

Testifying in court as a victim of crime: Vocabulary required by illiterate individuals with little or no functional speech

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Abstract

People with disabilities are at high risk of becoming victims of crimes. Those individuals with little or no functional speech (LNFS) are even more at risk of being victims of crime. One way of reducing the risk of being a victim of crime is facing the alleged perpetrator in court as a witness; therefore it is important for people with LNFS who have been victims of crimes to have the relevant vocabulary needed to testify in court. The aim of this study was to identify and describe the legal core vocabulary required by illiterate victims of crime, who have little or no functional speech, to testify in court as witness/witnesses. A mixed method, exploratory sequential design consisting of two different phases was used to address the aim of the research. The first phase was qualitative and included two different data sources, namely in-depth semi-structured interviews (n=3) and focus groups (n=22). The overall aim of this phase was to develop a measurement instrument. Results from Phase 1 were used in Phase 2, the quantitative phase, in which the measurement instrument (a custom designed questionnaire) was socially validated by 31 participants. The results produced six distinct categories which represented the core legal vocabulary and 99 words that represented the fringe legal vocabulary. The findings suggested that each communication board should be individualized to the individual and the specific crime. Recommendations were made to develop an AAC Resource Tool Kit to assist professionals involved with a person with LNFS who had been a victim of crime.

Key words: augmentative and alternative communication; person with little or no functional speech; victim of crime; testifying in court; vocabulary selection; sexual crimes; illiterate individuals; witness competency

Opsomming

Persone met gestremdhede loop 'n hoë risiko om slagoffers van misdaad te wees. Individue met min of geen funksionele spraak het selfs 'n groter risiko om slagoffers van misdaad te wees. Een manier om hierdie risiko te verminder, is om die beweerde oortreder in die hof as 'n getuie te sien; daarom is dit nodig vir persone met min of geen funksionele spraak wat reeds die slagoffer van misdaad was, om die betrokke woordeskat tot hul beskikking te hê om in die hof te kan getuig. Die doel van hierdie studie is om die wetlike kernwoordeskat te identifiseer wat deur ongeletterde slagoffers van misdaad met min of geen funksionele spraak benodig word, om hulle instaat te stel om in die hof te kan getuig. 'n Gemengde metode, naamlik 'n ondersoekende opeenvolgende ontwerp wat uit twee verskillende fases bestaan, is gebruik om die doel van die navorsing aan te spreek. Die eerste fase was kwalitatief en sluit twee verskillende databronne in, naamlik in-diepte semi-gestruktureerde onderhoude ($n = 3$) en fokusgroepe ($n = 22$). Die oorhoofse doel van hierdie fase was om 'n meetinstrument te ontwikkel. Fase 1 se resultate is in Fase 2, die kwantitatiewe fase, gebruik waarin die meetinstrument ('n doelgemaakte vraelys) deur 31 deelnemers bekragtig is ten einde geldigheid te verseker. Die resultate het ses verskillende kategorieë opgelewer wat die kern van wetlike woordeskat vorm, asook 99 woorde wat die bykomende wetlike woordeskat verteenwoordig. Die bevindinge dui daarop dat elke kommunikasiebord geïndividualiseer moet word aan die hand van die individu en spesifieke misdaad. Aanbevelings is gemaak om 'n hulpbronhulpmiddel van aanvullende en alternatiewe kommunikasie te ontwikkel, om sodoende professionele persone wat betrokke is by persone met min of geen funksionele spraak, wat al 'n slagoffer van misdaad was, te ondersteun.

Sleutelwoorde: Aanvullende en alternatiewe kommunikasie; min of geen funksionele spraak; slagoffer van misdaad; getuig in die hof; woordeskatseleksie; seksuele misdade; ongeletterde individue; getuie-bevoegdheid

TABLE OF CONTENTS

Chapter 1	Introduction.....	1-1
1.1	Introduction	1-1
1.2	Orientation and problem statement	1-1
1.3	Definition of terms	1-3
1.4	Abbreviations	1-4
1.5	Overview of chapters	1-5
1.6	Summary	1-6
Chapter 2	Literature Review	2-1
2.1	Introduction	2-1
2.2.	Vulnerability of persons with disability	2-1
2.2.1	The victim’s perspective.....	2-2
2.2.2	The perpetrator’s perspective	2-5
2.2.3	Contextualizing the South African legal and justice system	2-7
2.2.4	Contextualizing the published literature.....	2-9
2.3	AAC and the Viva Voce rule	2-11
2.4	The Importance of Vocabulary Selection.....	2-14
2.4.1	Core Vocabulary	2-15
2.4.2	Fringe Vocabulary	2-15
2.5.	The challenges of testifying in court	2-16
2.6	The Importance of AAC for an individual with LNFS who has been a victim of crime	2-19
2.7	Social Validation	2-19
2.8	Conclusion.....	2-21
Chapter 3	Research Methodology	3-1
3.1	Introduction	3-1
3.2	Aims of study	3-1
3.2.1	Main Aim	3-1
3.2.2	Sub-aims	3-1

3.3 Research Design	3-2
3.4 Phase 1: Qualitative data	3-4
3.4.1 Data Source 1.....	3-4
3.4.1.1 Aim of Data Source 1	3-4
3.4.1.2 Participants.....	3-4
3.4.1.3 Materials and equipment.....	3-6
3.4.1.4 Stakeholder review for In-depth Interview Guide	3-11
3.4.1.5 Data collection procedures.....	3-14
3.4.2 Data Source 2.....	3-15
3.4.2.1 Aim of Data Source 2	3-15
3.4.2.2 Participants.....	3-16
3.4.2.3 Materials and equipment.....	3-21
3.4.2.5 Pilot study	3-24
3.4.2.6 Data collection procedures	3-26
3.4.3. Data analysis for Phase 1	3-27
3.4.4 Implications for Phase 2	3-29
3.5 Phase 2: Quantitative data	3-29
3.5.1 Data Source 3.....	3-30
3.5.1.1 Aim	3-30
3.5.1.2 Participants.....	3-30
3.5.1.3 Material and Equipment	3-33
3.5.1.4 Data collection procedures.....	3-34
3.5.1.5 Pilot study	3-35
3.5.2 Data analysis.....	3-38
3.6 Summary /Conclusion	3-38
 Chapter 4 Results and Discussion: Qualitative Phase	4-1
4.1 Introduction	4-1
4.2 Trustworthiness	4-2
4.3 Data Source 1: Semi-structured in-depth interviews.....	4-3
4.3.1 Factors that influence successful convictions.....	4-3

4.3.2 Factors that influence the competency of the witness	4-6
4.3.3 Reasonable accommodation for language and communication	4-10
4.3.4 Importance of identifying specific words for people with LNFS	4-12
4.3.5 Barriers in court for people with disabilities and redress suggestions	4-12
4.3.6 Conclusions from data source 1.....	4-14
4.4 Data source 2: Focus groups	4-14
4.4.1 Barriers a person with a communication disability faces when testifying in court ..	4-15
4.4.2 Processes that can facilitate the person with LNFS's ability to testify in court	4-18
4.5 Vocabulary needed to testify in court	4-20
4.6 Conclusions from Phase 1 of the research	4-23
4.7 Summary	4-24
Chapter 5 Results and Discussion: Quantitative Phase.....	5-1
5.1 Introduction	5-1
5.2 Reliability	5-2
5.3 Social validation of categories	5-3
5.4 Social validation of specific words	5-6
5.5 Effective method for collating legal fringe vocabulary.....	5-14
5.6 Conclusion.....	5-15
Chapter 6 Conclusions and Recommendations.....	6-1
6.1 Introduction	6-1
6.2 Summary of Results	6-1
6.3 Critical Evaluation of the study.....	6-3
6.3.1 Strengths of the study	6-3
6.3.2 Limitations of the study.....	6-4
6.4 Clinical Implications	6-5
6.5 Recommendations for future research.....	6-6
6.6 Summary	6-7

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

REFERENCE LIST

LIST OF TABLES

Table 2.1:	Systematic literature survey on relevant studies
Table 3.1:	Selection criteria for professionals for semi-structured in-depth interviews
Table 3.2:	Participant description for the semi-structured in-depth interviews
Table 3.3:	Development of the biographical questionnaire
Table 3.4:	Development of semi-structured in-depth interview Guide
Table 3.5:	Participant description of the stakeholder review
Table 3.6:	Results and recommendations from the stakeholder review
Table 3.7:	Descriptive information of the participants for all three focus groups
Table 3.8:	Descriptive information of all participants of Phase 1
Table 3.9:	The pre-developed script for the focus group
Table 3.10:	The pre-developed inclusion/exclusion criteria guideline list
Table 3.11:	Participant description of the focus group expert panel in pilot study
Table 3.12:	Results and recommendations from pilot study
Table 3.13:	Descriptive information of all participants of phase 2
Table 3.14:	Participant description of the pilot study for data source 3
Table 3.15:	Results and recommendations from pilot study
Table 4.1:	Words and categories suggested for testifying in court
Table 4.2:	Barriers faced by people with disabilities when testifying in court and suggestions to overcome these barriers
Table 4.3:	Vocabulary suggested

Table 4.4:	Suggested words grouped into categories
Table 5.1:	Words used as examples in the categories
Table 5.2:	Descriptive statistics related to the categories
Table 5.3:	Percentages of the 4-point Likert scale ratings for each category
Table 5.4:	Synonyms and antonyms grouped together
Table 5.5:	Words with sentences
Table 5.6:	Percentages of Likert scale ratings for each word
Table 5.7:	Number of words under the “very important” category in percentages
Table 5.8:	Very important and important categories combined
Table 5.9:	Statistical significance of word classes

LIST OF FIGURES

- Figure 3.1: Outline of the three data sources used in this exploratory sequential design
- Figure 4.1: Outline for presentation and discussion of results
- Figure 4.2: Internal and external factors that influence successful convictions
- Figure 4.3: Components of being a competent witness
- Figure 4.4: Truth vs Lie (as depicted by Lyon & Saywitz, 2000)
- Figure 4.5: Barriers themes and codes
- Figure 4.6: Themes of processes that could facilitate the process when a person with LNFS testifies in court
- Figure 5.1: Outline for presentation and discussion of results
- Figure 5.2: Number of words ranked as “very important”

LIST OF APPENDICES

Appendix A:	Biographical questionnaire
Appendix B:	Semi-Structured In-depth Interview guide
Appendix C:	Ethical Approval letter from Research Ethics Committee of the Faculty of Humanities at the University of Pretoria
Appendix D:	Title Registration
Appendix E:	Consent letters to participants
Appendix F:	Pre-developed focus group script
Appendix G:	Pre-developed inclusion/exclusion criteria
Appendix H:	Custom designed Questionnaire
Appendix I:	Raw data: Complete vocabulary list with duplicates
Appendix J:	Media report

Chapter 1

Introduction to the study

1.1 Introduction

This chapter aims to provide background information, to introduce the problem statement and to give reasons for conducting the present research study. Following this, frequently used terminology is defined and abbreviations are clarified. Finally, the chapters that are to follow in this dissertation are outlined.

1.2 Orientation and problem statement

Research has shown that people with disabilities are at high risk of being victims of crimes. It also indicates that, within the sphere of disability, people with little or no functional speech (LNFS), those with significant speech disorders and those with communication disabilities are even more at risk of being victims of crime. This is due not only to the barriers they face of not being able to shout or call for help, but because perpetrators often seek vulnerable individuals who they perceive as not being able to verbalise their victimisation to family and the police.

Factors that could contribute to increasing such an individual's risk of being a victim of a sexual crime include low self-esteem, low self-confident behaviours, reduced ability to learn from risks, poor decision making skills, limited knowledge of constitutional and personal rights and limited knowledge on how to report a crime. More importantly, people with LNFS also may have little knowledge of sexuality and appropriate sexual behaviour due to their parents or family believing that they should be protected from this knowledge or relying on non-experts regarding sexuality education.

Research shows that the majority of people with LNFS who have been victims of crime know their perpetrators. These perpetrators often believe that if their victims are unable to speak they will be unable to seek help or disclose and report the crime to the police.

There is relevant legislation in South African law that protects people with LNFS, yet an alarming concern of victimisation against people with LNFS remains mostly unaddressed and the victims remain invisible. One of the possible reasons for this phenomenon could be the fact that

social workers, police, lawyers, advocates and presiding officers, who all form part of the legal justice system, often have limited knowledge of how to assist a person with LNFS, and therefore find the whole process too daunting.

There is also a controversy surrounding the legal test for competency to testify and if a person with LNFS has the ability to testify in court. The South African law recognises two types of witness competency, namely, basic competency and truth-lie competency. Basic competency is the witness's ability to retell the event and the truth-lie competency is the ability to tell the truth so that a witness is able to take the oath. These competencies must be assessed before the start of the court case.

South African law states that a witness can give testimony using “demonstrations, gestures or any other form of non-verbal expression” (Criminal Law Amendment Act 135 of 1991). The greatest advantage of AAC is the vast selection of manual signs and graphic symbols that people with LNFS can use to communicate messages. Especially for individuals who cannot read or write, the ability to represent messages and concepts in alternative ways is central to communication. It is important to note that South African courts have allowed people with LNFS to use unaided communication strategies such as South African Sign Language, therefore we need to emphasise the aided strategies such as communication boards with graphic symbols, as many victims of crime with LNFS are not able to use unaided strategies as a means of communication.

Research shows that specialised vocabulary sets for specific contexts should be developed for individuals using AAC, for example to testify in court. To assist individuals with LNFS to testify in a court of law, a unique process may be required to obtain specialised legal vocabulary, such as asking professionals in the legal field to assist in identifying this vocabulary.

In the South African context, people with LNFS face significant difficulties when they are needed to testify in court and give their testimony. Extensive research has shown that South African prosecutors, defence attorneys, judges and magistrates are still in need of disability awareness and training. AAC must be seen as a valid means of communication for disclosing abuse or other crimes, reporting to police and testifying in court. People who use AAC need

relevant and accessible vocabulary so that they can reduce the risks of being victimised and to be able to testify in court.

Social validation should be one of the fundamental considerations when choosing vocabulary for people who use AAC to testify in court. Social validation is the process of assessing and evaluating the acceptability and social significance of vocabulary within specific contexts and this was a process used in this study.

It is the aim of this study to identify the legal core vocabulary required by illiterate victims of crime with LNFS, to testify in court as witnesses. The barriers that these individuals face when testifying in court and the possible processes that could assist them is also discussed.

Throughout this study the importance of vocabulary selection for specific contexts such as testifying in court is explored.

1.3 Definition of terms

The following frequently used terminology need some clarification:

1.3.1 Augmentative and Alternative Communication

Augmentative and Alternative communication can be defined as the “supplementation or replacement of natural speech and/or writing using aided/unaided symbols” (Lloyd, Fuller & Arvidson, 1997:524). Graphic symbols and electronically produced speech are examples of aided symbols and gestures and South African Sign Language (SASL) are examples of unaided symbols. In addition, Augmentative and Alternative communication is the field of clinical and educational practice to improve the communication skills of individuals with little or no functional speech (Lloyd et al., 1997).

1.3.2 Little or no functional speech

Little or no functional speech refers to individuals who are unable to produce intelligible speech or who are only able to produce 15 or less intelligible words (Cantwell & Baker, 1985).

1.3.3 A victim of crime

A victim of crime can be defined as “a person who has suffered harm, including physical or mental injury; emotional suffering; economic loss; or substantial impairment of his or her fundamental rights, through acts or omissions that are in violation of our criminal law” (South African Service Charter for Victims of Crime, 2006:6). For the purpose of this study, ‘victim of crime’ will be defined as a person who has suffered harm, including physical or mental injury. Individuals with LNFS can also be the perpetrators, but for the purpose of this study, focus is placed on the victims of crime.

1.3.4 A person with a mental disability

In South African law a person who is mentally disabled can be defined as “a person affected by any mental disability, including any disorder or disability of the mind” (SOA, 2007). For the purpose of this study, a person who is ‘mentally disabled’ is a person with an intellectual impairment. An intellectual impairment has the following characteristics:

- The individual’s intellectual functioning is significantly sub-average which will lead to difficulties in attention, memory and generalisations.
- Limitations related to the intellectual functioning will be seen in any two or more of the following skill areas namely communication, social skills and self-care.
- The impairment is the result of an injury, disease or abnormality for example chromosomal or genetic disorders, poor nutrition or brain injury.

(Bornman & Rose, 2010)

1.4 Abbreviations

AAC	Augmentative and Alternative Communication
LNFS	Little or no functional speech
SOA	The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

CRC	Convention on the Rights of the Child
CRDP	Convention of the Rights of Persons with Disabilities
PCS	Picture Communication Symbols
TO	Traditional Orthography
SASL	South African Sign Language

1.5 Overview of Chapters

This study embodies 6 chapters. *Chapter 1* provides the justification for the study, the outlines of the chapters as well as the definition of the key terms and abbreviations used in remaining chapters.

Chapter 2 provides an overview of the vulnerability of a person with disability, highlighting the victims' and perpetrators' perspective, contextualising the South African legal and justice system as well as the published literature. AAC and the Viva Voce rule and the importance of vocabulary selection are addressed. The challenge of testifying in court and the importance of AAC for an individual with LNFS who has been a victim of crime is deliberated. Lastly, social validation is discussed.

Chapter 3 is a description of the methodology used. It includes a layout of the main-aim and five sub-aims of the research and the research design. It is divided into a Qualitative phase and a Quantitative phase. In each phase the pre-testing (stakeholder review and pilot studies), participants in the study and the materials used are discussed. The data collection procedures and the data analysis of each phase are also described.

Chapter 4 presents a description and discussion of the results for the Qualitative phase in accordance to the first three aims of the study.

Chapter 5 presents a description and a discussion of the results for the Quantitative phase in accordance to the last two aims of the study.

In *Chapter 6* the study is critically evaluated in terms of its results, limitations and strengths. The clinical implications are then described. Lastly, recommendations for future research are made.

1.6 Summary

This chapter provided a justification and rationale for the study and highlighted the importance of vocabulary needed to testify in court, the barriers experienced by people with LNFS when testifying in court and the processes that could facilitate these individuals when testifying in court. This chapter concluded with definitions of key terms, clarification of abbreviations and an outline of the chapters to follow.

