greater incidence in finding themselves in relationships where they find unsuitable partners who resemble their abuser from childhood. She goes further by stating that although these relationships may have negative consequences, they will be predictable. The expression of physical love may therefore become inter-linked with positive experiences, such as receiving attention but also with secrecy, blame, guilt, sex and violence. This might then predispose the individual to choose relationships in the future, which include an element of abuse, since abuse and love are inter-related in a confused way.

### **8.5 Relationship with the body**

Children experience and learn about their world through their bodies. “Hunger, fear, love, acceptance, rejection, support, nurturing, terror, pride, mastery, humiliation, anger – all of what you know as emotion – begin with sensation and movement on the body level” (Bass & Davis, 2002:217). The child’s body can also be seen as the way he/she developed and learned about trust, intimacy, protection and nourishment. In the case of sexual abuse, children learn that the world is not a safe place where their needs will be met. Bass and Davis (2002:217) concur that when a child experiences the world as



unsafe, he/she will behave in a certain way to adapt. All the problems survivors experience with their bodies namely: splitting, numbing, addictions and self-mutilation, to name a few – begin as attempts to survive the pain of abuse and especially the feeling of powerlessness.

According to Spies et. al. (1998:372) “sexual abuse had been perpetrated through the body, since many survivors blame their bodies for responding, for being attractive, for being womanly, for being small or large, for being vulnerable or for being susceptible to stimulation and pleasure. In order for these adults to survive they avoid these feelings or numb themselves as best they can”. An adult survivor explained it as follows:

CASE STUDY:

*It's like I'd actually rise up out of my body. I could feel myself sitting in a chair, and I could feel myself floating up out of my body. That's exactly what it is, like being suspended in midair. I know that my body is in the chair, but the rest of me is out of my body.*

(Bass & Davis, 1988:220)

## **8.6 Children and parenting**

If a person was sexually abused as a child, he or she may have a desire to protect his or her own children against any possible situation in which abuse can take place. Bass and Davis (2002:280) explain that overprotection is an exaggeration of the healthy desire of the survivor to keep children safe. Survivors may even try to keep their own children safe by limiting their activities.

Some women who were abused, neglected, or poorly parented experience difficulty in parenting relationships with their own children. According to Bass and Davis (2002:282) they experience problems in setting appropriate boundaries, and project their own losses of their childhood on their own children. One of the most frightening consequences of sexual abuse is the noted increase in inappropriate sexual contact with their own children (Steele & Alexander, 1981:102). As parents, they often feel confused, resentful or overwhelmed. A survivor describes her experiences of being a mother as follows:

CASE STUDY:

*I wasn't sure of myself and what I was doing with my boys. I didn't have a memory of the right things to use as a base in my parenting. The base I had was of the wrong things, the things not to do. So I could not go with what I felt was right; I had to do what I thought was right. I had to be awake all the time to make sure I didn't hurt my kids. I had to be very aware.*

(Bass & Davis, 1988:280)

## 9. CONCLUSION

Child sexual abuse is not confined to a specific race, cultural group or gender. It takes place over all boundaries of races and different social economic classes. It is clear that the majority of cases take place within the family unit, the one place where a child should feel protected, loved and secure.

The perpetrator usually enters the child's world slowly and grooms the child to trust him/her. The perpetrator would in many cases carefully plan this process to ensure that the child does not disclose the abuse.

When a prosecutor works with a sexually abused child, it is imperative for him/her to understand the dynamics of child sexual abuse, the family interactional patterns of the incest family, as well as the impact that the abuse has on the child and the long-term effects thereof. This will ensure that the prosecutor will have a better understanding of what the child had to endure and can support him/her in presenting a better case to the court. The prosecutor will be able to address re-victimization of the sexually abused child during court procedures due to the fact that he/she has the insight of the trauma that the child had to endure. This understanding will provide him/her with sufficient background to know when to object to harsh cross-examination of the defense and when to ask the court for an adjournment or postponement of the case. The next chapter will focus on the child experiences during the court process, what may re-victimize the child and what the prosecutor can do to address re-victimization during the forensic process.

## **CHAPTER 4**

# **RE-VICTIMIZATION OF THE SEXUALLY ABUSED CHILD DURING COURT PROCEDURES**

### **1. INTRODUCTION**

Giving evidence in court is a stressful experience for all child witnesses. They will have to give evidence in the presence of a group of people, previously unknown to them, often about embarrassing and intimate details. If they are the complainants in the matter, they will have the further arduous task of having to give evidence in the presence of the accused himself. An essential element of any effective justice system is the protection of child victims and child witnesses of crime (Ovens, Lambrechts & Prinsloo, 2001:25). Ovens et. al. (2001:25) is further of the opinion that when provision is not made for separate and specialized services for this vulnerable group, they may be further exposed to the negative effects of the criminal justice system or may even be further victimized by it.

There has been a growing concern about the effects on children of giving evidence in an adversarial environment. Many attorneys, mental health professionals and legal commentators claim that the court environment traumatizes a child victim. Psychiatrists believe that psychological damage is caused not only by the abuse, but also by being forced to testify in court proceedings (Bjerregaard 1989:169).

As described in the previous two chapters, each child's experience of the sexual abuse is individually shaped. Therefore, it is important to deal with each child in a unique manner. During court procedures the state prosecutor has a very important task in protecting the child and by doing so, addressing re-victimization. In chapter three the dynamics of sexual abuse, family interactional patterns, impact of the abuse and long term effects were discussed. A basic knowledge of this information can assist the prosecutor in preparing and presenting the case in court. It provides the prosecutor with knowledge of the child's experience and the effects of the abuse on the child. This information needs to be integrated and acknowledged through the whole court procedure. In this chapter the focus will be on what a child experiences in court and the task of the prosecutor to prepare and protect the child during the court procedures. By doing this, the prosecutor can contribute to address re-victimization of the child.

## **2. TRAUMATIC EXPERIENCES**

Children view the courtroom as an unfamiliar place, and at worst, a threatening environment (Perry & Wrightman, 1991:18). According to a study by Muller and Tait (1997:603), it appears that children in the South African context generally have very little knowledge concerning the terminology, personnel and procedures used in court. Besides lacking the necessary knowledge, children have "very dangerous misconceptions" about the court environment. In practice, misconceptions could impact negatively upon children's anxiety about testifying in court. Some of the deficiencies in knowledge and

misconceptions noted in the study done by Muller and Tait (1997:600), include the following:

- Younger children tend to perceive a court in a very negative light. It is described as a place “where you go before you go to jail”, it is a “bad place” and “if you go to court you will be judged”. Although older children seemed to have a better understanding of the function of the court, some thirteen-year-olds described the court as “a place where people get executed” It is clear that such misconceptions would contribute greatly to the anxiety experienced by child witnesses.
- Generally children were ignorant about the role of a judge or magistrate. Some children described the judge as “being a person who ‘knows’ if you have done wrong”. This finding complements international studies “and gives weight to the argument that this perception may lead to children not volunteering information, or doing so inadequately, because the judge ‘knows if someone is guilty’”.
- The term “witness” was also not well understood by younger children. A witness was referred to as a “Jehovah’s witness” or as “somebody who writes down what is said in court”. Children who had a basic understanding of the term tended to regard the witness as someone who helps the accused. Muller and Tait (1997:602) noted that “this would further contribute to the uncertainty experienced by the child witness as to the role she or he has to play in the trial process, especially where the child is the victim and the accused the actual perpetrator”.

Intimidation and the pressure to recant disclosure may also contribute to the stress of testifying. Although it is readily accepted that testifying in sexual abuse cases is potentially traumatic, it is important to note that every child witness is a unique being. Thus, a child's experience of testifying is likely to be individually shaped by various internal and external variables operating at any given point in time. It is also important to recognize and acknowledge a sexually abused child's ability to cope with the demands and the potential stress of the courtroom context.

Bjerregaard (1989:169-170) refers to a study where samples of children who have testified in court were compared with a random sample of sexually abused victims. It was found that 73% of the court victims had behavioural problems as compared with only 57% of the random sample. The researchers attributed these differences to the trauma of testifying in court.

Goodman, Jones, Pyle and Prado-Estrada (1988:47) referred to studies conducted by Gibbens in England in 1963 and Difranas in New York in 1969. In the former study it was found that the children who had gone to court, showed greater disturbance and the latter study showed that court appearances resulted in much stress and tension in children. It has been widely accepted that child sexual abused victims experienced a variety of psychological problems including depression, low self esteem, somatic complaints, guilt, phobias, nightmares, promiscuity, self destructive and suicidal behaviour, to name but a few. Hill and Hill (1998:820) is of the opinion that these symptoms can be greatly aggravated by forcing a child to testify in open court in the presence of the perpetrator.



Goodman (1998:48-51) studied the emotional effects on child sexual assault victims of having to testify in court over a period of a year in Denver, Colorado. They found that the children who testified in court showed a marginally significant increase in overall behavioural disturbance. The children who testified in court exhibited more internalizing problems than the children who did not testify, with scores being twice as high as those of the “non-court” groups.

Oates and Tong (1997:544) conducted a study in Australia in which parents were asked to rate on a scale how their children felt after they had testified in cases of sexual abuse. Of the parents, 85,7% rated their children as being very or extremely upset immediately after the hearing. When those parents were again asked to rate on a scale how their children felt two and a half years later, more than half of the parents rated their children as being extremely upset about the court hearing.

In South Africa, the SA Law Commission (1989:12-13) accepted that the adversarial nature of proceedings in our courts was traumatic for child witnesses, and quoted the following statement of Mr. W G M van Zyl, the then Regional Court President of Natal:

*“The assault that was already such a traumatic experience for the child is followed by interrogation by the Police which again revives the whole unpleasant experience. Now, after months, the child is asked to relate the whole story and go through everything in his/her mind. It may be expected that*

*he/she will be afraid or upset; and if he/she is taken into a large courtroom and large bench and other paraphernalia a measure of threat perhaps descend upon him. Beside his guardian he sees the accused that assaulted him and some other strangers in black robes. Can he then be blamed if he freezes and does not know what to say, or just say anything to escape the situation as soon as possible? We must bear in mind that tension rises in the presence of his assailant, who has probably threatened him with death should he dare to tell what really happened.”*

Reducing the trauma experienced by child witnesses is an international concern with extensive debate on how best to achieve a less damaging and less secondarily abusive system (Schwikkard, 1994:50). Efforts to address the trauma in an adversarial court system are complicated by the arguments that the prosecution of sexual abuse cannot take place in disregard of the rights of the alleged perpetrator. Thus, efforts to eliminate cross-examination of children or to lower their requirements for competency to give evidence have met with resistance. The result is that although there are efforts being made across the world to protect child witnesses, the basic premises of an adversarial court situation, where children are put through highly traumatic experiences, remains the norm.

In contrast with the possible harmful effects of legal proceedings, it has been argued by some that the same procedure can, in fact, be beneficial. Pynoos and Eth (1984:109) argue that open discussion and exploration of trauma can be beneficial for children.

Testifying can serve as a coping strategy and can provide the child with a sense of psychological closure to a traumatic experience. In fact, Berliner and Barbieri (1984:135) suggest that testifying can be very therapeutic and some children report feeling empowered by their participation in the process. Levett (1991:17) is of opinion that from a South African point of view, legal procedures and the outcome of the court case may be vindicating for the child since it offers the child an opportunity to be heard, but she concludes that these cases are in the minority. It is admitted that the trial may be able to offer a child the opportunity for “seeing that justice is done”, but this will only happen in cases where a successful prosecution of the offender took place and the child had been treated well in the court process and received good support.

### **3. DIFFICULTIES EXPERIENCED BY CHILDREN DURING THE COURT PROCESS**

Literature abounds with the opinion that testifying in court is traumatic for children who have been sexually abused. Plotnikoff and Woolfson (1998:138) provide a list of fears that children have about appearing in court. Some of these fears include being scared of seeing the accused, angering family members in cases of intra-familial abuse, not being believed, not understanding the questions, being shouted at, having to speak in front of strangers, crying while giving evidence, needing to go to the toilet, being punished or being sent to jail and the accused not being found guilty. Similarly, Kriel and Hollely (1998:114) note that child witnesses may struggle with feelings of ambivalence about

testifying against someone with whom they have had a relationship, and probably love. Thus, “the child is in a dilemma as to their feelings for this person, the crime this person committed, the possibility of conviction, and the child’s family’s reaction”. According to Platt and Shemmings (1997:34) another great fear for children in the case of intra-familial abuse is the possible break-up of their families. The trauma experienced by children who have to testify in court is also described as “re-victimization” or “secondary abuse”. A clear example of the use of this description is found in the study done by Key (1988) cited in Louw and Olivier (1996:54), in which she comments as follows:

*“Had I known then what I know now, I would have doubted the wisdom of laying charges that would result in this young boy being subjected to the horrendous secondary abuse he received in court”.*

With all these fears taken into account the following features of the accusatorial system give rise to difficulties for child witnesses (Muller & Hollely, 2000:81):

### **3.1 Oral evidence**

The accusatorial system is generally a very unfamiliar and daunting world to both adults and children. Thus, it must be especially daunting and embarrassing for children testifying in sexual abuse cases who have to reveal “intimate and horrifying details to strangers and sometimes in the presence of the alleged perpetrator” (Maleng, 1995:2).

In terms of the accusatorial system of procedure, oral evidence is given at the trial in presence of the accused. The insistence that the witness give oral evidence at the trial has two implications for child witnesses:

- a) The child must give evidence personally in the courtroom.
- b) There is usually a long delay between the child experiencing or witnessing the original assault and then having to give evidence at the trial.

In accusatorial systems of evidence there is the fundamental assumption that the oral testimony of a witness at a trial is superior to all other means of evidence. It is this assumption which needs to be challenged since much of the stress which the child experiences, stems from the fact that oral evidence must be given personally in court at the trial (Spencer and Flin, 1990:218). This assumption, on the other hand, is not shared by other legal systems. For instance, the French and German systems prefer documentary evidence and they regard oral evidence as second best. Criminal courts in France use the written transcripts of pre-trial interviews, which are prepared by an official entrusted with this duty. These written transcripts supplement the oral evidence given at trial and, where children are concerned, replace it completely (Spencer and Flin, 1990:219).

South Africa made International legal (and human rights) history with the promulgation of Section 170A of Criminal Procedures Act 51 of 1977 which was introduced through

the Criminal Law Amendment Act 135 of 1991. This provides for the appointment of an intermediary for children in cases of sexual abuse for reasons of youthfulness or emotional vulnerability. Courts generally decide how and when they wish to employ the intermediary (Watney 1998:434).

### **3.2 Court delays**

The insistence that the child must give oral evidence at the trial has the practical effect that there will be a long delay between the event and the trial. Flin, Bull, Boon and Knox (1992:324) mention that in Aberdeen, child witnesses wait an average of 5 months between witnessing an offence, and having to testify. In Glasgow child witnesses wait approximately 7 months before they give evidence. In South Africa delays of up to 5 years can occur. Muller and Hollely (2000:84) is of opinion that these long delays between the event and the trial raises two major issues for child witnesses:

- a) Firstly, there is the question whether the child should receive therapy in the intervening period.
- b) Secondly there is the danger that the child's memory may be affected by the long delays.

### **3.3 Multiple interviews**

The procedures adopted in a criminal's justice system require that a complainant has to undergo multiple interviews before finally testifying in court. This is often worse in the case of children who have suffered abuse of some form. In most cases the complaint will first be made to a family member, friend or teacher. Once the Police have been notified, the child will be notified to make a statement and explain what had happened to him/her. This will rarely involve only one account. More often the child will tell his/her story to a Police Officer, who will then refer the matter to a specialized branch such as the Child Protection Unit. Thereafter, the child will relate what had happened to the Investigating Officer assigned to the case. Often the child will be required to give up to three or more statements as the investigation proceeds. Additionally, the child may be seeing a psychologist or social worker and will have to repeat the story again. When the case eventually gets to court the prosecutor will consult with the child in yet another interview. There may be a number of these consultations depending on how often the case is postponed. A child witness could therefore have up to ten interviews before finally testifying in court.

Undergoing multiple interviews has the following effects: (Saywitz, 1995:134)

- a) The child is forced to repeat the details of very intimate and embarrassing experiences to strangers again and again thereby increasing the stress he/she is already experiencing.
- b) Since a memory of an event is not too static it can be affected every time the event is discussed. Multiple interviews may also have an effect on the original account.
- c) The danger of suggestion increases with every interview. In this context, suggestion refers to the unwitting incorporation of information into the memory.  
This can be done in a number of ways:

- Subtle suggestions.
- Expectations.
- Stereotypes.
- Leading questions.
- Bribes.
- Threats.
- And other forms of social inducement (Ceci & Bruck, 1995:44-45).



Where a child is exposed to a number of interviews, there is a greater chance that suggestion in one or more forms of the above will take place.

- d) Where a child has been forced to repeat his/her story again and again, the evidence begins to sound rehearsed and he/she acquires the terminology of his/her interviewers. This creates the impression in court that the child has been coached.
  
- e) A further danger, pointed out by Spencer and Flin (1993:365), is that repeated interviews can diminish the child's motivation and co-operation. By the time the child has to testify he/she may not want to repeat the details again. In addition, children believe that the presiding officer already "knows" all the details since they have repeated them so often to so many different people. This belief that a judge is omniscient will further lower their motivation to remember details (Saywitz, 1995:134).

It is also essential for anyone questioning a child witness, to bear in mind that children are hostile to all questioning. Questions to a child are often a preamble to criticism, orders, complaints or judgmental observations by parents, teachers or peers. Thus a child may give an evasive response to a question an adult would consider a simple request. The person asking questions must listen to what a child says and try to understand what the child means by saying it. Often children say things that they themselves understand, but to which adults give another meaning. The interviewer should rather listen to what the child has to say, than assume. One must hear beyond the words and grasp the child

witness's meaning. Questions must be carefully planned and be purposeful, giving the child the opportunity to add additional information.

Various studies reviewed by Ceci and Bruck (Institute for Psychological Therapies 1998) have shown that children who are interviewed suggestively, can produce false narratives about fictitious events, including central events. These erroneous narratives were often coherent and detailed and could not be detected as false by professionals. This resulted in the initial caution and concern about children's reliability and suggestibility of scientific opinion. The justice system now recognizes this data. It is acknowledged that persistent suggestive questioning can lead children to provide accounts of events that never occurred, even when they first denied them. Sometimes the questioning results in the child developing a subjective real memory of an event that never happened (Institute for Psychological Therapies, 1998).

