

## Chapter 1

### Introduction and general orientation

#### 1.1 Introduction

The perception of childhood as a time of protected innocence, carries notable weight within the South African society. Headlines that read "SA's shame: children in the sex industry" (Altenroxel, 1997:34) and "Paedophiles' cellar of shame" (Morgan, 1997:38), give contradicting evidence to this viewpoint, accentuating a crime that strikes at the very core of our civilisation (Van der Mey & Neff, 1986:1). Cole (1994:29) supports this viewpoint by stating that sexual violence against children is becoming a common phenomenon in South Africa and researchers such as Bartollas (1985:247), Goldstein (1987:61) and Bagley and King (1990:10), are of the opinion that the increase in juvenile crimes such as prostitution, may be attributed to sexual abuse during childhood.

The 1996 National Crime Prevention Strategy (NCPS) identified crimes against children as one of its priority crimes. On this premise a study was conducted by the Human Science Research Council (HSRC) (Meek, 1999:9) to determine whether crimes against children were increasing. This research showed that an increase of 28 percent in crimes against children had occurred annually between 1993 and 1995, and that the crime they were most likely to become a victim of would be one of a sexual nature. In 1997, girls 17 years of age and younger, constituted 40 percent of all reported rapes, and of which 42 percent of these were

reported in the Gauteng Province, which is a higher percentage than the national average.

Child sexual abuse and the influence it can have on the individual's involvement in prostitution is thus a valid theme for criminological research especially within the changing socio-political and economical status of South Africa, where the nature of child prostitution is also changing. It is thus important to determine its character now in order to enable future policy recommendations and preventative measures to be made and instituted.

## **1.2 The necessity of this study**

The necessity of this study will be motivated by means of a summary of the aspects pertaining to sexual child abuse as well as the role it plays in the individuals choice regarding the involvement in prostitution.

### **1.2.1 Child sexual abuse as a problem relevant to society**

#### **1.2.1.1 Historical background**

The sexual abuse of children is not a new phenomenon (Theron, 1988:169). The earliest records of child sexual abuse date back as far as 2000 B.C. to the Mesopotamian River Valley. Here, priests engaged in sex with whom ever they chose to, in order to promote fertility within the community (Bartollas & Dinitz, 1989:326). During the Greek and Roman times of 700 B.C. sexual practices involving both girls and boys, were seen as an accepted form of amusement. In Athens, boy slaves were frequently abused by their owners for homosexual purposes. Child marriages where the bride would be as young as eight years of age were also a frequent occurrence (Csapo, 1989:427). With the coming of the Calvinistic era in the 1500's, children still possessed no social standing and were treated as possessions. Furthermore Van der Mey et al., (1986:19) explains that children were viewed as "imps of darkness" and any display of power over them was considered acceptable.

With a history of secrecy and misunderstanding surrounding child abuse, it was Freud, whose theories of childhood sexuality, provided new insight into the subject. Prior to this insight it was believed that child sexual abuse was a serious, but rare form of family pathology occurring primarily in socially isolated families. The change in perception and rise in public awareness was reflected by the distinctive increase in reporting of crimes against children (Straus, 1990:83-84). Given these changes in awareness and an increase in cases of crimes against children being reported, the South African Police Services (SAPS) formed a Child Protection Unit (CPU). Comprising of special training with respect to interviews, investigative skills, court procedures for children and psychological aspects of child development, this unit commenced its activities in 1988 (Meek, 1999:12). Its primary aim was to initiate a greater awareness of crimes against children in South Africa and offer an accessible route for reporting them (Robertson, 1989:1). The media, through newspaper and magazine headlines that read : "Nurse (26) seduces 12 year old boy" (Burke, 1996:10), "Drop in most crimes but rape still on the climb" (Lessing, 1997:5) and "Lenient treatment for child abuse offenders" (Altenroxel, 1997:7) however reflect that cases of child sexual abuse still persist and may steadily be increasing.

Historically, due to the diversity of sub-cultures within the South African society, there has been persistent problems, with regards to sexuality. Pre-adult and especially child sexuality is a sensitive subject filled with emotion. Myths that sexual abusers are usually strangers and thus easily identified, is contradicted by the fact that between 80 percent and 90 percent of offenders are known to the victim (Gallmeier, 1998:14). Research conducted by Meek (1999:11) indicates that most children are victimized by someone they know, either a family member, a friend of the family or acquaintance and in many cases occurs in the child's family home or that of a known offender. Many people simply prefer to ignore what goes on in the lives of children and the dire effects that those experiences carry (Kilpatrick, 1992:15).

### 1.2.1.2 Statistics and dark figures

Scientific studies of the prevalence of sexual abuse are rare, but there is a general consensus that the actual rate is underestimated by official reports (Csapo, 1989:428).

Thus a study conducted by Schurink (1998:10) in the HSRC Ivory Park pilot study, to reveal the discrepancies between statistics and unreported crimes bears witness to this, in that Schurink's findings on the general abuse of children was 17,3 percent higher than those reflected in SAPS statistics. Rape of a minor was 3 percent higher and child sexual abuse 5 percent higher than incidents reported to the police.