Chapter 2

Literature review

2.1 Introduction

Individuals with disability, in particular those with severe communication disability have a heightened vulnerability when compared to typical peers, in as far as becoming a victim of crime. The aim of this chapter is to provide an overview of the relevant literature concerning this vulnerability and the factors that increase this vulnerability. This is discussed from both the victim and the perpetrator perspectives, the South African legal and justice system as well as the published literature is then contextualised. Next AAC and the *Viva Voce* rule (with the living voice or verbally) is discussed, followed by an in depth explanation of the role of vocabulary and communication in testifying in court, referring to both core and fringe vocabulary. Finally, the challenges experienced by the victims of crime who have severe communication disability when testifying in court, is explained.

2.2 Vulnerability of persons with disability

Research has shown that people with disabilities are at high risk of being victims of crimes (Bornman, 2014; Bornman, Bryen, Kershaw & Ledwaba, 2011; Bryen & Wickman, 2011; Bryen, Carey & Frantz, 2003; Hesselink-Louw-Louw, Booyens & Neethling, 2003; Hughes et al., 2012; Jones et al., 2012, Pillay, 2012). Moreover, research has also indicated that children and people with disabilities often are repeat victims (Bornman, 2014). Two studies funded by the World Health Organisation (WHO) recently confirmed the high international figures for prevalence and risk of violence against adults and children with disabilities (WHO, 2012). Data extrapolated from 21,557 adults with disabilities showed that 33.3% had reported that they had experienced violence in the 12 months prior to participating in the study. This comprised 24% who had mental illness, 6.1% who had intellectual disabilities and 3.2 % individuals with non-specific impairment (Hughes et al., 2012). Furthermore, data obtained from 18,000 children with disabilities showed that 20% of these children, which is a staggering one in every five children with disabilities, experienced physical violence and 14% had been sexually abused (Jones et al., 2012). Statistics from an additional study by the United States Department of Justice showed that in 2012 there was a total of 1.3 million violent crimes against people with disabilities who were 12 years and

older. Furthermore, this study also reported that these violent crimes against these individuals had increased from 2008 (Harrell, 2012).

The United Nations Convention on the Rights of People with Disabilities (CRPD) also states that there is recognition that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation (United Nations, 2006). In addition, the United Nations Convention on the Rights of the Child (CRC) also includes articles specifically related to protection (United Nations, 2006). These protection rights focus on protecting children from harm in the form of exploitation, neglect and violence (Alderson, 2000).

Research furthermore indicates that within the sphere of disability, people with little or no functional speech (LNFS), those with significant speech disorders and those with communication disabilities are even more at risk of being victims of crime. This is due to not only the barriers they face of not being able to shout or call for help, but because perpetrators often seek vulnerable individuals who they perceive as not being able to verbalise their victimisation to family and the police (Bryen & Wickman, 2011; Collier, McGhie-Richmond, Odette & Pyne, 2006). The power imbalance between a person with a disability (the powerless) and the perpetrator (the powerful) strengthens the stereotyping of people with disability being vulnerable (Swango-Wilson, 2010). Research indicates that women with disabilities tend to respond with a somewhat passive accepting attitude reflective of their lower degree of power within the abusive relationship (Swango-Wilson, 2010). Specific factors that increase their vulnerability will be discussed from four different viewpoints, namely that of the victim and the perpetrator and finally the legal and justice system, as well as the published literature is contextualised.

2.2.1 The victim's perspective

Adults and children with LNFS face increased vulnerability when it comes to being a victim of crime as they are seen as voiceless and invisible members of society (Bornman et al., 2011; Bryen & Wickman, 2011; Bryen et al., 2003; Groce & Bakshi, 2009). Furthermore, crimes against them are less likely to be reported or prosecuted (Bryen & Wickman, 2011). A chain of five pertinent events contribute to people with LNFS becoming increasingly vulnerable as victims of crime (Bryen & Wickman, 2011); firstly, there is the risk of being unable to call or shout for help and to fight back to protect themselves from the crime;

secondly, there is the myth that people with LNFS do not have the language skills to understand (receptively) and communicate (expressively), which may seem appealing to potential perpetrators; thirdly, they are seen as unable to communicate their victimization due to their communication difficulties; fourthly, when they do communicate their victimization they are less likely to be believed because they may not be understood due to their communication disability and, lastly, there is the misperception that they are unable to testify in court as competent and reliable witnesses (Larcher, 2014; Bornman, et al., 2011, Ziv, 2007; Bryen & Wickman, 2011).

People with LNFS also may have little knowledge of sexuality and appropriate sexual behaviour due to their parents or family believing that they should be protected from this knowledge as sex will not be part of their lives (McKenzie, 2013; Lafferty, McConkey & Simpson, 2012). Additionally, their dependence on sexuality education is from non-experts (Lafferty et al., 2012). The fact that many individuals with disabilities are viewed by others as being perceptually child-like, they are denied of opportunities to gain the knowledge and skills needed to make informed decisions around sexuality (Swango-Wilson, 2010). People with LNFS therefore do not have the knowledge of what appropriate or inappropriate sexual behaviour is and this leads them to being even more vulnerable as victims of sexual crime (McKenzie, 2013). In some cases, people with LNFS may not even know that what had happened to them was actually a sexual crime (Bornman, 2014).

Factors that could contribute to increasing an individual's risk of being a victim of a sexual crime include low self-esteem, low self-confident behaviours, reduced ability to learn from risks, poor decision making skills, limited knowledge of constitutional and personal rights and limited knowledge on how to report a crime (Collier et al., 2006). People with LNFS could lack in these skills and be vulnerable to these sexual crimes due to not having the same opportunities as able-bodied individuals to develop these skills (Pillay, 2012; Collier et al., 2006). The limited schooling opportunities for all individuals with disability also perpetuate these issues (Groce & Bakshi, 2009).

Although South Africa officially has an Inclusive Education Policy in the format of the White Paper 6 (2001), it is not a reality for many children with disabilities in the country. In fact, a recent study estimated that 8% of 7-15 year old children with disability enrolled or were in a school in 2011, with 24% of 16-18 year old with disability being excluded (Martin, 2014). When looking at specific numbers, the Department of Education estimated that around

480,036 children with disabilities are not enrolled in school (Department of Education, 2013). There is no reliable system in place that can assist in tracking these children with disabilities, thereby increasing their vulnerability for sexual crimes and abuse even further. But for the majority of children with disability who do attend school are enrolled at so called ‘special’ schools and these schools contribute to the isolation of these children (Donohue & Bornman, 2014).

People with LNFS could also be socially isolated and have few communication partners whom they trust and with whom they communicate on a regular basis and this could lead to a perpetrator believing the person with LNFS cannot disclose and report the crime (Bornman, 2014; Collier et al., 2006; Hesselink-Louw-Louw et al., 2003). Social isolation also limits the individuals’ potential opportunities to meet unfamiliar people to whom they could disclose (Bornman & Bryen, 2013).

People with LNFS may also not have literacy skills (Groce & Bakshi, 2009) to report the crime or to make a statement and this may discourage them in disclosing the event. In fact, data suggests that 97% of people with disabilities in South Africa are not literate (Groce & Bakshi, 2009).

People with LNFS who depend on assistance for personal care such as dressing and going to the toilet are at increased risk for sexual crimes due to the intimate relationship they share with the individual assisting with these activities (Bornman, 2014; Collier et al., 2006). Due to the dependence they experience on these individuals, particularly if that individual has been assisting in personal care for many years, their assertiveness could be lacking when a sexual crime arises between these individuals (Bornman, 2014, Collier et al., 2006). Very often, perpetrators exploit this fact, threatening the individuals by not performing these care-giving tasks for them, if they were to disclose the abuse. In his book *Ghost Boy* (2011), Martin Pistorius, a young man who uses AAC explains the nightmare of being abused by a caregiver: *“There were times when I wondered if she scared herself with her own violence: after giving me an enema so forcefully I bled, she put me into the bath and I watched the water turn bright red. After getting me out, she dipped a toothbrush into the filthy water before cleaning my teeth with it.”* (Pistorius, 2011: p 162)

Victims with LNFS may experience feelings of shame, embarrassment and emotional toll of the repetition of the sexual crime (Bornman, 2014). They might feel that they, in some way,

‘deserve’ what had happened, or feel that they might have done something to bring the crime about (Dickman, 2013).

In some cases, families of victims with LNFS feel that they do not want to create a secondary trauma by having the individual relive the events, particularly if they think that the chance for a successful conviction is slim, due to the disability (Elphick, 2013). Victims may also fear retribution, particularly if the perpetrator is the family member who provides financially for the family (Keilty & Connelly, 2001). Research has shown that the home is one of the first contexts in which children’s rights, including the right to protection, is respected or restricted (Helwig, 2006).

Some victims with LNFS do not know how to or where to report a crime. Often police stations are not easily accessible for people with LNFS, especially if they have a physical disability and are in a wheelchair (Holtmann & Domingo-Swartz, 2008). They might also have had a negative experience with a police officer and may therefore feel that police officers are disrespectful because of their disability.

In the 1980’s, authors reported that people with LNFS often do not have the communication means or vocabulary to disclose and report what had happened (Borthwick & Crossly, 1988). Sadly, this is still an issue today (Bryen & Wickman, 2011).

Apart from not having access to the required vocabulary, research has also alluded to persons’ with disabilities, in particular those with intellectual disabilities, greater susceptibility to suggestion and acquiescence (when they are unsure, they typically answer ‘Yes’) and their elevated desire to please authoritative figures such as police officers, lawyers and judges (Mercier, 2010). These factors increase their vulnerability in court as they are easily intimidated, deceived or coerced during questioning (Mercier, 2010).

2.2.2 The perpetrator’s perspective

Research shows that the majority of people with LNFS who have been victims of crime know their perpetrators (Western Cape Forum for Intellectual Disability, 2014; Dickman & Roux, 2005). These well-known perpetrators often believe that if their victims are unable to speak they will be unable to seek help or disclose and report the crime to the police (Bryen et al., 2003). As already alluded to, many victims also fear the repercussion from the perpetrator, particularly in cases where the perpetrators are family members and also the ones who

provide personal assistance, as they fear the caregiver could withhold care, food and assistance with personal hygiene (Bryen et al., 2003; Bryen & Wickman, 2011, Collier et al., 2006; Hesselink-Louw et al., 2003).

This same phenomenon was noted in South Africa when a recent study reported that an overwhelming majority of perpetrators of sexual abuse were known males such as a neighbour or family member (Jonker & Swanzen, 2007). Many women and children with LNFS remain in these abusive relationships, as they are dependent on their perpetrator for various reasons, as discussed earlier. In these situations, perpetrators will often threaten to withhold or destruct equipment such as a wheelchair or communication device, and even withhold medication (e.g. medicine to control epilepsy), if the victim is considering disclosing the crime (Bornman, 2014).

There is also the misconception regarding the sexuality of people with disabilities. On the one hand, they are incorrectly viewed as asexual or ‘sexual innocents’ that should be protected from sexual experiences (Johns, 2010). On the other hand, they are viewed as being sexually promiscuous, which could encourage the perpetrator in following through with the crime (Keilty & Connelly, 2001; Collier et al., 2006). These myths are exacerbated by certain cultural beliefs regarding sexuality and sexual practices in South Africa and have a particularly negative impact on individuals with disability (Lafferty et al., 2012; Malimabe-Ramagoshi, Alexander & Molepa, 2007). The ‘virgin cleansing’ myth exists, which holds that having a sexual relationship with a woman with a disability could cleanse away HIV (Hannass-Hancock, 2009). In some South African communities, sexual intercourse with girls and women with intellectual disability is done in the name of “Ukuthwala” (Phasha & Myaka, 2009). In this myth, perpetrators believe that they will become powerful, feared by others and wealthy if they have sexual intercourse with a “mermaid” (described as a wealth-giving creature) – a spirit who is believed to live within girls and women with intellectual disability (Phasha & Myaka, 2009). These myths are alluring to perpetrators (McKenzie, 2013). These myths, coupled with perpetrators’ belief that people with LNFS will be “unable to tell anyone”, or if they do, that they will be unable to be a reliable witness (Bryen & Wickman, 2011), perpetuates the abuse of this already vulnerable group.

2.2.3 Contextualising the South African legal and justice system

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SOA) provides the definition of a person who is mentally disabled as “a person affected by any mental disability, including any disorder or disability of the mind” (SOA, 2007). It is important to highlight that under this definition of the Act, it specifically states that if the person was unable to communicate his willingness or unwillingness to participate (i.e. consented to the sexual act) at the time of the alleged crime, the person would be defined as a ‘person who is mentally disabled’, this then applies to people with LNFS (SOA, 2007). This Act broadly differentiates between sexual crimes that involve penetration (rape) and all other sexual violation crimes; this is an important aspect to consider, since people with LNFS face all forms of sexual crimes (Combrinck & Meer, 2013; Pillay, 2012; Collier et al., 2006). A rapist can be defined as a person who unlawfully and intentionally commits an act of sexual penetration with a person who has not given consent (SOA, 2007). Sexual assault can be defined as an act by a person who unlawfully and intentionally sexually violates a person who has not given consent (SOA, 2007). This broader definition of sexual crimes is not limited to rape (sexual penetration); hence it provides more opportunity of conviction of perpetrators. In the past, perpetrators realised that rape (which involves penetration) received harsher sentences, and therefore they would not penetrate the victim but rather assault them repeatedly (rubbing their private parts or forcing them to assist in the act of masturbation) (Artz, 2010).

An alarming concern of victimisation against people with LNFS is that it remains mostly unaddressed and the victims remain invisible (Combrinck & Meer, 2013; Bornman et al., 2011; Bryen & Wickman, 2011). One of the possible reasons for this phenomenon could be the fact that social workers, police, lawyers, advocates and judges, who all form part of the legal justice system, often have extremely limited knowledge of how to assist a person with little or no functional speech, and therefore find the whole process too daunting (Bryen & Wickman, 2011).

The National Instruction on Sexual Offences provides meticulous information to police officers regarding how to assist a victim of crime (SOA, 2007). It states that while taking statements from the victims and their families, the police officers must be professional and sensitive towards to the emotional state of the victim and their families (Combrinck & Meer, 2013). The police officer must be patient while the victim of crime is explaining what

happened during the sexual crime and additionally, and should not be judgemental towards the victim of crime (Combrinck & Meer, 2013). However, it does state that if the police officer encounters any form of difficulty when dealing with a ‘mentally disabled person’, the matter must be discussed with legal services as the procedure may demand an urgent application to the High Court (Combrinck & Meer, 2013; SOA, 2007). But as Combrinck and Meer (2013:7) so frankly state, *“Unfortunately the Instruction does not provide any further details on what such a ‘difficulty’ may entail, or what the purpose of an urgent application to the High Court may be.”*

Police officers are known to feel that they are not equipped with the necessary skills to take a statement from a person with LNFS and therefore may not provide the victim with the correct service and support needed for a victim of sexual crime to provide a statement (Hesselink-Louw et al., 2003; Keilty & Connelly, 2001). Research has shown that certain police officers view people with communication disabilities as unreliable to provide an adequate statement and therefore see no need to allow them to give one (Bornman, 2014; Combrinck & Meer, 2013). However, research has shown that if people with LNFS are questioned appropriately, they can produce accurate reports of the event and go on to testify in court (Pillay, 2012). On certain occasions, police officers view the person with LNFS as not being able to be a competent witness to be able to testify in court and therefore do not provide the correct services to that victim as they feel there is no need to start the process if it will not end up in court (Keilty & Connelly, 2001).

Social workers are generally contacted after the victim of sexual crime has reported the crime to the police and play a vital role in the process of finding justice for the victim, potentially for victims with disability (Western Cape Forum for Intellectual Disability, 2014). In South Africa, social workers have the role that, when a sexual crime has been reported, they are required to assist in keeping the victim safe, reporting the crime to the Sexual Offences court, referring the victim and their family to appropriate services and most importantly, preparing the victim for the court case (Western Cape Forum for Intellectual Disability, 2014). This applies to people with LNFS who have been victims of crime too. However, social workers do not always feel equipped to deal with victims with communication disabilities or they do not have enough resources such as communication boards to assist the person with LNFS with court preparation (Seedat, Van Niekerk, Jewkes, Suffla & Ratele, 2009).

Barriers that have been identified in the legal justice system for people with disabilities include difficulties such as language and communication, problems with interpretation and use of cross-examination techniques that may not be accurate measures of the credibility of people with disabilities, who may have limited communication skills (Collier et al., 2006).

There is also a controversy surrounding the legal test for competency to testify; and whether a person with LNFS has the ability to testify in court. South African law identifies two types of witness competency, specifically, basic competency and truth-lie competency (Pillay, 2012). Basic competency is the witness's ability to retell the event and the truth-lie competency is the ability to tell the truth so that a witness is able to take the oath (Pillay, 2012). She goes on to say that, every attempt must be made to find reasons why a person with LNFS should be permitted to give evidence, rather than why they should not be allowed to testify in court.

The Honourable Judge Joan Hackett (1998:143), states, *“If vulnerable witnesses with special needs cannot access our courts, then our system will be an obstacle in their quest for justice, which will increase their vulnerability.”*

2.2.4 Contextualising the published literature

In order to focus specifically on the factors that relate to the vulnerability of victimisation of people with LNFS, a systematic review of previously published research was undertaken. Table 2.1 provides an outline of previous research that focused on identifying specific vocabulary to report a crime; the role that AAC plays in testifying in court, the extent to which adults who use AAC have been victims of crime and the abilities of people with disabilities to be witnesses in court. Four prominent databases, Google Scholar, Ebscohost, Sabinet and Informaword were searched to retrieve research conducted related to abuse, or crime against people with LNFS. Articles were included if they were published between 2001 and 2013, and published in English. No restrictions were placed on the type of research design needed. The terminology used in the search for these studies included combinations of the following key words in the title and abstract of the articles, as well as the truncation symbol (*): *disabilit**, *disable**, *abus**, *victim**, “crime”, “law”, *testify**, “court”, *vocab**.

Only four articles were found, which are discussed in Table 1 according to the design aim, the aims of the study, as well as the participants and the procedure. The results are given and the implications for the current study highlighted.

