

Development of a training programme for state prosecutors to address revictimisation of the sexually abused child during forensic procedures

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In this paper the researchers developed a training programme for state prosecutors working with sexually abused children during court procedures. The study commenced with a literature study focusing on: (a) the person-centred approach as a scientific foundation for the study, (b) the long-term effects of sexual abuse, and c) the revictimization of sexually abused children during forensic procedures. The empirical study was a combined qualitative-quantitative study. The researchers started with the qualitative study, where prosecutors dealing with sexual abuse cases were interviewed to determine their training needs in this field of service delivery. After training needs were determined, a training programme was compiled. This training programme formed part of the quantitative study and was implemented during a training session for prosecutors at the Justice College in Pretoria. The programme was evaluated using pre- and post-test questionnaires

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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 secondary victimisation or revictimisation 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 on young victims. She further states that not only do these victims endure the sexual assault, but they also have to face a crowd of strangers; namely policemen, social workers, counsellors, nurses and lawyers questioning them and 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 (2001).

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 revictimisation. Ms S. Snyman (2004), Commissioner of the Children's Court, is of the opinion that all children who are in the forensic process become revictimised. The Criminal Justice System is a male dominated, non-child-

friendly environment. Ms S. Lotter (2004), social worker at the Pretoria Regional Court, indicated that some prosecutors are not equipped with the necessary skills and knowledge to deal with these children. They are insensitive to the special needs of sexually abused children, and therefore contribute to the revictimisation of the child during the forensic process.

Advocate J. Scheepers (2004), who specializes in family law, is of the opinion that children are not properly prepared for the court case. He views 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 adequately prepared for the court case, the child could experience the forensic process in a negative way and feel revictimised and disempowered.

According to Ms J. Wessels (2004), magistrate in the regional court in Pretoria dealing with sexual offences, children are often revictimised due to the fact that state prosecutors are not trained in this field. According to her, these professionals could unintentionally revictimise victims and do not take into consideration what these children have already endured.

If a greater understanding can be developed among state prosecutors dealing with these children, with specific reference to the trauma

they endured during the abuse, it could lead to addressing revictimisation.

The researchers made use of the person-centred approach to develop and implement a training programme for state prosecutors. By using the person-centred approach, the emphasis was placed on the uniqueness of each case that needed investigation. This approach also contributes to a meaningful 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 the opinion that aspects regarding revictimisation of the child during the forensic process are not included in their manual to train prosecutors and it could be of great value.

AIM OF THE RESEARCH

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 revictimisation, 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 have 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 revictimisation.

The researchers are of the opinion that state prosecutors are not always aware of the dynamics of sexual abuse and the related trauma the child has to endure, and therefore they do not protect the child against further revictimisation.

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. According to the researchers' own experience, it can be understood why children often refer to prosecutors as people who demand a quick response.

In many cases, children meet the prosecutors minutes before they need to testify. Prosecutors then expect children to 'quickly' tell them what has happened to them. 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 revictimisation of a child. Prosecutors need to form a better understanding of why it is difficult for a child to just 'quickly' tell them what has 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 turn can then lead to addressing revictimisation of the child during forensic procedures.

RESEARCH POPULATION

A 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.

SAMPLE AND SAMPLING METHODS

A non-probability sampling technique was utilized 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, Strydom, Fouche & Delpont 2002:207). The researchers selected respondents from the population that was studied to best fit the elements of the study. State prosecutors who are currently (2006) working with child sexual offences in the Pretoria Magisterial District and Pretoria-North Magisterial District were included in the qualitative part of the study. 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 employed as state prosecutors in the sexual offences courts. Interviews were conducted at the offices of the respondents individually 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.

State prosecutors who receive training at the Justice College in the Pretoria Magisterial District formed part of the quantitative study to whom the training programme was presented. 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 even more difficult to get a large group together to partake in a study like this. The researchers had an opportunity to present the training programme at the Justice College during one of their child law workshops. This was the Pretoria regional workshop that made it accessible and feasible for the researchers to attend. Reid and Smith (1981) in De Vos et al. (2002:199) state that the major reason for sampling is ‘feasibility’.

State prosecutors, who attended the workshop, worked with child sexual abuse cases or who would in future work with such cases. This makes them suitable respondents for this study.