Possible explanations for the differences in Schurink's findings compared with SAPS statistics may be attributed to police ineffectiveness, reluctance to implicate family members or acquaintances or even a fear of revenge.

The table below is indicative of the sexual offenses which the child protection unit and other specialised individuals have dealt with over the period from 1993 to February 1997.

Crimes against children under 18 years of age	1993 Jan-Dec	1994 Jan-Dec	1995 Jan-Dec	1996 Jan-Dec	1997 Jan-Dec
Rape	4736	7559	10037	13859	25450
Incest	146	156	221	253	407
Indecent assault	3493	3904	4044	4168	701
Act 23 of 1957	1034	1094	1121	1160	173

**Table 1.1 Sexual offenses committed against children, under 18 years of age, between January 1993 and February 1997.**

Source: SAPS (Crime Information and Analysis center (CIAC), 1997).

According to the statistics from the above table, an increase of 46,2 percent in reported rapes in the time period 1993 to 1996 is apparent. If a constant increase were to occur in the reporting of this crime in 1997, then an expected 15 270 cases could be recorded. Reports of incest have risen 24.17 percent between 1993 and 1996 and indecent assault has risen 8.56 percent. Schurink (1998:11) found that only 20.4 percent of offenders in South Africa were found guilty and punished and this may be attributed as a reason as to why the sexual abuse statistics show no drop in percentage. Act 23 of 1957 refers to other offenses not classified as rape, sodomy, incest or indecent assault but which are sexual in nature and within this category, from 1993 to 1995 there was a 4.13 percent increase.

The HSRC's 1997 Crime and Victim survey showed that figures for unreported crimes committed against women and children were the highest, ranging between 30 percent and 41 percent of all unreported crimes (Schurink,1998:10). Meek (1999: 9) reported that nationally between 1996 and 1997, girls under the age of 18 constituted 40 percent of reported rapes. Altenroxel (1997:7) supports this and found that 61 percent of child abuse cases were of a sexual nature and rape was the most commonly reported offense.

Clearly visible within the South African society is the overall increase in the percentage of crimes being committed against children. This increase in crimes against children may however also be attributed to an increase in the awareness with respect to children's rights and thus a greater percentage of individuals are conscious of any transgressions and may report them. Another contributory factor to the increase in reporting could be the fact that 83.5 percent of victims of child abuse know the perpetrator as they are often family members, friends, baby-sitters or neighbours, thus making the identification of transgressors easier (Altenroxel, 1997:7).

The problem arising from child abuse statistics, is however that no central data bank or report system exists in South Africa. Of all the crimes against children,

sexual abuse is reflected highest amongst statistics, yet those reported form only a part of the actual incidence (Lazenby, 1996:34). With a history of secrecy and unreported cases which may be attributed to an ignorance of the rights of children, fear of the perpetrator or even feelings of guilt and shame, the magnitude of child sexual abuse has remained disguised for many years (Straus, 1990:84). Although the above mentioned data reflect numerous cases reported, the fact that victims may be unwilling to report the abuse poses a problem (Robertson, 1989:20). This leads to dark figures (hidden criminality), despite a heightened public awareness (Kratcoski & Kratcoski, 1986:177). The contributory factors behind these dark figures initiates a situation wherein a child may be forced into silence and secrecy. Dark figures indicate inhibiting factors in the reporting of child sexual abuse. These factors may inter alia be attributed to the following:

- **Secrecy**

Fear of the perpetrator could ensure that the child will keep the secret despite any pressure to tell. If it appears that, should the victim be reluctant to keep the secret, the abuser may resort to either bribery such as the offering of sweets, money and gifts or alternatively threats (Harrilal, 1990:4). During the initial phases of abuse the child is constantly warned not to reveal what is occurring or else she or a loved one will come to harm. The abuser may go as far as threatening the child that should she tell the police, the child herself may be arrested (Russell, 1991:65).

- **Helplessness**

The child is left with a feeling of helplessness as nothing can be done to stop the abuse (Lazenby, 1996:34). This may partly be attributed to the rule that society teaches children: "Listen to grown ups, because if you do not then you are bad," or that grown ups are always right (Robertson 1989:22). These rules are important with respect to discipline, but when they are misused by an individual in power, it can have detrimental consequences (Bartol, 1995:227). Accompanied by the fact that

children internalise norms and values conferred upon them by adults, it may lead to confusion and a child may have difficulty differentiating between adult behaviour that is right or wrong.

- **Entrapment and accommodation**

Due to the two previously mentioned factors - secrecy and helplessness, the child can be left with a feeling of entrapment and ambivalence. Thus, unable to flee, the abuse can continue (Maher, 1989:122). Accommodation is when the child allows the abuse to occur as she feels that there is no escape. Often children pretend that the abuse is in fact not all that bad and this rationalizing attributes to the extended period of time over which the abuse can occur (Straus, 1990:87-88).

- **Delayed and conflicting disclosure**

Delayed and conflicting disclosure, refers to the fact that children rarely report their abuse immediately. Confessions usually occur when threats are momentarily forgotten or anger overwhelms the victim, for example during a family dispute or argument (Robertson, 1989:23). It is during these periods that disclosures may be made. Once this information has been disclosed, the child may then however be confronted with an attitude from those individuals, to whom she has disclosed the abuse, as holding a grudge or of being a liar (Csapo, 1989:446).