Inappropriate interviewing styles, for example badgering the witness, may also have a detrimental effect on a child's mental health, leading the child to feel "unsafe, hopeless, guilty and shameful" (Cheung, 1997:274). In the light of the fact that a child, as result of being sexually abused, may experience these feelings, it could be said that certain courtroom procedures might constitute a form of re-victimization. Thus, the experience of testifying in court may further traumatize someone who is already victimized.

### **3.4 Confronting the accused**

Traditionally at a trial in the adversarial process, evidence is given in the presence of the accused. Children experience stress at having to give evidence in a courtroom, and this stress increases when a child is forced to testify in the presence of the accused. Empirical research has shown that physical confrontation with the accused damages the liability, quality and often the very existence of the child's evidence (Hill & Hill, 1987:820).

As a result of the trauma experienced by child witnesses having to confront the accused, various ways have been devised in which a child can be protected from the physical presence of the accused. This can be done by rearranging the courtroom in such a way, that the child does not see the accused, by placing the child behind a screen, or by allowing the child to give evidence by using an intermediary.

Although instituting innovative reforms, which make the courtroom experience more humane for children, and thereby reducing potential victimization, it does not ensure the removal of all potential re-victimizing incidents. For example, a child may still have to face the accused in the corridors of the court building (Kriel & Hollely, 1998:89).

### **3.5 Cross examination**

According to Davies (1993:3) cross-examination is the strategy of words and actions, which the advocate employs during the presentation of evidence by the opposition that

serves to cast doubt upon the opposing party's case. The purpose of cross-examination is twofold:

- a) Firstly, to illicit information that is favourable to the party conducting the cross-examination.
- b) Secondly to cast doubt upon the accuracy of the evidence given by the witness.

According to Thompson (1998:2) the cross-examination of children is difficult and challenging, especially the cross-examination of a child alleged to have been the victim of a sexual crime. This is probably the most challenging courtroom situation a criminal defense lawyer can face. He emphasizes the caution in handling child witnesses.

Thompson (1998:6) gives the following reasons for the uncertainty about what to expect from a child witness. He states that the problem is probably ten percent the child, and ninety percent the result of the examiner's technique and approach. Thompson (1998:3) postulates that adults, in general, are often not good at listening to children or communicating with them on their level and that they are more skilled at dominating, lecturing and interrogating children. He also states that the problem of communication is further complicated when the child is the alleged victim of sexual abuse. Whatever basic discomfort existed may be complicated by the natural empathy the adult may have and the need to protect the vulnerable child. An added element is the almost universal discomfort experienced by talking about sexual topics in the presence of strangers.

In accusatorial systems there is a fundamental belief that cross-examination and the techniques employed in the course of it, are tools for discovering the truth and assessing credibility. According to Wigmore (1994:136), it is “the greatest legal engine ever invented for the discovery of the truth” and leaves not a moment’s doubt in the mind of a lawyer as to its effectiveness.

Carson (1995:4), mentions that a witness may make a lot of mistakes during cross-examination, which could lead to the court doubting the evidence, but in no way does it prove that the witness was lying. The person may simply “be very poor at being a witness rather than a truth teller”. Muller and Hollely (2000:101) explains the difficulties which children experience when they need to communicate in an adversarial environment:

- a) Cross-examination is by implication aggressive. It is the weapon with which the battle between the two parties is fought.
- b) Questions asked in a courtroom are not asked for the same reasons that questions are asked generally in society, and children do not understand the purpose for which questions are being asked in court (Brennan & Brennan, 1988:60).
- c) The use of leading questions is a technique employed in cross-examination and gives rise to serious difficulties regarding the comprehension of the child witness.

- d) Peripheral questions are those questions that do not deal with the direct issues in a case, but rather deal with questions relating to surrounding matters that are aimed at testing the witnesses' credibility. Research has shown that it is easier to get children to give false answers by asking them leading questions when dealing with peripheral matters, rather than dealing with matters that are of central importance (Spencer & Flin, 1990:225).
- e) Language is fundamental to the legal process and the court appearance is seen as a verbal contest between parties (Viljoen, 1992:65-66). It is this specialized language that creates major problems for children. Carson (1995:5) divided the problems children have with court language into 3 broad categories:
- Age – inappropriate vocabulary.
  - Complex syntax.
  - General ambiguity.

## **4. THE ROLES AND BOUNDARIES OF A PROSECUTOR WHEN DEALING WITH A SEXUALLY ABUSED CHILD DURING COURT PROCEDURES**

### **4.1 Role of the prosecutor**

Fallon (2000:93) mentions that the prosecutor is the person ultimately responsible for deciding whether someone is going to be charged with a crime and with what crime. It is not an easy decision. This is especially true when the victim is a child. The decision is also complicated by the fact that the prosecutor is responsible not only to the victim and police but also to the community as a whole. Fallon (2000:94) is further of opinion that in today's context child prosecutors involved in child sexual abuse cases, has an even greater responsibility. He is of opinion that being a prosecutor and doing the job well, is not an easy task. In addition to deciding who should be charged and with what crime, there are other duties that are solely the responsibility of the prosecutor, such as the following:

- a) Deciding when to issue the charge(s).
- b) Preparing the child to testify in court.
- c) Preparing the court for the child.
- d) Filing other crimes and bad acts motions, this may involve the testimony of other victims.

- e) Exchanging information with the defence prior to the trial (i.e. the discovery process).
- f) Deciding whether to use an intermediary in the case.
- g) Developing a trial strategy.
- h) Meeting with the defence lawyer or investigator.
- i) Presenting the case at trial and the disposition thereof.

Fallon (2000:95) states it clearly that the duties and the responsibilities of prosecutors are as extensive as their influence. However, that influence has its limits. In child abuse cases, prosecutors sometimes overestimate the importance of their roles. First they fail to recognize that the abuse, which premised the criminal, occurred before, often long before, the prosecutor became involved. Secondly, they fail to appreciate that the effects of the abuse and the systemic response to the abuse, of which the prosecutor forms a big part, will linger long after the prosecutor has moved on to the next case.

#### **4.2 Multi-disciplinary teamwork**

Child abuse often means the interaction of some or all of the following disciplines (Copen, Martin & Pucci, 1995:95):

- Mental health professionals.
- Child development.
- Linguistics.



- Social services.
- Medicine.
- Law enforcement.
- Education.
- Law.

Any response requiring court intervention may have the interaction of all of the disciplines involved in a given case. Such multi-disciplinary team approach is the best way to accomplish a community's coordinated response. This means that prosecutors may require a working knowledge of the medical and social science to be successful (Fallon, 2000:95). For example familiarity with the research on children's memory, suggestibility and linguistic capabilities is critical in assessing whether a child abuse disclosure is the product of a non-permissible suggestive forensic interview. Fallon, (2000:95) mentions that none of this is taught in Law School. It must be learned on the job and at multi-disciplinary training conferences. Many new ideas and innovative courtroom techniques used today originated in the research done by social workers, psychologists and therapists.

The researcher is of opinion that it is very important for prosecutors to liaise with multi-disciplinary team members to gain excellent resources for ideas as well as expert testimony. Any information that leads to a greater understanding of the complexities of child abuse and its effect on human behaviour enhances the prosecutor's ability to use the law to achieve a truly fair and just judgement in court. Similarly, a well-informed

prosecutor can use his/her knowledge of the social sciences to direct and shape investigative efforts and procedures. This, in turn, will result in the development of more accurate and forensically reliable information that will be useful for all team members and not just the prosecutor. Finally, multi-disciplinary responses, need to share ideas and information amongst disciplines (Fallon, 2000:96). That, in turn, will lead to a more child-centred systemic response, the development of more accurate and reliable information regarding the child involved, and a greater understanding of the consolidation of legal, social and psychological issues present in each and every child abuse case. (Refer to Chapter 2 with specific reference to the propositions used in the Person-Centred approach when working with sexually abused children). The prosecutor needs to create a climate for the child in which the child can feel safe to explore his/her feelings and needs. This can only be accomplished if the child feels accepted and respected. The child needs the opportunity to discover and explore these aspects that seems threatening to him/her on his/her own time.

From this sharing of ideas and information, the researcher is of opinion that better decision-making results would increase the likelihood of a just and fair outcome in court and would create a healthier outlook for the child.

### **4.3 Time and effort of the prosecutor**

Family violence in general and child abuse cases in particular, consume a great amount of time. They truly test one's patience and stamina. The degree of success experienced in

these cases is directly related to the amount of time and effort invested. Because these cases are time-consuming, successful prosecutors often contribute much of their own time and energy. Prosecutors meet with the child and his/her family when it is convenient for the child and not the prosecutor. Fallon (2000:97) mentions that prosecutors must assess the child's credibility, ability to communicate and emotional readiness for court before bringing a case to court. This aspect is very important and the researcher is of opinion that when children are brought into court cases for which they are not ready or prepared, it can re-victimize them to a very serious extent. Fallon (2000:97) mentions that in special cases, a prosecutor may need to meet with the child several times before charging the perpetrator. These meetings may include the court educator or victim-specialist, especially if the prosecutor intends to discuss the abuse scenario with the child.

Some of the cases that routinely consume a vast amount of time before a charging decision can be made, are cases where (Fallon, 2000:97):

- a) More than one perpetrator has victimized the child.
- b) There are numerous child victims, as in day care cases.
- c) The child is developmentally delayed and/or impaired.
- d) There are repeated acts of interfamilial abuse.
- e) The child is severely traumatized as a result of the abuse.
- f) Force or the threat of force was used to keep the child silent or was inflicted during the abuse.

Often, more than one of these factors are present. In such cases, prosecutors need time to establish rapport and ability to communicate with the child. Many prosecutors make the mistake of confusing the ability to establish rapport, with the ability to communicate effectively with the child. It is not unusual for a prosecutor to establish a wonderful surface rapport with the child, only to have things fall apart in the courtroom because there was a failure to communicate. In other words there is a distinction between getting along in one setting, like the prosecutor's office comparing with real communication in the courtroom. It is imperative that the prosecutor and the child establish a level of trust and find the means to communicate effectively with each other. If not, the case will surely be lost, and the child may experience additional trauma as a result of this failure. It is of utmost concern to the researcher, that many prosecutors do not take the time to prepare the children for these court proceedings and expect the child to describe his/her whole abuse scenario minutes before the court proceeds. This truly cannot be seen as a child friendly system.

Fallon, (2000:98) argues that in cases where there are allegations of extensive and repetitive interfamilial abuse, multiple offenders, or severe trauma, prosecutors and other members of the multi-disciplinary team must spend time with the child before charges are filed. These time investments help the prosecutor screen cases that ordinarily would have been issued prematurely, with disastrous consequences. Time investment has also helped to present other cases successfully because a trusting relationship develops with the child

over a period of time that enables the child to communicate and emotionally deals more efficiently with the rigors of the adversarial system.

#### **4.4 Vertical versus horizontal case prosecution**

One of the best ways to improve the handling of child abuse cases and their presentation in court, is to implement a vertical case prosecution system.

Vertical case prosecution requires that the same prosecutor who initially screened the case and made the charging decision also handle the case throughout the court process. This does not occur in offices that have a horizontal case prosecution system.

Fallon (2000:98) is of opinion that horizontal case prosecution involves a rotating caseload. This means that different prosecutors may handle the charging decision, initial appearance, probable cause hearing, arraignment, pretrial motion work, trial and dispositional hearing. This happens because cases are randomly assigned from court to court. The defence may request a substitution of a judge, thus removing the case from the court where a prosecutor familiar with the case is assigned to another court with a prosecutor who is not. Perhaps there is insufficient staffing (this is one of the most common reasons) to permit a prosecutor to follow a given case and handle each and every aspect of this case.

Many prosecutors' offices do not have the staff or the co-operation of the judiciary to implement a complete vertical case prosecuting system. There are, of course, exceptions. Historically homicides and cases generating extensive public interest (e.g. public corruption or organized crime) are often handled by the same prosecutor from beginning to end. Fallon (2000:99) is clearly of opinion that vertical case prosecution is the preferred method for handling all criminal cases. However, because most prosecutors' offices are up against significant personnel shortages, it is difficult, if not impossible, to have one prosecutor handle every aspect of each case from beginning to end. Nevertheless, some sort of vertical prosecution must be achieved in sensitive crime cases, such as domestic violence and child abuse. This is especially true because these cases often involve child victims as witnesses. If the vertical case prosecution system is used in homicides, organized crime, public corruption and other high-profile public interest cases, it can and should be used in child abuse cases as well. One solution is to make the prosecutor who screens the case and makes the charging decision, responsible for all critical aspects of the case. For example, it may not be necessary for this prosecutor to appear at the initial appearance or bail proceedings, because there are often perfunctory in nature and can be handled by other prosecutors with a limited amount of direction and guidance. However, Fallon (2000:99) mentions that other aspects that the researcher supports fully, such as meeting the child, preparing the child for court, and court appearances that would involve the making of testimony should all be handled by the same prosecutor.

Fallon (2000:99) mentions that another approach is to establish specialized units that work exclusively with these types of cases, where at least one prosecutor is assigned to each and every branch of court that handles child abuse cases. A third approach is a slight variation of the second. A sufficient number of prosecutors should be designated to handle all of these cases. Vertical prosecution can assure that only experienced and trained prosecutors handle these cases. Vertical handling of cases is the best system of developing expertise. Vertical prosecutions improve the handling of cases from both an administrative and legal perspective. More over, the public's opinion regarding the competency and professionalism of the office will improve. Finally, Fallon (2000:99) mentions that vertical prosecutions generally provide the prosecutor with more time to devote to the preparation of the child witnesses and the case in general than do horizontal prosecutions. They permit more time for regular communication with the child's court educator or victim/witness professional, and for the development of rapport and the ability to communicate effectively with the child victim in court.

## **5. WORKING WITH THE SEVERELY TRAUMATIZED CHILD**

In cases where the child is severely traumatized, it is advisable to consult with the child's counsellor or therapist, or with a therapist from a multi-disciplinary team. It might be advisable to hire a therapist for the important, but limited, task of caring for the child's emotional health during the stress of preparing for and testifying in court. Some

examples of behaviours that should prompt the prosecutor to ask for help from a mental health professional are as follows (Fallon, 2000:109):

- a) The child dissociates (appears not to hear you; fails to respond to cues or talk; does not respond to his/her given name and/or refers to him/herself by another name; informs you he or she is “gone”; fails to recall meeting or talking with you before, when, in fact, you have talked before).
- b) The child coils into a fetal position when you begin to talk to him or her about difficult topics, such as the abuse scenario.
- c) The child cries and appears terribly distressed (this is different from a witness who is scared and hesitant, but able to communicate his or her thoughts and feelings).
- d) The child mentions or makes a gesture of suicide, or expresses the desire to commit a violent crime.
- e) The child mutilates him/herself.
- f) The child’s breathing increases rapidly or he/she has difficulty breathing, the child sweats and vomits.
- g) The child rocks steadily in a seated position and fails to respond to verbal or physical cues.

If any of these behaviours are observed or reported to the prosecutor, it is time to slow down, re-evaluate, and seek help from a mental health professional.



## **6. PREPARING THE CHILD FOR COURT: THE PROSECUTOR'S RESPONSIBILITY**

The job of preparing the child for court, although he/she shares the case with other professionals, is primarily the responsibility of the prosecutor. Fallon (2000:106) is of opinion that the prosecutor should delegate this responsibility to a victim/witness specialist, court educator, or any other professional. It is understandingly true that in the South African Criminal Justice System, prosecutors are totally overloaded with cases and find it difficult to consult with a child before the child needs to testify.

The results of numerous local and international studies highlight the need to prepare children before they give evidence in court. “A basic knowledge of court proceedings and legal concepts would assist them by reducing the fear and stress they experience as a result of their unrealistic expectations and thereby enable them to participate more effectively in the judicial process” (Kriel & Hollely, 1998:17). Saywitz (1995:135) notes that generalized anxiety, associated with the fear of the unknown, could result in avoidant behaviour. This would reduce a child's motivation to remember details to such an extent that the incident under investigation may not be retrieved during spontaneous free recall. Thus courtroom preparation involves empowering the child witnesses in order to enhance their ability to testify. Preparation also involves supporting children in the process and believing that they have the ability to do the job.

The prosecutor needs to meet with the person who prepared the child for the court proceeding, to determine what the emotional state of the child is as well as the developmental abilities of the child.

Fallon (2000:107) suggests that the prosecutor should avoid at all cost meeting with the child for the first time on the day the child needs to testify. Some children need only one visit to establish a communication bond, while others need more than one meeting before they will be ready to testify. It is important to be sincere with a child and not to force a discussion of substantive issues if the child is not ready.

It is in the best interest of the child to use more time to build rapport with the child as a way to demonstrate to the child that his/her needs are respected. Fallon (2000:107) adds that the prosecutor should be respectful of the child in both word and deed. One of the best ways to respect the child is to respect the child's sense of space:

- Do not touch a child until the child indicates a willingness to be touched.
- Do not approach the child in a threatening way.
- Let the child come to you.

Fallon (2000:107) warns prosecutors not to make promises to a child. The trust of a child who has been sexually abused had been broken so many times – one must take care not to violate the child trust again, the trusting bond, that had been built could be lost.

Learn the signs of trauma or stress in the child. In difficult cases, rather ask a mental health professional for assistance when preparing a child for court.

It is important to be aware of the child's developmental capabilities and to practise to communicate with the specific child before the court case starts. Davies, Gerber and Wells (1996:108) stress the importance of a "child-centred and child-initiated" child protection system through which children need to be informed and consulted about their individual needs. Thus, it is believed that in order for children to feel empowered and for change to occur, for example courtroom reforms, children's rights and views need to be acknowledged and promoted. In other words, it is necessary to find out what children find stressful about the judicial process and whether the reforms introduced actually address these stressors (Muller & Tait, 1997:56). The prosecutor should do courtroom preparation by listening to the opinions of the children. This will lead to addressing their actual fears and concerns. This needs to take place in an environment that is child-orientated, that is, an environment that allows the child to feel safe and comfortable (Kriel & Hollely, 1998:89). It is worth noting that by addressing a child's anxiety the quality of the child's evidence is improved and better psychological adjustment of the child is ensured after the trial (Plotnikoff & Woolfson, 1998:67). Grobler et. al. (2003:68) describes that "the best way to understand behaviour is to view it in terms of the individual's frame of reference". Van Kalmthout (2004:195) describes that one of the central values of the Person-Centred Approach, as a system of meaning, is that clients know best about what their problems are, what would be the best ways of being helped. He further mentions that the client has the resources and potential capability for solving these problems within him/her.