Table 2.1
Systematic literature survey on relevant studies

Author/Yr	Design & Aim	Participants	Procedures	Results	Implications for current study
Bornman, Bryen, Kershaw & Ledwaba, 2011	Qualitative (Focus groups). To identify vocabulary needed to disclose or report crime or abuse in South Africa and led to development of communication boards in four of the 11 official South African languages.	Thirty six Participants recruited following a workshop on the topic of crime and abuse (various occupations).	Participants asked "Which words do you think a person with complex communication needs would need if he/she wanted to tell that he or she had been the victim of crime, abuse or neglect?" Chosen words were listed.	The study provided some evidence-based vocabulary to assist individuals with complex communication needs to tell somebody if they have been a victim of crime, abuse or neglect.	This study confirms that specific vocabulary can be selected and used to design a specific communication board, such as specific core and fringe legal vocabulary.
Bryen & Wickman, 2011	Qualitative (pattern analysis) To describe US court rulings that clarify the impact of having LNFS and relying on the role of AAC in testifying in court. To describe the outcomes of court cases when someone with LNFS testifies in court as a witness in their own defence when they have been a victim of crime.	Thirteen court cases of people with LNFS who have testified in court as a witness in their own defence when they had been a victim of crime.	Cases were saved, reread and sorted into which issues they were pertinent for. Common patterns and different patterns began emerging.	Courts do permit individuals with LNFS to testify in court if at all possible, and to make the court aware of the likelihood of the person to testify.	This study shows that people with LNFS have the right to testify in court but it is important that the person with LNFS is prepared. Facing the alleged offender in court as a witness is one way of reducing the risk of continuing to be a victim of crime. With the possible correct legal vocabulary already selected, people with LNFS could competently testify in court against their alleged offender.
Bryen, Carey & Frantz, 2003	Quantitative (Survey Design). To address the extent to which adults who use AAC have been victims of crime or abuse, the characteristics of victimisation experiences, the likelihood of reporting the crime or abuse and the effects of the crime or abuse on the victims who use AAC.	Forty individuals (93% used AAC, 7% did not have an AAC system).	Specific survey was developed and uploaded on secure website and participants were asked to respond with four options (email, hand delivered, interview and website).	45% of the respondents had experienced some type of crime or abuse, 97% knew their perpetrators, and 71% reported being victims multiple times and 66 % experienced multiple types of victimisation.	This study shows that people who use AAC are vulnerable to being crime victims as they were seen as voiceless, unable to report the crime or testify in court. With the possible correct legal vocabulary already selected, people with LNFS could competently testify in court against their alleged offender and not been seen as voiceless.
Kebbell, Hatton, Johnson & O'Kelly, 2001	Qualitative (thematic analysis) To describe the abilities of people with Learning Disabilities (LD) as witnesses and the kinds of questions lawyers use that cause problems for people with LD; to provide advice to the court to ensure accurate evidence of persons with LD.	No participants (16 transcripts of court cases involving witnesses with learning disabilities (LD)).	Author analysed transcripts of 16 court cases involving witnesses with, and 16 matched court cases involving witnesses without LDs	People with LD can make competent witnesses, but will be particularly vulnerable to constraining or coercive questioning in court.	This study shows that people with LD can make competent witnesses but are vulnerable to intimidating questioning strategies. Courts and lawyers have their own legal terminology, and if these words were identified and explained to people with LNFS, this could lead to the individual being a competent witness.

2.3 AAC and the Viva Voce Rule

Section 161 (2) of the Criminal Law Amendment Act 135 of 1991 states that a witness must give his/her evidence *Viva Voce* (orally/verbally) at criminal proceedings. According to Black's Law Dictionary (Garner, 2009) in the examination of a witness, *Viva Voce* is used as a contrast to responding by a written or printed means, as the phrase is equivalent to 'orally' or 'verbally'. However, this act makes provisions for Deaf persons to give their evidence or testimony by using sign language (Jonker & Swanzen, 2007). Therefore, interpreters who are fluent in South African Sign Language (SASL) are available in South Africa Courts. There have been documented cases in which SASL has been used in court, e.g. *Baretemane v R* (CRI/A/25/07) and *R v Ranikolo* 1954 (3) SA 255 (0).

Section 161(2) further states that a witness can give testimony using "demonstrations, gestures or any other form of non-verbal expression" (Jonker & Swanzen, 2007:2). The greatest advantage of AAC is the vast selection of manual signs and graphic symbols that people with LNFS can use to communicate messages. Especially for individuals who cannot read or write, the ability to represent messages and concepts in alternative ways is central to communication (Beukelman & Mirenda, 2013).

On closer examination of the Act, it would appear as if all the examples included in the Act refer to unaided forms of communication. Unaided symbols can be defined as not requiring anything external to the user's body to produce a message (Lloyd et al., 1997). Unaided AAC systems include natural gestures, vocalisations and speech, nodding, and manual sign systems such as South African Sign Language (SASL), which are recognised by the court systems and are mentioned specifically in the Criminal Law Amendment Act 135 of 1991. However, for many people who use AAC, particularly those with significant physical impairments, the use of neither speech nor manual signs are a possibility. They would therefore need to rely on aided forms of AAC; no explicit mention is made of any aided communication systems in the Act. AAC can be defined as the attempts to study and compensate for temporary or permanent disabilities of individuals with severe speech disorders, including spoken and written modes of communication (Beukelman & Mirenda, 2013). Aided systems can be defined as symbols that require external assistance to produce a message, including Braille, Morse code and traditional orthography (TO) (Lloyd et al., 2007). Aided strategies use a variety of graphic symbols (concepts represented)

which range in terms of abstractness with TO on the most complex end of the continuum to object symbol sets on the easiest end. The difference between a symbol set and a symbol system is that a symbol set consists of a defined number of symbols that have no rules for expansion. Therefore, a symbol set would not allow an individual to generate novel messages. Messages can only be compiled by selecting symbols from the specific set (Moolman & Rose, 2012). A symbol system, on the other hand, is specifically designed to work together allowing maximum communication and has rules for the development of new symbols, e.g. Blissymbols (Moolman & Rose, 2012). Symbol systems therefore enable an individual to compose his/her own messages. Traditional orthography (TO), which is the written characters used to record a particular linguistic (symbol) system for example English letters and where an individual with LNFS could generate their own messages using the alphabet, would not assist the majority of people with LNFS to testify in court, due to the high illiteracy rates of these populations, as mentioned earlier. Another, and often forgotten graphic symbol system, is Braille. Braille is a tactile symbol system for reading and writing and is used by people with visual impairments, but the individual needs to be literate and hence the theoretical argument reverts to the issue of illiteracy of individuals with disabilities. The reason being that literacy would be required to use either TO or Braille and the majority of children and adults with LNFS are not literate (Beukelman & Mirenda; 2013, Groce & Bakshi, 2009).

For individuals with LNFS who cannot read or write, the ability to represent messages and concepts in alternative ways is fundamental to communication (Beukelman & Mirenda, 2013). Therefore, an aided AAC strategy using a graphic symbol set such as Picture Communication Symbols (PCS) which are line drawings could possibly assist a person with LNFS. The vocabulary required to testify in court could thus be selected and represented in the form of the line drawings that could form a communication display such as a communication board or book (Beukelman & Mirenda, 2013; Bornman et al., 2011). This has implications in court, since a vocabulary will be selected from a pre-determined list, and not generated, as is possible with a symbol system such as TO or Braille.

In AAC, assistive technology plays a major role in assisting people with LNFS in communicating, since graphic symbols can be displayed through technology (Beukelman & Mirenda, 2013). The rapid expansion of technology has created many new possibilities for

people with LNFS. Low technology can be defined as “inexpensive, simple to make, and easy to obtain” communication systems (Lloyd et al., 1997:107) and examples are communication boards, communication books and communication aprons. High technology systems, on the other hand, describe all devices that use an integrated circuit and thus include systems that are typically sophisticated and programmable (Beukelman & Mirenda, 2013). These include both dedicated AAC devices such as the Tobii Eye Gaze system, as well as non-dedicated devices such as the iPad or tablets, which can be used for communication purposes with dedicated software such as Proloquo-to-go or The Grid (Beukelman & Mirenda, 2013). The focus of this study is, however, not on differentiating between low technology and high technology systems but rather on the development of a vocabulary list. Both types of systems require vocabulary that will be included in the display, and hence the vocabulary selection is always viewed as an important consideration in the process of AAC implementation (Snodgrass, Stoner & Angell, 2013).

In 1994 a legal precedent was set in South Africa when a 15 year old girl who had LNFS and had been sexually abused, used a communication board with Bliss-symbols to testify in court (Toefy & Waller, 1996). The Bliss-board had the relevant vocabulary and, in addition, training was given to the neutral interpreter and the girl successfully testified, resulting in her offender being convicted for a 10-year period (Toefy & Waller, 1996; Toefy, 1994). Therefore, a victim of crime with LNFS who would need to use a ‘non-verbal communication method’ to testify should theoretically be allowed to use an unaided AAC system to do so.

It is important to note that South African courts have allowed people with LNFS to use these unaided communication strategies and therefore we need to emphasise the aided strategies, since many victims of crime with LNFS are not able to use unaided strategies with a means of communication (Jonker & Swanzen, 2007). In order to address the above matter, a multi-tiered approach is needed where identification of legal vocabulary could lead to the design of specific communication boards and speech-generating devices to be used in court to testify (Grether, 2009).

2.4 The importance of vocabulary selection

Research shows that specialised vocabulary sets for specific contexts should be developed for individuals using AAC (Balandin & Iacono, 1998; Bryen, 2008; Dark & Balandin, 2007).

Specialised vocabulary should be relevant, accessible and culturally sensitive (Bryen, 2008).

Vocabulary selection requires a team who have the sensitivity and, more importantly, the skill to take into consideration the many characteristics and criteria of identifying vocabulary for a specific context (Lloyd et al., 1997). Specialized vocabulary should also include sensitive topics such as disclosing a crime and testifying in court (Bryen & Bornman, 2013).

Vocabulary selection is a time-consuming procedure, yet an extremely vital procedure as people who use AAC need the relevant vocabulary to experience effective communication (Beukelman & Mirenda, 2013). Relevant topics of vocabulary, such as vocabulary for testifying in court, will assist people with LNFS, specifically children and illiterate adults who have been victims of crime (Balandin & Iacono, 1998, Groce & Bakshi, 2009). Until there is a time where people who use AAC can competently customise their own communication devices and spontaneously create their own vocabulary, they will have to rely on others to develop and provide quick and easy access to necessary and relevant vocabulary (Bornman & Bryen, 2013; Bryen, 2008).

Traditionally, the vocabulary has been selected for people who use AAC in a number of specific ways, e.g. by using topics selected by speech-language therapists or by familiar communication partners or by using predetermined high frequency word lists (Balandin & Iacono, 1998). These lists are typically generated from observational data on the specific topic by using peers without disability, through naturalistic observation to record everyday communication activities or by recording specific context-band interactions (Beringer, Tönsing & Bornman, 2013).

Predetermined, commercially available topic lists also exist, although there are no lists available specifically related to testifying in court. However, there is no set method or strategies for AAC vocabulary selection that is likely to produce a comprehensive list of all the words that may be relevant for an individual who may need to testify in court (Snodgrass et al, 2013). To assist individuals with LNFS to testify in a court of law, a unique process may be required to obtain specialised legal vocabulary (Bornman et al., 2011).

An important aspect of vocabulary selection is to remember that the value of any vocabulary should be determined by its use in a particular situation and context (Dark & Balandin, 2007). Therefore, a specific and careful process should be followed where both core and fringe vocabulary should be predicted and selected. Each of these constructs will now be described in more detail.

2.4.1 Core vocabulary

Core vocabulary refers to words and messages that are commonly used by individuals and occur very frequently (Beukelman & Mirenda, 2013). It typically consists of a small number of words and include many frequently used words that form the grammatical structure for the sentences used in conversations (Lloyd et al., 1997). These words should consist of words that can be used in a variety of situations for a variety of communicative purposes and should be sufficient to provide for functional communication (Snodgrass et al., 2013). Important consideration of core vocabulary is needed; it should be approached from a team-approach so that a person who uses AAC will be able to express certain events in his/her life, such as a sexual crime and being able to retell this event. However, for the purpose of this study a broader definition of core vocabulary would be used as it will refer to the different categories of words that are required at high frequency when testifying in court. For the purposes of testifying in court, individuals need vocabulary that are specific (e.g. to identify the potential perpetrator) but should also include vocabulary that would aid in providing a narrative response (Collier et al., 2006).

2.4.2 Fringe vocabulary

Fringe vocabulary is sets of words that are highly individualized, unique and dynamic and contain words such as nouns, verbs and adjectives (Dark & Balandin, 2007). Such words serve to personalise the vocabulary included in an AAC system and to allow expression of messages and incidents that do not appear in the individuals core vocabulary list (Beukelman & Mirenda, 2013). Identification of legal fringe vocabulary that is specific to the South African context additionally is needed to testify in court such as “sjambok”, “sangoma” and “shebeen”. Not only do these words need to reflect the specific context, they would also need to be individualised to reflect the specific crime.

A combination of both core and relevant fringe vocabulary is required for successful communication and, ultimately, for the successful use of AAC to testify in court (Dark & Balandin, 2007).

2.5 The challenges of testifying in court

In the South African context, people with LNFS face significant difficulties when they are needed to testify in court and give their testimony (Pillay, 2012). The process of testifying in court can also be challenging for lawyers and presiding officers (judges and magistrates), who form part of the legal protection system, as they have little or no knowledge regarding a person with LNFS and how these individuals communicate (Bryen & Wickman; 2011). Extensive research has shown that South African prosecutors, defence attorneys, judges and magistrates are still in need of disability training and awareness (Combrinck & Meer, 2013; Pillay, 2012; Seedat et al., 2009).

As to date, only the SOA (2007) mentions ‘a person with a mental disability’ but does not clearly state about procedures if a person with LNFS has to testify in court (SOA, 2007). Due to no other specific South African literature available in this regard, best practices from other countries were investigated. In 2005, Israel enacted the Investigation and Testimony Procedural Act (Accommodations for Person with Mental or Cognitive Disabilities) that recognised people with disabilities in the justice system (Ziv, 2007).

This Act clearly regulates the way a person with mental and intellectual impairments may testify, and one of the provisions in this act is that the court is authorised to exempt a witness with a cognitive or mental disability from taking the oath, before they testify, if convinced that the witness does not understand the general duty to tell the truth (Ziv, 2007). The reason being is that persons with a mental or intellectual impairment may struggle with the abstract concept of telling the truth and may not have the linguistic ability to define these concepts (Kruger, 2014). Prosecutors can make this process concrete and practical by simply asking the person with an intellectual impairment, “Do you promise to tell the truth?” (Kruger, 2014).

There are four other provisions concerning the testimony of the witness with an intellectual impairment that should be considered for the South African courts. Firstly, accommodation relating to the admissibility of evidence is mentioned, which may be excluded where this covers

the fact that the witness's statement given to the police could be used as evidence and that the witness does not have to be present in the court room when giving evidence (Ziv, 2007). It is important to look at victim impact-statements and how this could be used in court to strengthen the evidence, and to possibly lessen the burden on the victim 'performing' in court when testifying (Krause, 2014).

Secondly, detailed information about the accommodation relating to the setting in which testimony is given, should be provided (Ziv, 2007). In South Africa, the law makes provision for child-friendly rooms for children with disability and screens which could also be used for adults with disabilities (Criminal Law Amendment Act 135 of 1991; SOA, 2007). It can be a stressful and terrifying situation for a person with LNFS if they have to attend court and give evidence, especially if their perpetrator is present (Cunningham & Stevens, 2011; O'Mohanoy, 2009). In South African law, a qualified intermediary can be used to eliminate any further trauma, and allow the victim to give a credible testimony that has improved quality of evidence (Pillay, 2012). In the United Kingdom (UK), research has shown that the use of intermediaries helped the witnesses with disabilities to cope with the stress of testifying in court (Larcher, 2014). Mostly, social workers act as intermediaries and, as mentioned above, the intermediary should prepare the witness for the court appearance, explain the court structural layout and translate questions posed by the defence attorney, prosecutor and judge into language that the victim with LNFS will understand, without changing the general importance of the question (Jonker & Swanzen, 2007). There has been concern that there is not on-going training and support for intermediaries in South Africa and therefore the justice system must realise and prioritise the importance of the role of intermediaries and put these measures in place (Seedat et al., 2009; Jonker & Swanzen, 2007)

Thirdly, the accommodation relating to the cross-examination of a witness with a disability is discussed (Ziv, 2007). The courts in Israel restrict the cross-examination of a victim of crime. An important aspect to remember is that a prepared witness is a more effective witness and guiding the witness beforehand with the relevant core legal vocabulary can aid the person with LNFS to give a complete and accurate account of what he or she has experienced (Bryen & Wickman, 2011; Cunningham & Stevens, 2011). The focus should always be on that a person with LNFS, who has been a victim of crime, should be allowed to testify in court to give their

evidence of events, rather than on why they should not be allowed to testify in court (Pillay, 2012). Courts should therefore take into consideration the recent AAC research and allow a person with LNFS who uses AAC to testify in court.

Lastly, the accommodation affecting the credibility of the testimony should be considered (Ziv, 2007). This allows a witness to testify using alternative methods of communication, for example a communication board. With the right instruction and relevant vocabulary, an individual with LNFS can be a competent and credible witness (Heur & Yaniv, 2006; Kebbel et al., 2001).

There is the issue, though, that needs to be addressed regarding the competency of the witness to be able to testify in court. The law recognises two types of witness competency, namely, basic competency and truth-lie competency (Pillay, 2012). Basic competency is the witness's ability to retell the event and to possess the recall memory to remember the facts and details about the crime (Pillay, 2012). This process could be made easier for a person who uses AAC if they already had a pre-developed vocabulary set to testify in court (Bryen & Wickman, 2011; Pillay, 2012). The second competency, the truth-lie competency, is the ability to tell the truth or 'take the oath', also known as the 'swearability' of the person. Having a pre-developed vocabulary set, could assist the person who uses AAC to be able to 'take the oath' and be able to promise to tell the truth (Pillay, 2012). And, as mentioned by Ziv (2007) and suggested likewise by a trained professional in South Africa, this process should be eliminated from court, and be conducted by a trained professional before the trial commences (Van Niekerk, 2014).