- **Breaking up the family**

The child may allow the incest to occur, in order to prevent a family break-up (Steyn, 1995:64). Outsiders, still involved in the family may even ignore the indications of incest, although they have knowledge of it, because of their fear of breaking up the family (Robertson, 1989:24). This is often seen in a family where the mother has not disclosed her

husband's incestuous behaviour in order to maintain the family unity (Okami, 1992:124).

Crimes against children, particularly those of a sexual nature have increased. Child sexual abuse is a reality within South African society and under-reporting of this crime can lead to dark figures and a skewed reflection of the diversity of the problem. The consequences of child sexual abuse are far reaching. Without instilling within society a greater need to prevent and report crimes of a sexual nature, aid in the reduction of this crime and the safe custody of children remains futile.

## **1.2.2 Prostitution as a problem relevant to society**

### **1.2.2.1 Statistics and dark figures**

In a study done by James (in Bartol, 1991:320) in the United States of America (USA) involving 136 prostitutes, he found that 41 percent had reported incestuous experiences. A further 47 percent of the respondents gave accounts of having been raped and 17 percent had been raped more than once before reaching the age of 16 years. In a similar study Silverman interviewed 200 juvenile prostitutes and documented that 61 percent had been sexually molested as children (Bartol, 1991:321).

Prostitution is a consensual crime. The word consensual denotes an agreement - thus both parties are in favour of the act taking place and it is seen as being victimless (Vetter & Silverman, 1986:180). The consensual nature of these crimes leaves an absence of complainant participants and thus the majority of transgressions go unpunished which can be a contributing factor in the dark figure prevalent in the statistics.

Inspector Glen Smith, former member of the South African Child Protection Unit expressed concern regarding the situation pertaining to children involved in prostitution in South Africa during 1996 (Robertson, 1989:1). One of the problems

facing the police lies in the obtaining of enough evidence to bring the case to court. For this reason statistics pertaining to adult sex workers are non-existent as the police no longer view their actions as criminal and seldom make arrests (Thamm, 1996:37).

Statistics pertaining to the children who are arrested for soliciting are classified as, and appear in the South African Annual Crimes against Children Report (SAPS, 1997) under rape. These statistics do, however not make a clear distinction between those children who willingly solicited and those who were sexually abused. A contributory factor to the dark figure lies within the South African law where according to *Section 14 of the Sexual Offenses Act of 1957*, the perpetrator may enter a plea of defense which means that he was deceived into believing that the girl in question was over 16 years of age (Thamm, 1996:33). He may thus possess sufficient defense to any charge brought against him and may therefore not be found guilty and will not be reflected in the statistics. For these reasons the prevalence of child prostitution seems poorly represented in statistics, thus not exposing the true extent of this problem. Due to pressure from the perpetrator or from the victim's family, or fear of negative personal consequences, the victim may recant any statements made and thereby prevent the findings from being reflected in national statistics ("Family violence", 1997:14). With more girls under the age of 18 becoming involved in prostitution, factors underlying their choices and entrance into this profession need to be explored and analysed.

#### **1.2.2.2 South African legislation on prostitution**

*The Sexual Offenses Act, No. 23 of 1957* prohibits the institution of a brothel as well as the procurement of, or by any individual for reward ("Jutas Statutes", 1996:621). Decriminalisation occurs when the transgression of a law, for example the one prohibiting prostitution, no longer leads to prosecution or a criminal record (de Bruyn, 1996:39). Thus the behaviour is no longer seen as being criminal, but the community still views it as being undesirable. Decriminalisation is often advanced as a possible solution for combating crime (Lotter, 1994:130). The decriminalisation of prostitution can have many advantages for South Africa. This

could involve amendments to the Statutes which can intervene to the extent necessary for the protection of children against prostitution. These amendments will include the omission of section 20 of the act, whereby pimping, soliciting and the institution of a brothel as well as procuration that occurs at such an establishment, will however remain crimes as well as living off the income of a prostitute. This could protect society from being confronted in public by prostitutes. Escort agencies can then be legalised whereupon a trade license in order to operate will be granted. Lotter (1994:131) suggests that the following conditions be met:

- In order to protect society and especially children a restricted area can be demarcated where escort agencies may operate. This can in turn help with the control of under age prostitutes as policing will be made easier.
- An imposition of regular medical check-ups, which will serve to protect society against sexually transmitted diseases as well as AIDS.
- No children under the age of 18 will be allowed to be employed as escorts or be allowed to be admitted as clients.
- No escort agencies should be allowed to operate in the vicinities of schools or suburbs.

Prostitution is thus illegal in South Africa and may according to Bartol (1991:319) be indicative of decreases in neighbourhood property values, increases in violent crimes as well as drug abuse and a general deterioration of the family system (Bartol, 1991:319). Should the escort agencies adhere to the conditions set and imposed upon them with the decriminalisation of prostitution, then policing the problem of under age prostitutes and other crimes that can be associated with it may become possible.