## **7. INTERVENTIONS THAT ARE EFFECTIVE IN ADDRESSING THE RE-VICTIMIZATION OF THE CHILD DURING COURT PROCEDURES**

Recent studies done by Debra Whitcomb (2003) in Virginia, United States of America suggest the following recommendations in addressing or reducing a child's trauma during the court process (Whitcomb, 2003:152-154):

### **7.1 Joint interviews and multi-disciplinary teams**

Research has identified the need to undergo multiple interviews as a common source of stress for many child victims. According to Whitcomb (2003:152), many communities have implemented programmes to streamline the investigative process and consolidate interviews as much as possible. Although little research has directly examined the impact of a consolidated interview procedure, one study found that children, who underwent multidisciplinary interviews, rated their interview experiences significantly more positively than a child who had been interviewed prior to the implementation of this system.

### **7.2 Victim support and court preparation**

To address the trauma associated with fear of the courtroom environment, many communities have developed systematic court support and preparation programmes.

Canadian researchers examined the impact of one such programme, which also incorporated education and stress reduction techniques individually tailored to each child's needs as assessed by a therapist. They found that the programme did, in fact, help the children deal with stress and anxieties related to abuse and testifying, and specifically noted that stress reduction techniques were effective in reducing the children's fears (Sas, Wolfe & Gowdey, (1996) in Whitcomb, (2003:153)).

### **7.3 Testimony via Closed circuit television (CCTV) (via intermediaries in South Africa)**

In Scotland, researchers observed 46 children who testified in court, 80% via live television link and the remainder in the traditional courtroom. Observations revealed little difference between those who testified via television link and those who testified in court, although the children who testified in court were reported to experience significantly more fear, which they attributed primarily to the presence of the accused (Murray, (1995) in Whitcomb (2003:153)). British researchers, however, reported less anxiety among children testifying on videotape compared to children testifying live (Davies, Wilson, Mitchell, & Milson, (1995), in Whitcomb (2003:153)).

### **7.4 Giving the child a say**

Echoing earlier observations in Australia that some child victims appeared to benefit more from CCTV when its use was consistent with their stated preferences, some experts

have recommended finding ways to give children a greater say in the court system. One must listen carefully to the needs of the child, and not force the child into testifying when he/she is not ready.

### **7.5 Multi-cultural issues**

Apart from victimization statistics, there is not much literature that documents the criminal justice system's treatment of multicultural victims and witnesses. There is some evidence, however, that children from different backgrounds receive differential treatment. This is a crucial problem, specifically in South Africa with a multi-cultural society, with very different cultures and languages.

## **8. CONCLUSION**

According to the UN Declaration, “mankind owes to the child the best it has to give”. However, in order to give, it may be prudent to ask children first what it is that they need to receive. In doing so, adults potentially allow children to develop their own solutions, thereby empowering children to have a sense of mastery over their lives. Davies et. al. (1996:107) points out that “listening to children, and hearing what they have to say, is at the root of developing effective human rights for children”. However, the process of listening holds its fair share of challenges. For example:

*“Listening requires a commitment from practitioners who already may be trying to juggle with competing demands in their time. Also, as children are a relatively ‘powerless’ group, it is easier to exclude them. This attitude feeds into professional arrogance, particularly for those professionals defined as ‘experts’ in specific areas of practice, who may believe and act as though they ‘know’ what children require. It may be threatening to acknowledge a need to find out views and opinions directly from children” (Davies et. al., 1996:107).*

It is necessary to hear from children how environments, such as courtrooms, can be changed in order to make them more child-centred and consequently, less anxiety provoking. It is clear that most children who have to testify in court have a misconception regarding the court process and what is expected of them during this process. This aspect is of utmost importance when addressing the re-victimization of the child during the court process.

The child has already experienced a traumatic experience being abused, disclosing the information, dealing with the reaction of significant others, going to court and not knowing what to expect. The importance of prosecutors preparing children for the court process and what to expect can contribute to the child feeling more empowered. Prosecutors need to know what their limits are and should consult with a mental health professional to assist them in their efforts to work successfully with a sexually abused child.

In the next chapter the empirical findings of the study will be analyzed and explained. In the empirical research the aim is to develop a training programme for state prosecutors working with sexually abused children, implementing the programme and evaluating the effectiveness of the programme.



## **CHAPTER 5**

### **EMPIRICAL RESEARCH FINDINGS**

#### **1. INTRODUCTION**

In this chapter the empirical research findings of the research will be presented, analyzed and discussed. For the purposes of this study a combination of the qualitative and quantitative approaches were used, specifically the dominant-less-dominant design (De Vos et. al., 2002:366). The study will be presented from a single dominant paradigm, the quantitative approach, from which the training programme was developed, implemented and evaluated. One small component of the overall study was drawn from the qualitative approach, where state prosecutors were interviewed to gain data for the development of the training programme.

The empirical study was based on an in depth literature study regarding the topic of the research. The empirical research focused on the training needs of state prosecutors to address re-victimization of the sexually abused child during forensic procedures. The researcher developed a training programme, which was implemented and evaluated during a training workshop at the Justice College in Pretoria.

The research process en data analysis will be described and presented in this chapter. During the presentation of the quantitative data analysis, the researcher integrated the relevant literature that was implemented in the training programme for the state prosecutors.

## **2. PURPOSE OF THE RESEARCH**

The purpose of the study was a combination between exploratory and descriptive research.

*Exploratory research* according to Bless and Higson-Smith (1995) is conducted when the research needs to gain insight into a situation, phenomenon, community or individual. In De Vos et. al. (2002:109), Fouché mentions further that the researcher can also use exploratory research to “become acquainted with a situation so as to formulate a problem or develop a hypothesis”. The researcher used an exploratory research approach to gain more insight into what the training needs of state prosecutors are regarding the sexual abuse of children, in order to address re-victimization during the forensic process. It formed part of the qualitative study.

*Descriptive research* was used in a study that focuses on “how” and “why” questions (Fouché, in De Vos et. al. 2002:110). In this research, the descriptive research was used to determine “how” training of professionals could address re-victimization of the sexually abused child during the forensic process. As Fouché (In De Vos et. al.,

2002:109) mentions, such descriptive research can have a basic or applied goal and can be qualitative or quantitative. In this research descriptive research was done in both the qualitative and quantitative study. During the qualitative study the needs were determined to develop the training programme for other prosecutors. During the quantitative study the response of the respondents, being the state prosecutors, made a valuable contribution in determining “how” the prosecutor could make a contribution in addressing re-victimization of the sexually abused child during forensic procedures.

## **2.1 Goal**

The **goal for this study** was to develop a training programme for state prosecutors to address re-victimization of sexually abused children during the forensic process. Applied research was used to conduct the study.

## **2.2 Objectives**

Arkava and Lane (1983) in De Vos et. al. (2002:108) refer to objectives as exploration, description and explanation. For the purpose of this study the researcher will make use of an exploratory research approach to gain insight into a situation phenomenon (De Vos et. al., 2002:108).

The objectives of the study will be explained under literature, empirical study, and conclusions and recommendations.

### 2.2.1 Literature

- To undertake a literature study to form a foundation for the study. The following aspects were explored during the literature study:
  - The Person-Centred Approach as a theoretical framework for the development and implementation of the training programme for state prosecutors.
  - Child sexual abuse as a phenomenon, and the long-term effects related to sexual abuse.
  - Re-victimization of the sexually abused child during court procedures.

### 2.2.2 Empirical study

- To explore perspectives and knowledge of state prosecutors dealing with the sexually abused child during forensic procedures.
- To develop, implement, and evaluate the value of a training programme for state prosecutors to contribute to the development of their knowledge regarding sexual abuse to address re-victimization of the sexually abused child during forensic procedures.

### 2.2.3 Conclusions and recommendations

- To reach conclusions and recommendations based on the outcome of the study regarding the addressing of re-victimization of the sexually abused child during forensic procedures.

### **3. RESEARCH QUESTION AND HYPOTHESIS**

In this study, a research question and hypothesis were utilized, thus making this research a combination qualitative-quantitative study.

In this research, the following research question can then be asked:

- How can a training programme for state prosecutors contribute to addressing re-victimization of the sexually abused child during the forensic procedures?

The stating of hypotheses and the testing thereof are an important part of the research process. According to Bless and Higson-Smith (1995:37) “ problems are questions about relations among variables and hypotheses are tentative concrete testable answers to such problems”. The hypothesis thus forms the suggested answer to the problem (Bless & Higson-Smith, 1995:37). Babbie (1992:55) states “hypotheses are specified expectations about empirical reality, derived from propositions.” The following hypothesis is constructed, guided by the expectations regarding the proposed research study.

- A training programme for state prosecutors can contribute to knowledge development of state prosecutors regarding sexual abuse and address re-victimization of the sexually abused child during the forensic process.

The quantitative part of this study will present as a one-group pre-test-post-test design. Measures of the dependent variables O1 and O2 are compared at two different states of the independent variable within the same group (before and after) (Fouché in De Vos et. al., 2002:144).

#### **4. RESEARCH APPROACH**

For the purpose of this study a combination of the qualitative and quantitative approaches were used, specifically the dominant-less-dominant design (De Vos et. al, 2002:366). According to Creswell (1994) in De Vos et. al. (2002:367) the dominant-less-dominant design refers to the researcher presenting a study from a single dominant paradigm with one small component of the overall study drawn from the alternative paradigm.

In this study the researcher presented the study from a single dominant paradigm, the quantitative approach, where a training programme was implemented and evaluated. One small component of the overall study was drawn from the qualitative approach, where professionals were interviewed to gain data for the development of the training programme.

## **5. TYPE OF RESEARCH**

### **5.1 Applied Research**

Applied research was utilised during this study to direct the researcher to find and develop possible solutions to problems in the field of study.

For the purpose of this study, perspectives and knowledge of state prosecutors working with these children during the forensic process were explored, and their needs for training in this field were identified. A training programme was created, through which state prosecutors could be trained as a way to address re-victimization of sexually abused children during the forensic process.

### **5.2 Intervention research**

The sub-type of research proposed for this study is intervention research. Rothman and Thomas (1994:4) describe intervention research as an integrative perspective for human service research. In doing so, a basis is provided for bringing together three types of research and inquiry as facets of intervention research:

- Empirical research to extend knowledge of human behaviour relating to human service intervention (referred to as Intervention Knowledge Development – KD),

- The means by which findings from intervention knowledge development research may be linked to, and utilised in, practical application (referred to as Intervention Knowledge Utilisation – KU),
- Research directed towards developing innovative interventions (referred to as Intervention Design and Development – D & D)(De Vos et. al., 1998:11).

For the purpose of this study, Intervention Design and Development (D&D) research is relevant. The proposed study is, in essence, a problem-solving process seeking an effective intervention to address re-victimization of sexually abused children during the forensic process. Rothman and Thomas's six main phases of intervention Design and Development were utilised:

a) *Problem analysis and project planning.*

During this phase, the researcher focussed on the following aspects:

- Identifying and involving clients – state prosecutors.

The problem was identified that when sexually abused children have to provide testimony in court about the alleged sexual abuse, the involvement in the justice system often make them feel re-victimized.

It was then determined by the researcher, who also work extensively in this field as social worker, that if prosecutors could be sufficiently trained about the aspects of sexual abuse they could contribute to the addressing of re-victimization of the sexually abused child during forensic procedures.



Prosecutors who worked in sexual offences courts in Pretoria–Central and Pretoria-North were identified.

These prosecutors were involved in the qualitative part of the study and were interviewed at their offices at the particular court where they work.

Prosecutors that took part in the quantitative study were trained at the Justice College in Pretoria.

- Gaining entry and co-operation from settings – permission from the authoritative management to interview and include the state prosecutors in the study was obtained.
- Identifying concerns of the population (state prosecutors).

In the qualitative study the themes for the training programme were identified, which respondents indicated as important to be part of the training programme.

They were of opinion that they needed more training about the dynamics of sexual abuse, as this is not included in their training as prosecutor. The concerns that they identified were:

- Sexual abuse in general.
- Family interactional patterns of the incest family.
- Degree of trauma suffered by sexual abuse victims.
- Impact of sexual abuse on the victim.
- Long-term effects of child sexual abuse.
- Re-victimization of the sexually abused child during forensic procedures.

In the quantitative study the prosecutors identified aspects that required further training, as opposed to what was presented in the training programme.

- Different ways to consult with a child-victim of sexual abuse.

- Aspects that can help the victim to “open up” to the prosecutor.
- Dealing with the child-offender.
- Women who use children in divorce cases (sexual allegations in divorce (SAID) - syndrome).
- Analysing concerns or problems identified.

After the qualitative study, all the problems and concerns of the prosecutors that was interviewed, were analysed. These concerns were all used to develop the training programme for prosecutors.

- Setting goals and objectives.

In the qualitative study the goals were set as follow:

- Developing a semi-structured interviewing schedule.
- Scheduling appointments with prosecutors to interview them.
- Gaining information for the development of a training programme for prosecutors working with sexually abused children to address re-victimization during the forensic process.

Goals and objectives were set for the quantitative study.

- To use the themes that was derived from the qualitative study to develop a training programme for prosecutors.

b) *Information gathering and synthesis.*

- Using existing information sources.

A literature study was done using existing information sources. Information was gained not only from social work, but also from psychology, law and medical journals and research documents.

- Studying natural examples.

Preliminary interviews were scheduled with experts in this field to determine what needs they could identify to assist the researcher in this study.

- Identifying functional elements of successful models.

During the literature study the focus was also placed on international research that has been done on the topic of addressing re-victimization of the sexually abused child during forensic procedures. These aspects include the following (See chapter 4):

- Joint interviews and multi-disciplinary teams.
- Victim support and court preparation.
- Testimony via CCTV (via intermediaries in South Africa).
- Giving the child a voice.
- Multi-cultural issues.

c) *Design.*

- Designing an observational system.

Prosecutors who worked in the sexual offences courts that could be used in the qualitative part of the study were identified to provide the researcher with valuable information to develop the training programme for prosecutors who work with sexually abused children.

The efficacy of the programme was evaluated by presenting the prosecutors, who took part in the qualitative part of the study, with a pre- and a post-test questionnaire to evaluate the knowledge that they gained through attending the training programme.

- Specifying procedural elements of the intervention.

Prosecutors, who formed part of the qualitative study, were contacted to schedule appointments for their interviews.

The researcher networked with the co-ordinator of the Justice College in Pretoria that trains prosecutors in Child Law in South Africa, to present the training programme that was developed from the results of the qualitative study.

d) *Evaluation and advanced development.*

- Selecting an experimental design – one group pre-test-post-test design.

It was decided that the experimental design that would be appropriate in this study would be the one group pre-test-post-test design.

During the quantitative study the researcher had access to a group of prosecutors who took part in the training programme. The pre-test-post-test design could be used to determine how their knowledge improved after the presentation of the programme.

- Collecting and analysing data.

Data was collected in the qualitative study by using field notes during the interviews.

This data was analysed under the various themes of discussion.

In the quantitative study data collection took place by means of the questionnaires that were used in the pre-test and post-test.

- Replicating the intervention under field conditions.

- Refining the intervention.

Although performed in a stepwise sequence, some or many of the activities associated with each phase continued after the introduction of the next phase. At times, the researcher had to go back to previous phases when difficulties were encountered or new information was obtained.

## **6. RESEARCH DESIGN AND METHODOLOGY**

An exploratory and descriptive design was followed, as it would help the researcher explore, describe, and gain new insights into the phenomenon of sexual abuse, as well as perspectives of state prosecutors regarding sexual abuse and re-victimization and training needs of state prosecutors working with sexually abused children.

According to Grinnell (in De Vos et. al., 1998:124) an exploratory study has the purpose to uncover generalizations and develop hypotheses, which can be investigated and tested later, with more precise and more complex designs and data-gathering techniques.

Because they go no further, they are sometimes called pre-experimental or non-experimental designs. The exploratory and descriptive design is therefore utilized to undertake a preliminary investigation prior to the more structured study of the

phenomenon i.e. to develop, implement, and evaluate a training programme for state prosecutors dealing with sexually abused children during the forensic process.

The researcher will applied the one group pre-test-post-test design (Delpont & Fouché in De Vos et. al., 2002:144) (i.e. quasi-experimental/associative design) to reach the following objectives:

- a) To develop a training programme for state prosecutors working with sexually abused children during forensic procedures, as a way to address re-victimization of these children.
- b) To implement the developed programme among state prosecutors working with these children.
- c) To evaluate the impact of the programme with specific reference to knowledge and insight development among state prosecutors.

The state prosecutors insight and knowledge, in this study, was presented as the dependent variable (O1 + O2), and the training programme (X), as the independent variable.

The study can be illustrated as: (pre-test-post-test)

O1            X            O2

## 6.1 Data Collection

The qualitative data collection method that was used in this research:

- **Semi-structured interviewing schedule (See addendum B)**

In qualitative research, interviewing is probably the most prominent method of data collection (Greeff in De Vos et. al., 2002:292). Greeff (in De Vos et. al., 2002: 292) is of opinion that an interview is a discussion that includes the attitude of the interaction as well as the social interaction between equals, in order to obtain research-relevant information. This means that the researcher has the responsibility to involve the interviewee in the conversation, and whilst doing that, to gather information that is relevant to the study. Greeff (2002:303 in De Vos et. al.) states that the semi-structured interview schedule will be used as a guideline only, rather than to dictate the interview. The semi-structured interview schedule also maximizes the opportunity for the participant to tell his/her story.

An individual interview was scheduled with each of the respondents in the study. The purpose of these interviews was to determine:

- What the training needs are of state prosecutors who deal with sexually abused children during the forensic process.

- **Questionnaires (See addendum C)**

The questionnaire is an essential part of this study. The respondents completed a pre-test questionnaire before the exposure to the developed programme and a post-test after the exposure to the developed programme. A questionnaire is defined as a “set of questions on a form that is completed by the respondent in respect of a research project” (New Dictionary of Social Work, 1995:51).