Courts have specific procedures and their own legal terminology, and if this vocabulary was identified and explained to people with LNFS, this could lead to the individual being a competent witness (Bryen & Wickman, 2011; Cunningham & Stevens, 2011). People with LNFS could therefore be capable witnesses in court and could be prepared on how to handle hostile lawyers who use pressurising and intimidating questioning strategies so that these strategies may not have a negative impact on the testimony of witnesses who have LNFS (Kebbel et al., 2001).

This entire process could, furthermore, be less challenging for the legal protection team if pre-developed legal vocabulary (both core and fringe) was already in existence as the majority of legal professionals do not have the knowledge or skill to work with people who have LNFS (Bryen & Wickman, 2011; Bryen, 2008; Kebbel et al., 2001). Furthermore, certain questions by

lawyers who use complex vocabulary can lead to hesitancy and confusion by the person with LNFS and this may discredit the witness's testimony (Kebbel et al., 2001). Should relevant vocabulary in communication devices be available and witnesses be trained in the use of the specific vocabulary, this could end the silence of these victims of crime and assist them in becoming competent witnesses (Bryen & Wickman, 2011; Bryen, 2009; Kebbel et al., 2001).

2.6 The Importance of AAC for an individual with LNFS who has been a victim of crime

AAC must be seen as a valid means of communication for disclosing abuse or other crimes, reporting to police and testifying in court (Bryen et al., 2003). People who use AAC need relevant and accessible vocabulary so that they can reduce the risks of being victimised (Bryen, 2009; Bryen et al., 2003). People who use AAC should have the vocabulary needed to report the crime and to testify in court and, most importantly, be believed (Bryen et al., 2003).

People who use AAC, rely on a range of professionals for assistance in vocabulary selection and therefore, relying and consulting with a number of professionals and informants who have experience with victims of crime and testifying in court could assist a person with LNFS to obtain the relevant vocabulary to testify in court as a victim of crime (Dark & Balandin, 2007).

People who use AAC must have supports in place to be able to access our courts (Collier et al., 2006). Resources, such as an AAC Resource Toolkit, should be developed within the context of an equal access structure to accommodate the communication needs for people who use AAC (Hesselink-Louw et al., 2003). Since the 1970's AAC has been viewed as a valid method of communication and today, millions of individuals with communication disorders are using AAC techniques and methods to communicate. Research is being done extensively in the areas of vocabulary selection and AAC and therefore our courts should allow a person with LNFS who uses AAC to use this method to testify in court (Snodgrass et al., 2013).

2.7 Social validation

Social validation should be one of the fundamental considerations when choosing vocabulary for people who use AAC to testify in court (Balandin & Iacono, 1998; Bornman & Bryen, 2013; Dark & Balandin, 1997). Social validation is the process of assessing and evaluating the acceptability and social significance of vocabulary within specific contexts (Balandin & Iacono, 1998; Dark & Balandin, 2007; Schlosser, 1999). Social validation can be assessed by a method known as subject evaluation approaches, which includes the use of questionnaires or interviews to gain relevant information (Schlosser, 1999). Subject evaluation approaches, such as interviewing experts in the specific field, in this case, professionals who work in the legal system, can provide useful guidelines when identifying legal vocabulary for people who use AAC, thereby strengthen the social validation process (Schlosser, 1999).

When vocabulary is selected for specific contexts to the person typically responsible for vocabulary selection, for example the speech-language pathologist, social validation becomes even more important. Social validation will furthermore enable the researcher to assess what vocabulary is useful, what is inappropriate, and the reasons why, which is a crucial step in selecting vocabulary for testifying in court, as this legal vocabulary chosen for testifying in court could assist the person with LNFS in becoming a competent witness and giving a credible testimony (Dark & Balandin, 2007).

It is vital for people who use AAC, specifically children and illiterate adults, to have access to vocabulary that is complete and will satisfy their communication needs and be appropriate to the context in which it is used (Dark & Balandin, 1997). One way of reducing being a victim of crime is facing the alleged perpetrator in court as a witness; therefore, it is important for people with LNFS who have been victims of crimes to have the relevant vocabulary needed to testify in court (Bornman & Bryen, 2013; Bryen & Wickman, 2011). Moreover, this is a constitutional and human right that must be protected (Bornman et al., 2011; Centre for Disability, Law and Policy & Gender, Health & Justice Research Unit, 2012; Hesselink-Louw et al., 2003). This study, by identifying the relevant vocabulary needed to testify in court, could provide valuable and important vocabulary for illiterate individuals with LNFS to testify in court as victims of crime. Through social validation, this study could confirm the social importance and relevance of the core legal and fringe vocabulary for illiterate individuals with LNFS to testify in court as victims of crime.

2.8 Conclusion

In this chapter, emphasis was placed on the people with disabilities being victims of crime and factors that increase individuals with LNFS being vulnerable. AAC and the *Viva Voce* rule were discussed with reference to relevant research. Finally, the challenges of testifying in court, the importance of AAC for an individual with LNFS who has been a victim of crime and social validation were addressed.

Chapter 3

Research methodology

3.1 Introduction

The research methodology is explained in this chapter. It starts by identifying both the main aim and sub-aims, followed by a discussion of the research design. The qualitative and quantitative phases are then discussed by first focusing on Data Source 1 presented in terms of the aims, participants, materials and equipment, and data-collection procedures. The stakeholder review is presented in terms of results and recommendations. Thereafter, Data Source 2, which still forms part of the quantitative phase, is explained in the exactly same manner as Data Source 1. The pilot study is discussed in terms of results and recommendations. Then the data analysis of the qualitative phase is presented, highlighting the implications for the quantitative phase. Finally, Data Source 3 that forms part of the quantitative phase, is presented in terms of the aims, participants, material and equipment, data collection procedures and, lastly, the data analysis of the quantitative phase. The pilot study is discussed in terms of results and recommendations.

3.2 Aims of Study

3.2.1 Main aim

The main aim of this study is to identify and describe the legal core vocabulary required by illiterate victims of crime, who have little or no functional speech, to testify in court as a witness through the use of three different data sources in a sequential mixed-methods design.

3.2.2 Sub-aims

In order to address the main aim, five sub-aims were formulated, namely, to

- (i) identify the legal core vocabulary required to testify in court as a witness through thematic analysis of three in-depth semi-structured interviews;
- (ii) determine the legal core vocabulary required to testify in court as a witness through thematic analysis of three focus groups;
- (iii) compile a list of legal core vocabulary based on the results of sub-aim (i) and sub-aim (ii) by allocating the codes into categories;
- (iv) socially validate the legal core vocabulary presented in categories by using relevant professionals in the legal system; and
- (v) suggest an appropriate and effective method for collating legal fringe vocabulary to support the legal core vocabulary.

3.3 Research design

A mixed method, exploratory sequential design consisting of two different phases was used to address the aim of the research (McMillan & Schumacher, 2010). The first phase was qualitative and included two different data sources, namely in-depth, semi-structured interviews (Data Source 1) and focus groups (Data Source 2). The overall aim of this phase was to develop a measurement instrument. Results from Phase 1 were used in Phase 2, the quantitative phase, in which the measurement instrument (a custom-designed questionnaire) was socially validated (Creswell & Plano Clark, 2011; McMillan & Schumacher, 2010).

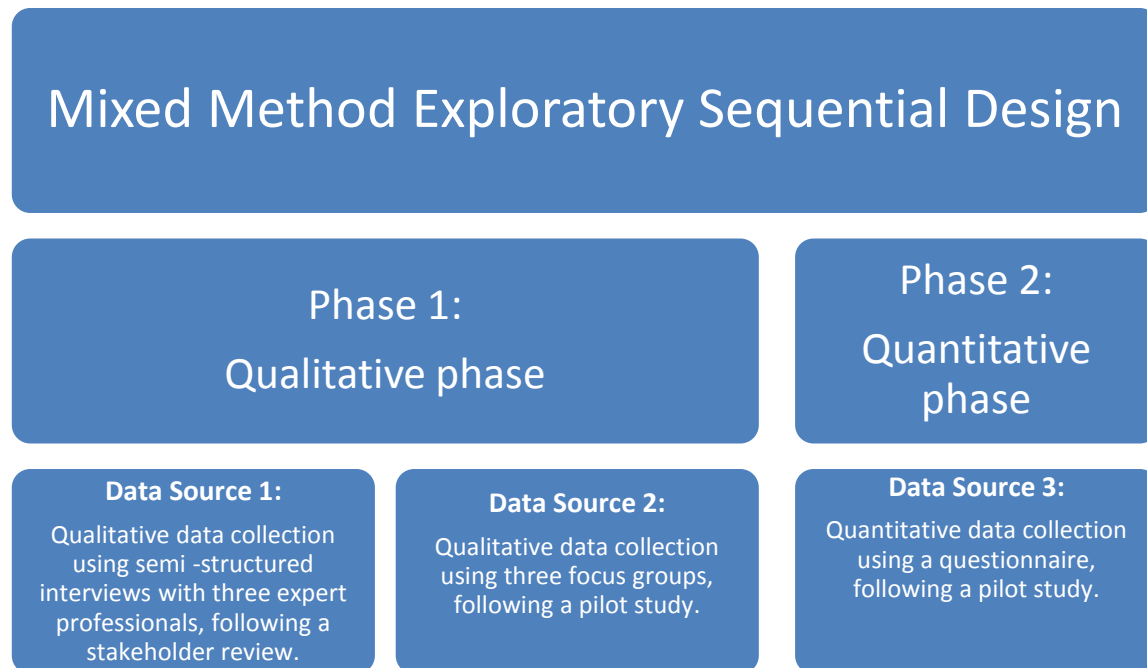


Figure 3.1 Outline of the three data sources used in this exploratory sequential design

In the above figure the research design with two phases used in the study was illustrated, highlighting the three data sources that were included.

The justification for using a mixed-method design was to confirm findings from different sources that indicate the same result (McMillan & Schumacher, 2010). The use of both qualitative and quantitative strategies in the same study was a viable option to obtain corresponding findings and strengthen the research results, as this study explores a new undeveloped field namely identifying vocabulary needed to testify in court (Thurmond, 2001). An important advantage of mixed-method studies is that the qualitative data can provide a rich understanding of participants' responses, and statistical analysis of the quantitative data can provide a detailed assessment of the patterns of the participants' responses (Driscoll, Appiah-Yeboah, Salib & Rupert, 2007). The disadvantage of a mixed- method design is combining qualitative data which is multidimensional with quantitative data that is one-dimensional and in the process, losing the richness of the data (Driscoll et al., 2007). This challenge of using a mixed-method design was addressed by using credible data collection procedures for the qualitative and quantitative data employing three different data sources (McMillan & Schumacher, 2010).

3.4 Phase 1: Qualitative data

The main aim of Phase 1 was to develop a measuring instrument based on the results from the two distinct data sources, before testing it in the next phase. Phase 1, which was the qualitative phase of the study, consisted of two distinct sections, namely three in-depth semi-structured interviews with expert professionals (Data Source 1), as well as three focus groups with professionals. Each of the two data sources of Phase 1 will now be described in more detail.

3.4.1 Data Source 1

Data Source 1 consisted of three semi-structured, in-depth interviews with three expert professionals. This qualitative data collection technique was selected, as it provides detailed information in this study, specifically about the vocabulary needed to testify in court (Boyce & Neale, 2006). The challenge of the interviewer not being trained in interviewing techniques was addressed by developing an interview guide that was followed meticulously by the interviewer during each interview (Boyce & Neale, 2006). In order to assist with the appropriacy of the questions included in these interviews, a process of stakeholder review was also included in this data source.

3.4.1.1 Aim of Data Source 1

The aim of Data Source 1 was to obtain rich data regarding the legal core vocabulary that would be needed by victims in a South African court of law to testify, and to use the data for the development of the measurement instrument for Phase 2.

3.4.1.2 Participants

In order to ensure that participants would be able to provide thick and rich data, purposive sampling was used (McMillan & Schumacher, 2010). Participants are described by firstly focusing on the selection criteria, followed by a description of their biographical details.

(i) Selection criteria

The three selection criteria used for the participants for the in-depth interviews are presented in Table 3.1. These individuals were selected on the basis of being recognised experts in the field of sexual abuse in adults and children, testifying in court, and acting as expert witnesses in court. Furthermore, they were selected in order to provide either information regarding medical evidence, court preparation for child victims and disability related aspects.

Table 3.1

Selection criteria for professionals for semi-structured in-depth interviews.

Criteria	Method	Justification
Professions: social worker, forensic nurse, expert witness, intermediaries or/and counsellor and registered with their specific professional councils such as the South African Council for Social Service Profession (SACSSP), the South African Nursing Council (SANC) or Health Professions Council of South Africa (HPCSA)	Biographical questionnaire	These participants will be able to provide relevant information regarding the legal core vocabulary needed to testify in court (Beukelman & Mirenda, 2013).
Experience: A minimum of 10 years' experience in two of the following areas: evidence law, criminal procedural law, testifying in court or assisting people with disabilities who had been victims of crime	Biographical questionnaire	Professionals with this range and type of experience will be able to provide information and insight into what is the most important vocabulary needed for a victim of crime to testify in court (Bryen & Wickman, 2011).
Language: Should be proficient in written and spoken English	Biographical questionnaire	Data collection was done in English. In South Africa legal vocabulary is highly developed in English and Afrikaans and therefore English was selected as the first option to compile a core list (Bambust, Kruger & Kruger, 2013).

All three potential participants who were identified met the selection criteria as outlined in Table 3.1, and all consented to participate. Despite their high-profile and busy work schedules, they all acknowledged the importance of the study and therefore made specific arrangements to participate.

(ii) Descriptive criteria

The biographical data of the three participants who participated in the in-depth interviews is shown in Table 3.2.

Table 3.2

Participant description for the semi-structured in-depth interviews
(n =3)

Category	Participant 1.1	Participant 1.2	Participant 1.3
Age (in years)	63 yrs.	43 yrs.	48 yrs.
Gender	Female	Male	Female
Home language	English	English	Afrikaans
Qualifications	Master's degree in Psychiatric and Medical Social Work	Master's degree in Neurodevelopment	Diploma in Paediatric and Forensic Nursing Currently completing a Bachelor of Law degree
Discipline	Medical Social Worker	Child-care specialist in the legal system	Forensic nurse
Occupation	National Manager of Non-Profit Organisation	Director of a Child Advocacy Forum	Forensic nurse at a Sexual Assault Clinic
*Experience 1	40	22	20
**Experience 2	40	22	5
***Experience 3	Yes	Yes	Yes

**Experience 1 = Experience with people with disabilities, who have been victims of crime (in years)*

***Experience 2 = Experience with victims of crime testifying in court (in years)*

****Experience 3 = Experience of physically being in the court room when a person with a disability who had been a victim of a crime, has testified (in years)*

From Table 3.2 it is therefore evident that the three participants were a valuable and rich data source, given the number of years of experience dealing with people with disabilities who had been victims of crime, and the fact that they have all been present in court when a person with a disability had testified.

3.4.1.3 Materials and equipment

Before each in-depth interview, the participants completed a biographical questionnaire (Appendix A). Thereafter, the aims of the interview were explained and an interview guide (Appendix B) and instructions, adapted from Boyce and Neale (2006), was used in each of the semi-structured in-depth interviews. This method ensured procedural integrity, as all the

questions were asked in exactly the same format (McMillan & Schumacher, 2010). The recording equipment used for the in-depth interviews was a Philips Pocket Memo 9380 Dictaphone.

(i) Development of biographical questionnaire

The short biographical questionnaire (Appendix A) provided the researcher with information on the professionals' qualifications and experience regarding legal core vocabulary needed to testify in court. Table 3.3 reflects the compilation of the biographical questionnaire featuring the question number, aspect, type of question, reason for inclusion and theoretical justification. This same questionnaire was used for collecting biographic data from all three data sources.

Table 3.3

Development of the Biographical Questionnaire.

Question number	Aspect	Type of question	Reason for inclusion	Theoretical justification
1	Age	Open-ended question	To determine participant's age.	The older the professional, the greater the possibility of more knowledge and experience in the specific field (Bryen & Wickman, 2011).
2	Date of birth	Open-ended question	To verify the participant's age.	This information was used to corroborate the age variable (McMillan & Schumacher, 2010).
3	Gender	Dichotomous question	To determine participant's gender.	Due to the sensitivity of the nature of the crime, more female professionals (such as social workers) are placed on these specific cases (Department of Social Development, 2014).
4	First language	Open-ended question	Most South Africans are multilingual. To determine participants' language proficiency.	English is one of the most common spoken languages used professionally in South Africa (African Languages and Literature, University of Cape Town, 2014). Although English might not be the participants' first language, they needed to be proficient in spoken and written English in the disciplines specified.
5	Law/ SACSSP/HPCSA registration number	Yes/No question	To determine if the participants were registered with their relevant councils.	In South Africa, no professionals are able to work if they are not registered with their professional body to ensure they obey the codes of conduct prescribed by the professional council (Department of Labour, 2014).
6	Qualifications	Open-ended question	To determine participants' level of education.	The higher qualified professional is more skilled and may have more experience and in answering the main aim of the study. Qualifications also need to be in relevant disciplines (McMillan & Schumacher, 2010).
7	Current position	Open-ended	To determine	Specific positions come with years of

Question number	Aspect	Type of question	Reason for inclusion	Theoretical justification
	and title	question	participants' current position and title.	experience which is needed for this research when asking to identify vocabulary needed to testify in court (Beukelman & Mirenda, 2013).
8	Length of time working in current position	Open-ended question	To determine the participants' current experience.	The more experienced the professional is, the richer the data can be provided for the research topic (McMillan and Schumacher, 2010).
9	Number of years involved the legal sector	Open-ended question	To determine the participants' legal knowledge.	Legal experience in identifying vocabulary to testify in court is of crucial importance for the purpose of this research (Bryen & Wickman, 2011).
10	Experience with victims of crime testifying in court	Yes/No question. Further explanation requested for "Yes" answers.	To determine participants' experience with victims of crime testifying in court.	Experience of being in court provides rich data for identifying vocabulary needed to testify in court (Collier et al., 2006).
11	Experience with people with disabilities who had been victims of crime	Yes/No question. Further explanation requested for "Yes" answers.	To determine participants' experience with people with disabilities, who had been crime victims.	Experience with people with disabilities, who had been victims of crime, provides rich data for identifying the specific vocabulary needed to testify in court (Bornman et al., 2011).
12	Difficulties and barriers faced in working with people with disabilities, who had been victims of crime	Open-ended question	To determine some difficulties and barriers within the South African legal system.	Identifying barriers provides the researcher with guidance on how to eliminate these barriers when identifying vocabulary to testify in court (Bryen & Wickman, 2011). These barriers are country specific and no published data for the South African context related specifically to the topic of the study was found.
13	Processes that could readdress the difficulties when working with people with disabilities who had been victims of crimes	Open-ended question	To determine processes that could facilitate access to justice for people with disabilities, who had been victims of crime.	Professionals and experts opinion of processes that could address and potentially eliminate barriers is of importance for people with LNFS to be competent witnesses in the future (Bryen & Bornman, 2014). These facilitative processes are strategies are in line with the assess-based approach, and aim to focus on positive strategies, rather than on negative aspects (barriers and difficulties) alone (Ebersöhn & Eloff, 2006).