RESEARCH METHOD

The different types of research can broadly be classified as basic versus applied research (Bailey, 1994:24). Applied research aims to solve problems, and basic or pure research attempts “to advance knowledge just for knowledge sake” (Rubin & Babbie, 2001:99). Basic research is carried out to extend the existing 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 are not always mutually exclusive and at times basic research would, for instance, include some practical aspects. Applied research was utilised in this study to direct the researchers to find and develop 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 were trained to address revictimisation during the forensic process.

In this study a combination of qualitative and quantitative approaches were used, specifically the dominant-less-dominant design (De Vos et al., 2002:366). 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.

The researchers presented the study from a single dominant paradigm, quantitative approach, through which 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.

LITERATURE REVIEW

The study commenced with a literature study focusing on the following aspects: (a) a person-centred approach as a scientific foundation for the study, (b) sexual abuse and the long-term effects thereof, and (c) addressing re-victimisation during the forensic process.

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 a 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 therapeutic enterprise. The facilitator refers to the prosecutor working with the sexually abused child during this study. Rogers (1989:11) mentions that the tendency to self-actualisation exists in every individual, and that this tendency is facilitated in a climate of *three* conditions, namely:

1. *Congruence or genuineness (realness)*. According to Rogers, (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 people present themselves, as they actually are – 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 defence. The child had been disappointed many times in his/her life by adults, and the prosecutor can by being congruent, try to change this picture or allow the child to experience the same about adults again.

2. *Empathy*. Hepworth, Rooney and Larsen (2002:92) are of the opinion that in mandated circumstances where involuntary clients are not seeking a helping relationship, empathic understanding reduces threat and defensiveness. It further conveys an interest and helpful intent and creates an atmosphere conducive to behavioural change. State prosecutors are often confronted by sexually abused children who 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. 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.

3. *Unconditional positive regard*. Unconditional positive regard is assumed to be an important, if not the most important, therapeutic agent in client-centred therapy. According to Sommerbeck (2004:292) an essential aspect of unconditional positive regard is respect for the uniqueness of each individual client. It is important that this attitude stays consistent with clients regardless of how they behave (Moller, 1993:263). Mearns (1996:59) concurs, and refers to unconditional positive regard as accepting a person in totality, regardless of his/her behaviour. By accepting the child in

totality, the uniqueness of the child is respected.

When state prosecutors adopt these psychological conditions in their approach to working with the sexually abused child during forensic procedures it will spontaneously assist them to protect the child against further re-victimisation.

Long-term effects of sexual abuse

Sexual abuse has different effects on children and therefore the researchers will describe the phases of sexual abuse, how the degree of trauma of a victim can be determined, what impact the abuse has 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 (Finkelhor 1995:65).

Molako (1999:42) describes the phases of sexual abuse as: engagement, sexual interaction, secrecy, disclosure and suppression:

- *Engagement phase:* The perpetrator engages the child with non-sexual issues and becomes a friend or person who provides material rewards and meets the psychological needs of the child.
- *Sexual interaction phase:* The perpetrator will engage the child in an age-inappropriate sexual contact. Sexual contact usually progresses from exhibitionism and inappropriate kissing to fondling or ultimately to oral or genital contact.
- *Secrecy phase:* The perpetrator's objective is to ensure access to the child and to facilitate a continuation of sexual contact.
- *Disclosure phase:* Disclosure may be accidental either through observation by a third party, signs of physical or genital injury, diagnosis of a sexually transmitted disease, or the occurrence of pregnancy.
- *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 his/her accounts of the abuse events.

Patton (1991) in Crosson-Tower (2001: 101) suggests five interactional patterns among incestuous families. The *passive-possessive* interactional pattern consists of an authoritative father and a mother who appears weak and dependant on her husband (CIBA, 1984). Patton (1991) in Crosson-Tower

(2001:102) refers to this as the possessive-passive pattern and it is often referred to in feminist literature as the patriarchal family. The father sees his wife and children as his possessions, where the mother tends to be passive, insecure, and withdrawn. The mother is often unable to protect her daughter, because she learned through her own childhood experience that men behave this way. The daughter regards her father as the undisputed head of the family and this creates her vulnerability. The father turns to his daughter for sex for a variety of reasons, but mostly as an abuse of power.

The *dependent-domineering* interactional pattern is characterised 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 treats their children. The father allies himself with the children and this is often the reason why many of these children would describe their fathers as sharing and loving, and their mothers as cold and rejecting. Fathers may be prone to outbursts of anger and spend much time compelling others to meet their needs.

In the *dependent-dependent* interactional pattern, two needy dependent individuals come together, each with the anticipation that the spouse will 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.