### **1.2.3 Theoretical statement of the problem**

There seems to be a clear dividing line between a social problem - a situation recognised by some, but not necessarily a large part of the population - and a public issue - one recognized by a large section of society, including policy makers (Finkelhor, 1979:7). The sexual abuse of children and its consequences seem to hold an intermediate status when it comes to social problems and public issues (van der Mey & Neff, 1986:7). Although world renowned scholars, such as Kinsey, Freud and Ellis (Finkelhor, 1979:7), have devoted attention to child sexual abuse, all have failed in expressing the actual alarm reaction that should follow this subject. This lack of expression may be attributed to Victorian moral heritage where sexual topics were not openly discussed. The secret is kept along with the shame and guilt feelings, which makes it difficult to document the problem (Glaser & Frosh, 1991:17).

Despite the increase over the last decade in research, information from a criminological perspective still remains scarce (Bischoff, 1995:157). When analysing research done on sexual abuse against children in South Africa, it becomes clear that mainly disciplines such as psychology, medicine and social work have had an input (Cole, 1994:26). Because of the need for criminological research and the dark figures surrounding child victims of sexual abuse, a study such as the one undertaken here is a necessity.

Renewed social and political concern over the problem of sexual victimisation is becoming evident. Children who are being sexually victimised by adults can pose as a serious social problem and any effort to raise public consciousness, is deemed a good one (Finkelhor, 1979:18).

#### **1.2.3.1 Limited theory**

Curiosity has always formed part of society's humanness and through research, humans can develop upon this need for further knowledge (Grobbelaar, 1994:80). In the past research implied the studying of facts through observation. This

method was simple and all attained knowledge led to greater challenges. The subject worthy of research was identified and the researcher possessed full reign on how to detect the "truth" behind the problem. Theory in turn, helps formulate the research into a human activity, aimed at consciously and deliberately understanding a specific phenomenon (Grobbelaar, 1994:82).

When research focuses on the experiences of a human being and the effects of these experiences, a phenomenological approach is evident (Grobbelaar, 1994:83). The causes of these experiences range from being biological in nature to external environmental influences (Williams & McShane, 1994:61). However, it is the theories which explain the effects of the experiences in question, that are of importance. Personality theories such as Freud's Psycho Analytical Theory (Meyer, Moore & Viljoen, 1993:12) as well as social theories, are often used as one explanation of the effects of trauma in sexual abuse. However, there is no generally accepted theory explaining negative adult-child interaction, where the adult is the cause of the negative experience and the child, the recipient and enactment of the effects. This limitation of theory constitutes a void in the explanation and understanding of the child's subsequent response to the abuse.

A theory which reflects adult behaviour in varying degrees of morality, where deviant behaviour needs no motivation, and the result thereof being a decidedly negative one, would be best suited for this study.

Over the past 150 years, possible explanations for the women's entry into prostitution have become evident (Potterat, 1988:239). Prostitution and the causes thereof, have received attention mostly from social scientists, and consequently numerous theoretical expositions have been provided by criminologists, psychologists and sociologists. For this intention, use was previously virtually exclusively made of a Freudian *Psycho Analytical Theory*. According to Freudian views, the giving of sex for money, was an action stemming from the individuals hate for their father. This is called the *Electra Complex* or father fixation. The

individuals inability to receive sexual gratification from men, may stem from this complex (Schurink & Levinthal, 1983:154).

Other psychological theories place the emphasis on early emotional trauma (Williams & McShane, 1994:39), or the ubiquitous impact of a broken home or parental rejection as contributory factors. This accent placed on dire and adverse milieus may also be encountered in some criminological social control theories such as *Travis Hirschi's Social Control Theory* which supports this presumption in that it accentuates four important elements which help in the formation of the child's social bond. These four elements are **attachment, involvement, commitment** and **belief**. The strength of the bond of attachment between the child and the significant other can serve as a buffer against involvement in deviant behaviour. Thus if the bond is weak, no inhibition will be displayed with regard to involvement in deviant behaviour. The child's commitment to uphold that which is right and that which will safeguard the rest of society against deviance is also influenced by the bond shared between the child and the significant other (Williams & McShane, 1994:181-190).

The children who are directly exposed to sexual abuse may perceive themselves as being worthless and vulnerable and thereby acquire these perceptions as a label. This concept of labelling, namely master status, may lead the child to view prostitution and the enactment thereof as an acceptable form of behaviour (Williams & McShane, 1994:139). Each of the aforementioned theories reflects on only a part of the concise problem surrounding the reasons behind an abused child's involvement in prostitution. Therefore, for the purpose of this study, researcher will incorporate the three deterministic theories, the Psycho Analytical Theory, the Social Control Theory and the Labelling Theory, and design a model, which will formulate a theoretical framework from which to work. This model will be known as **The Child Sexual Abuse Counter Active Model**.