From Table 3.3, it is therefore evident that a comprehensive description of all the participants would be possible through the use of the biographical questionnaire, as their specific background, qualifications and experience would be captured.

(ii) Development of In-depth Interview Guide

In order to ensure the comparability of data from the three different interviews, an interview guide was developed. This also heightened the procedural integrity of the data-collection process (Boyce & Neale, 2006).

Table 3.4

Development of semi-structured In-depth Interview Guide

Construct	Script	Justification
<u>Introduction: Key Components:</u> • Thank you • Your Name • Purpose • Confidentiality • Duration • How interview will be conducted • Opportunity for questions • Signature of consent	I want to sincerely thank you for taking the time to meet with me today. My name is Robyn White; I am a master's student at the Centre for Augmentative and Alternative Communication at the University of Pretoria. My research is centred on people with disabilities, specifically, people with little or no functional speech who have been victims of crime and testifying in court. I would like to talk to you about your professional experiences and knowledge you may have about testifying in court when you have been a victim of crime. The interview should take approximately 60 minutes. I will be audio recording the session because I do not want to miss any of your comments. Although I will be taking notes during the session, I cannot possibly write fast enough to take it all down. All responses will be kept confidential. This means that your interview responses will only be shared with the research team members, and I will ensure that any information I include in my study does not identify you as the respondent. You do not have to answer questions you do not want to and you may stop the interview at any time. Are there any questions about what I have just explained? Are you willing to participate in the interview?	The introduction brings a calm and relaxed atmosphere to the interview, allowing the participants to freely and openly participate (Boyce & Neale, 2006).

Questions	Justification
1) Have you been in court when victims of crime who have disabilities testify?	Key informants can be used to identify context specific vocabulary (Beukelmen & Mirenda, 2013), for example testifying in court.
2) What factors influence successful convictions when the victim has a disability?	A key factor such as a good testimony is of importance for a successful conviction (Bryen & Wickman, 2011). This question will investigate what these other factors are.
3) How important do you think is the victim's testimony in obtaining conviction? Could you please justify your answer?	Testimony is a key factor in successful convictions in USA courts (Bryen & Wickman, 2011). The extent to which the testimony influences a conviction in South African courts when an individual has a disability, should be explored.
4) What in your professional opinion makes a competent witness?	A witness needs to undergo the competency test in South African Legal System to prove that they have eye-witness ability to retell the event of the crime (Jonker & Swanzen, 2007). No formal competency test exists at present for people with LNFS.
5) What in your professional opinion could assist individuals with disabilities who have been victims of crime to communicate broader concepts such as sexuality more effectively?	It is a traumatic experience for people with disabilities to testify in court (Songca & Le Roux, 2004). This question will explore potential strategies that could assist these individuals.
6) What in your professional opinion do you think are important words needed to testify in court as a victim of crime, specifically abuse and rape?	Identifying vocabulary for specific context situations can lessen the stress caused for people with LNFS in that specific situation (Bryen, 2008). No published studies on vocabulary are available for the South African context.
7) What experiences have you had with people with disabilities being witnesses in court?	This information will be used for descriptive means. If specific cases are mentioned, these cases can be evaluated in more depth.
8) What barriers did you find existed in the above cases and what suggestions do you have to overcome these?	Certain processes may facilitate or hinder the process of testifying in court, such as identifying specific vocabulary (Bryen & Wickman, 2011).
9) Have you had experience with a person with little or no functional speech (LNFS) that was a victim of crime? Please elaborate.	This information will be used for descriptive means. As for question 7, if participants are aware of specific cases, the case law created would be further expanded.
10) Do you believe a person with LNFS could be a competent witness? Please elaborate.	A competent witness is a person who can retell the event and can distinguish between truth and lie (The Criminal Law Amendment Act 135 of 1991; Jonker & Swanzen, 2007).
11) How helpful would it be to you as a professional, if specific words were identified for people with LNFS to	Having access to appropriate vocabulary is one of the key elements if testifying in court (Bryen & Bornman, 2013). Typically for people with LBNFS, this could be in the form of sign language (which is not the focus

testify in court? For example, a specific communication board was made with those specific words to assist the individual with LNFS? Please elaborate.		
of this study) or in the form of a communication board with graphic symbols.		
Closing Key Components	Is there anything more you would like to add?	Having a closing component is part of a structured interviewing technique (Boyce & Neale, 2006). The information provided in this section is also in line with the ethical guidelines followed in this study.
• Additional comments • Next steps • Thank you	I will be analysing the information you and others have given me, and I will be adding the results to my master's thesis. I will be happy to send you the results if you are interested. Thank you once again for your time. It is much appreciated!	

3.4.1.4 Stakeholder review for In-depth Interview Guide

The aim of the stakeholder review was to test the appropriacy and relevance of the questions for the in-depth interviews to ensure face validity of the planned data collection procedures and the suitability of the interview questions (McMillan & Schumacher, 2010). This was conducted before the semi-structured in-depth interviews.

This stakeholder review consisted of members from diverse professional backgrounds. They were purposively selected on the ground of being recognised experts in the field with experience in working with people with disabilities who had been victims of crime, and their knowledge of the legal sector, although not necessarily through court proceedings. The same selection criteria discussed in Table 3.1 were used for inclusion in the stakeholder review, although the experience criterion was reduced to 1 year. The participants included in the stakeholder review are described in Table 3.5.

Table 3.5.

Participant description of the Stakeholder Review (n=6)

Category	Participant 2.1	Participant 2.2	Participant 2.3	Participant 2.4	Participant 2.5	Participant 2.6
Age	45 yrs.	34 yrs.	30 yrs.	49 yrs.	40 yrs.	51 yrs.
Gender	Female	Female	Female	Female	Male	Female
First Language	English	Afrikaans	English	English	English	Afrikaans
Qualification	Bachelor's degree in Speech Pathology	Master's degree in Clinical Psychology	Bachelor's degree in Physiotherapy	Bachelor's degree in Speech Pathology	PhD in Social Science Education	Master's degree in Child Psychology

Category	Participant 2.1	Participant 2.2	Participant 2.3	Participant 2.4	Participant 2.5	Participant 2.6
Discipline and Occupation	Speech-Language Therapist	Chief Clinical Psychologist	Physiotherapist and National Manager	Speech-Language Therapist	Independent Disability and HIV Research Consultant	Educational Psychologist
Experience 1 *	1 yr.	8 yrs.	2 yrs.	15 yrs.	3 yrs.	22 yrs.
Experience 2 **	1 yr.	8 yrs.	0 yr.	0 yr.	0 yr.	15 yrs.

*Experience 1 = Experience with people with disabilities who have been victims of crime (in years)

**Experience 2 = Experience with victims of crime testifying in court (in years)

From Table 3.5 it is clear that the participants all had experience working with persons with disabilities, who had been victims of crime although they might not have had experience in testifying in court. Although they did not all have English as a first language they were all proficient in reading and writing in English. Their qualifications and occupations made them well suited to participate.

The participants included in the stakeholder review participated in a four-step process, comprising the following:

- i) All participants were consulted electronically to provide consent and to address the questions for the in-depth interviews.
- ii) All participants were given a time line of one week to return their recommendations and comments
- iii) All participants returned their recommendations and comments within the time line given.
- iv) The participants were thanked and asked if they wanted a copy of the results of the final study.

A summary of the original questions and recommendations from the participants included in the stakeholder review, as well as new suggested questions, are presented in Table 3.6.

Table 3.6

Results and recommendations from the Stakeholder Review

Original Questions	Recommendations	New Questions
1. What experiences have you had with victims of crime testifying in court?	Rephrasing of the question so that the importance of “victims of crime with disabilities” and “testimony” was highlighted more overtly.	Have you been in court when victims of crime who have disabilities, have testified?
2. Which of these court experiences were successful in	Rephrasing of the question to allow participants the opportunity to have	What factors influence successful convictions when the victim has a

Original Questions	Recommendations	New Questions
terms that the perpetrator was convicted because due to the victim's testimony?	a broader view on their experiences, as most participants had numerous successful court experiences.	disability?
3. Do you believe that the outcome of a trial, where the perpetrator was convicted, was due to the victim's testimony? Could you please justify your answer?	Rephrasing of the question to emphasise "testimony" and to guide the participants in answering more on the importance of testifying, for conviction of the perpetrator.	How important do you think is the victim's testimony in obtaining a conviction? Could you please justify your answer?
4. What in your professional opinion makes an incompetent witness?	Rewording of the question to focus on the positive aspects, eg change "incompetent" to "competent" so that the participants could draw from their positive experiences of working with victims of crimes who had testified. An additional recommendation for the change was that the participants could focus on the importance of competence which is a crucial aspect in the process of testifying in court.	What in your professional opinion makes a competent witness?
5. What in your professional opinion do you think are the most important vocabulary or words needed to testify in court as a victim of crime, specifically abuse and rape?	Minor rephrasing of the question to enhance clarity of understanding.	What in your professional opinion do you think are important words needed to testify in court as a victim of crime, specifically abuse and rape?
6. What experiences have you had with people with disabilities being witnesses in court?	No recommendations were made. Although participants' agreed with this question, they recommended that an additional question should be added after this question. Please see question 11 below.	What experiences have you had with people with disabilities being witnesses in court?
7. Have you had experience with a person with little or no functional speech (LNFS) who was a victim of crime? Please elaborate?	Participants agreed with the wording of this question and no recommendations were made.	Have you had experience with a person with little or no functional speech (LNFS) who was a victim of crime? Please elaborate.
8. Do you believe a person with LNFS could be a competent witness? Please elaborate.	Participants agreed with the wording of this question and no recommendations were made.	Do you believe a person with LNFS could be a competent witness? Please elaborate.
9. In your professional opinion, if specific words were identified for people with LNFS to testify in court and, for example, a specific communication board was made with those specific words to assist the individual with LNFS, would	Changing the question format to an open-ended question so that the ideas generated from the participants could be increased.	How helpful would it be to you as a professional, if specific words were identified for people with LNFS to testify in court and, for example, if a specific communication board was made with those specific words to assist

Original Questions	Recommendations	New Questions
this individual be seen as a competent witness?		the individual with LNFS? Please elaborate.
Questions added following the recommendations by the stakeholder review		
10.	Participants recommended that this question be added before the current Question 5 so that the participants have the opportunity to answer a general question about communication before being asked about specific vocabulary.	What, in your professional opinion, may you suggest that could assist individuals with disabilities who have been victims of crime, to better communicate broader concepts such as sexuality?
11.	Participants recommended that this question should be added as a follow-on from the current Question 7, so that participants have the opportunity to share their ideas on barriers they had experienced, when assisting a victim of crime testifying in court, and how these barriers could be overcome.	What barriers did you find existed in the above cases and what suggestions do you have to overcome these?

Table 3.6 indicates that the interview questions were appropriate and relevant in providing the necessary information to answer the main aim of the study, although the wording was changed for specific reasons, as discussed. The use of this stakeholder review increased the face validity of the interview questions. It was therefore recommended that data collection for Data Source 1 should commence once the recommendations from the stakeholder review had been implemented.

3.4.1.5 Data collection procedures

Prior to commencement of the study, ethical approval was obtained from the Research and Ethics Committee of the Faculty of Humanities at the University of Pretoria (Appendix C) and after the title has been registered (Appendix D). The study used a purposeful sample for the in-depth interviews. Letters of consent (Appendix E) were given to each participant. It had a tear-off slip which they had to complete and return. A biographical questionnaire (Appendix A) was sent by email to the individual consented participants and the researcher asked them to return the questionnaire before the start of the in-depth interviews. Each interview lasted about 60 to 90 minutes (Boyce & Neale, 2006). Participants were asked 11 questions in the semi-structured, in-depth interviews and the interviewer carefully followed the interview guide (Appendix B) and

instructions to increase procedural integrity (Boyce & Neale, 2006). The questions revolved around legal terminology, court cases including victims of crime with disabilities and relevant vocabulary needed to testify in court as a victim of crime. The interviewer also took notes, in addition to the audio recording, as this forced the interviewer to concentrate, help pace the interview and legitimise the writing of research insights (McMillan & Schumacher, 2010). After the interview, each expert participant was thanked for contributing to the research study and was provided with an overview on how the interview will contribute to the usefulness of the study (Rio-Roberts, 2011). The recordings increased the procedural reliability, as the recording of the interview accurately captured the answers to the interview questions and enabled verbatim transcription of the data. It also provided the second-rater with the opportunity to check the transcriptions. This is discussed in detail in section 3.4.3, Data analysis for Phase 1.

3.4.2 Data Source 2

Once all three semi-structured, in-depth interviews were completed, data collection for Data Source 2 commenced. Data Source 2 consisted of three focus groups that were conducted in three different provinces in South Africa. This step also forms part of the qualitative technique that was selected for this study, as focus groups provided the researcher with important insights into the specific research questions through discussion and interaction (Rio-Roberts, 2011). The challenge of the focus group being too long or veering off the topic was eliminated by the development of a focus-group script that was followed meticulously by the researcher (Rio-Roberts, 2011). In order to assist with the appropriacy of the focus-group format and questions, a pilot study was included in this data source.

3.4.2.1 Aim of Data Source 2

The aim of Data Source 2 was to obtain qualitative information regarding vocabulary that would be required by an individual with little or no functional speech when testifying in court by means of focus groups and to compare the results to the results from the different focus groups, in order to develop the measurement instrument, a custom designed questionnaire, for Phase 2.

3.4.2.2 Participants

The participants for this phase of the research are described according to the descriptive information obtained from the biographical questionnaire. First the selection criteria is mentioned, followed by a discussion of the context, after which participants are described.

i) Selection criteria

The same selection criteria as set out for Data source 1 were implemented. However, the experience criterion was reduced to one years' experience, as this was still regarded as sufficient experience to participate in the focus group.

ii) Context

Participants for the focus groups were selected from three provinces, namely, Gauteng, KwaZulu-Natal and the Western Cape. The justification for using participants from three provinces was the following:

KwaZulu-Natal and the Western Cape are the bases for one of the largest non-profit organisations in South Africa, namely Childline, which aims to protect children from different forms of violence and to create a culture of children's rights in South Africa. This organisation has preserved rich data regarding people with disabilities, victims of crime and testifying in court (Childline, 2014).

Gauteng contains rich data of professionals in the social justice system with experience with people with disabilities, who had been victims of crime and testifying in court (Gauteng Law Council, 2009). The Gauteng Law Council within Gauteng is the largest law council in South Africa representing 9 812 attorneys practising in Gauteng.

iii) Descriptive information

A total of 22 participants were included in this phase of the research and split into three focus groups with six members in the Gauteng group (Group 1) and eight each in the KwaZulu-Natal group (Group 2) and the Western Cape Group (Group 3). The descriptive information of the participants included in the three focus groups is given in Table 3.7.

Table 3.7

Descriptive information of the participants for all three focus groups (n=22)

<u>Parti.</u>	<u>Age</u>	<u>Gender</u>	<u>Language</u>	<u>Qualifications</u>	<u>Occupation</u>	<u>Experience 1*</u>	<u>Experience 2**</u>
<u>Focus Group 1: Gauteng</u>							
3.1	33	Female	isiZulu	Bachelor's degree in Nursing, Dip. Forensic Nursing, Dip. Psychiatric Nursing	Forensic Nurse/Clinic Manager	8 yrs.	8yrs.
3.2	45	Female	Sesotho	Certificate in Social Auxiliary Work	Social Auxiliary worker	2 yrs.	2yrs.
3.3	43	Female	English	Bachelor's degree in Social Work	Clinical Manager	5 yrs.	None
3.4	32	Female	Afrikaans	Bachelor's degree in Social Work	Social Worker	11yrs.	11yrs.
3.5	40	Female	isiZulu	Certificate in Social Auxiliary Work	Social Auxiliary Worker	5 yrs.	None
3.6	35	Female	isiZulu	Certificate in Social Auxiliary Work, Diploma in Court Preparation Officer	Social Auxiliary Worker	5 yrs.	5yrs.

Average age: 38 yrs.

Average of experience 1: 6 yrs.

Average of experience 2: 4 yrs.

<u>Focus Group 2: KwaZulu-Natal</u>							
4.1	41	Female	English	Honours degree in Social Work	Senior Social Worker	20 yrs.	20 yrs.
4.2	37	Female	isiZulu	Bachelor's degree in Social Work	Social Work Supervisor	11 yrs.	None
4.3	40	Female	isiZulu	Bachelor's degree in Social Work	Social Work Supervisor	7 yrs.	7 yrs.
4.4	37	Female	English	Master's degree in Social Work	Social Work Manager	5 yrs.	5 yrs.
4.5	28	Male	English	Bachelor's degree in Social Work	Auxiliary Social	7 yrs.	None

<u>Parti.</u>	<u>Age</u>	<u>Gender</u>	<u>Language</u>	<u>Qualifications</u>	<u>Occupation</u>	<u>Experience 1*</u>	<u>Experience 2**</u>
4.6	31	Female	isiZulu	Certificate in Auxiliary Social Work	Worker and Co-ordinator Social Auxiliary Worker	4 yrs.	4 yrs.
4.7	29	Female	isiZulu	Bachelor's degree in Social Work	Senior Social Worker	1 yr.	1 yr.
4.8	42	Female	isiXhosa	Bachelor's degree in Speech and Hearing Therapy	Chief Speech Therapist and Audiologist	7 yrs.	None

Average age: 37 yrs.