Group-administered questionnaires will be used for the purpose of this study. All the respondents were grouped together throughout the duration of the programme. The researcher was available to give instructions and to clarify uncertainties that occurred.

It must be noted that the construction of a questionnaire needs to be done systematically and the appropriate questions must be included. According to Bailey (1994:108), “the keyword in questionnaire construction is relevance.” This means that the questions must be relevant to the goals of the study and to the individual respondent that will be taking part in the study (Bailey, 1994:108).



## **7. DISCUSSION OF EMPIRICAL DATA**

### **7.1 Qualitative data analysis**

Creswell (1998), in De Vos et. al. (2002:340), describes the qualitative data analysis as a “data analysis spiral”. According to Creswell, the researcher “moves in analytic circles rather than using a fixed linear approach”. The process described by De Vos et. al. (2002:340) is as follows:

- Collecting and recording data (semi-structured interviews with state prosecutors).
- Managing data.
- Reading and memoing.
- Describing, classifying and interpreting.
- Representing and visualising.

#### **a) Collecting and recording data**

The researcher made use of a semi-structured interviewing schedule to gain information from the respondents in the study (see addendum B). Greef (in De Vos et. al., 2002:302) is of the opinion that the semi-structured interview gives the researcher a “detailed picture of a participant’s beliefs about, or perceptions of a particular topic”. In this study the researcher used the semi-structured interviewing schedule to guide the interview and to determine what the training needs of state prosecutors, who worked with sexually abused children during forensic procedures were.

**b) Managing data.**

In this stage the researcher starts analysing the data away from the site. As a first loop in the spiral, De Vos et. al. (2002:343) explains that the researcher should start to organize the data.

The researcher took the field notes that were derived from the semi-structured interview and started organizing and sorting the information according to different themes. The researcher did not make use of any tape recordings.

**c) Reading and memoing.**

In De Vos et. al. (2002:343), Creswell (1998) quotes Agar (1980) as follows “read the transcripts in their entirety several times. Immerse yourself in the details, trying to get a sense of the interview as a whole before breaking it into parts”.

The researcher read through the entire field notes from the different interviews and started memoing under the following themes:

- Knowledge of sexual abuse.
- Interactional patterns of the incest family.
- Degree of trauma.
- Impact of sexual abuse on the victims.
- Long-term effects of sexual abuse.
- Re-victimization.

- The role of the prosecutor.

**d) Describing, classifying and interpreting.**

According to De Vos et. al. (2002:344) this is the part of the study where the researcher must start to make sense of the data that has been collected. Categories and patterns emerge in the data, the researcher must engage in critically classifying and interpreting data.

**Theme 1: Respondents in the study**

The respondents who took part in the qualitative study were selected purposively i.e. according to the discretion of the researcher. Ten respondents were selected. All of the respondents work as state prosecutors in the sexual offences courts in either the Pretoria Regional Court or the Pretoria-North Regional Court.

All of the respondents had more than seven years experience in the field of child sexual abuse and were currently working with child sexual offences in court.

Interviews were individually conducted at the offices of the respondents and all of the respondents were clearly informed about the purpose of the study and were asked to complete an informed consent form before commencing with the interview (See addendum A).

Many of them indicated at this stage of the interview that they did not have specialized training in the field of child sexual abuse. They gained their knowledge through practical experience and on a trial and error basis.

## **Theme 2: Child sexual abuse**

### **Sub-theme 2.1: Knowledge of sexual abuse**

The respondents were specifically asked to describe what their knowledge was about child sexual abuse. They responded that they did not have much knowledge regarding sexual abuse. None of them received any form of specific training regarding the topic and only learned through experience and dealing with sexual abuse cases on a regular basis.

This aspect concluded what Adv J. Scheepers (2004) said in the pilot study about the lack of training that state prosecutors had when working with sexually abused children. An essential element of any effective justice system is the protection of child victims and child witnesses of crime (Ovens, Lambrechts & Prinsloo, 2001:25). Ovens et. al. (2001:25) is further of the opinion that where provision is not made for separate and specialized services for this vulnerable group, they may be further exposed to the negative effects of the criminal justice system or may even be further victimized by it.

Fallon (2000:94) is further of the opinion that in today's context an even greater responsibility is on child prosecutors. Fallon (2000:95) states it clearly that the duties

and the responsibilities of prosecutors are as extensive as their influence. However, that influence has its limits. In child abuse cases, prosecutors sometimes overestimate the importance of their roles. First they fail to recognize that the abuse, which in the criminal case is premised, occurred before and often long before the prosecutor became involved. Secondly, they fail to appreciate that the effects of the abuse and the systemic response to the abuse of which the prosecutor is a big part of, which will linger on long after the prosecutor has moved on to the next case.

The researcher agrees with Fallon (2000), that prosecutors do not always take into account the trauma and pain that the child had endured during and even after the abuse. By the time that the prosecutor starts to work with the child, the child has been already exposed to an enormous amount of trauma. The researcher has found in practice that prosecutors that work with sexually abused children only see their task as one to get the child ready to testify and to get all the relevant information for the case record.

### **Sub-theme 2.2: Interactional patterns of the incest family**

None of the respondents knew much about the interactional patterns of the incest family. They indicated this as a training need that had to be addressed so that they can develop a better understanding of children being abused in the family system. During this discussion one of the respondents revealed that if she knew more about the interactional patterns of the incest family, she would have a better understanding of it when she dealt with incest cases. She further stated that information that some of the children shared

about the alleged incident, was sometimes so “bizarre” that it made it difficult to believe the children.

Understanding the family dynamics of the incest family is very important when working with a child who has been sexually abused within his/her family environment. When describing the different family interactional patterns it is important to note what the function is of incest in that specific family. If they knew more about the different interactional patterns in the incest family, it could assist them to understand why the child might in some cases want to recant his/her disclosure.

Patton (1991) in Crosson-Tower (2002:102) suggests five interactional patterns among incestuous families:

- Possessive-passive.
- Dependant-domineering.
- Dependant-dependant.
- Conflict-regulating.
- Conflict-avoiding.

(For more information about this see chapter 3).

**Sub-theme 2.3: Degree of trauma**

The respondents indicated that they were of opinion that the age of the child, and whether the abuse took place within the family, determined the degree of trauma. Some of the respondents indicated that it would be to their advantage to have more knowledge about what aspects determined the degree of trauma. This will definitely support them not to add to the trauma the child has already suffered.

Not every child is affected by sexual abuse in the same way. According to Crosson-Tower (2002:134) the degree of trauma the child may experience depends on several variables, namely:

- The type of abuse.
- The identity of the perpetrator.
- The duration of the abuse.
- The extent of the abuse.
- The age at which the child was abused.
- First reactions of significant others at disclosure.
- The point at which the abuse was disclosed.
- The personality structure of the victim.

### **Sub-theme 2.4: Impact of sexual abuse on the victims**

Most of the respondents indicated that the child must experience definite behavioural changes as a result of the abuse. They indicated the impact of the abuse on the child as follows:

- The child will be fearful.
- He/she finds it difficult to cope in school.
- It has an effect on the relationship between him/her and his/her family members.

Some of the respondents mentioned that these aspects needed to be quantified by an expert witness. They indicated the importance for the prosecutor to liaise with a mental health professional when preparing for these cases.

Although it is not expected of the prosecutor to be an expert regarding the effects that sexual abuse may have on a victim, this could assist him/her in understanding the child as well as how to relate with the child during pre-trial consultations and the court case.

Anderson et. al.(2002:368) mentioned that the prosecution of child abuse cases continues to be an area in which there is a strain between the judicial system and the social work profession. The former is predominately interested in conviction of the accused and the latter is primarily interested in the protection of the child's emotional wellbeing.



**Sub-theme 2.5: Long-term effects of sexual abuse**

Most of the respondents indicated that the cycle of abuse might repeat itself and that the child could become a perpetrator him/herself one day. They were further of opinion that the child might experience sexual difficulties when becoming an adult and it might have an impact on his/her relationships in future. One of the respondents indicated that it would be of value if the prosecutor were more aware of the long-term effects of child abuse, especially when he/she has to argue aggravation or mitigation of sentence.

When prosecutors deal with sexual abuse cases, it is important for them to understand that sexual abuse is not a once off incident, but has long-term effects that the child carries with him-/herself into adulthood. Spies, O'Neil and Collins (1998:370) are of the opinion that “when adults have been abused as children, their personal boundaries, their right to say ‘no’, as well as their sense of control in the world have all been violated. As a result the child may also become powerless as an adult survivor. It is noted that many children are told directly that they will never succeed, that they are stupid, or that they’re only good for sex. It is clear that with messages like these, the child will have difficulty in believing in him/herself”.

### **Theme 3: Re-victimization**

#### **Sub-theme 3.1: Re-victimized during court procedures**

All the respondents indicated the mere fact that the child needs to come to court and has to tell what has happened to them in public must be re-victimizing.

The trauma experienced by children who have to testify in court is also described as “re-victimization” or “secondary abuse”. A clear example of the use of this description is found in the study done by Key (1988), cited in Louw & Olivier (1996:54), in which she comments as follows:

*“Had I known then what I know now, I would have doubted the wisdom of laying charges that would result in this young boy being subjected to the horrendous secondary abuse he received in court”.*

Children view the courtroom as an unfamiliar place, and at worst, a threatening environment (Perry & Wrightman, 1991:18). According to a study by Muller and Tait (1997:603), it appears that children in the South African context generally have very little knowledge concerning the terminology, personnel and procedures used in court. Besides lacking the necessary knowledge, children have “very dangerous misconceptions” about the court environment. In practice, misconceptions could impact negatively upon children’s anxiety about testifying in court.

**Sub-theme 3.2: Addressing re-victimization**

The respondents indicated that the prosecutor should prepare the child for the court case and need to protect the child during the entire procedure as much as possible. Some of the prosecutors indicated that if they could spend more time on these cases, receive more effective training about sexual abuse and spend more time in preparing the children, it would assist to address re-victimization of the child during forensic procedures.

Family violence in general and child abuse cases in particular, routinely consumes large amounts of time. They truly test one's patience and stamina. The degree of success experienced in these cases is directly related to the amount of time and effort invested, more so than just about another case. Because these cases are so time-consuming, successful prosecutors often contribute much of their own time and energy. Prosecutors meet with the child and his/her family when it is convenient for the child and not the prosecutor. Fallon (2000:97) mentions that prosecutors must assess the child's credibility, ability to communicate and emotional readiness for court before bringing a case to court. This aspect is very important and the researcher is of opinion that when children are brought into court cases and they are not ready or prepared for it, this can lead to re-victimization. In special cases, Fallon (2000:97) mentions that a prosecutor may need to meet with the child several times before charging the perpetrator. These meetings may include the court educator or victim-specialist especially if the prosecutor intends to discuss the abuse scenario with the child.

### **Sub-theme 3.3: Role of the prosecutor**

Most of the respondents felt that it was the prosecutor's task to prepare the child for the court case. Some of the respondents indicated the importance of building a rapport with the child and that more than one consultation with a child is sometimes needed before a child can testify.

The majority of respondents indicated that the prosecutor has a task in referring the child for professional counselling if there has not yet been a mental health professional involved with the child. Some of the respondents also indicated that this gave them as prosecutors a sense of "closure" on the case, when they knew that the child was in therapy.

The task of preparing the child for court is primarily the responsibility of the prosecutor. It can be understood that in the South African Criminal Justice System, prosecutors are totally overloaded with cases and find it difficult to consult with a child before the child needs to testify.

The results of numerous local and international studies highlight the need to prepare children before they give evidence in court. "A basic knowledge of court proceedings and legal concepts would assist them by reducing the fear and stress they experience as a result of their unrealistic expectations and thereby enable them to participate more

effectively in the judicial process” (Kriel & Hollely, 1998:17). Saywitz (1995:135) notes that generalized anxiety, associated with the fear of the unknown, could result in avoidant behaviour. This would reduce a child’s motivation to remember details to such an extent that the incident under investigation may not be retrieved during spontaneous free recall. Thus courtroom preparation involves empowering the child witnesses in order to enhance their abilities to testify. Preparation also involves supporting children in the process and believing that they have the ability to do the job. The prosecutor needs to meet with the person who prepared the child for the court proceeding, to determine what the emotional state of the child is as well as the developmental abilities of the child.

Fallon (2000:107) suggests that the prosecutor should avoid it at all cost to meet with the child for the first time on the day the child needs to testify. Some children need only one visit to establish a communication bond, while others need more than one meeting before they will be ready to testify. It is important to be sincere with a child and not to force a discussion of substantive issues if the child is not ready.

It is in the best interest of the child to use more time to build rapport with the child as a way to demonstrate to the child that his/her needs are respected. Fallon (2000:107) adds that the prosecutor should be respectful of the child in both word and deed. One of the best ways to respect the child is to respect the child’s sense of space:

- Do not touch a child until the child indicates a willingness to be touched.
- Do not approach the child in a threatening way.
- Let the child come to you.

Fallon (2000:107) warns prosecutors not to make promises to a child. The trust of a child who has been sexually abused has been broken so many times – beware of not doing it again, and by doing that, the trusting bond that was built might be lost. He indicated further that it is important to learn the signs of trauma or stress in a child. In difficult cases, the prosecutor should rather ask a mental health professional for assistance when preparing a child for court.

It is important to be aware of the child's developmental capabilities and learn to communicate with the specific child before the court case starts. David, Gerber and Wells (1996:108) stress the importance of a "child-centred and child-initiated" child protection system, through which children need to be informed and consulted regarding their individual needs. Thus, it is believed that in order for children to feel empowered and for change to occur - for example courtroom reforms - children's rights and views need to be acknowledged and promoted. In other words, it is necessary to find out what children find stressful about the judicial process and whether the reforms introduced, actually address these stressors (Muller & Tait, 1997:56). The prosecutor should do courtroom preparation by listening to the opinions of the children as to what will address their actual fears and concerns. This needs to take place in a child-orientated context namely a context that allows the child to feel safe and comfortable (Kriel & Hollely, 1998:89). It is also worth noting that addressing a child's fears and anxiety does not only improve the quality of the child's evidence, but also ensures more effective psychological adjustment of the child after the trial (Plotnikoff & Woolfson, 1998:67).

## 7.2 Quantitative data analysis

Quantitative data can be analysed either manually or by computer (De Vos et. al., 2002:222). The researcher analysed the data by means of a computer. The data is displayed by means of various tables.

After the qualitative study, the researcher compiled a training programme (**addendum D**) that was presented in the quantitative part of the study. The training programme was implemented and the respondents that attended the training programme were presented with a pre-test and a post-test questionnaire. These tests will now be analysed and described in this section.

In the quantitative study the sampling size was twenty-six respondents. In De Vos et. al. (2002:199) it is mentioned that the use of sampling is to help us to explain some facet of the population. Although twenty-six respondents might be a small sample for this study, it must be mentioned that it is very difficult to enter the domain of the law professions to do empirical research. State prosecutors in South Africa are so overloaded with cases that it makes it very difficult to get a large group together to partake in a study like this.

The researcher had an excellent opportunity to present the training programme at the Justice College during one of their child law workshops. The training programme became part of the content of the workshop. This was the Pretoria regional workshop,

which made it accessible and feasible for the researcher to attend. Reid and Smith (1981) in De Vos et. al. (2002:199) states that the major reason for sampling is feasibility.

The researcher made use of non-probability sampling, specifically purposive sampling. “This type of sample is based entirely on the judgement of the researcher, in that a sample is composed of elements that contain the most characteristic, representative or typical attributes of the population” (Singleton et. al., (1988:153) in De Vos et. al., (2002:207)).

State prosecutors who attended the workshop, were all prosecutors who either worked with child sexually abused cases, or who would in future work with these cases, which made them excellent respondents for this study.



**SECTION A: RESPONDENTS WHO TOOK PART IN THE STUDY**1. Occupation

There were 26 respondents who took part in the quantitative study. The 26 respondents had the following occupations:

**Table 1: Occupations of state prosecutors**

<b>Occupation</b>	<b>Frequency</b>	<b>Percentage %</b>
State prosecutor	21	80,7
Control prosecutor	2	7,7
State advocate	2	7,7
Senior prosecutor	1	3,8
Total	26	100

Of the 26 respondents, 80,7% were state prosecutors, 7,7% control prosecutors and state advocates and 3,8% senior prosecutors. It was a diverse group of respondents and their qualifications and experience levels were quite different.

2. Qualifications**Table 2: Qualification of state prosecutors**

<b>Qualification</b>	<b>Frequency</b>	<b>Percentage%</b>
B.Iuris	9	34,6
B.Proc	4	15,4
LLB	13	49,9
Total	26	100

Of the 26 respondents 49,9% had obtained a LLB degree, which is a post-graduate degree in law, 34,6% had a B.Iuris degree that is required to become a prosecutor and 15,4% had a B.Proc degree – which is a degree needed to become a lawyer. The majority of the group had a LLB degree, which indicated that they had post-graduate training.

Currently all law degrees have been changed to LLB and all law students are enrolled for a LLB degree regardless of whether they become a state prosecutor, lawyer or advocate.

3. Experience in years**Table 3: Experience in years**

<b>Experience in years</b>	<b>Frequency</b>	<b>Percentage</b>
0-4 years	9	34,6
5-8 years	14	53,8
8-12years	3	11,6
Total	26	100

Of the 26 respondents 53,8% had between 5-8 years experience, 34,6% had 0-4 years experience and 11,6% had between 8-12 years experience as prosecutors. Again this made the group diverse and the researcher had to attend to all the different experiential levels by allowing enough interaction by the respondents and explaining basic information regarding sexual abuse, that might be common knowledge to more experienced prosecutors, in detail.

4. Child sexual abuse cases dealt with**Table 4: Child sexual abuse cases dealt with**

Child sexual abuse cases	Frequency	Percentage
None	6	23
1-5 cases	4	15,4
6-10 cases	2	7,7
11-15 cases	0	0
More than 15 cases	14	53,8
Total	26	100

53,8% of the respondents had dealt with more than 15 child sexual abuse cases. 23% of the respondents had no experience with child sexual abuse cases, 15,4% had dealt with between 1-5 cases and 7,7 % with between 6-10 cases. There were respondents with no experience in dealing with child sexual abuse cases and there were respondents who did more than 15 cases. Thus, the experiential level of the group of respondents differed quite a lot.