#### 1.2.4 The relevance of the study to research methodology

According to Meek (1999:9), there is little evidence of research done regarding sexual violence against children in South Africa. This may be attributed to the controversy surrounding a topic such as child sexual abuse as well as the sensitive nature of this research which in turn attributes to dark figures arising. A victimological study such as this will thus inevitably be marked by problems particular to any victimological study. These can include the resistance of the victims to openly discuss their experiences as this may turn out to be a re-enactment of a previous experienced trauma. This view is supported by Russell (1990:58) who states that topics of a sexual nature are still regarded as a taboo in society which should not be discussed openly. Researcher, however commenced with personal interviews, thus gaining the respondents trust and willingness to participate.

Due to the absence of a universally accepted definition for child sexual abuse, problems may arise with the forming of an operational definition, which in turn may influence the classification of victims as South Africa is a country comprising of various different and diverse cultures. Therefore, the absence of an accepted definition may lead to a culture knowing that their participation in a sexual act is abuse while others may remain unaware of the fact that these actions are in fact unlawful. This absence of a universally accepted definition may also in turn be accountable for the dark figure which is prevalent in the reporting of child sexual abuse to the authorities. For the purpose of this study, the above mentioned problem will be addressed by means of the construction of a comprehensive definition in an effort to cover all the different aspects related to child sexual abuse.

With respect to this research, an interview schedule was used in order to retrieve the necessary information. Due to the sensitive nature of the topic under discussion, victims were interviewed by using both close-ended questions and open-ended questions. Alternatively the inaccessibility of child victims also posed a methodological problem for this study. This may be attributed to the emotional

trauma experienced or a general inability to trace child abuse victims due to the sensitive nature, along with the secrecy and dark figures surrounding victimological studies. Thus the researcher selected fewer respondents and spent longer, more qualitative time with each respondent in order to build up a relationship of trust. Thus the possibility of whether a respondent may be untruthful and unreliable could become evident. The use of open-ended questions made provision for the respondent to divulge information she felt comfortable with sharing and close-ended questions were posed to cover sensitive issues not previously dealt with (see par. 3.4.4.2).

According to Grobbelaar (1994:81) a distinction between research and scientific knowledge must be made in order for valid evidence to be collected. Clarity about the nature of the particular problem must be evident along with the assumptions relating to it. The information must be collected in a scientific, meaningful and systematic way and only then may a conclusion be drawn. With this in mind the following steps were taken by the researcher in order to investigate the terrain surrounding child sexual abuse:

- A literature study was undertaken, and the problems relating to the scarcity in information relaying private and sensitive matters associated with child sexual abuse was overcome by means of including international literature as well as including interviews with academics, professionals and welfare personnel within the related field.

- An interview schedule was constructed wherein, the expectations of the researcher could be tested and which would in turn expose relevant insightful examples using both open-ended as well as closed questions.

### **1.3 Aims of the investigation**

The aims of this investigation arise from the relevance of child sexual abuse as well as prostitution as a social problem, the relevance of this investigation to research methodology as well as the theoretical implications thereof. In order to make a significant contribution with respect to the above, the following aims were envisaged:

#### **1.3.1 Aims related to the role child sexual abuse can play in girls' involvement in prostitution as a problem relevant to society:**

- 1.3.1.1 To identify the psychosexual stage of development during which the commencement of the abuse occurred in order to determine the role it can play in the involvement in prostitution.
- 1.3.1.2 To highlight the effects child abuse holds for the victim, with particular focus on the role it can play in the decision to become involved in prostitution.
- 1.3.1.3 To determine the extent to which the effects of child sexual abuse are influenced by the identity of the abuser, the frequency of the abuse and the environment wherein the abuse takes place.
- 1.3.1.4 To determine to what extent social bonds can counter act the entrance into prostitution.
- 1.3.1.5 The effect labelling has on the choice to enter into and remain within prostitution.

#### **1.3.2 Aims related to the role child sexual abuse plays in girls' involvement in prostitution as a theoretical problem**

- 1.3.2.1 To analyse Freud's Personality Theory, the Labelling Theory and the Social Bonding Theory, in order to direct this investigation and explain the results achieved by means of constructing a theoretical model, known as the Child Sexual Abuse Counter-Active Model.
- 1.3.3 Aims related to the role child sexual abuse plays in girls' involvement in prostitution as a methodological problem**
- 1.3.3.1 To construct an operational definition for prostitution as well as one for child sexual abuse which would provide a basis for understanding the phenomenon by means of a comprehensive term analysis.
- 1.3.3.2 To construct an interview schedule which would be used to gather data about the role that child sexual abuse can play in a girls' involvement in prostitution.
- 1.3.3.3 To analyse and evaluate the data and provide an explanatory study of the role that child sexual abuse can play in girls' involvement in prostitution in order to form a basis for further research and a better understanding of the phenomenon.
- 1.3.4 Aims related to the prevention of child sexual abuse and future research into this phenomenon and its effects.**
- 1.3.4.1 To address the problem of sexual child abuse and highlight the effects in order to increase awareness as well as to make recommendations for the judicial, educational and social processes involved.
- 1.3.4.2 To identify possible areas for future research within this field of study.