Average of experience 1: 8 yrs.

Average of experience 2: 5 yrs.

Focus Group 3: Western Cape

5.1	50	Female	Afrikaans	Bachelor's degree in Social Work	Manager	18 yrs.	18 yrs.
5.2	30	Female	English	Bachelor's degree in Social Work	Social Worker	8 yrs.	8 yrs.
5.3	50	Female	English	Master's degree in Social Work	Manager	7 yrs.	7 yrs.
5.4	30	Female	English	Bachelor's degree in Social Work	Social Worker	7 yrs.	7yrs.
5.5	26	Female	English	Master's degree in Social Work	Social Worker	3.5 yrs.	3.5 yrs.
5.6	40	Female	Afrikaans	Bachelor's degree in Social Work	Social Worker	4 yrs.	4 yrs.
5.7	40	Female	Afrikaans	Bachelor's degree in Social Work	Social worker	3 yrs.	3 yrs.
5.8	30	Female	English	Bachelor's degree in Social Work	Social worker	2.5 yrs.	2.5 yrs.

Average age: 37 yrs.

Average of experience 1: 7 yrs.

Average of experience 2: 8 yrs.

**Experience 1 = Experience with people with disabilities, who have been victims of crime (in years)*

***Experience 2 = Experience with victims of crime testifying in court (in years)*

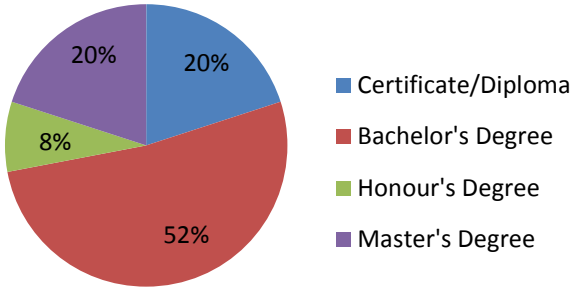
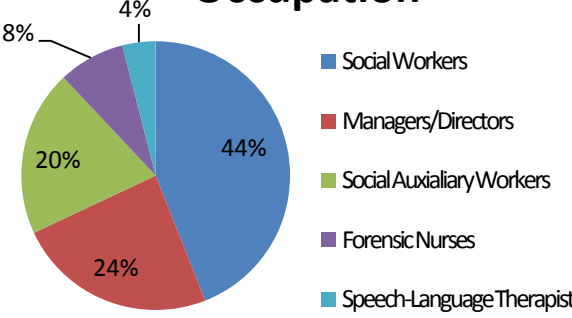
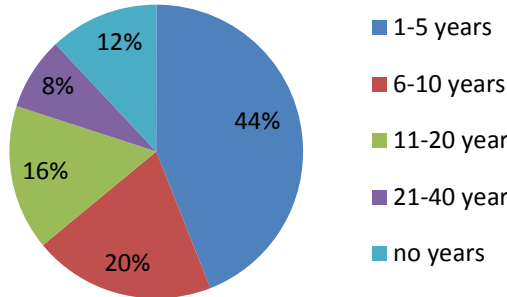
From this information it is evident that the participants from the Gauteng group were the oldest, with the average age of 38 years. The participants from the KwaZulu-Natal group had the highest experience with people with disabilities, who had been victims of crime with an average experience of 8 years' experience, whereas the participants from the Western Cape group had the highest average of experience with victims of crime testifying in court with an average experience of 8 years. The biographical data showed that the participants were all well-suited to participate in the focus group, when considering the specific aim of the focus group.

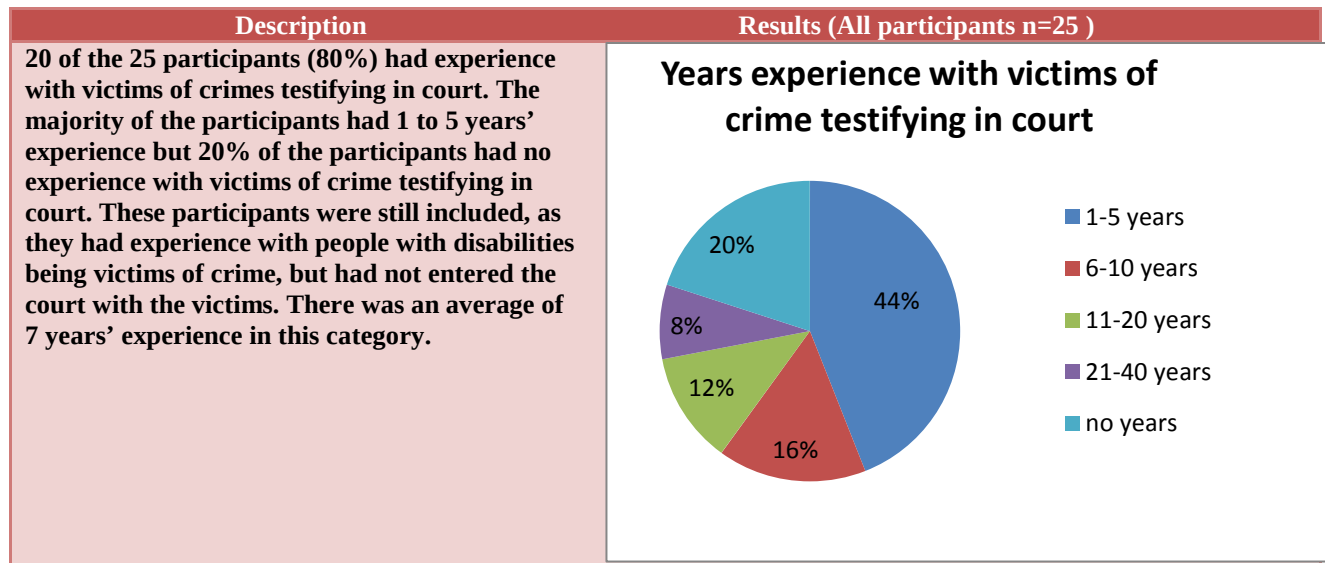
A total of 25 participants were included in Phase 1. Table 3.8 shows a summary of the descriptive information of the participants included in Phase 1, combining the data of the three participants from the semi-structured, in-depth interviews as well as the 22 participants from the three focus groups.

Table 3.8.

Descriptive Information of all participants of phase 1 (n=25)

Description	Results (All participants n=25)										
The ages of the participants ranged from 26 to 63 years with an average age of 38.52. The majority of participants (44%) were between 36 and 45 years old.	Age <table border="1"> <thead> <tr> <th>Age Group</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>56-63 years</td> <td>4%</td> </tr> <tr> <td>46-55 years</td> <td>12%</td> </tr> <tr> <td>36-45 years</td> <td>44%</td> </tr> <tr> <td>26-35 years</td> <td>40%</td> </tr> </tbody> </table>	Age Group	Percentage	56-63 years	4%	46-55 years	12%	36-45 years	44%	26-35 years	40%
Age Group	Percentage										
56-63 years	4%										
46-55 years	12%										
36-45 years	44%										
26-35 years	40%										
The majority of participants (92%) were female, and only 8% (2) were male. This is a testament to most professions included in this phase of the study being social workers and therapists working with children, professions that have traditionally been female dominated in South Africa.	Gender <table border="1"> <thead> <tr> <th>Gender</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>92%</td> </tr> <tr> <td>Male</td> <td>8%</td> </tr> </tbody> </table>	Gender	Percentage	Female	92%	Male	8%				
Gender	Percentage										
Female	92%										
Male	8%										
The majority of the participants spoke English as their first language (44%). There was a mixture of first languages which is a clear indication of the variety of cultures in the focus groups and interviews. It also portrays the multilingual South African context. The “other” South African languages included one participant who had isiXhosa and the other participant who had Sesotho as a first language.	First Language <table border="1"> <thead> <tr> <th>First Language</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>English</td> <td>44%</td> </tr> <tr> <td>Afrikaans</td> <td>20%</td> </tr> <tr> <td>isiZulu</td> <td>28%</td> </tr> <tr> <td>Other African languages</td> <td>8%</td> </tr> </tbody> </table>	First Language	Percentage	English	44%	Afrikaans	20%	isiZulu	28%	Other African languages	8%
First Language	Percentage										
English	44%										
Afrikaans	20%										
isiZulu	28%										
Other African languages	8%										

Description	Results (All participants n=25)												
All participants had obtained professional qualifications, ranging from a certificate/diploma to a relevant master's degree. More than half of the participants had obtained a professional degree (52%), which attests to the educational knowledge of the participants.	Qualifications  <table border="1"> <thead> <tr> <th>Qualification</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Certificate/Diploma</td> <td>20%</td> </tr> <tr> <td>Bachelor's Degree</td> <td>52%</td> </tr> <tr> <td>Honour's Degree</td> <td>8%</td> </tr> <tr> <td>Master's Degree</td> <td>20%</td> </tr> </tbody> </table>	Qualification	Percentage	Certificate/Diploma	20%	Bachelor's Degree	52%	Honour's Degree	8%	Master's Degree	20%		
Qualification	Percentage												
Certificate/Diploma	20%												
Bachelor's Degree	52%												
Honour's Degree	8%												
Master's Degree	20%												
The majority of the participants were social workers (44 %), 24% were in management positions, 20% of the participants were social auxiliary workers, 8 % were forensic nurses and only 1 participant (4%) was a speech- language therapist. A social auxiliary worker can be defined as an “assistant to social workers, providing support services and working under the supervision of social workers” (South African Council for Social Service Professionals, 2014). They play a crucial role in court preparation for the victim of crime (Department of Social Development, 2014).	Occupation  <table border="1"> <thead> <tr> <th>Occupation</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Social Workers</td> <td>44%</td> </tr> <tr> <td>Managers/Directors</td> <td>24%</td> </tr> <tr> <td>Social Auxiliary Workers</td> <td>20%</td> </tr> <tr> <td>Forensic Nurses</td> <td>8%</td> </tr> <tr> <td>Speech-Language Therapist</td> <td>4%</td> </tr> </tbody> </table>	Occupation	Percentage	Social Workers	44%	Managers/Directors	24%	Social Auxiliary Workers	20%	Forensic Nurses	8%	Speech-Language Therapist	4%
Occupation	Percentage												
Social Workers	44%												
Managers/Directors	24%												
Social Auxiliary Workers	20%												
Forensic Nurses	8%												
Speech-Language Therapist	4%												
22 of the 25 participants (88%) had experience with people with disabilities who had been victims of crimes. The majority of the participants had 1 to 5 years' experience. Three participants (12%) had no experience, but they were still included as they had experience with the court systems and testifying in court with typically developing individuals. There was an average of 9 years' experience in this category.	Years experience with people with disabilities who had been victims of crimes  <table border="1"> <thead> <tr> <th>Years experience</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>1-5 years</td> <td>44%</td> </tr> <tr> <td>6-10 years</td> <td>20%</td> </tr> <tr> <td>11-20 years</td> <td>16%</td> </tr> <tr> <td>21-40 years</td> <td>8%</td> </tr> <tr> <td>no years</td> <td>12%</td> </tr> </tbody> </table>	Years experience	Percentage	1-5 years	44%	6-10 years	20%	11-20 years	16%	21-40 years	8%	no years	12%
Years experience	Percentage												
1-5 years	44%												
6-10 years	20%												
11-20 years	16%												
21-40 years	8%												
no years	12%												



3.4.2.3 Materials and equipment

Before each in-depth interview, the participants completed a biographical questionnaire (Appendix A). A pre-developed focus group script (Appendix F) was developed as described in Table 3.8 and followed in all three focus groups (Rio-Roberts, 2011). A list of pre-developed inclusion/exclusion criteria (Appendix G) was compiled and printed on an A4 paper and handed out to each participant (Bornman et al., 2011). Name tags, a list of the participants and a clock were also used in each focus group as suggested by Rio-Roberts (2011) for a successful focus group. The scribe who assisted the researcher in the focus groups accurately captured and typed the words generated by the focus group into a Samsung SF510 laptop to increase procedural reliability of the study. This document was then saved into the laptop (McMillan & Schumacher, 2010). In addition, the vocabulary list generated was projected for all participants to see as the scribe was typing them. Each participant was handed 10 small post-it notes and a black felt pen so that they could make notes and write down their suggested vocabulary (Rio-Roberts, 2011).

Table 3.8.

The Pre-developed script for the focus group

Stage	Script to follow	Justification
Welcome	• <i>Thank you for making your time available for attending this focus group.</i> • Introduce yourself and co-facilitator. <i>My name is Robyn White; I am a master's student at the Centre for Augmentative and Alternative Communication at the University of Pretoria. My research is centred on people with little or no functional speech, who have been victims of crime and testifying in court. My scribe is Mrs Ensa Johnson, who also works at the same Centre.</i> • Introduction of participants <i>Ask all participants to introduce themselves in few sentences in the way we introduced ourselves earlier.</i> • How the participants can help the researcher to achieve this goal and why the participants are suitable for the task. ✓ <i>"Your help and knowledge is very valuable, because you can share with us your wealth of experience you may have in law, testifying in court or victims of crime, specifically those who have been abused or sexually assaulted".</i> • Details about focus group ✓ <i>This focus group will be held in English.</i> ✓ <i>The focus group will take between 60 and 90 minutes.</i> ✓ <i>Please, can we ensure all cellphones are put on silent for the duration of the focus group.</i> ✓ <i>Please be aware that what is said in this focus group remains confidential.</i> ✓ <i>Please, may I draw your attention to the Inclusion/Exclusion Criteria I have handed out to you. (Explain these criteria. Exclusion list consists of: specific body parts eg hand, penis, teeth. Inclusion list consists of all nouns, verbs and adjectives you feel is appropriate such as hit, force, rape, kiss, touch)</i> ✓ <i>Explain that the participants have the right to withdraw from the session at any time.</i>	The welcome stage is important so that the participants can feel comfortable with the facilitator and co-facilitator and therefore share information openly. The welcome stage is to break the ice and make the participants feel less isolated (Rio-Roberts, 2011). It is important to ensure that the participants are fully aware of what the research aim is and what the facilitator expects of them as part of the focus group and for the identification of the vocabulary (Beukelman & Mirenda, 2013 ; Rio-Roberts, 2011;). The Inclusion/Exclusion Criteria are included as victims of crimes can use anatomical dolls or schematic body drawings to show body parts in court when testifying (Bornman et al., 2011).
Discussion	• Carefully word the questions before the question is addressed by the group. Then, facilitate discussion around the answer to the question. Give each participant a handful of post- it notes to write on. ✓ <i>What are the challenges or barriers you</i>	The discussion is the most important and crucial part of the focus group and this is where the questions to your answers for your topic should be discussed at length (Rio-Roberts, 2011).

Stage	Script to follow	Justification
	<i>face when a person with a disability has to testify in court?</i> ✓ <i>What may facilitate the process of an illiterate individual who can't speak to testify in court?</i> ✓ <i>What words do you think a person with LNFS must be able to understand and use to testify in court?</i> •Ensure even participation. If one or two people are dominating the group, then call on others. • During this discussion the participants are asked to rank the words according to the following categories: very important, important, somewhat important and not important.	
Closing	•After 60 to 90 minutes summarise the vocabulary suggested, read out the specific words and ask if there are any words or vocabulary that they felt were left out or needed to be added. The focus group should take 90 minutes at most. Thank the participants for taking part in the focus group and for their valuable time.	Research shows that the average focus group should take no longer than 90 minutes (Rio-Roberts, 2011).

Participants were informed about the pre-developed inclusion/exclusion criteria (Appendix G). The criteria were printed and provided to all the participants to consistently remind them what should be excluded. There are anatomical dolls and schematic body figures that can be used to indicate body parts when testifying in court (Bornman et al., 2011). Furthermore, a whole range of different words are used to refer to private body parts (especially by children) (Van Niekerk, 2014). Identifying and listing all these specific words, which are often family-specific, is beyond the scope of the current research. These criteria are shown in Table 3.9.

Table 3.9

The Pre-Developed Inclusion/Exclusion Criteria Guideline List

INCLUSION CRITERIA	EXCLUSION CRITERIA
<u>ALL</u> nouns, verbs and adjectives, for example: • Touch • Rape • Force • Kissed • Pushed	<u>ALL</u> body parts for example: • Hand • Penis • Teeth • Leg • Stomach

3.4.2.5 Pilot study

The aim of the pilot study was to test the appropriacy of the pre-developed focus-group script (Appendix F) and to acquaint the researcher with the necessary information on the procedure to be followed during the focus group. The face validity of the questions and the understanding of the discussion were also addressed during the pilot study.

i) Participants for the pilot study

In order to address the various aims for the pilot study, participants from specific professional backgrounds were recruited. Participants were purposively selected on the grounds of being recognised experts in the field with experience with disability. Participants of the pilot study are described according to the data obtained from the biographical questionnaire which was described earlier.

Table 3.10

Participant description of the focus group expert panel in Pilot Study (n =6)

Category	Participant 6.1	Participant 6.2	Participant 6.3	Participant 6.4	Participant 6.5	Participant 6.6
Age	46 yrs.	48 yrs.	52 yrs.	42 yrs.	39 yrs.	36 yrs.
Gender	Female	Female	Female	Female	Female	Female
Language	Afrikaans	Afrikaans	Afrikaans	English	English	Afrikaans
Qualification	Bachelor's degree in Speech and Hearing PhD in AAC	Bachelor's degree in Education Masters in AAC	Bachelor's degree in Occupational Therapy PhD in AAC	Bachelor's degree in Speech and Hearing therapy) PhD in AAC	Bachelor's degree in Speech and Hearing Therapy. PhD in AAC	Bachelor's Degree in Occupational Therapy Masters in Early Child Intervention
Occupation	Speech – language Therapist	Remedial Teacher	Occupational Therapist	Speech – language Therapist	Speech – language Therapist	Occupational Therapist
Experience with disability	20 yrs.	15 yrs.	24 yrs.	10 yrs.	14 yrs.	7 yrs.