5. Training in child law and/or child development

When the respondents were asked to specify their training in child law and/or child development, the following responses were received. Of the 26 respondents, 61,5% of the respondents did not have any extra training in child law or child development. 15,4% of the respondents have attended a child law workshop, 7,7% of the respondents have attended a course on violence against women and children, 3,8 % did child psychology as subject while they were busy with their training at university and 3,8% had training once a month.

Although many of the prosecutors had experience in dealing with child sexual abuse cases in court, it was clear that they did not have sufficient training regarding what child sexual abuse entailed or how to work with a sexually abused child. This response confirmed the view of Adv. J Scheepers (2004) mentioned in the pilot study as experts interviewed, that prosecutors do not have sufficient training when dealing with child sexual abuse cases this aspect concurs with what was found in the qualitative part of the study, when the respondents mentioned that they did not have any specialized training in the field of sexual abuse. Many prosecutors see a sexual abuse case as just another case they have to deal with and it is during this process that they do not take into account what these children had to endure even before they came to court.

## **SECTION B: SEXUAL ABUSE**

6. Knowledge base regarding child sexual abuse

In the pre-test, the respondents were asked to rate their knowledge (poor, average, good or excellent) regarding child sexual abuse and specify their answer and in the post-test they had to indicate and specify whether their knowledge regarding child sexual abuse had improved (yes or no) after the presentation of the programme.

The researcher indicated in the following tables the responses in the pre- and post-tests. In the tables the respondents' responses are indicated in **bold** (the percentage and frequency) followed by their specified answers in the pre- and post-tests.

**Table 5: Knowledge base regarding child sexual abuse**

<b>Pre-test</b>	<b>Post-test</b>
<b>Response and specified answer</b>	<b>Response and specified answer</b>
<p><b>Poor - 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• No training</li> </ul>	<p><b>Yes – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• To be sensitive toward the victim</li> </ul>
<p><b>Average – 49,9% (13)</b></p> <ul style="list-style-type: none"> <li>• Basic knowledge – 23% (6)</li> <li>• No Specific training – 15,4% (4)</li> <li>• Mostly media information – 3,8% (1)</li> <li>• Only done two cases – 3,8% (1)</li> </ul>	<p><b>Yes – 49,9%(13)</b></p> <ul style="list-style-type: none"> <li>• How to protect the child against re-victimization – 15,4% (4)</li> <li>• Phases of sexual abuse, impact on the family, family interaction, re-victimization – 23% (6)</li> </ul>

<ul style="list-style-type: none"> <li>• Read about it in books – 3,8% (1)</li> <li>• Each case has to be dealt with on its own merits – 3,8% (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Did not specify – 11,6% (3)</li> </ul>
<p><b>Good – 42,3% (11)</b></p> <ul style="list-style-type: none"> <li>• Did not specify – 11,6% (3)</li> <li>• Dealt with several cases – 15,4% (4)</li> <li>• Majority cases finalized with conviction – awarded a merit as result - 3,8% (1)</li> <li>• Have extensive practical and theoretical knowledge – 3,8% (1)</li> <li>• I communicate well with them (children) – was a teacher – 3,8% (1)</li> <li>• Deal with cases diligently and impartially 3,8% (1)</li> </ul>	<p><b>Yes - 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• That sexual abuse predominantly occurs within the family – 3,8% (1)</li> <li>• Form of abuse, the effects and how to empathize with the victim – 3,8% (1)</li> <li>• Entire scope of child abuse in a broader perspective – 11,6% (3)</li> <li>• The dynamics of intra-familial abuse – 3,8% (1)</li> <li>• How to address re-victimization during court procedures – 7,7% (2)</li> <li>• How to deal with the sexually abused child –7,7% (2)</li> </ul> <p><b>No – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• Did not specify answer</li> </ul>
<p><b>Excellent – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• Dealt with a lot of cases</li> </ul>	<p><b>Yes – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• How the victim feels afterwards – the long-term effects.</li> </ul>

<b>Total:</b>	<b>26</b>	<b>26</b>
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In the description of their responses in the pre-test it was quite clear that the respondents could not identify any important aspects regarding sexual abuse. 3,8% of the respondents indicated that they had poor knowledge about sexual abuse as they had no specific training regarding this aspect. 49,9% indicated their knowledge as average as they only had basic knowledge, information given via the media, what they read in books and not much practical knowledge. 42,3% rated their knowledge as good because they had more practical experience, while 3,8% rated their knowledge as excellent as they dealt with a lot of cases. These responses could also be linked with the qualitative part of the study when most of the respondents indicated that as a prosecutor, they did not have sufficient training in dealing with child sexual abuse cases.

In the post-test 96,2% of the respondents indicated that their knowledge regarding child sexual abuse had improved. They mentioned aspects regarding sexual abuse, like the impact it has on the victim, the long-term effects and the phases in which the abuse took place, as aspects that they gained more knowledge about. They also mentioned that they had a better understanding of what the child experienced and how to protect the child against re-victimization. Ovens et. al. (2001:25) is of the opinion that where provision is not made for separate and specialized services for this vulnerable group, they may be further exposed to the negative effects of the criminal justice system or may even be further victimized by it. The researcher acknowledges, as stated by Ovens (2001), that



the lack of knowledge of all professionals when dealing with the sexually abused child, could lead to re-victimization.

7. Phases of child sexual abuse

In the pre-test the respondents had to indicate whether child sexual abuse took place in phases and they had to specify their answer. In the post-test after the presentation of the programme, the respondents had to indicate whether child sexual abuse took place in phases and they also had to specify this response.

The responses were tabulated and can be indicated as follows:

**Table 6: Phases of child sexual abuse**

<b>Pre-test</b> <b>Response and specified answer</b>	<b>Post-test</b> <b>Response and specified answer</b>
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<p><b>Yes – 80,7% (21)</b></p> <ul style="list-style-type: none"> <li>• Grooming period then abuse takes place –26,9% (7)</li> <li>• It is normally somebody that is known to the victim, gradually prepares the child before abusing the child – 3,8% (1)</li> <li>• Happens more than once – 3,8% (1)</li> <li>• Depends on the context of the abuse – intra- or extra-familial abuse – 3,8% (1)</li> <li>• Some cases are indecent assault and others are rape – 3,8% (1)</li> <li>• It generally affects children and adults – 3,8% (1)</li> <li>• Did not specify the answer – 34,6% (9)</li> </ul>	<p><b>Yes – 100% (26)</b></p> <ul style="list-style-type: none"> <li>• The phases of sexual abuse are: engagement phase, sexual interaction phase, secrecy phase, disclosure phase and suppression phase – 92,4% (24)</li> <li>• Stages were clearly identified in the training programme of which I had no knowledge – 3,8% (1)</li> <li>• Starts slowly and gains momentum – 3,8% (1)</li> </ul>
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<p><b>No – 19,3% (5)</b></p> <ul style="list-style-type: none"> <li>• The perpetrator might have a problem with his sexual life – 3,8% (1)</li> <li>• Depends on the nature of the case - whether the victim is first tamed or just molested –3,8% (1)</li> <li>• The victim is susceptible or has a certain type of personality that attracts perpetrators – 3,8% (1)</li> <li>• It is not pre-meditated – 3,8% (1)</li> <li>• The abuse is across the board with no specific age/race or religion – 3,8% (1)</li> </ul>	<p><b>No – 0% (0)</b></p>
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In the pre-test, 80,7% of the respondents indicated that child sexual abuse does take place in phases. When they had to specify the answer 38,4% did not respond, 26,9% referred to grooming taking place before the child is being sexually abused. In the post-test 100% of the respondents indicated that child sexual abuse takes place in phases and 92,4% could indicate the phases as they were presented in the training programme.

It is important for the prosecutor to take note of the fact that sexual abuse usually takes place in stages. If they are aware of this, they will also understand why it is difficult for a child to testify and why they often want to recant their disclosure as there is so much at

stake when disclosing the sexual abuse. It is also very important for the prosecutors to be aware of how sexual advantage was taken of these children and how perpetrators prepared them before they started to abuse them. Molako (1999:42) describes the phases of sexual abuse as: engagement, sexual interaction, secrecy, disclosure and suppression.

In the engagement phase the perpetrator engages the child around non-sexual issues and becomes a friend or person who provides material rewards and meets the psychological needs of the child. During this stage the perpetrator begins to violate the victim's boundaries by intruding in what should be the victim's private places such as the bathroom or the bedroom. When the prosecutor meets with the child for the first time, he/she must be aware not to violate the boundaries of the child, by hugging or coming too close to the child's personal boundaries, as this is what the perpetrator did to him/her. Allow the child to set the pace in giving information and allowing personal contact.

During the sexual interactional phase the perpetrator will engage the child in age-inappropriate sexual contact. The prosecutor must be aware that children could be over sexualized and not be aware of their own personal boundaries. The child might engage in this inappropriate manner with the prosecutor, as this was a way to seek acceptance in a previous relationship with an adult.

In the secrecy phase it is the perpetrator's objective to ensure access to the child and to facilitate a continuation of sexual contact. Secrecy is maintained through direct or indirect coercion and through bribes or threats. In this phase children are taught that

through promises, gifts and threats their behaviour is regulated and manipulated. If the prosecutor meets with the child and makes new promises to the child, or gives the child a gift for talking to them, or even threatens the child, he/she also falls into the same category as the perpetrator where the perpetrator used these forms of manipulation when interacting with the child. This could be very confusing to the child, and even strengthen the behaviour that no information or “relationship” can be obtained from them if they do not receive some kind of reward.

In the disclosure phase, disclosure may be accidental either through observation by a third party, signs of physical or genital injury, diagnosis of sexually transmitted disease or the occurrence of pregnancy. With accidental disclosure, intervention may be difficult because neither the participant nor the members of the family may be willing to reveal the secret. Disclosure can also be purposeful in a case where the child consciously reveals the abuse activity, depending on a variety of reasons such as the child’s developmental level.

After disclosure, suppression may occur because of denial, guilt or fear of family disruption by caregivers or the perpetrator, who may in turn, exert pressure on the child to retract her accounts of the abuse events. This is often the phase in which the prosecutor comes into contact with the child. It is therefore very important for the prosecutor to understand why the child might not want to proceed with the case.

As the theoretical foundation of this study is Person-Centred, the focus must stay on the child's needs. It is important for the prosecutor to start where the child is, and let the child be part of the decision-making process, as this empowers the child and also gives the child the sense of self-control, which was taken away from him/her when he/she was abused. By taking this approach the prosecutor contributes to addressing re-victimization of the child during the court process.

8. Family interactional patterns of the incest family

In this question the respondents had to indicate how they would rate their knowledge regarding the family interaction patterns in the pre-test and whether their knowledge had improved after the presentation of the programme. Their responses were as follows:

**Table 7: Family interaction patterns of the incest family**

Pre-test Response and specified answer	Post-test Response and specified answer
<p><b>Poor – 53,8% (14)</b></p> <ul style="list-style-type: none"> <li>• No background of these cases – 7,7% (2)</li> <li>• Did not specify the answer – 7,7% (2)</li> <li>• No training or knowledge about</li> </ul>	<p><b>Yes – 53,8% (14)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 3,8% (1)</li> <li>• Identified the different interactional patterns within the incest family: possessive-passive, dependant-</li> </ul>

<p>these cases - 30,7% (8)</p> <ul style="list-style-type: none"> <li>• Mother does not disclose the abuse – an outsider usually notices the abuse – 3,8% (1)</li> <li>• Some theoretical background only – 3,8% (1)</li> </ul>	<p>domineering, conflict-avoiding, conflict-regulating and dependant-dependant 38,4% (10)</p> <ul style="list-style-type: none"> <li>• How to approach these children and how to relate to them in court – 3,8% (1)</li> <li>• Have a better understanding of these children and how to deal with them – 3,8% (1)</li> <li>• Learnt a lot from the training programme 3,8% (1)</li> </ul>
<p><b>Average – 26,9% (7)</b></p> <ul style="list-style-type: none"> <li>• Evidence is not lead on this aspect – 3,8% (1)</li> <li>• No formal training – 11,6% (3)</li> <li>• My training is inadequate – 3,8% (1)</li> <li>• Only did one incest case before – no other knowledge – 3,8% (1)</li> <li>• Feeling ashamed of sharing information with other people – 3,8% (1)</li> </ul>	<p><b>Yes – 26,9 % (7)</b></p> <ul style="list-style-type: none"> <li>• The relationships within such a family - 7,7% (2)</li> <li>• The abuse in the family – dynamics within such a family 11,6% (3)</li> <li>• The impact of the abuse is much worse on a child, if the child knows the perpetrator – 3,8% (1)</li> <li>• Did not specify the answer 3,8% (1)</li> </ul>
<p><b>Good – 19,3% (5)</b></p>	<p><b>Yes – 19,3% (5)</b></p>



<ul style="list-style-type: none"> <li>• Most cases of sexual abuse takes place in the family, the victim may love the parent, but hate what he/she is doing to him/her – 3,8% (1)</li> <li>• The mother knows about the abuse, but does not disclose – 11,6% (3)</li> <li>• Large families – living together, Kraal head may abuse the children, as he wanted - 3,8% (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Describes the different interactional patterns in the incest family – 15,4% (4)</li> <li>• Did not know all this dynamics in the incest family- very enlightening – 3,8% (1)</li> </ul>
<b>Excellent (0)</b>	
<b>Total: 26</b>	<b>26</b>

In this response it was clear that the prosecutors did not have much knowledge regarding the interactional patterns in the incest family. 53,8% indicated their knowledge as poor as they had a lack of training regarding this aspect, while 26,9% indicated their knowledge as average but also mentioned that they had no training regarding this aspect. 19,3% rated their knowledge as good and mentioned that most sexual abuse cases take place in the family. During the qualitative research where the researcher had interviews with prosecutors who worked in the sexual offences courts, one of the prosecutors mentioned how it would have helped her to understand the interactional patterns of the incest family. Many children would tell her how they have been sexually abused and “the stories just seemed so bizarre that it made it difficult for me to believe what the child was telling me”.

The importance for the prosecutors of having background knowledge on specifically the interactional patterns of the incest family lies therein that they could have a better understanding of what the child's role is in such a family and what function the abuse played in such a child's life. It was clear that after the presentation of the programme the prosecutors had more knowledge regarding the interactional patterns of the incest family. They understood that it could assist them in their work with a child who has been sexually abused in a family and they will be more able to understand the family dynamics of such family.

9. Degree of trauma a child experiences during sexual abuse

In this question the respondents were asked to indicate the aspects that determine the degree of trauma a child experiences when being sexually abused. In this table all the respondents' responses in the pre- and post-test are presented:

**Table 8: Degree of trauma**

<b>R</b>	<b>Pre-test</b>	<b>Post-test</b>
1	<ul style="list-style-type: none"> <li>• Threats</li> </ul>	<ul style="list-style-type: none"> <li>• Fear</li> <li>• Threats</li> <li>• Guilt</li> </ul>
2	<ul style="list-style-type: none"> <li>• The duration of the abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Did not specify the answer</li> </ul>

	<ul style="list-style-type: none"> <li>• Identity of the perpetrator</li> <li>• If the abuse took place with violence or not.</li> </ul>	
3	<ul style="list-style-type: none"> <li>• Child is withdrawn.</li> <li>• Hyperactive child.</li> <li>• Do not interact with friends.</li> <li>• Avoids eye contact.</li> </ul>	<ul style="list-style-type: none"> <li>• Withdrawn.</li> <li>• Beyond age maturity – regarding sexuality.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Injuries sustained.</li> <li>• Lack of support from family.</li> <li>• Repetition of the abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Identity of the perpetrator.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Relationship with the perpetrator.</li> <li>• Does parents believe the child when the child discloses the sexual abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Aggressiveness, withdrawal and the lack of self-confidence.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Feelings of guilt.</li> <li>• Lack of self-esteem.</li> <li>• Suicidal.</li> </ul>	<ul style="list-style-type: none"> <li>• Identity of the perpetrator.</li> <li>• Extent of the abuse.</li> <li>• Duration of the abuse.</li> <li>• Age of the child when they were abused.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Personality of the child.</li> <li>• Age of the child.</li> </ul>	<ul style="list-style-type: none"> <li>• Identity of the perpetrator</li> <li>• Extent of the abuse.</li> </ul>

	<ul style="list-style-type: none"> <li>• Seriousness of the incident.</li> </ul>	<ul style="list-style-type: none"> <li>• Duration of the abuse.</li> <li>• Reaction of significant others.</li> <li>• Personality of the child.</li> <li>• Age of the child.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Violence.</li> <li>• Age of the child.</li> <li>• Gender.</li> <li>• Relationship with the perpetrator.</li> </ul>	<ul style="list-style-type: none"> <li>• Did not specify the answer.</li> </ul>
9	<ul style="list-style-type: none"> <li>• Embarrassment.</li> <li>• Fear of the abuser.</li> <li>• Duration of the abuse.</li> <li>• Threats.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of the abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Age of the child.</li> <li>• Personality of the child.</li> </ul>
10	<ul style="list-style-type: none"> <li>• Pain the child had to endure.</li> <li>• Relationship with the perpetrator.</li> <li>• Support of the family.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Personality of the child.</li> <li>• Reaction of significant others.</li> </ul>
11	<ul style="list-style-type: none"> <li>• Relationship with the</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> </ul>

	<p>perpetrator.</p> <ul style="list-style-type: none"> <li>• Violence.</li> <li>• Threats/promises made.</li> <li>• Social/cultural factors.</li> <li>• Child age, sex and level of development.</li> </ul>	<ul style="list-style-type: none"> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Type of the abuse.</li> <li>• Severity of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Age of the victim.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
13	<ul style="list-style-type: none"> <li>• Relationship with the perpetrator.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> </ul>

		<ul style="list-style-type: none"> <li>• Age of the child.</li> </ul>
14	<ul style="list-style-type: none"> <li>• Behaviour of the child.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
15	<ul style="list-style-type: none"> <li>• Age of the child.</li> <li>• Perpetrator.</li> <li>• Violence.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
16	<ul style="list-style-type: none"> <li>• Child withdrawn.</li> <li>• Lack of concentration.</li> </ul>	<ul style="list-style-type: none"> <li>• Fear.</li> <li>• Loss of self-esteem.</li> <li>• Guilty feelings.</li> </ul>
17	<ul style="list-style-type: none"> <li>• Fear.</li> <li>• Shock.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> </ul>

		<ul style="list-style-type: none"> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
18	<ul style="list-style-type: none"> <li>• Child cries often.</li> <li>• Child will keep quiet when people talk to her.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
19	<ul style="list-style-type: none"> <li>• Embarrassment.</li> <li>• Shyness</li> <li>• Identity of the perpetrator.</li> <li>• Fear.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>

20	<ul style="list-style-type: none"> <li>• People think she is lying.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
21	<ul style="list-style-type: none"> <li>• Child is restless and feels abandoned.</li> <li>• Low self-esteem.</li> <li>• Reserved.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
22	<ul style="list-style-type: none"> <li>• Abuse itself.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was</li> </ul>



		disclosed. <ul style="list-style-type: none"> <li>• Age of the child.</li> </ul>
23	<ul style="list-style-type: none"> <li>• Child becomes reserved.</li> <li>• Child would appear helpless.</li> </ul>	<ul style="list-style-type: none"> <li>• Depression</li> <li>• Fear.</li> <li>• Guilty.</li> <li>• Confusion.</li> </ul>
24	<ul style="list-style-type: none"> <li>• The relationship with the perpetrator.</li> <li>• Support from the family.</li> <li>• The duration of the abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>
25	<ul style="list-style-type: none"> <li>• Violence.</li> <li>• Child is reserved.</li> </ul>	<ul style="list-style-type: none"> <li>• Type of abuse.</li> <li>• Duration of the abuse.</li> <li>• Extent of the abuse.</li> <li>• Relationship with the perpetrator.</li> <li>• Personality structure of the child.</li> <li>• Point at which the abuse was disclosed.</li> <li>• Age of the child.</li> </ul>

26	<ul style="list-style-type: none"> <li>• I'm not qualified to speak about this.</li> </ul>	<ul style="list-style-type: none"> <li>• Family support.</li> </ul>
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It was clear that in the pre-test that there were respondents that could describe some of the aspects that could determine the degree of trauma. After the presentation of the programme, most of the respondents referred to the aspects that were dealt with in the training programme. The importance of this knowledge for the prosecutor is that it could help the prosecutor to assess the severity of the trauma that the child had to endure. Although, the prosecutor is not the expert in the field of sexual abuse, he/she may have a better understanding of the degree of trauma the child had to endure. This can also assist him/her in addressing re-victimization of the child during court procedures.