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

Finally, in research conducted by Glaser and Frosch (1988), it was found that *conflict-regulating* families are far more openly 'disturbed' than *conflict-avoiding* families. According to Glaser and Frosch (1988:39), they are disorganised 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 (Patton 1991, in Crosson-Tower 2001:106).

With respect to the traumatic potential of child sexual abuse, it is generally acknowledged that not every child is affected by sexual abuse in the same way. Carey (1997: 357) is of the opinion that variables mostly associated with an increased risk of revictimisation 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 (2001: 134) the degree of trauma experienced by the child depends on several variables namely:

- *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. Although 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 to the perpetrator can lead to more significant trauma. Roberts (2004: 527) states that when the father or father figure was involved in the molestation, it tends to be more traumatic for the victim. This is especially the case 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.
- *The duration of the abuse:* Most abuse in incestuous families takes place from one to three years prior to any disclosure. Roberts (2004:527) is of the opinion that the damage appears to be more severe when the abuse continues for longer periods.
- *The extent of the abuse:* As the abuse progresses and becomes more intense, the physical damage and residual effect on the child increases. According to Roberts (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 have 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, 1995:177), whereas teenagers have a heightened awareness of sexual issues and confusion often arises especially about sexual identity. Victimised boys, for example, may wonder whether they are homosexuals. Victimised girls may wonder whether their sexual desirability has 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:* Many children attempt to tell at least one adult of the victimisation. Individuals who decide to tell a trusted adult may receive help that lessens 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 or forever.
- *The point at which the abuse was disclosed:* In the treatment of adult survivors it has been indicated 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.
- *The personality structure of the victim:* Children differ in as many ways as perpetrators. A child being abused in a similar manner as another might react totally differently. 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.

Bates, Pugh and Thompson (1997:28) describe

the impact of sexual abuse as being akin to 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 internalise 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). 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.

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 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.

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 research 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 by associated family disruptions, including physical and emotional abuse and loss or departure of a parent (Bagley & King, 1990:109). These chronic mental health problems include: low self-esteem, fear, inability to trust, anger and hostility, inappropriate sexual behaviour, depression, guilt or shame, self-destructive behaviour, powerlessness, blurred role boundaries and role confusion, pseudo-maturity or developmental regression, and dissociation

When prosecutors deal with a sexual abuse case, 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 need to be considered when working with a sexually abused child:

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 affect 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."

2. *Feelings.* Bass and Davis (1988:201) indicate that when a child is sexually abused his/her feelings of love and trust are betrayed. They go further to explain that the child's feelings of pain, rage and fear are too great to experience fully. The child has no other option but to suppress his/her feelings in order to survive the pain of the abuse. Spies et al. (1998:372) note that an adult survivor of child sexual abuse may fear that if he/she opens up his/her feelings, he/she will suddenly get out of control.

3. *Intimacy.* Intimacy is a bonding between two people based on trust, respect, love and the ability to share. Bass and Davis (1988:233) mention that most survivors have problems with trust, because they had to take care of themselves and it feels unfamiliar and unsafe 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) describe the building blocks of intimacy that are learned in childhood as, giving and receiving, trusting and being trustworthy. If children are given consistent loving attention, they develop skills for establishing and maintaining nurturing relationships.

4. *Sexuality.* Spies et al. (1998:372) mention that survivors of child sexual abuse fear sex. Every time the survivor feels aroused as an adult, they also feel afraid of being hurt or hurting someone else. Finkelhor, (1995:180) states that the offender transmits a misconception and confusion about sexual be-

behaviour and sexual morality to the child. Spies et al. (1998:372) are 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.

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, 1988:217). The child’s body can also be seen as the way he/she develops and learns 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 (1988:217) 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.

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 (1988:280) 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.

Addressing revictimisation during the forensic procedures

It is generally acknowledged 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 (1996:34) another great fear of 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 “revictimisation” 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): (a) oral evidence, (b) court delays, (c) multiple interviews, (d) confronting the accused, and (e) cross-examination

DISCUSSION OF RESULTS

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 specialised 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 handling child sexual abuse cases. 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 revictimisation.

Training needs were identified and were used to develop a training programme for state prosecutors who worked with sexually abused children to address revictimisation during the forensic process.

Based on the information obtained through the qualitative study, a training programme was developed for prosecutors, which focused on the following aspects:

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 could assist them in protecting the child during the court case and in presenting better cases in court.