All participants were female, and their ages ranged from 36 years to 52 years, with an average of 44 years. All participants had at least a masters degree, and four participants had PhD degrees. The average experience with disability was 15 years' experience, with a range of 7 to 24 years.

ii) Method of pilot study

The four steps suggested for data collection for the main study was also used during the pilot study. This included the following:

- All potential participants were consulted electronically and asked to attend a focus group at an identified venue. All agreed to attend the focus group and provided written consent.
- The researcher conducted the focus group at the identified venue, using the pre-developed focus group script.
- All participants were asked for recommendations after the focus group was completed.
- They were thanked and asked if they wanted to receive a copy of the results.

iii) Results and recommendations of pilot study

The results from the pilot study and the recommendations for the main study are shown in Table 3.11.

Table 3.11
Results and recommendations from pilot study

Stage of Focus Group	Materials	Recommendations
Welcome	A PowerPoint presentation	A section on what Alternative and Augmentative Communication (AAC) is and what core and fringe vocabulary is, so that participants were fully aware of what the research aim is and what the facilitator expected of them from the focus group and identification of the vocabulary.
Discussion	Post-it notes were given to each participant. An overhead projector was used to type each word each participant had written down and suggested.	There was a recommendation to add two questions before asking the “which words...” question so that the researcher obtained clearer and precise data from the participants. The recommended questions were: - <i>What are the challenges or barriers you face when a person with a disability has to testify in court?</i> - <i>What may facilitate the process of an illiterate individual who can’t speak to testify in court?</i>
Closing	An overhead projector was used to type each word each participant had written down and suggested.	Keep this section the same for main study.

Table 3.11 indicates that the focus-group script was appropriate in providing the necessary information to answer the main aim of the study. It was therefore recommended that the data collection for Data Source 2 could commence once the recommendations from the pilot study had been implemented.

3.4.2.6 Data-collection procedures

Prior to commencement of the study, ethical approval was obtained from the Research and Ethics Committee of the Faculty of Humanities at the University of Pretoria (Appendix C), and after the title was registered (Appendix D). As for Data Source 1, participants for Data Source 2 were selected by means of a purposeful sample. Letters of consent (Appendix E) were given to each potential participant, who had to complete a tear-off slip to be returned. Focus groups consisted of a minimum of 6 and a maximum of 8 participants in each of the three focus groups (McMillan & Schumacher, 2010). The addition of the focus groups as a second data source to this phase of the study increased not only the validity of the initial findings but also the credibility of the entire study, as the researcher aim through the focus groups was to capture reliably the experiences of the professionals and to represent them in a convincing text (McMillan & Schumacher, 2010).

Prior to this data collection, a pilot study was conducted as discussed earlier. Each focus group lasted about 60-90 minutes (Rio-Roberts, 2011). Before the start of the focus group, the participants were directed by the researcher to the Inclusion/Exclusion Guideline List (Appendix G) that had been handed to them. The researcher explained, using the pre-developed focus group script (Appendix F) that the Inclusion/Exclusion Criteria List Guidelines (Appendix G) should be considered during the focus group. The exclusion criteria consisted of vocabulary referring to specific body parts, the reason being as specific anatomical dolls have been designed to be used in court during testimony to describe body parts and the aim of this study was to determine other legal vocabulary important to testify in court (Heur & Yaniv, 2006). Inclusion criteria consisted of words that should be considered, such as nouns, verbs and adjectives, as this inclusion procedure was followed by that of Bornman et al. (2011).

At the start of the focus group, participants were asked to respond, based on their own experiences in the field, to one open-ended question : “Which words do you think are needed to

testify in court when a person has been a victim of crime?” Participants were asked to write their suggestions on “post-it” notes which then were typed and participants were asked to ensure that the words they suggested were captured on the list. This was done to ensure that no words were accidentally omitted. Thereafter, participants were asked to rank the words on the 4-point scale, from 4 = very important, 3 = important, 2 = somewhat important and 1 = important and not important, so that the higher score would indicate greater importance. During the process, duplicate entries were removed. As all participants were included in this member, checking the dependability of the data was increased (Bornman et al., 2011). During the focus group, a scribe typed the discussions which was projected and made visible to all the participants. The researcher encouraged the participants to participate actively, to share their experiences and knowledge, and also provided reassurance that no suggested vocabulary items would be regarded as unwise. It was further emphasised that all responses would remain anonymous. To enhance the trustworthiness of the data, the researcher read out all the words at the end of the discussion and asked participants whether they agreed or disagreed with the suggested words and if any important words had been overlooked (Bornman et al., 2011).

After the focus group, each participant was thanked for contributing to the research study and provided with an overview of how the qualitative data obtained was useful for the research study (Rio-Roberts, 2011). The qualitative data from both the individual interviews (Data Source 1) and focus groups (Data Source 2) that constitute Phase 1 were combined, and this formed the basis for the custom-designed questionnaire used in Phase 2. Directly after the focus group, debriefing was conducted, which consisted of extensive discussion among the researcher and scribe about issues related to the vocabulary collection. This enhanced the reliability of the research by validating interpretation of the data (Bornman et al., 2011).

3.4.3. Data analysis for Phase 1

Semi-structured, in-depth interviews from Data Source 1 were digitally recorded and verbatim responses to each questions were transcribed by the researcher. A second-rater checked all of the

transcriptions. Discrepancies were noted and revised when necessary. The following formula was used to calculate this: $\frac{\text{number of agreements}}{\text{number of agreements} + \text{disagreements}} \times \frac{100}{1}$ (Hallgren, 2012).

A 98% agreement was reached between the researcher and the rater. Focus group suggestions that were typed by the scribe were copied and transposed into an Excel spreadsheet.

The 524 words generated by the three focus groups from all categories were entered into an Excel spread sheet. Only the 474 words that appeared in the “very important” and “important” categories were included for Phase 2. Thereafter, the transcripts and categories were coded using thematic analysis; a method for identifying, analysing and reporting patterns across the data (Braun & Clarke, 2006). Thematic analysis is a flexible approach to qualitative data analysis in that it is not bound to any theoretical position, such as grounded theory, narrative analysis and so forth. It is therefore independent of theory and can be applied across a range of theoretical approaches (Braun & Clarke, 2006). Thematic analysis suits the practical model of mixed methods as was used in the current study, as it acknowledges that research always takes place within a specific context (Creswell, 2009).

The flexible nature of thematic analysis has, however, been criticised as being too loose, hence Braun and Clarke (2006) developed a set of guidelines for undertaking a structured thematic analysis. These guidelines were used to structure the analysis of the qualitative data in this study. They were as follows:

- i. The researcher and scribe familiarised themselves with the data. Transcriptions were read and re-read by the researcher and the scribe.
- ii. Generating initial codes from the interviews and focus groups, for example, codes for “good communication skills” (language development, cognitive development, vocabulary development).
- iii. Search for themes. In order to make sense of the quantitative data that was emerging from this phase of the research, an inductive analysis was used for analysing the qualitative data, which provided themes and conclusions from the data (Braun & Clarke, 2006; McMillan and Schumacher, 2010).
- iv. The researcher searched for codes within and across the data sets and the collated them in themes, for example, ‘internal factors’.

- v. Reviewing themes. Generating a thematic map of the data analysis.
- vi. Defining and naming themes. Ongoing analysis to enhance the specifics of each theme.

3.4.4 Implications for Phase 2

Following the thematic analysis, a list of potential categories that represent the core legal vocabulary, as well as a list of fringe legal vocabulary that could be used for testifying in court, was compiled. This resulted in the development of a custom-designed measuring instrument in the form of a questionnaire which was socially validated in Phase 2.

3.5 Phase 2: Quantitative data

The main aim of Phase 2 was to use the measuring instrument (in the form of a custom designed questionnaire) based on the results from Phase 1 in order to investigate the social validity of both the core legal vocabulary (represented by categories), as well as the fringe legal vocabulary identified by means of thematic analysis, to enable people with LNFS to testify in court as a victim of crime.

3.5.1 Data Source 3

Unlike Phase 1 of this research, Phase 2 involved only one data source. Data Source 3 was in the form of a questionnaire which was completed by a group of participants involved in disability and legal matters. This quantitative technique was chosen, as it is relatively economical, time efficient and can ensure anonymity for the participants (McMillan & Schumacher, 2010). The challenge of the questionnaire's general layout being visually complex was eliminated by using a previous example done by Bornman and Bryen (2013). As for Data Source 2 in Phase 1, a pilot study was included for this data source before collecting the main data, to ensure appropriacy and relevance of the method and material used.

3.5.1.1 Aim

The aim of Data Source 3 was to socially validate both the core and fringe legal vocabulary compiled from a thematic analysis of data in Phase 1 of this research study. This information is useful to prove that the vocabulary included is important and appropriate to be included on a communication board for illiterate persons who use AAC when testifying in court after having been victims of crime.

3.5.1.2 Participants

Firstly, the selection criteria employed for this phase of the research is provided, followed by descriptive information regarding participants of Data Source 3.

i) Selection criteria

In order to ensure continuity, participants were selected by using the same selection criteria as set out for Data Source 1 and 2, namely that they required a professional qualification in the relevant field and that they needed speaking and written language proficiency in English. As for the previous two data sources, the experience criterion was variable, and was set at least 6 months of experience, for this data source.

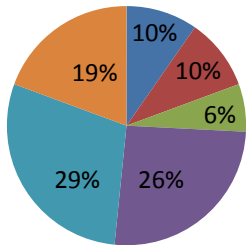
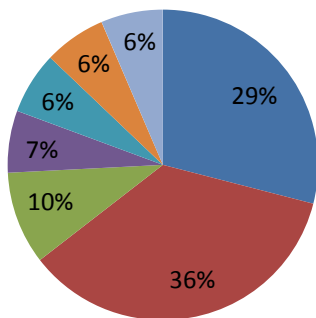
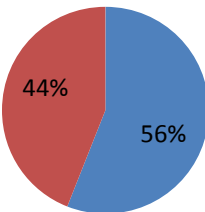
ii) Descriptive Criteria

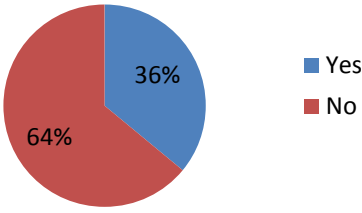
A total of 50 potential participants were identified and consented to participate. However, 19 had to be excluded as the 19 did not have a professional qualification, 12 had less than 6 months' experience and 2 did not have written English proficiency. A total of 31 participants met the selection criteria and consented and were included in this phase of the research. Their descriptive data is presented in Table 3.12.

Table 3.12

Descriptive information of all participants of phase 2 (n=31)

Description	Results (All participants n=31)																
The ages of the participants ranged from 24 to 51 years, with an average age of 33 years. The majority of the participants were in the youngest age group, namely between the ages of 20 and 29 years. This might be attributed to the fact that they required only 6 months experience.	Age <table border="1"> <thead> <tr> <th>Age Group</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>20-29 years</td> <td>42%</td> </tr> <tr> <td>30-39 years</td> <td>32%</td> </tr> <tr> <td>40-49 years</td> <td>19%</td> </tr> <tr> <td>50+ years</td> <td>7%</td> </tr> </tbody> </table>	Age Group	Percentage	20-29 years	42%	30-39 years	32%	40-49 years	19%	50+ years	7%						
Age Group	Percentage																
20-29 years	42%																
30-39 years	32%																
40-49 years	19%																
50+ years	7%																
As for data source 2 the majority of participants (97%) were female. This is once again a testament to most participants included in this phase being social workers and therapists who work with children, which are typically female dominated professions.	Gender <table border="1"> <thead> <tr> <th>Gender</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>97%</td> </tr> <tr> <td>Male</td> <td>3%</td> </tr> </tbody> </table>	Gender	Percentage	Female	97%	Male	3%										
Gender	Percentage																
Female	97%																
Male	3%																
The majority of the participants spoke English as their first language (32%). There was a large variation of home languages which is a clear indication of the variety of cultures of the participants who completed the questionnaire. The “other” South African languages (10%) comprised Afrikaans (3%), Northern Sotho (3%) and Ndebele (3%).	First Language <table border="1"> <thead> <tr> <th>First Language</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>English</td> <td>32%</td> </tr> <tr> <td>isiZulu</td> <td>26%</td> </tr> <tr> <td>isiXhosa</td> <td>7%</td> </tr> <tr> <td>Xitsonga</td> <td>6%</td> </tr> <tr> <td>Setswana</td> <td>13%</td> </tr> <tr> <td>Southern Sotho</td> <td>6%</td> </tr> <tr> <td>Other African Languages</td> <td>10%</td> </tr> </tbody> </table>	First Language	Percentage	English	32%	isiZulu	26%	isiXhosa	7%	Xitsonga	6%	Setswana	13%	Southern Sotho	6%	Other African Languages	10%
First Language	Percentage																
English	32%																
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isiXhosa	7%																
Xitsonga	6%																
Setswana	13%																
Southern Sotho	6%																
Other African Languages	10%																
All participants had obtained a professional qualification, ranging from a certificate/diploma to a relevant master's degree. The majority of the participants had obtained a diploma or certificate (49%), with almost an equal number (45%) having a bachelor's degree. This attests to the educational knowledge of the participants.	Qualifications <table border="1"> <thead> <tr> <th>Qualification</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Diploma/Certificate</td> <td>49%</td> </tr> <tr> <td>Bachelor's Degree</td> <td>45%</td> </tr> <tr> <td>Honour's Degree</td> <td>3%</td> </tr> <tr> <td>Master's Degree</td> <td>3%</td> </tr> </tbody> </table>	Qualification	Percentage	Diploma/Certificate	49%	Bachelor's Degree	45%	Honour's Degree	3%	Master's Degree	3%						
Qualification	Percentage																
Diploma/Certificate	49%																
Bachelor's Degree	45%																
Honour's Degree	3%																
Master's Degree	3%																

Description	Results (All participants n=31)
The majority of participants (29%) had experience in their current role of between 3 and 4 years. This does attest to people with disabilities and testifying in court being a new and upcoming field, but that most experienced professionals (19%) had seen the need to be involved in this new upcoming field.	Experience in current role  ■ Less than 6 months ■ 6 months - 1 year ■ 1 year - 2 years ■ 2 years - 3 years ■ 3 years - 4 years ■ more than 4 years
A total of 65% of participants were in the social-work field, with 36% social workers, and 29% social auxiliary workers. These individuals play a key role with individuals who have been victims of crimes and court preparation (Department of Social Development, 2014). The other (6%) consisted of a probation officer and a disability advocate who was running a community centre for people with disabilities. *Social Auxiliary Worker has the same definition in Table 3.8, pg.18.	Occupation  ■ Social Auxiliary Workers ■ Social Workers ■ Lawyers ■ Therapists ■ Teachers and Educational Staff ■ Child and youth workers ■ Other
The majority of participants had experience with people with disabilities who had been victims of crime. This makes them well suited to answer the research question posed for this phase of the research. The 44% who did not have this specific experience, were working in the disability field and wanted to increase their specific knowledge related to abuse of this population.	Years of experience with people with disabilities who had been victims of crimes  ■ Yes ■ No

Description	Results (All participants n=31)						
A total of 36% of participants had experience with victims of crime testifying in court. Most of the participants were not physically in the court room with the victim but were involved in the court preparation. Therefore they were knowledgeable about the court process and the legal procedures and could assist in confirming relevant vocabulary needed to testify in court.	Years of experience with victims of crime testifying in court  ■ Yes ■ No <table border="1"> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>36%</td> </tr> <tr> <td>No</td> <td>64%</td> </tr> </tbody> </table>	Response	Percentage	Yes	36%	No	64%
Response	Percentage						
Yes	36%						
No	64%						

3.5.1.3 Material and equipment

The questionnaire that was custom designed for this phase of the research consisted of two sections. The first section focused on demographic information and is identical to the biographical questionnaire (Appendix A) used in Phase 1 of this study. Please refer to section 3.4.1.3 for a complete description thereof.

The second section of the questionnaire (Appendix H) was developed by using the results from the thematic analysis done in Phase 1. Specific vocabulary was suggested in Data Source 2; whilst Data Source 1 suggested broad categories. During Data Source 2, participants confirmed the broad categories. The vocabulary suggested by the participants in the semi-structured, in-depth interviews and which were ranked as either “very important” or “important” were categorised into the five categories that the participants’ unanimously identified. Firstly, the complete list of 474 words were placed into an Excel spreadsheet and ordered alphabetically. This allowed the researcher to eliminate the 102 duplicate words mentioned (Appendix I). This resulted in a vocabulary list of 372 words. Thereafter, words from this vocabulary list were sifted and carried over to one of the categories which had been extrapolated from data source 1, namely the when, who, what, how, where and emotions of the crime. Two independent raters analysed each word and grouped them into the categories. The raters also grouped words into synonyms for example, “speak, say, tell, told”. Certain words were also grouped into well-known opposites such as “fat/thin” or “short/tall” to keep true to the semi-structured, in-depth interviews and focus groups who suggested that “descriptive” words be added. There was extensive dialogue for

words such as “guilty”, “embarrassed” and “understanding” between the raters, and discussion continued until consensus was reached and the word put into a category. This process resulted in a reduction of the vocabulary list, with 32 words in the “when” category, 47 words in the “who” category, 57 words in “what” category, 52 words in the “how” category, 31 words in the “where” category, and 30 words in the “emotions” category.

Words that the raters felt did not fall under any of the identified categories were placed in a new table called “miscellaneous words” comprising 147 words (Appendix H). These miscellaneous words were ordered alphabetically and included in the questionnaire. Lastly, there was an open-ended question added to the questionnaire which was, “Are there any words you would like to suggest that should be included on a “Testifying in court” communication board?”