The following aspects were dealt with in the training programme regarding the aspects that determine the degree of trauma that a child suffers when being sexually abused.

According to Crosson-Tower (2002:134) the degree of trauma the child may experience depends on several variables, which were also dealt with in the training programme:

- **The type of abuse.**

Some victims of family incest appear to be more deeply affected than those who were abused by someone outside the family. Yet abuse by non-family members who have either meant a great deal to the victim or who have been sadistic or violent, can also have profound effects.

- **The identity of the perpetrator.**

The relationship with the perpetrator may lead to more significant trauma. Roberts et. al. (2004:527) states that where the biological father or father figure was involved in the molestation it tends to be more traumatic for the victim. When children discover that someone on whom they have been dependant has caused them harm, they will experience that this trusted person has manipulated them through lies and misrepresentations regarding their moral standards and treated them with total disregard.

- **The duration of the abuse.**

Most abuse in incestuous families takes place from one to three years before disclosure. Roberts et. al.(2004:527) is of opinion that damage appeared to be more severe where the abuse continued for longer periods.

- **The extent of the abuse.**

A perpetrator, who takes a child further along the progression or does more physical damage to the child, creates more residual effects. According to Roberts et. al. (2004:527) if penetration was involved the degree of trauma may be more severe.

- **The age at which the child was abused.**

Developmentally, children pass many milestones. Each interrupted developmental stage will cause its own particular effects. The degree of the child's understanding also impacts on the extent of the trauma experienced.

Teenagers have a heightened awareness of sexual issues and confusion often arises especially about sexual identity. Victimized boys, for example, may wonder whether they are homosexual. Victimized girls may wonder whether their sexual desirability have been impaired and whether future sexual partners will be able to "tell" that they have been sexually abused (Freshwater, 2001:392).

- **First reactions of significant others at disclosure.**

Most children attempt to tell at least one adult of the victimization. Children who decide to tell a trusted adult may receive help that will lessen the impact of the abuse. If the adults in the child's life are not willing to believe the child, he or she may be blamed or forced to keep the guilty secret into adulthood. Freshwater (2001:381) also suggests that denial by significant others, such as family members, that the abuse is taking place, can also hinder development of the child's personal relationships.

- **The point at which the abuse was disclosed.**

In the treatment of adult survivors it has been indicated that the secret keeping does, in fact, compound the trauma. Lev-Wiesel (2000) in Wilcox et.al. (2004:339)

suggests that victims were more able to survive with positive indicators of self-esteem if they placed the responsibility for the abuse on the abuser and not on themselves.

- **The personality structure of the victim.**

Children differ in as many ways as perpetrators. One child abused in a similar manner as another might react totally different. Wilcox, Richards and O’Keeffe (2004:244) mention that personal resilience can play a pivotal role in the way an individual can successfully adapt to adverse and traumatic events. They reason that good school performance, coupled with wide-ranging peer affiliations, enhances the victim’s positive perceptions about himself or herself, facilitating the potential for overcoming the damaging effects of abuse.

Current research has shown that children are more likely to suffer more intensely and persistently when the trauma they have experienced was caused by a person or people they know (Hendricks et. al., 1993:21). Trauma also results from the nature of the event itself. Lewis (1999:5) explains that traumatic experiences are defined by their often sudden, horrifying and unexpected nature. The situation is, therefore, perceived to be so extreme that it overwhelms the individual’s ability to cope.

#### 10. Impact of sexual abuse on a victim

In the pre-test section of this question, the respondents had to rate their knowledge regarding the impact of child sexual abuse on the victim and they had to specify their

answer. In the post-test they had to indicate whether they gained any new knowledge and also had to specify their answer. The response was as follows:

**Table 9: Impact of sexual abuse on a victim**

<b>Pre-test</b> <b>Response and specified answer</b>	<b>Post-test</b> <b>Response and specified the answer</b>
<p><b>Poor – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 11,6% (3)</li> <li>• Over sexualised - 3,8% (1)</li> <li>• Develops disorders like schizophrenia- 3,8% (1)</li> <li>• I prosecute cases this aspect is dealt with by social workers – 3,8% (1)</li> </ul>	<p><b>Yes – 23% (6)</b></p> <p>23% (6) responded specifying:</p> <ul style="list-style-type: none"> <li>• Low self-esteem.</li> <li>• Feelings of guilt and shame.</li> <li>• Feelings of loss.</li> <li>• Depression.</li> <li>• Aggression.</li> <li>• Inability to trust other people again.</li> <li>• Fear.</li> </ul>
<p><b>Average – 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• Not coping with what had happened – 3,8% (1)</li> <li>• Can lead to mental retardation – 3,8% (1)</li> <li>• Behavioural problems – 3,8% (1)</li> <li>• Withdrawal behaviour – 3,8% (1)</li> </ul>	<p><b>Yes – 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer - 7,7% (2)</li> </ul> <p>30,7% (8) responded specifying:</p> <ul style="list-style-type: none"> <li>• Inability to trust other people again.</li> <li>• Feelings of loss.</li> </ul>

<ul style="list-style-type: none"> <li>• Fear 11,6% (3)</li> <li>• Children become introverts – 3,8% (1)</li> <li>• Tendency to lie and steal – 3,8% (1)</li> <li>• Embarrassment – 3,8% (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Fear.</li> <li>• Dissociation.</li> <li>• Aggression.</li> <li>• Low self-esteem.</li> <li>• Pseudo-maturity.</li> </ul>
<p><b>Good – 34,6% (9)</b></p> <ul style="list-style-type: none"> <li>• Self-blame, misfit in society of age group – 3,8% (1)</li> <li>• Embarrassment – 3,8% (1)</li> <li>• Nightmares – 3,8% (1)</li> <li>• Lack of self-confidence – 3,8% (1)</li> <li>• Fear - 3,8% (1)</li> <li>• Depression, worthlessness, guilt, learning disabilities - 3,8% (1)</li> <li>• Shame and guilt - 3,8% (1)</li> <li>• Lack of concentration – 3,8% (1)</li> <li>• Withdrawal behaviour – 3,8% (1)</li> </ul>	<p><b>Yes - 34,6% (9)</b></p> <ul style="list-style-type: none"> <li>• Have a much better understanding – 3,8% (1)</li> </ul> <p>30,7% (8) responded specifying:</p> <ul style="list-style-type: none"> <li>• Fear, low self-esteem.</li> <li>• Guilt of shame.</li> <li>• Depression.</li> <li>• Regression.</li> <li>• Pseudo-maturity.</li> <li>• Anger and hostility.</li> <li>• Inabilities to trust other people again.</li> </ul>
<p><b>Excellent – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• Poor self-esteem.</li> </ul>	<p><b>Yes – 3,8% (1)</b></p> <ul style="list-style-type: none"> <li>• Low self-esteem.</li> <li>• Feelings of loss.</li> <li>• Anger and hostility</li> </ul>

		• Depression.
<b>Total:</b>	<b>26</b>	<b>26</b>

With the responses in the pre-test it was clear that the respondents had an idea of what the impact of sexual abuse may be on a victim. 23% of the victims indicated that they had poor knowledge and could not specify any possible aspects that indicated the impact that child sexual abuse had on the victim. 38,4% rated their knowledge as average and could indicate one or two aspects of how the sexual abuse may have an impact on a child. 34,6% rated their knowledge as good and 3,8% as excellent and in both instances they could only indicate one or two aspects of how the sexual abuse may have an impact on the child. It was clear that although these respondents rated their knowledge as good and excellent they could not specify what their knowledge entailed. During the post-test they could refer to more aspects regarding the impact of sexual abuse. 100% of the respondents indicated that they gained valuable knowledge after the presentation of the programme that could assist them in addressing re-victimization of the sexually abused child during forensic procedures.

The main aim of including the impact of child sexual abuse on the victim in the programme was to establish a better understanding amongst prosecutors who work with these children regarding the impact of the abuse and what a child has to endure during sexual abuse. When prosecutors prepare their cases, they need to focus on how and what impact the abuse had on the child. That is the reason why the prosecutor should network with experienced mental health professionals in this field, to help him/her to clarify this aspect to the court during their presentation of the cases.



From a Person-Centred framework it is important for the prosecutor to understand that there is no-one else that can explain the child's reality and experience better than the child him/herself. Grobler et. al. (2003:45) mentions that the individual's experiential world includes experiences on a conscious and unconscious level. This is only known to the individual, which means that outsiders can only have an idea of an experience if the individual tells them about it. Thus only the individual can give an outsider a glimpse of what is going on inside his or her private world. This emphasizes the uniqueness of each individual. Each child's circumstances are unique and cannot be compared to other cases. This implicates that although the prosecutor understands the impact of sexual abuse, he/she cannot generalize the impact in all cases.

Knowledge of sexual abuse as well as the impact on the child can contribute to addressing re-victimization of the sexually abused child during the forensic process. The prosecutor can protect the child against being re-victimized by the court process and re-experiencing the following aspects:

- **The inability to trust other people again.**

As a result of the betrayal the child has suffered at the hands of an abusive person (usually an adult), and because that person has made him/her feel helpless, the child is severely limited in his/her ability to trust (Lewis, 1999:100). Making unrealistic promises to the child or not keeping to what has been agreed between the prosecutor and the child can result in the child's inability to trust other people.

- **Feelings of loss.**

Possibly the most pervasive consequence of experiencing the trauma of sexual abuse, is the overwhelming sense of loss a child might experience. The most profound loss of all, as argued by Walker (1992:41), is the loss of childhood itself. By not listening and understanding, the child has a tremendous feeling of loss. This child has also forfeited a relationship with an important person in his/her life e.g. a mother or a father. If the prosecutor is insensitive about this towards the child, this feeling can just be intensified and the child can be re-victimized again.

- **Fear.**

Wieland (1997:67) states that all forms of sexual abuse may involve threats. However, the type of threat may vary from one case to another. Sexually abused children therefore, live in a continuous state of fear and anxiety, not only during the abusive period, but also for many years after it has stopped. This fear is often extended to any other person who tries to get close to the child. The child might have experienced a great sense of fear while being abused. Now the child is in court and again re-experiences this fear, thus the child is being re-victimized. By understanding that the child has experienced fear, the prosecutor could be more sensitive and aware when preparing, representing and protecting the child in court.

- **Dissociation.**

Dissociation refers to the extent to which the victims of abuse shut themselves off from aspects of the abuse, such as the pain, the associated emotions or the particular behaviour of the abuser, so that they can cope with the effects of the abuse (Hall & Lloyd, 1993:93). Helping the child to cope with the court experience not only empowers the child, but also helps him/her to learn how to deal with difficult situations by not having to dissociate. This will mean that the prosecutor should thoroughly prepare children in court cases, by explaining what is expected of them, what the court process will entail and most importantly, by listening and attending to the child's needs.

- **Anger and hostility**

Children are rarely able to express their anger to the offender and it is often projected onto other relationships or is evident in their behaviour. The child might even be extremely hostile towards the prosecutor because of this anger. Hall and Lloyd (1993:9) found that child victims of sexual abuse are often prone to angry outbursts, aggression and an ability to produce conflict in many situations. The prosecutor should be aware of this aspect and, with the help of a mental health professional, support the child to debrief this aggression appropriately.

- **Inappropriate sexual behaviour**

The child may act out sexualized behaviour in the form of repetitive re-enactment to gain mastery over the event. Acting out the abuse to show others what happened to him/her allows him/her to attempt to undo feelings of helplessness (Lewis 1999:100). Many child victims have difficulties to distinguish between affection and sex (Hall & Lloyd, 1993:8). Sex may therefore be used to gain attention and affection. This is a sensitive issue that the prosecutor must be attentive of. The sexually abused child might be incapable of determining their personal boundaries in an appropriate relationship with an adult. The prosecutor must assist the child with the support of a mental health professional to re-establish his/her personal boundaries if it appears to be of concern to the prosecutor.

- **Low self-esteem.**

Sexually abused children often reveal a view of themselves as defenseless, worthless, guilty, at risk and threatened especially by their parents (Hall & Lloyd, 1993:66-67). This negative self image often pervades other aspects of a child's life and leads to the child believing that he/she is incapable of meeting the demands of others and blaming him/herself for things that went wrong (Hall & Lloyd, 1993:68). The prosecutor should empower the child through the court process to such an extent that he/she does not re-experience the feeling of being defenseless, worthless or guilty.

The prosecutors should especially protect the child during cross-examination where ruthless attorneys could contribute to the child being re-victimized.

- **Pseudo-maturity**

Children may find it difficult to relate to their own peer groups. They may move into developmental stages incongruent with their age because of the abusive relationship. The loss of childhood impacts on the child's personality, making the child appear more serious and also more mature than is expected for his/her age. The child might even appear more mature because of what he/she had to endure. This aspect must not confuse the prosecutor so that he/she expects too much of the child or even think that the child is coping very well with all the proceedings. The child is still a person who should not be exposed to any inappropriate sexual deed, despite any form of maturity.

- **Guilt or shame**

Child victims of abuse often experience intense feelings of guilt or shame as they feel that in the long run, they were responsible for the abuse. According to Ryan and Blum (1994:57), children's first reaction whenever they are sexually abused will be to ask the question "why did it happen to me?" Wieland (1997:62) states that the secrecy around the sexual abuse will create in the child the question "why me?". This often leads to the answer "because of me". The prosecutor should at all cost reassure the child that they are not to blame for what had happened to him/her and

that he/she is not the guilty one and should not be ashamed. The prosecutor can only make the child experience this by respecting the child and interacting with the child on his/her level of development.

- **Powerlessness**

It has been mentioned that child sexual abuse is an expression of power and authority of one individual (usually an adult) over a vulnerable child (Lewis 1999:98). The child becomes powerless to fight the abuse. When the child is in the court process he/she should not re-experience this feeling of powerlessness. If an adult expresses power and authority to the child during the court process, the child will definitely be re-victimized by this process, as again the child is re-experiencing the same feeling as when he/she was abused by the perpetrator.

- **Depression**

In response to the child's inability to express appropriate feelings about the abuse, he/she may become clinically depressed, showing signs of emotional constriction and flat or bland affect (Lewis, 1999:102). Hall and Lloyd (1993:63) also noted periods of extreme sadness in the child's behaviour as well as the fact that the child cannot explain these periods. In addition, the child rarely understands the extent of the losses in his/her life which are due to being abused and the sadness often reflects the signs of this unresolved grief reaction.