## 1.4 Definition of concepts

Due to a lack of standardised terminology and in order to communicate accurately, the following concepts: **child, child sexual abuse, victim and prostitution**, were critically defined for the purpose of this study:

### 1.4.1 Child

Louw and van Heerden (1978:38), define a child as any individual under 18 years of age, however in this definition they include someone up to 21 years of age if she is placed under the supervision and control of an individual or institute. However, a man over the age of 14 and a woman 16 years of age or older may legally engage in sexual activity (Louw et al., 1978:86). Thus although age-wise still legally defined as a child, should the individual engage in sexual activity, she is not committing a crime. In order to explain this, Robertson (1989:3) distinguishes between a child and a young child, who is someone under the age of ten. Walsh and Pool (1983:33) also refer to these particular age differences and explain them as a necessity as a child under the age of ten cannot be held criminally accountable or responsible for her actions. For the purpose of this study, criminal responsibility will not be taken into account as the experience of sexual abuse of the victim will be taken into consideration and not whether the perpetrator was a child or not.

A problem surrounding the definition of a child poses itself within the cut-off age. Stevens and Cloete (1989:16) divide the growth and developmental stages of humans into seven phases namely: **infancy** (0-2 years), **toddler** (2-5 years), **childhood** (6-12 years), **puberty** (13-16 years), **adolescence** (17-21 years), **adulthood** (22-60 years) and **old age** (60 +). When referring to adolescents, this stage is described as "a change to maturity, where responsibility, commitment and a gradual absorption into adulthood takes place" (Stevens et al., 1989:18). Researchers such as Bagley and McDonald (1984:23) restrict their definitions of a child to pre-adolescent children. This is because 16 years of age is viewed as the

legal age of consent for women, however a study undertaken by Wyatt and Peters (in Collings, 1995: 323) used 16 years of age as a cut off age for the definition of a child and research showed that a further possible 14 percent of child sexual abuse victims that could have been included in their study to make it more representative, had been excluded. This age discrimination is however not consequential to researcher as the researcher views child sexual abuse as an unwanted act, and these consensual, legal acts, between pre-adolescents will not be included in the study.

The definition of the word child may be found within many different disciplines. The definition of a child as it stands within the Statutes of the South African Law, the *Child Care Act 74 of 1983*, defines a child as any person under the age of 18, unless national laws recognize the age of maturity earlier (Robertson, 1989:3). Thus it can be deduced that according to South African law, an individual 18 years and older is developmentally mature and responsible within the eyes of the law, and may be seen as criminally responsible. It is therefore not necessary to include individuals 18 years and older, in this study as they will be regarded as adults. Should the law however recognize the age of maturity earlier, thus viewing the individual as mature enough to be classed as an adult, researcher will define the individual as that too.

For the sole purpose of this research, a child shall refer to:

**any person under 18 years of age, inclusive of all phases of development within this time frame as well as an individual who is over the age of 18 but who has been placed under the control of an individual or institute in accordance with the national laws. Likewise should these laws recognise the age of maturity earlier, then these individuals will not be defined as being children.**

#### 1.4.2 Child sexual abuse

Child sexual abuse is a broad term which includes a variety of sexual acts which may be perpetrated against a child (Collings, 1995:323). According to Gallmeier (1998:14) the exploitation of a child for sexual gratification of the other person can include activities such as intercourse, verbal stimulation, exhibitionism, voyeurism and fondling, to which Kenward (1987:120) adds sodomy, oral-genital stimulation, involving a child in prostitution or the production of pornography.

Kenward (in Maher, 1987:120) places greater emphasis on the child's mental state and defines child sexual abuse as the involvement of a developmentally immature child or adolescent in sexual activities they do not fully comprehend or to which they are unable to give informed consent or that violates the social taboos of family roles. Kenward, furthermore places emphasis on the nature of the abuse, classifying the sexual activity as being of an assaultive or non-assaultive nature. Low (1978:34) also includes the nature of the abuse in his definition and describes sexual abuse as any sexually unwanted intrusion, whether exhibiting aggression or not. Collings (1995:324-325) adds that an element of coercion must be present and that the abuse must be unwanted, thereby having a possible implication of negative consequences for the victim. Thus the specific type of abuse is of less relevance than the fact that it must be coercive in nature and unwanted.

Csapo (1989:428) defines sexual abuse as the sexual exploitation of a child, who is not yet developmentally capable of understanding and resisting the contact. Developmental capability of understanding is a subjective description pertaining not only to children, but also to adults. Therefore any individual under the age of 18, as stated by the law, will be viewed as being not yet developmentally capable of understanding or resisting sexual contact. Csapo (1989:429) furthermore describes the abuser as a person who may be in a position of trust and authority or an individual who is a stranger. To which Robertson (1989:4) makes mention of the individuals who are abusing, and divides them into two categories: firstly there

is abuse which takes place between family members and is referred to as incest. This abuse occurs between direct family members and can include the extended family. The second category of sexual abuse involves a perpetrator, outside the family unit (Robertson, 1989:3).

South Africa's *Sexual Offenses Act No 2 of 1988*, undertakes to protect a child from all forms of defilement, which encompasses sexual abuse. This includes the procuring or attempt to have unlawful carnal intercourse or to commit an indecent or immoral act with a child. Sub-section 9(b) further prohibits the receipt of any form of consideration for the prostitution of a child ("Jutas Statutes", 1997:615). The following can be included and are regarded as sexual offenses :

- **Rape**

According to the South African Statutes of Law (1997:615) rape may be defined as sexual intercourse with another person without consent and against her will. The term rape is derived from the Latin word *rapere* which means to steal or take away from (van den Berg, 1998:30). Thus an important element of rape is the lack of consent.