Interactional patterns of incest families

In the empirical study it was found that the respondents did not have any knowledge regarding the interactional patterns of the incestuous family, as well as the dynamics of these families. After the presentation of the programme the respondents indicated that their newly obtained knowledge would assist them with a better understanding of familial sexual abuse and what these children had to endure.

Trauma experienced during sexual abuse

Respondents in the study could only indicate some aspects that might determine the degree of trauma that a child experiences 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 would thus not generalise a child's experience of sexual abuse as each child's experience is unique.

Impact and long-term effects of abuse

The impact of child sexual abuse and the long-term effects of it had been clearly presented. The prosecutors indicated that they had gained more knowledge after the evaluation of the training programme, regarding the impact and long-term effects of child sexual abuse and would now be able to use new knowledge to address revictimisation as they now had a better understanding of what the child had to endure.

Revictimisation

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 and that this led to revictimisation. By the time the child came to court, the child already had experienced a significant amount of

trauma. The prosecutor should be aware of these aspects and be sensitive when meeting with these children; particularly in relation to aspects that are likely to cause revictimisation (e.g., oral evidence, court delays, multiple interviews, cross-examination, and confronting the accused). As a result of the programme, prosecutors were better equipped to address revictimisation, to protect the child during the forensic process, and to prevent the legal system from revictimising children.

Addressing revictimisation

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 were made:

- 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 realised after the presentation of the programme that their knowledge was not adequate enough and that they certainly lacked specialised training in this field.
- Most of the respondents indicated that they obtained more knowledge in the different sections of the programme. After the presentation of the programme all of the respondents indicated that the training programme would assist them to address revictimisation of the sexually abused child during forensic procedures.
- It also gave them a better understanding in their approach to these children by adopting the facilitating aspects of the person-centred approach such as congruence, unconditional positive regard and empathy. This would facilitate a process through which a child can be respected as an individual.
- Most prosecutors started in the sexual offences court with no or little knowledge regarding sexual abuse. It is a fact that

children who had already suffered trauma had to end up in a system with professionals with no or little knowledge of how to protect them from further revictimisation.

- All the prosecutors who participated in this study were willing to learn more about sexual abuse and how to guide the child through the forensic process as they felt the need to be trained in the field of sexual abuse to address any further revictimisation in court.

RECOMMENDATIONS

A number of recommendations are suggested by the study. First, the person-centred approach as a theoretical foundation for this study can be 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. An important task for the prosecutor will be to create an environment in which children feel safe and to explore their own world in such a way that they will be able to reach their full potential as human beings.

Prosecutors must be well trained to listen to the child who 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 to the child. By utilising the person-centred approach the prosecutor adopts an understanding to accept the child in totality, to act congruently and honestly when working with the child, and allowing him/her 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 sexually abused children do not feel safe during the forensic process they will not be able to give meaningful evidence in a courtroom and it will become a meaningless experience for them.

Due to an increase in the reporting of 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 specialised field, researchers recommend that all prosecutors who work in these courts, must be trained in the field of sexual abuse. As it is known to the researchers that addressing revictimisation 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 form part of their 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 sexual abuse may have on the child's life. The lack of knowledge on the part of the prosecutor, may 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 specialised Sexual Offences Courts. As many of these courts are not properly equipped to deal with child sexual abuse cases, the possibility exists that it could 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 specialised Sexual Offences Court with well-trained prosecutors.

IMPLICATIONS

Training

Training, regarding important aspects of child sexual abuse and the need to address revictimisation, should 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/women in the Child Protection Unit, social workers, psychologists and other professionals who act as expert witnesses in the courts, must be trained in this specialised field.

Further research

This study represents a first attempt to determine how state prosecutors could contribute to addressing revictimisation of the sexually abused child during forensic procedures. As this is a specialised field of service delivery, more research should be done on this theme to enhance service delivery to sexually abused children. Many 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 of dealing with sexually abused children during forensic procedures, which will contribute to a different perspective on this dilemma. However, it often happens that children's rights are not respected during the forensic process, but are rather used only to get evidence to punish the perpetrator.

The multidisciplinary 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 multidisciplinary team approach to sexual abuse cases, but it often fails in practice, as nobody takes the responsibility to co-ordinate the team. It is suggested that a person be appointed to take the responsibility to lead the team.

It could be recommended that more research needs to be done regarding pre-trial meetings. Pre-trial meetings refer to that process when all professionals who are involved in a specific case, meet before a trial commences to discuss the merits of the case. By making use of pre-trial meetings, one can determine if it is in the best interest of a child to proceed with the case.

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