11. Long-term effects of child sexual abuse

In the pre-test the respondents were asked to indicate and specify their knowledge regarding the long-term effects of child sexual abuse on a victim. In the post-test they had to indicate whether after the presentation of the training programme they had gained any new knowledge and they had to specify their answers. They had the following responses:

**Table 10: Long-term effects of child sexual abuse**

<b>Pre-test</b> <b>Response and specified answer</b>	<b>Post-test</b> <b>Response and specified the answer</b>
<p><b>Poor – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer 7,7% (2)</li> <li>• Evidence is not lead according to this aspect – 3,8% (1)</li> <li>• Have no knowledge – 3,8% (1)</li> <li>• Will carry the abuse on for the rest of their lives – 3,8% (1)</li> <li>• Emotional effects –3,8% (1)</li> </ul>	<p><b>Yes - 23% (6)</b></p> <ul style="list-style-type: none"> <li>• All the effects it has on the victim – 3,8% (1)</li> </ul> <p>19,3% (5) responded and specified:</p> <ul style="list-style-type: none"> <li>• Depression, difficulties when they have their own children one day.</li> <li>• Sexual difficulties.</li> <li>• Intimacy problems.</li> </ul>
<p><b>Average - 53,8% (14)</b></p> <ul style="list-style-type: none"> <li>• Need more training about this –</li> </ul>	<p><b>Yes – 53,8% (14)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 11,6%</li> </ul>

<p>19,3% (5)</p> <ul style="list-style-type: none"> <li>• Some theoretical knowledge – 3,8% (1)</li> <li>• Have little or no contact with the victim afterwards -3,8% (1)</li> <li>• Problems with sexuality – 3,8% (1)</li> <li>• Carries a stigma of the abuse –3,8% (1)</li> <li>• Low self-esteem – 3,8% (1)</li> <li>• Guilt – 3,8% (1)</li> <li>• No longer acts like a child – 3,8% (1)</li> <li>• The child will regard the perpetrator as a person who will abuse again - 3,8% (1)</li> <li>• Support of the child by the family plays an important role in healing of the child - 3,8% (1)</li> </ul>	<p>(3)</p> <ul style="list-style-type: none"> <li>• I learned a lot more than I had known - 3,8% (1)</li> <li>• The victim needs to receive intensive therapy to deal with the effects on the long-term – 3,8% (1)</li> <li>• The abused tend to victimize others – 3,8% (1)</li> <li>• Lack of interest in sexual activity, depression, stress and insecurities - 3,8% (1)</li> </ul> <p>26,9 % (7) responded and specified:</p> <ul style="list-style-type: none"> <li>• Problems in parenthood.</li> <li>• Interpersonal relationship difficulties.</li> <li>• Identity issues, substance abuse.</li> </ul>
<p><b>Good – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• Abused tend to abuse – 3,8% (1)</li> <li>• Negative feelings towards the gender of the abuser - 3,8% (1)</li> <li>• If the victim is not counselled</li> </ul>	<p><b>Yes – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• If the victim does not receive therapy he/she will find it difficult to get over the abuse - 3,8% (1)</li> </ul>



<p>he/she loses control - 3,8% (1)</p> <ul style="list-style-type: none"> <li>• Difficulties with relationships in future – 3,8% (1)</li> <li>• So traumatized, afraid of all people – 3,8% (1)</li> <li>• Loneliness – 3,8% (1)</li> </ul>	<p>19,3% (5) responded and specified:</p> <ul style="list-style-type: none"> <li>• Inability to trust, inappropriate sexual behaviour.</li> <li>• Difficulties when they have their own children.</li> <li>• Powerlessness.</li> <li>• Feelings – depression and rage.</li> <li>• Intimacy problems.</li> </ul>
<b>Excellent (0)</b>	
<b>Total: 26</b>	<b>26</b>

In the pre-test, 23% of the respondents indicated they had poor knowledge of the long-term effects of child sexual abuse. They specified that they lack knowledge on this aspect, one of the respondents even mentioned that evidence is not lead according to this aspect. 53,8% said they had average knowledge and could only mention one long-term effect. Some of the respondents included that they need more training regarding the long-term effects. 23% rated their knowledge as good, but could only briefly explain what possible long-term effects child sexual abuse may have on the victim.

In the post-test all of the respondents indicated that their knowledge had improved and could mention in which aspects they had gained more knowledge about. (See the table above)

When prosecutors deal with sexual abuse cases, it is important for them to understand that the sexual abuse was not a once off incident that will just fade away. It has long-term effects, which the child will carry with him/her into adulthood. There are many long-term effects that sexual abuse may have on a victim.

In the training programme the researcher focused on the following long-term effects:

- Self-esteem and personal power.
- Feelings.
- Intimacy.
- Sexuality.
- Relationship with the body.
- Children and parenting.

The reality is that a prosecutor does not necessarily consult or even see the victims after the court case has been finalized or even just after the child has testified. The importance for the prosecutor to have knowledge regarding the long-term effects of child sexual abuse lies in the fact that the way in which he/she presents these cases to the court can also focus on the possible aftermath effects of the abuse.

**SECTION C: RE-VICTIMIZATION**12. Aspects that lead to re-victimization of the sexually abused child during court procedures

In the pre-test the respondents were asked to rate their knowledge regarding the aspects that lead to re-victimization of the sexually abused child during court procedures. They also had to specify their answers. In the post-test they had to indicate whether the training programme had improved their knowledge and they also had to specify their answers. They responded as follows:

**Table 11: Aspects that lead to re-victimization of the sexually abuse child during court procedures**

<b>Pre-test</b>	<b>Post-test</b>
<b>Response and specified the answer</b>	<b>Response and specified the answer</b>
<p><b>Poor – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 19,3% (5)</li> <li>• Theoretical knowledge only – 3,8% (1)</li> </ul>	<p><b>Yes – 23% (6)</b></p> <ul style="list-style-type: none"> <li>• Repeating his/her story about the abuse – 3,8% (1)</li> <li>• Empathizing with the child – 3,8% (1)</li> </ul> <p>15,4% (4) responded and specified:</p>

	<ul style="list-style-type: none"> <li>• Oral evidence</li> <li>• Court delays.</li> <li>• Cross-examination.</li> </ul>
<p><b>Average – 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• One tends to think of a child in court the same as any other witness forgetting that what child had to endure - 3,8% (1)</li> <li>• Failure to give the victim adequate support – 3,8% (1)</li> <li>• Confronting the accused – 7,7% (2)</li> <li>• Asking the child to repeat his/her story over and over again – 7,7% (2)</li> <li>• Harsh cross-examination – 11,6% (3)</li> <li>• Too many role players – 3,8% (1)</li> </ul>	<p><b>Yes - 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• Don't re-victimize the child in court – 3,8% (1)</li> <li>• Protecting the child during cross-examination – 3,8% (1)</li> <li>• Be gentle, compassionate and sensitive to the child - 3,8% (1)</li> <li>• Speedy trials are important – good preparation - 3,8% (1)</li> </ul> <p>19,3% (5) responded and specified:</p> <ul style="list-style-type: none"> <li>• Oral evidence.</li> <li>• Cross-examination.</li> <li>• Multiple interviews</li> <li>• Court delays.</li> </ul>
<p><b>Good – 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 19,3% (5)</li> <li>• Contact with the perpetrator – 7,7% (2)</li> </ul>	<p><b>Yes 38,4% (10)</b></p> <ul style="list-style-type: none"> <li>• Did not specify the answer – 3,8% (1)</li> <li>• Re-victimization must be avoided at all cost – 3,8% (1)</li> </ul>

<ul style="list-style-type: none"> <li>• The trial procedure 3,8% (1)</li> <li>• Reliving the abuse each time she has to repeat her story – 3,8% (1)</li> <li>• No child-friendly courts – 3,8% (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Feeling powerless, nobody really listens to her 3,8% (1)</li> </ul> <p>26,9% (7) responded and specified:</p> <ul style="list-style-type: none"> <li>• Court delays.</li> <li>• Cross-examination.</li> <li>• Multiple interviews.</li> <li>• Oral evidence.</li> </ul>
<b>Excellent (0)</b>	
<b>Total: 26</b>	<b>26</b>

Many of the prosecutors did know to some extent what might re-victimize the child during court procedures. 23% of the respondents rated their knowledge as poor and mentioned that they only had some theoretical knowledge, while 38,4% rated their knowledge as average and was of opinion that failure to support the victim, confronting the accused and the fact that the child has to repeat his/her story again contributed to re-victimization. 38,4% rated their knowledge as good. They mentioned that the trial procedure, and that by testifying the child is re-victimizing the child.

100% of the respondents indicated that their knowledge regarding the aspects that may lead to the re-victimization of a child during court procedures, has improved. They indicated the aspects that were presented to them in the training programme, which

indicated that they gained valuable knowledge through the training programme that was presented to them.

In the training programme the researcher focussed on the following aspects that could lead to re-victimizing the child during court procedures:

- Oral evidence.
- Court delays.
- Multiple interviews.
- Confronting the accused.
- Cross-examination.

13. Role of the prosecutor when a sexually abused child needs to testify in criminal court

In the pre-test the respondent's had to indicate how they viewed their roles as prosecutors. After the presentation of the programme, they had to indicate whether their views regarding their roles as prosecutors changed and how. They responded as follows:

**Table 12: Role of the prosecutor**

<b>Pre-test Response</b>	<b>Post-test Response</b>
<p><b>26,9% (7) responded:</b></p> <ul style="list-style-type: none"> <li>• Consulting with the child.</li> </ul>	<p><b>42,3% (11) responded:</b></p> <ul style="list-style-type: none"> <li>• The prosecutor should have empathy</li> </ul>

<p><b>23% (6) responded</b></p> <ul style="list-style-type: none"> <li>• To assist the child during court procedures.</li> </ul> <p><b>23% (6) responded:</b></p> <ul style="list-style-type: none"> <li>• Make the child feel comfortable.</li> </ul> <p><b>3,8% (1) responded:</b></p> <ul style="list-style-type: none"> <li>• Protect the child during the court case.</li> </ul> <p><b>3,8% (1) responded:</b></p> <ul style="list-style-type: none"> <li>• Being supportive not protective</li> </ul> <p><b>3,8% (1) responded:</b></p> <ul style="list-style-type: none"> <li>• The prosecutor plays an important role.</li> </ul> <p><b>7,7% (2) did not respond.</b></p>	<p>with the child, unconditional positive regard and be congruent. So many people have let the child down and the prosecutor should not contribute to that as well.</p> <ul style="list-style-type: none"> <li>• Listen to what the child has to say.</li> <li>• Guard the child against further re-victimization.</li> </ul> <p><b>53,8% (14) responded:</b></p> <ul style="list-style-type: none"> <li>• Protecting the child against harsh cross-examination.</li> <li>• Making the child feel worthy and believed.</li> <li>• Extensive consultation with the child and family before the case.</li> </ul> <p><b>3,8% (1) did not respond.</b></p>
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In the pre-test 26,9% of the respondent's were of opinion that the role of the prosecutor is to consult with the child before the case. 23% mentioned that their task is mainly to

assist the child in court when he/she gives his/her testimony, whereas another 23% were of opinion that it was the prosecutor's role to make the child feel comfortable in the context of the court. In the post-test, 53,8% indicated that their roles are mainly to protect the child against harsh cross-examination and against further re-victimization. 42,3% indicated that the prosecutor should adopt the psychological conditions of the Person-Centred Approach, namely empathy, unconditional positive regard and congruence, when working with the traumatized child.

The Person-Centred facilitator believes that all clients have within themselves vast resources for development (Mearns, 1996:14). In this study the prosecutor as facilitator has the task to create new conditions for relationships in which the growth process can be stimulated. Mearns (1996:14) mentions that the facilitator (prosecutor) should attempt to provide different soil and a different climate in which the client can recover from past deprivation or maltreatment and begin to flourish as the unique individual he or she actually is. It is the nature of this new relationship environment and the facilitator's ability to create it that is central to the whole therapeutic enterprise. Rogers et. al. (1989:11) mention that Rogers believed that the tendency to self-actualize exists in every individual, and that this tendency is facilitated in a climate of three conditions namely:

- **Congruence or genuineness (realness)**

According to Rogers et. al., (1989:11) congruence or genuineness can be seen as the most basic of the three conditions, because not one of the other conditions can possibly be so



meaningful in a relationship. The term ‘congruence’ is used when a person presents himself, as he actually is – thus being transparent and open.

According to Mearns (1996:75) congruence poses challenges to helpers, as they often tend to be incongruent. Prosecutors are congruent when their response to the child is genuine, open, portraying their true self - their behaviour perfectly reflective of what they feel inside - when their response to the child is what they feel and not pretence or defense. The child has so often been disappointed by adults in his/her life that the prosecutor can, by being congruent, attempt to address this picture or experience that the child has concerning adults.

- **Empathy**

Hepworth et. al (2002:92) is of opinion that in mandated circumstances where involuntary clients are not seeking a helping relationship, empathic understanding reduces threat and defensiveness. It conveys further an interest and helpful intent and creates an atmosphere conducive to behavioural change. State prosecutors are often confronted with sexually abused children that feel that they do not want to be part of the forensic process and see the court and the personnel as a threat. The state prosecutor needs to convey an empathic attitude when dealing with these children. According to Thompson (1996:140) empathy is referred to as the ability to sense and identify the feelings of others and to communicate it to the client from his or her point of view, that is entering the client’s frame of reference. Egan (1994:123) views empathy as a form of communication that involves both listening to and understanding the client. Empathy

must be communicated - the client must experience, know and hear that he or she is understood. Mearns (1996:56) describes that releasing one's empathic sensitivity is an act of giving.

According to Egan (1994:117) empathy can help the prosecutor accomplish the following goals:

- *Build the relationship.* In interpersonal communication, empathy is a tool of civility. Making an effort to get in touch with another's frame of reference sends a message of respect. The state prosecutor, can by using empathy, create and build a relationship through which the child experiences respect and comfort.
- *Stimulate self-exploration.* Empathy is an unobtrusive tool for helping children explore themselves and their concerns. When children are understood, they tend to move on – to explore substantive issues more widely and deeply. When sexually abused children observe the true empathy of the state prosecutor, it will help them to give information about their abuse more openly, especially when they experience the support of the state prosecutor given to them through empathy.
- *Check understandings.* You may think you understood the child and what he/she had said only to discover that you had missed the point. Therefore, empathy is a perception-checking tool. By conveying empathy, the state prosecutor can have a better understanding of the child.
- *Providing support.* Since empathy provides a continual trickle of understanding, it is a way of providing support without the helping process. It is important that the state

prosecutor continually makes sure that he/she understands the frame of reference from which the child is conveying information.

- *Lubricate communication.* Empathy acts as a kind of communication lubricant that encourages and facilitates dialogue. This can in turn, help the state prosecutor to make the child feel at ease and understood.
- *Focus attention.* Empathy helps the client and facilitator alike to focus on core issues. This includes experiences, core behaviours and core feelings. By using empathy, the state prosecutor can help the child to focus on the issues of the case. The child will be able to focus his/her attention on these aspects, by knowing that somebody is trying to help and understand him/her.
- *Restrain the helper.* Empathy restrains the prosecutor from acting meaningless such as asking too many questions and giving premature and inept advice. Empathy puts the ball squarely in the child's court, thus in its own way, empathy encourages the child to act. By using empathy the state prosecutor will encourage the child to take part in court proceedings in such a manner that he/she will feel empowered rather than re-victimized.
- *Pave the way.* Empathy paves the way for stronger intervention suggested by the helping model, including challenging a child's assumptions and perceptions, setting goals, formulating strategies, and moving into action.
- **Unconditional positive regard**

Unconditional positive regard is assumed to be an important – if not the most important-therapeutic agent in client-centered therapy. According to Sommerbeck (2004:292) an essential aspect of unconditional positive regard is to respect the uniqueness of each individual client.

It is important that this attitude remains consistent with all clients regardless of how they behave (Moller, 1993:263). Mearns (1996:59) agrees with Moller (1993) and refers to unconditional positive regard as accepting a person in totality, regardless of his/her behaviour. In this study the state prosecutor will be confronted with the sexually abused child, who frequently acts with disruptive behaviour and it is important that the state prosecutor would accept this child in totality, regardless of his/her behaviour. By accepting the child in totality, the uniqueness of the child is respected and the child will feel more self-worthy.

When the state prosecutor adopts these psychological conditions in his/her approach when working with the sexually abused child during forensic procedures, it will automatically assist him/her to protect the child against further re-victimization, as he/she will know how to protect the child during court procedures. The child is respected and empowered through the process.

14. Consulting with a mental health professional when working with a sexually abused child

In the pre-test the respondents were asked whether a prosecutor should consult with a mental health professional when working with a sexually abused child and they had to specify their response. In the post-test, they had to answer the same question, after the programme had been presented to them. They responded as follows:

**Table 13: Consulting a mental health professional when working with a sexually abuse child**

<p style="text-align: center;"><b>Pre-test</b></p> <p style="text-align: center;"><b>Response and specified answer</b></p>	<p style="text-align: center;"><b>Post-test</b></p> <p style="text-align: center;"><b>Response and specified answer</b></p>
<p style="text-align: center;"><b>Yes – 92,3% (24)</b></p> <ul style="list-style-type: none"> <li>• 76,9% (20) said the prosecutor needs to liaise with the mental health professional to help them to understand the mental effects of the abuse on the child.</li> <li>• 15,4% (4) did not respond.</li> </ul> <p style="text-align: center;"><b>No – 7,7% (2)</b></p> <ul style="list-style-type: none"> <li>• Only in cases where the abuse had a psychological impact on the child – 7,7%</li> </ul>	<p style="text-align: center;"><b>Yes - 100% (26)</b></p> <ul style="list-style-type: none"> <li>• Help the prosecutor to develop a better understanding about the child and his/her family background.</li> <li>• Assisting the prosecutor in preparing the child for court, especially if the child does not want to consult with the prosecutor.</li> <li>• Emotional and psychological support for the child.</li> <li>• Explaining the impact of sexual abuse on the child and the possible long-term effects.</li> </ul> <p style="text-align: center;"><b>No (0)</b></p>

In the pre-test 92,3% indicated that the prosecutor should consult with a mental health professional so that he/she could reach a better understanding of the child.

After the presentation of the programme all the prosecutors were of opinion that it was necessary to consult with a mental health professional when working with a sexually abused child. Unfortunately, the latter is not always possible, because of the fact that there are not enough professionals in this field to consult with. It is also difficult to make use of professionals in this field, because of the lack of financial support.

Child abuse often means the interaction of some or all of the following disciplines (Copen, 2000:95):

- Mental health professionals.
- Child development.
- Linguistics.
- Social services.
- Medicine.
- Law enforcement.
- Education.
- Law.

Any response requiring court intervention may involve all of these disciplines. A multi-disciplinary team approach according to the researcher is the best way to accomplish a community's co-ordinated response. For prosecutors, this means that they may require a

working knowledge of the medical and social science to be successful (Fallon, 2000:95). For example familiarity with the research on children's memory, suggestibility and linguistic capabilities is critical in assessing whether a disclosure of child abuse is the product of an impermissibly suggestive forensic interview. Fallon (2000:95) mentions that none of this is taught in Law School. It must be learned on the job and at multi-disciplinary training conferences. The origins of many new ideas and innovative courtroom techniques used today in courtrooms are based on research done by social workers, psychologists and therapists.

The researcher is of opinion that it is important for prosecutors who are confronted with sexual abuse cases to liaise with multi-disciplinary team members to gain resources for ideas as well as expert testimony. Any information that leads to a greater understanding of the complexities of child abuse and its effect on human behaviour enhances the prosecutors' ability to use the law to achieve a truly fair and just result in court. Similarly, a well-informed prosecutor can use his/her knowledge of the social sciences to direct and shape investigative efforts and procedures. This, in turn, will result in the development of more accurate and forensically reliable information that will be useful for all team members, not just the prosecutor. That, in turn, will lead to a more child-centred systemic response, the development of more accurate and reliable information regarding the child involved, as well as a greater understanding of the consolidation of legal, social and psychological issues present in each and every child abuse case.