According to Reid (1991:273) child rape may be defined as the unlawful intercourse with a female who is under the age of consent. This definition poses a problem as within the South African legal system, intercourse between an adult and individual, under 16 years of age whether consensual or not, constitutes a crime and is seen as statutory rape and within Reid's definition no reference is made to a willingness to participate in the act.

Fowler (1983: 1020) defines rape as the act of sexual intercourse between a male person and a female person, against her will. Milton (1996:9-11) also refers to rape as the intentional, unlawful sexual intercourse with a woman against her will, however, South Africa's *Immorality Amendment Act No. 2 of 1988*, extends the provisions

relating to sexual offenses by a male with youths so that it shall also apply to a female. Therefore an individual may now be found guilty of the offense rape, irrespective of the gender of the youth upon whom the procuring of the defilement is directed ("Jutas Statutes", 1997:663).

- **Statutory rape**

Statutory rape is when sexual intercourse between adults and children under the age of 16 years occurs. A man who has sexual intercourse with a girl under 16 years of age, is thus guilty of such an offense. *The Immorality Amendment Act, No. 2 of 1988* extended the prohibition to include, any male who has or attempts to have carnal intercourse with a boy under the age of sixteen. Other forms of unwanted sexual practices are not defined within rape as it solely refers to sexual intercourse, however these practices are defined as indecent assault (Robertson, 1989:5).

- **Indecent assault**

Lazenby (1996:36) describes indecent assault as any sexual contact with a person against her will. Included in this contact is fondling, masturbation, touching of the buttocks, kissing which 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. An indecent act within this definition includes willful touching or the attempted touching of the sexual organs of the victim, and contact, or attempted contact between the aggressors sexual organs and the victim's, or any assault of an indecent nature (Middleton, 1995:135). This definition poses a problem for researcher as it implies that an act of assault must occur, however according to Gallmeier (1998:14) assault within this context merely refers to unlawful touching or approaching of another's body parts.

- **Crimen injuria**

Crimen injuria is one of the minor common laws that can be transgressed. Crimen injuria occurs when the honour or dignity of an individual is impaired (Robertson, 1989:5). Dignity refers to an individual's self-respect, propriety and honour and within the context of child sexual abuse the dignity of a child is undermined when in accordance with Article 14 of the Sexual Offences Act, anyone who performs an act sexual in nature with a girl under the age of 16, or a boy under the age of 19 ("Juta's Statutes", 1995:2-82). Thus even if the child is willing to participate it is still a crime, indicative of sexual abuse (Pienaar, 1989:46). Crimen injuria does thus not only refer to the actual touching of the victim's private parts, but also the persuasion of the victim to comply in activities directed at transgressing the law.

Du Toit (1996:46) is of the opinion that many children are unaware of what acceptable sexual behaviour is and may be coerced into partaking in such behaviour as they are unable to distinguish between right and wrong. The experience may even be of a pleasant nature and the child's limited understanding may have the implications that such offenses will not be reported and may thus carry negative consequences for the abused.

#### **1.4.2.1 Penalties**

According to South African law any person who is convicted of the offense of having unlawful intercourse, or committing an indecent act with any other person for reward can possibly face imprisonment for a period not exceeding three years with or without a fine not exceeding R6000 in addition to such imprisonment. In the case of a transgression of an offense where a parent or guardian is found guilty of procuring the defilement of a child, then imprisonment for a period not exceeding five years is given, however if the boy is under 14 years of age or the girl is under 12 years of age then life imprisonment is prescribed by the State. The conspiracy

to defile a child to have unlawful intercourse carries the penalty of a prison term not exceeding five years and a fine.

Any individual found guilty of procuring or attempting to procure any female to have unlawful intercourse with any person other than the procurer may face imprisonment not exceeding seven years. With respect to the sexual offenses procured against a youth, imprisonment for a period not exceeding six years and a fine not exceeding R12 000 in addition to such punishment may be given ("Jutas Statutes", 1997:623).

For the purpose of this research sexual abuse will refer to :

**any activity, sexual in nature between a child, or anyone of an inappropriate age as set down by law, and an adult. This activity may be with or without consent of the victim, of which the perpetrator may be either known to the victim or a complete stranger and of which the activity will have negative initial as well as long term consequences and adversely affect the dignity of the individual.**

### 1.4.3 Victim

The word victim is derived from the Latin word *victima*. *Victima* has two meanings namely:

To offer a man, animal or any object to a godly being, or to make an offering during a religious ceremony or  
a person who suffers, is harmed and or destroyed as a result of another's actions (Drapkin & Viano, 1974:13).

The Greek word *logos* denotes the scientific study of a victim, thus the second definition of a victim would be applicable for defining within the criminological field of study.