From this sharing of ideas and information, the researcher is of the opinion that more effective decision making results will increase the likelihood of a just and fair outcome in court and an improved mental health outlook for the child.

## **GENERAL COMMENTS REGARDING THE TRAINING PROGRAMME**

### 15. Efficiency of the programme

After the presentation of the programme the respondent were asked in the post-test whether the training programme would assist them when addressing re-victimization of the sexually abused child during forensic procedures. They responded as follows:

**Table 14: Efficiency of the programme**

<b>Response</b>	<b>Frequency</b>	<b>Percentage %</b>
Yes	26	100
No	0	0
Total	26	100

All of the respondents felt that the training programme was of great value for them and would definitely assist them in future work to be more focussed and sensitive with the sexually abused child.

The programme gave the respondents a different perspective of sexual abuse and the effects of the abuse on the child. They understand now that sexual abuse is not a once off incident, but an experience a person will carry with him/her for the rest of his/her life. According to the respondents, they also understand what responsibility they have as prosecutors when working with these children. They mention how their views have changed especially regarding their responsibility to adopt the psychological conditions of the Person-Centred Approach like empathy, unconditional positive regard and congruence, when approaching these children. By doing this, they contribute to the addressing of re-victimization of the sexually abused child during forensic procedures. The children will experience that they are respected and they are included in the forensic process in such a manner that they deserve the right to take part in making decisions regarding their own life.

## **CHAPTER 6**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **1. INTRODUCTION**

This chapter will focus on the construction of conclusions and recommendations based on the outcome of the study.

The researcher did a pilot study to confirm the need for the study. Experts were consulted and an in depth literature study was done. The literature study focused on the following aspects:

- The Person-Centred Approach as a theoretical framework for the development and implementation of the training programme for state prosecutors (Chapter 2).
- The impact of child sexual abuse and the long-term effects thereof (Chapter 3).
- Re-victimization of the sexually abused child during court procedures (Chapter 4).

After the literature study was conducted the empirical study followed. As part of the qualitative study, ten respondents were interviewed to determine their training needs in

the field of child sexual abuse and addressing re-victimization of the child during forensic procedures. These training needs were taken into account in the development of a training programme for state prosecutors, which formed part of the quantitative study. The training programme was then implemented and evaluated.

## **2. ASSESSMENT OF THE PURPOSE, GOAL AND OBJECTIVES OF THE STUDY**

### **2.1 Purpose of this study**

The purpose of this study has been achieved through an exploratory and descriptive research process. The *exploratory research* was utilized to gain insight into the training needs of state prosecutors regarding the sexual abuse of children to address re-victimization during the forensic process. This was part of the qualitative study.

The *descriptive research* was utilized to determine “how” the state prosecutors training needs could be addressed in a training programme to contribute to the addressing of re-victimization during the forensic process. Rubin and Babbie (2001:125) describe descriptive research to be of a more intensive nature. The researcher developed a training programme to address the training of the state prosecutors that was also evaluated to determine the impact of the training programme. Two questionnaires were constructed and utilized through a pre- and post-test.

## **2.2 Goal of this study**

The goal for this study was to develop a training programme for state prosecutors to address re-victimization of sexually abused children during the forensic process.

In this study applied research was used to develop, implement and evaluate a training programme for state prosecutors to address the re-victimization of the sexually abused child during forensic procedures. During the evaluation process of the programme it was clearly determined that the respondents in the study had obtained new knowledge and insight regarding sexual abuse as phenomenon to support them to address re-victimization of the sexually abused child during forensic procedures, thus the goal of the study had been achieved.

## **2.3 Objectives**

The objectives of the study were as follows:

### **2.3.1 Literature**

- To undertake a literature study to form a foundation for the study. The following aspects were explored during the literature study:
  - The Person-Centred Approach as a theoretical framework for the development and implementation of the training programme for state prosecutors

(Chapter 2).

- The impact of child sexual abuse and the long-term effects thereof (Chapter 3).
- Re-victimization of the sexually abused child during court procedures (Chapter 4).

The objectives of the literature study were achieved and these objectives were utilized to develop a training programme that was scientifically grounded. The training programme was implemented in the quantitative study through which the respondents gained new knowledge and insight in sexual abuse as phenomenon and in the addressing of re-victimization of the sexually abused child during forensic procedures.

### 2.3.2 Empirical study

- To explore perspectives and knowledge of state prosecutors dealing with the sexually abused child during forensic procedures.
- To develop, implement, and evaluate the value of a training programme for state prosecutors to contribute to the knowledge development of state prosecutors regarding sexual abuse, thus addressing re-victimization of the sexually abused child during forensic procedures.

The training needs of the prosecutors were explored in the qualitative part of the study. These needs were addressed through the development of a training programme. The

training programme was implemented in the quantitative study and was evaluated by a means of a pre- and post-test questionnaire. The results clearly indicated that the prosecutors gained new insight and knowledge regarding sexual abuse and the addressing of re-victimization of the sexually abused child during forensic procedures.

### **3. RESEARCH QUESTION AND HYPOTHESIS**

In the study, a research question and hypothesis was utilized, as the study was a combination of a qualitative-quantitative study.

#### **3.1 Research question**

- How can a training programme for state prosecutors contribute to addressing re-victimization of the sexually abused child during the forensic procedures?

The research question can be answered after the completion of the study. The study confirmed that a training programme for state prosecutors working with sexually abused children during forensic procedures could contribute to the addressing of re-victimization:

- These prosecutors indicated that they did not have sufficient training in dealing with the sexually abused child during forensic procedures and that they needed to know how they could address re-victimization during these procedures.

### 3.2 Hypothesis

- A training programme for state prosecutors can contribute to knowledge development of state prosecutors regarding sexual abuse and address re-victimization of the sexually abused child during the forensic process.

The hypothesis of the study is confirmed after the empirical study was finalized. The training programme that was presented to the prosecutors was evaluated and it was concluded that it contributed to their knowledge base regarding sexual abuse and that this would enable them to address re-victimization. The following aspects were evaluated in the training programme and for all of the sections the respondents indicated that their knowledge had improved:

- Dynamics of sexual abuse.
- Interactional patterns of the incest family.
- Degree of trauma.
- Impact of sexual abuse on the victims.
- Long-term effects of sexual abuse.
- Addressing re-victimization of the sexually abused child during forensic procedures.
- The role of the prosecutor in empowering the child by adopting the psychological conditions of the Person-Centred Approach when working with these children.



It became evident through this study that it is essential that prosecutors need to be trained in the field of sexual abuse when working in Sexual Offences Courts. This aspect is not only important for protecting children against re-victimization, but also to empower prosecutors to deal with sexual abuse cases more effectively.

## **4. CONCLUSIONS**

The researcher can construct the following conclusions:

### **4.1 Literature study**

The researcher explored:

- The Person-Centred Approach as theoretical foundation for the study.
- Sexual abuse and the long-term effects thereof.
- Addressing re-victimization of the sexually abused child during forensic procedures.

The following conclusion could be constructed from the literature study:

- An extensive study regarding the Person-Centred Approach as theoretical foundation of this study has been done. The researcher came to the conclusion that all professionals working in the field of sexual abuse can use the Person-

Centred Approach as theoretical framework. The professional, and in this study the prosecutor, who adopts the Person-Centred Approach as frame of reference, can focus more on the child's self-worth and individuality rather than re-victimizing them in the process. The prosecutor needs to focus on the child in totality and not only on the sexual abuse incident. By doing this, the prosecutor will take into account the emotional pain the child has suffered and what meaning the child has attached to the sexual abuse that he/she had to endure. If the state prosecutor fails to acknowledge this, it would only implicate to the child that another adult, like in the case of the sexual abuse, would take control over his/her life once again.

- By working from the Person-Centred Approach the prosecutor develops a better understanding of what the child experienced during the abuse. It is imperative for the prosecutor to build trust in this relationship with the child, as the sexually abused child has lost his/her trust in adults as a result of the molestation. Thus, the prosecutor cannot only meet with the child the morning before the trial commences and expect the child to trust and believe in him/her. The child will most likely rather experience stress and will experience the forensic process as re-victimizing as he/she will not know what to expect from the trial, and again an adult takes control over his/her life.
- It was also found that to adopt this approach, the focus is not only on the child, but also on the attitude of the prosecutor that works with the child. This implicates that the prosecutor as professional person should be congruent to the child. Children may often be uncertain whether they will be accepted by other

people as a result of the sexual abuse or whether other people might blame them for the sexual abuse. To be congruent, the prosecutor could contribute in addressing re-victimization during the forensic process. By accepting the child with unconditional positive regard, the child will experience a sense of emotional security, which will assist him/her to be more in control during the court procedures.

- The Person-Centred Approach creates the opportunity for the prosecutor to treat the child with respect and dignity and the prosecutor does not need to think that he/she has all the answers. Rogers, founder of the Person-Centred Approach, emphasizes that all people and also children have the ability to make decisions about their lives and have the ability to contribute to possible changes in their lives. By taking this into account, the prosecutor should listen to the child and to become aware of what the needs of the child are. This cannot take place if the prosecutor does not create a relationship of trust with the child. By empowering the child in this process, the prosecutor will contribute to the child's development of self-worth and a process in which he/she can learn to build trust in a relationship with adults again.
- By utilizing the Person-Centred Approach the prosecutor can contribute to the healing process of the child.
- During the literature study, most of the literature regarding the impact of sexual abuse and the long-term effect thereof was not presented from a specific theoretical framework. To use the Person-Centred Approach as theoretical base

of the training programme, it provided the researcher with the opportunity to make a new contribution to theory.

- It was imperative in the literature study to focus on the impact of sexual abuse on the child and the long-term effects thereof as this information was necessary in the development and presentation of a training programme for prosecutors. It is important for the prosecutor to understand the impact of sexual abuse and the long-term effects thereof on the child as this provides the prosecutor with the understanding of how each child experiences his/her abuse as unique and the impact and long-term effects can also not be generalized. With a better understanding and knowledge regarding the above, the prosecutor can be more sensitive in addressing re-victimization of the sexually abused child during forensic procedures.

## **4.2 Empirical study**

The following conclusions were made from the qualitative study:

- All the respondents that were consulted during the qualitative part of the study confirmed that they had some experience in dealing with sexual abuse cases, but did not receive any specialized training in the field of sexual abuse. They obtained their knowledge through experience. This confirms the need for the development of a training programme for prosecutors working in the field of child sexual abuse. This will enable the prosecutors to understand more about the effect of sexual abuse on the life of the child.

- All the prosecutors indicated that a training programme regarding child sexual abuse would assist them when they work with sexually abused children to address re-victimization.
- Training needs were identified that were utilized to develop a training programme for state prosecutors that worked with sexually abused children to address re-victimization during the forensic process.

Based on the information obtained through the qualitative study, a training programme was developed for prosecutors, which focussed on the following aspects:

- a) Dynamics of sexual abuse.
  - It is not expected of the prosecutors to become experts in the field of child sexual abuse – the mere fact that they are better trained in the dynamics of child sexual abuse would assist them in protecting the child during a court case and prepare themselves as prosecutors to more efficient court cases.
- b) Interactional patterns of the incest family.
  - In the empirical study it was found that the respondents did not have any knowledge regarding the interactional patterns of the incest family or the dynamics of these families. After the presentation of the programme the respondents indicated that their newly obtained knowledge would give them a better understanding of familial sexual abuse and what these children had to endure.

- c) Degree of trauma experienced by the child during the sexual abuse.
- The respondents in the study could only indicate some aspects that might determine the degree of trauma that a child experienced during sexual abuse. After the presentation of the programme the respondents indicated that this new knowledge could also assist them to understand the degree of trauma a child experienced during sexual abuse and the importance of the uniqueness of each child's experience. The prosecutor can thus not generalize a child's experience of sexual abuse – each child's experience is unique.
- d) Impact of sexual abuse and the long-term effects thereof.
- The impact of child sexual abuse and the long-term effects thereof had been clearly presented. The prosecutors indicated that they gained more knowledge after the evaluation of the training programme, regarding the impact and long-term effects of child sexual abuse and will now be able to use this new knowledge to address re-victimization, as they now have a better understanding of what the child had to endure.
- e) Re-victimization of the child during the forensic process.
- Most children who were faced with testifying in court experienced the court as terrifying. It was clear that children were unprepared and did not know what to expect when testifying in court, which may lead to re-victimization.

- By the time the child came to court, the child already had experienced a tremendous amount of trauma. The prosecutor should be aware of these aspects and be sensitive when meeting with these children.
  - By being informed about the aspects that cause re-victimization, e.g.: oral evidence, court delays, multiple interviews, cross-examination and confronting the accused, the prosecutor is now more equipped in addressing re-victimization, by protecting the child during the forensic process and not allowing the system to re-victimize the child again.
- f) The role of the prosecutor to address re-victimization of the sexually abused child during forensic procedures.
- It was clear that the prosecutor had to be willing to invest a vast amount of time and effort in child abuse cases. The prosecutor should at all times prepare the child for the court case and have thorough consultations with the child before the court case commences.
  - In child abuse cases it is important for the prosecutor to consult with a mental health professional when preparing for the case.

The development, presentation and evaluation of the training programme formed part of the quantitative study and the following conclusions could be constructed:

- Although some of the respondents indicated during the quantitative part of the study that they had some experience in the field of sexual abuse cases, they

realized after the presentation of the programme that their knowledge was not adequate enough and that they certainly lacked specialized training in this field.

- Most of the respondents indicated that they obtained more knowledge from the different sections of the training programme. After the presentation of the programme all of the respondents indicated that the training programme would assist them to address re-victimization of the sexually abused child during forensic procedures.
- It also gave them a better understanding as how to start their work with these children by adopting the facilitating aspects of the Person-Centred Approach like congruence, unconditional positive regard and empathy. This would facilitate a process where a child is respected as an individual.
- Most prosecutors started in the sexual offences court with absolutely no knowledge regarding sexual abuse or any knowledge on how to treat a child during court procedures. This is a horrifying fact: to think that children that had already suffered such immense trauma had to land up in a system with professionals with no knowledge of how to protect them from further re-victimization.
- All the prosecutors who took part in this study were willing to learn more about sexual abuse and how to guide the child through the forensic process. All prosecutors that work with sexually abused children in court should be trained on how to work with these children.



## **5. RECOMMENDATIONS**

The following recommendations can be drawn from this study:

### **5.1 The Person-Centred Approach**

- The Person-Centred Approach as theoretical foundation for this study can be highly recommended. This approach enables the prosecutor to focus on the uniqueness of each child and more specifically to explore the child's experience as unique. The important task of the prosecutor will be to create an environment for the child to feel safe and to explore his/her own world in such a way that he/she will be able to reach his/her full potential as human beings.
- The prosecutor must be well trained to listen to the child that gives evidence in court and must also be able to understand the abusive experience that the child was exposed to and which is a reality for the child. By utilizing the Person-Centred Approach the prosecutor adopts the understanding to accept the child in totality, to act congruent and honest when working with the child and allow the child also to take part in the decision-making process. This will leave the child with a feeling of self-worth and empowerment.
- To work from a Person-Centred Approach means that the rights of the child will always be respected, as it will be child-centred. If a sexually abused child does not feel safe during the forensic process he/she will not be able to give meaningful

evidence in a courtroom and it will become a meaningless experience for the child.

## **5.2 The state prosecutor working with the sexually abused child during forensic procedures**

- Due to an increase of reporting sexual abuse cases in South Africa, it has become a reality that inexperienced prosecutors need to work in Sexual Offences Courts without proper training. Although it is the responsibility of every professional person to do some research when he/she is confronted with a specialized field, the researcher would like to recommend that all prosecutors who work in the South African courts, must be trained in this field.
- As it is known to the researcher that addressing re-victimization of the sexually abused child during forensic procedures is not part of the training manual for prosecutors as presented by the Justice College, it is recommended that it must be included in the training course. A prosecutor will not be able to respect the rights of a sexually abused child if he/she does not understand the effect that the sexual abuse may have on the child's life. It can happen that a lack of knowledge on the side of the prosecutor, contribute to the losses a sexually abused child has already experienced. The courtroom experience must be an empowering experience for the child.
- Not all regional courts have specialized Sexual Offences Courts. As many of these courts are not properly equipped to deal with child sexual abuse cases, there

is no doubt that it will expose children to unnecessary trauma. If the rights of the sexually abused child need to be acknowledged and respected, all regional courts must have a specialized Sexual Offences Court with well-trained prosecutors.

### **5.3 Training**

- Training of prosecutors regarding the important aspects of child sexual abuse and the addressing of re-victimization must take place in the initial training of prosecutors.
- When prosecutors are placed in Sexual Offences Courts or when they work with child sexual abuse cases, training must take place on a more advanced level.
- Other role players during the forensic process like policemen in the Child Protection Unit, social workers, psychologists and other professionals who act as expert witnesses in the courts, must be trained in this specialized field.

### **5.4 Further research**

- This study was the first attempt to determine how state prosecutors could contribute to addressing re-victimization of the sexually abused child during forensic procedures. As this is a very specialized field of service delivery, more research can be done on this topic to enhance service delivery to sexually abused children. Many new ideas and innovative courtroom techniques used today in courtrooms are based on research done by social workers, psychologists and

therapists. It could be recommended that state prosecutors embark on research from their scientific background regarding aspects in dealing with sexually abused children during forensic procedures, which will contribute to a different perspective on this dilemma. Unfortunately it often happens that children's rights are not respected during the forensic process, but they are rather used only to get evidence to punish the perpetrator.

- The multi-disciplinary approach in sexual abuse cases also needs more research to implement such a system successfully in South Africa. Much has already been said regarding a multi-disciplinary team approach to sexual abuse cases, but it often fails in practice, as nobody knows whose responsibility it is to co-ordinate the team.
- It could be recommended that research should be done about pre-trial meetings. All professionals that are involved with a specific case meet before a trial commences to discuss the merits of the case. By making use of pre-trial meetings, one can determined if it is in the best interest of a child to proceed with the case.

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