Barkas (1978:7) defines a victim as one who has directly or indirectly suffered as a result of a specific illegal action, to which Fattah (1992:58) adds that the violation must be intentional in nature. Verwey (1994:19) is of the opinion that the term victim applies not only to injured parties, but also to those not injured and who suffer no deprivation. A victim is therefore determined by referring to the offender's view point and is the person whom the offender wishes to damage, thinks he is damaging or actually does damage to. Pretorius (1982:11-12) furthermore develops a criteria for defining a victim from the following points of departure :

- From a **legal** point of view one can only be defined as a victim if a crime has occurred. This however excludes, anti-social behaviour which is also studied within the field of Criminology.
- The **experience of victimisation** is evaluated and only if one experiences consequences pertaining to the act can one be called a victim.

Quinney (1972:520) however states that a definition and definite criteria for defining a concept can be adapted to suit the interest group defining this, and with this in mind the victim will be viewed primarily from a criminological point of view. Van der Walt (1997:34) distinguishes between two types of victims, namely the active victim who contributed to the victimisation and the passive victim who in no way consciously or unconsciously facilitated in the furthering of the crime. Furthermore he categorises these victims into types, being either directly affected by the crime, indirectly affected by the crime or as being a latent victim, one who has the potential to become a victim.

For the purpose of this study a victim will be defined as:

**an individual, irrespective of the role played in the victimisation, who has been disadvantaged through the actions of child sexual abuse.**

#### 1.4.4 Prostitution

The term prostitution is derived from the Latin term *prostituere* which means to stand in front of. Prostitution involves the delivery of sexual stimulation and gratification for profit (Bartollas & Dinitz, 1989:325). According to Cronjé and van der Walt (1978:50) prostitution is characterized by three major traits namely: pecuniary (gain), indifference or frigidity, and a non-selectiveness with respect to a client. Schurink (1983:155) however distinguishes between the different types of prostitutes, of which exclusivity which stands in direct contrast with non-selectiveness, forms a characteristic of certain prostitutes. Schurink distinguishes between the following four types of prostitutes:

- The non-exclusive, independent prostitute which includes prostitutes who walk the streets and can be found in bars and hotels and accept any paying customer, thus concurring with Cronjé's description of prostitution.

- Exclusive, independent prostitutes, also referred to as call girls, who limit their services to a small exclusive clientele.

The third type is the non-exclusive, organisationally affiliated prostitutes who are those who work in massage parlours and model in photo studios.

- Finally the exclusive, organisationally affiliated prostitutes comprises those who are the least common and are found in high status brothels.

It is thus evident from Schurink's typology that non-selectiveness with respect to clients is not an essential characteristic of prostitution.

According to Armstrong (1981:91) prostitution can be divided into **four** separate categories. These categories include prostitution as an occupation; an act of selling; a sexual exchange and a promiscuous and emotionally indifferent activity. The definition of prostitution as a profession is supported by Schurink (1991:35), who views prostitution as a social world made up of a variety of work roles and

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From the above definitions, the emphasis does not fall on the exchange of a sexual deed, but rather the motivation behind it, namely monetary gain or any other form of remuneration, absent of any emotional involvement. In addition to this Caukins (1976:188) includes a limited time period for the transaction to take place in order to exclude women who marry for monetary reasons and have no emotional involvement and thereby comply with all other definitions of an act of prostitution. These women will thus be excluded from this study.

For the purpose of this research, prostitution will be defined as:

**the granting of any act sexual in nature, devoid of emotional involvement for the purpose of remuneration monetary or other wise, characterising barter, for a limited period of time.**

## **1.5 Delimitation of the field of investigation**

### **1.5.1 Geographical delimitation**

For the purpose of this study, only one Province namely Gauteng was focused upon, in particular the Pretoria and Centurion areas. Due to the fact that enough respondents could be found in this specific province and due to practical and feasible reasons, it was decided not to include neighbouring provinces. These interviews were conducted during November and December 2000.

### **1.5.2 Choice of victims for this study**

Socio-economic status of the participants played no role in their selection. No discrimination was either evident with respect to race or status of the victim, however as researcher planned to determine the role child sexual abuse plays in the lives of girls, only the female gender was included in the sample. Respondents were approached irrespective of their current age, however only represented in the findings of this study if the sexual abuse experienced occurred when they were children. Only English and Afrikaans speaking respondents were included as researcher personally conducted interviews and these are the only two languages linguistically proficient with researcher, however no bias was apparent with respect to the respondents home language.

### **1.5.3 Choice of sampling**

For the purpose of this study, 20 victims of child sexual abuse were included. They were selected using the snowball method and as a qualitative approach was followed and 20 respondents were viewed as adequate as the researcher personally conducted the interviews, ensuring a thorough, individualised interview.

## **1.6 Research programme**

Chapter 2 outlines the theories as well as critique which was used in order to explain the phenomenon of child sexual abuse and the role it plays in girls' involvement in prostitution.

Chapter 3 elaborates upon the methodology, procedures and techniques which were followed for the collection and analysis of data for this study.

Chapter 4 focused on the analysis of data with respect to the research expectations with reference being made to other studies.

The final chapter delineates the conclusions and interpretations of this research and outlines and identifies possible areas for future research.