3.5.1.5 Data collection procedures

As for Data Source 1 and 2, participants for this data source were selected by means of a purposeful sample. Participants were recruited following a workshop on the topic of reporting violence and abuse that was presented as a first step in explaining the challenge for people with communication disabilities who wished to report a crime. Participants were handed the questionnaire and asked to sign the designated section at the bottom of the questionnaire as a form of consent, after having read the letter of consent (Appendix E).

Section 2 of the questionnaire showed a table with the five categories, as well as a table with the 147 “miscellaneous words” in alphabetical order, in table format. The words made up the rows of the table with columns representing 1 = very important, 2 = important, 3 = somewhat important and 4 = not important. Each alternative row was shaded to allow easy reading. The questionnaire ended with an open question, namely: “Are there any words you would like to suggest that should be included on a “Testifying in court communication board”.

The questionnaire (Appendix H) was used to socially validate the findings found in Data Source 1 and 2. The advantage of using a questionnaire is that it is easy to score and provides time for the participants to think of their responses (McMillan & Schumacher, 2010).

Prior to this data collection, a pilot study was conducted to evaluate the ease of completing the questionnaire, as well as the aspects related to validity. Each questionnaire took about 10 to 15 minutes to complete. Before the start of the questionnaire, the participants were given a brief explanation of the questionnaire and what the researcher hoped the participants' could contribute to the research. The researcher was available throughout and able to answer all potential questions.

When each participant had handed in their completed questionnaire, they were thanked for contributing to the research study and were provided with an overview of how the quantitative data obtained was useful for the research study (Rio-Roberts, 2011). They could also indicate whether they wanted a copy of the completed study.

3.5.1.6 Pilot study

The aims of the pilot study were to test the appropriacy of the questions to ensure suitability and face validity, also to test the user friendliness of the custom designed questionnaire as a means of data collection (McMillan & Schumacher, 2010).

i) Participants for the pilot study

In order to address the aims for the pilot study, participants were purposively recruited. This ensured that they would be able to provide critical comments on the questionnaire and on the method used for completion thereof. They were all teachers who were enrolled for an honours degree in the disability field, and who were completing a course module on "Legal issues and Disability". Participants of the pilot study are described according to the data obtained from the biographical questionnaire which was described earlier.

Table 3.12

Participant description of the Pilot Study for data source 3 (n =8)

Participant Number	Age	Gender	Language	Qualification	Occupation	Experience with disability?
7.1	43	Female	Sotho	Honours degree in Education	Teacher	17 yrs.
7.2	51	Female	English	Honours degree in Education	Teacher	10 yrs.
7.3	40	Female	isiZulu	Diploma in Teaching	Teacher	8 yrs.
7.4	48	Female	Northern Sotho	Diploma in Teaching	Teacher	10 yrs.
7.5	55	Female	Afrikaans	Diploma in Teaching	Teacher	1 yrs.
7.6	49	Female	Sesotho	Diploma in Teaching	Teacher	20 yrs.
7.7	47	Male	isiXhosa	Bachelor's degree in Education	Teacher	23 yrs.
7.8	48	Female	isiXhosa	Bachelor's degree in Education	Teacher	25 yrs.

The majority of participants were female, with only one male who participated in the pilot study. Their ages ranged from 40 years to 55 years, with an average age of 47 years. All participants had at least a diploma and two participants had honours degrees. The average experience with disability was 16 years, with a range of 1 to 25 years. The fact that they were all enrolled in an honours module “Legal issues and Disability” provided them with specific insight into this topic.

ii) Method of pilot study

The steps suggested for data collection for the main study was also used during the pilot study. This included the following:

- All potential participants were consulted personally while attending their final exam for a law module titled “Legal issues and Disability”. They were asked if they would complete the questionnaire after their examination. All agreed to complete the questionnaire and provided written consent.

- All participants were asked for recommendations to be written in a comment box at the end of the questionnaire and to state how long it took them to complete the questionnaire.
- They were thanked when handing in the completed questionnaire and asked if they wanted to receive a copy of the results.
-

iii) Results and recommendations of pilot study

The results from the pilot study and the recommendations for the main study as they relate to specific aims are shown in Table 3.13.

Table 3.13

Results and recommendations from pilot study

Aims	Results	Recommendations
1) To test the appropriacy of the questionnaire to ensure suitability of the questionnaire	Two of the participants mentioned to add in “repeat headings” into the table.	Repeat row headings were inserted into the questionnaire for the main study to provide a reminder of the column names.
2) To test the face validity of the questionnaire.	All participants noted that the questionnaire was easy and user-friendly to complete.	The questionnaire remained the same for the main study.
3) To test the time it took to complete the questionnaire.	One participant took 5 minutes to complete the questionnaire, but the other seven participants took between 10 and 15 minutes to complete the questionnaire.	It was recommended that the research before handing out the questionnaire for the main study, the researcher should inform the participants that it should take between 10 and 15 minutes to complete the questionnaire.
4) To test the user-friendliness of the layout of the questionnaire.	Only one participant missed 5 rows despite the fact that every second word was highlighted in grey to assist in the process of reading each word and to attempt to eliminate the process of missing a word.	It was recommended that this layout of the questionnaire remain the same for the main study. The researcher should reiterate in her briefing that participants should look carefully to avoid missing some words.
5) To evaluate the relevance of the open-ended question added as a closing question.	Four of the eight participants answered the open-ended question, and therefore it was decided to leave the open-ended question in.	The wording of the open-ended question remained the same for the main study, as it was appropriate to elicit the targeted response.
6) To test the clarity of instructions given at the top of the questionnaire.	All participants had a clear understanding of what was expected of them and how to complete the questionnaire.	It was recommended that these instructions remained the same for the main study.

3.5.2 Data analysis

In keeping with the selected research design, descriptive statistics formed the basis for the data-analysis procedure (McMillan & Schumacher, 2012). Responses from the category and vocabulary checklist were entered onto a spread sheet with descriptive statistics. The system used by the statistician was the SAS system. The FREQ procedure was used to analyse frequencies and percentages and the MEANS procedure was used to analyse means, standard deviations, and the minimum and maximum of each category and each word.

3.6 Summary/Conclusion

This chapter described the methodology used in this research. The aims and sub-aims of the study were presented, followed by the description of the mixed method research design highlighting both the qualitative and quantitative phases. Each phase with its accompanying data source was discussed in detail in terms of participant selections and description. Then the materials and equipment that were specifically developed and used was explained. Finally, the data-collection procedures and data-analysis methods were explained. The implications of Phase 1 for Phase 2 were also alluded to.

Chapter 4

Results and discussion: Qualitative phase

4.1 Introduction

This chapter shows and describes the data from Data Sources 1 and 2, the semi-structured, in-depth interviews and the focus groups respectively. Data is presented and analysed according to the five sub-aims of the study. The first three sub-aims will be discussed in this chapter. Figure 4.1 provides a schematic outline for the presentation and discussion of the results, as presented in both Chapter 4 (results of Phase 1) as well as Chapter 5 (results of Phase 2).

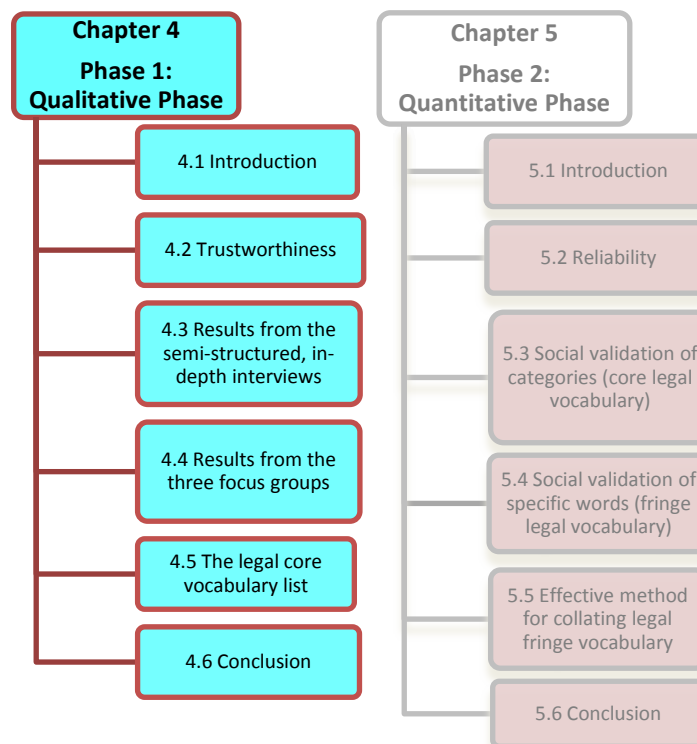


Figure 4.1. Outline for presentation and discussion of results

Figure 4.1 shows that this chapter focuses on the qualitative data. After examining the trustworthiness of the data, it explores the legal core vocabulary that was identified by the semi-structured, in-depth interviews. Next, the legal core vocabulary identified by the three focus groups is discussed. Finally, the legal core vocabulary list is given.

4.2 Trustworthiness

To ensure the trustworthiness of Phase 1, the researcher employed four distinct strategies, namely credibility (also referred to as descriptive validity by some authors), transferability as well as conformability (also known as justifiability or interpretative validity) and, finally, researcher bias. Each one will be described in detail.

Credibility refers to the accuracy and objectivity of the data. Credibility was achieved by developing an in-depth interview guide that was used for each semi-structured, in-depth interview and conducted member checking in the focus groups. Member checking involves returning to the participants from whom the data was produced to ensure that the interpretations of the researcher are recognised by the participants as correct representations of their experiences (Thomas & Maglivi, 2011). Through these processes the researcher was able to preserve the element that allows others to recognise the experiences contained in Phase 1 through the interpretation of the participants experiences (Thomas & Maglivi, 2011). Another strategy included to heighten the credibility of the data, was that the researcher used recording equipment for both the semi-structured, in-depth interviews and focus groups. The transcripts for both data sources were transcribed verbatim and checked by an independent coder, which also increased the credibility of the study (Morrow, 2005).

Transferability refers to the ability of the data to be universally applicable. The researcher established transferability by using multiple groups, namely semi-structured, in-depth interviews and focus groups to determine the extent to which the results of the semi-structured, in-depth interviews had applicability to the results of three focus groups (Thomas & Maglivi, 2011). The results of both the semi-structured, in-depth interviews and the results from the focus group were related to each other, and therefore the researcher was satisfied with the trustworthiness of the results. Another strategy employed to increase the transferability of the data was to ensure the representativeness of the participants. Participants included in both data sources were selected

based on specific inclusion criteria. The descriptive demographic information that was obtained with a short biographical questionnaire and presented in Chapter 3, enhanced the representativeness of the data, thereby impacting positively on transferability (Morrow, 2005; Thomas & Magilvy, 2011).

Conformability captures how well the researcher reports the participant's meaning. Conformability was addressed by using a peer examining strategy in the form of a second rater. Inter-rater reliability scores of 98% were reported as in discussed in Chapter 3. This shows that the thematic analysis was not based only on the researcher's perspective.

Researcher bias was addressed by the researcher making neutral comments without showing approval or disapproval of comments from the participants (Morrow, 2005). The researcher ensured that she did not express any personal opinions on the topic, not suggesting any potential vocabulary to avoid the participants altering their views or opinions to match those with the researcher (Morrow, 2005).

4.3 Data Source 1: Semi-structured, in-depth interviews

The data from Data Source 1 will be presented in the form of the specific questions asked in the semi-structured, in-depth interview. However, following an extrapolation of the data, this section does not necessarily follow the exact same headings (questions) as presented in the interview guide.

4.3.1. Factors that influence successful convictions

When investigating the question "What factors influence a successful conviction?" two distinct themes arose, namely internal and external factors that are depicted in Figure 2.

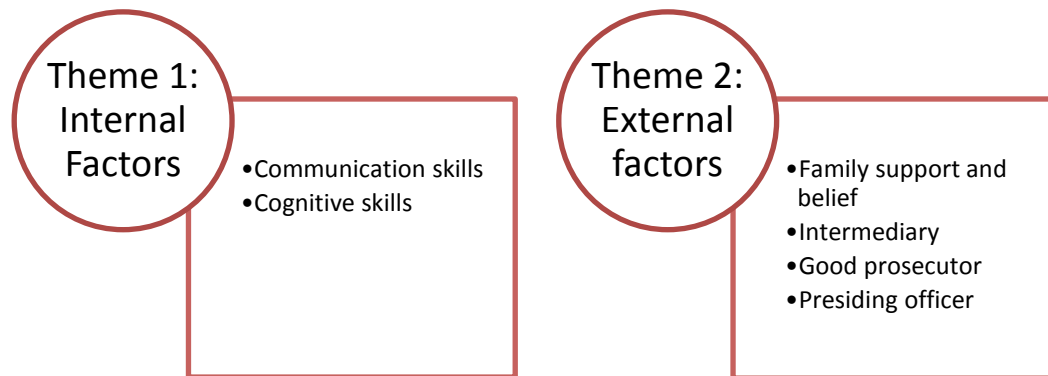


Figure 4.2. Internal and External factors that influence successful convictions

Communication skills (Theme 1) was highlighted, and mentioned twice as the first consideration by Participants 1.1 and 1.2 who both stated that good communication skills from the victim of crime was a crucial aspect of a successful testimony. Cognitive skills were also mentioned by Participant 1.2, who explained that memory was an important part of remembering the details of the crime and the event when testifying. The internal factors that were identified are in line with the published research in this area. Research suggests that communication skills and cognitive skills form the backbone when considering if individuals with LNFS can testify in court as competent witnesses, as they would need cognitive and communication skills to retell the event and be able to take the oath (Pillay, 2012).

The first step in ensuring access to justice for people with LNFS is family support. Participant 1.1 clearly explained the support of the family, and more importantly, that the family believing the victim of crime is of crucial importance for a successful conviction. This is important in redressing the myth that people with disabilities are not credible and that others will not believe them. Victims of crime who have LNFS need to be believed but on many occasions, for example, when disclosing a sexual crime, they are not (Bryen & Wickman, 2011). Empowering these individuals with communication skills, sexuality knowledge and life skills could assist these individuals in being heard and believed, and, ultimately, to confidently testify in court (McKenzie, 2013).

External factors such as the different components of the legal system were mentioned by all the participants. Participant 1.1 mentioned that having a skilled and knowledgeable prosecutor could have a positive influence on the outcome of the case. Participant 1.2 mentioned that the presiding officer (magistrate or judge) is an important person to factor into the successful conviction of the alleged perpetrator and stated, “ the presiding officer can only make decisions as good as what the information is that is put in front of him.”

Participant 1.2 and 1.3 mentioned the importance of having a qualified intermediary present when testifying as both alluded that testifying in court can be traumatic for the victim and the use of an intermediary could decrease the amount of trauma. It is stated in South African law, specifically in the SOA of 2007, that the use of an intermediary should be enforced when children and vulnerable individuals need to testify in court, as this reduces the stress and trauma inflicted on the victim of crime (Western Cape Forum for Intellectual Disability, 2014). From a United Kingdom perspective they have successfully implemented the *Witness Intermediary Scheme* where professionals are trained in specific skills and in the specific role of insisting in the court process and enabling complete, coherent and accurate communication to occur while testifying (Larcher, 2014). Intermediaries are also regarded as “best practice” when allowing people with intellectual disabilities to testify in court in Israel, as discussed earlier (Ziv, 2007). Larcher (2014), herself a qualified and practicing intermediary, discusses a research study that included witnesses and caregivers, which clearly exemplified the advantages of using the intermediaries’ scheme, namely:

- Care-givers felt that the intermediaries not only assisted with the communication aspect of testifying in court but also helped the witnesses cope with the stress of giving evidence in court.
- When a witness used an intermediary, most of the time it assisted in bringing the perpetrator to justice.
- With the involvement of the intermediary it led to increasing access to justice for the vulnerable victim.
- The use of the intermediary benefited the witness at the trial, as the intermediary could assist in communication and explain questions and instructions in concrete terms.

It is obvious that this ‘external factor’ is embedded into the ‘internal factor’ of having good communication skills. An intermediary could assist persons with LNFS in their communication abilities, and therefore it is clear to see the benefits of using trained intermediaries when a person with LNFS testifies and should be forcibly encouraged in the South African courts (Jonker & Swanzen, 2007). The justice system (police, social workers and prosecutors) should follow a multidisciplinary approach and learn how to work together for the greater good of assisting the victim of crime and ensuring there is enough evidence for a successful conviction against the perpetrator (Krause, 2014).

4.3.2 Factors that influence the competency of the witness

The results of the question “How important do you think the victim’s testimony is in obtaining a successful conviction?” were that all three participants agreed that the testimony was of utmost importance when obtaining a conviction. Participant 1.1 stated emphatically, “Currently, without it, I don’t think we will get a successful conviction”. This result is in strong agreement with literature, which suggests that it is of utmost importance for a victim of crime to give evidence in court, as this could really lead to the perpetrator being convicted (Jonker & Swanzen, 2007; Pillay, 2012;).

Obtaining a successful conviction is ultimately connected to the witness’s ability to give evidence in court. However, one of the greatest challenges for a victim of crime with LNFS is proving that they can be a competent witness (Bryen & Wickman, 2011). Competency has been discussed in previous chapters, therefore this section will explore a different view on the competency of a witness in an effort to highlight that a person with an intellectual impairment and with LNFS can indeed be a competent witness. Reliability, competency, and credibility are all components when determining witness accuracy and each one needs to be assessed to determine if a person with LNFS can be a competent witness (Klemfuss & Ceci, 2012). Reliability can be defined, the evidence being reliable and there is reason to believe that it is what it claims to be (Klemfuss & Ceci, 2012). This is an important element for a victim with LNFS as the presiding officer needs to make sure that the witness’s evidence has not been tampered with and that his/her version of events is exactly how the victim experienced it (Klemfuss & Ceci, 2012).

The second component is testimonial competence, and was discussed in detail in Chapter 2, namely, it is the ability to recall and remember the event and the ability to tell the truth (Klemfuss & Ceci, 2012). Last, the testimony must be credible, and this is the objective opinion made by the presiding officer about whether the testimony seems accurate and truthful (Klemfuss & Ceci, 2012). These three components are important to consider when a victim with LNFS testifies, especially if they testify with an alternative means of communication. But in saying this, all parties involved in the legal system (including police officers, prosecutors, lawyers and presiding officers) should take note that all these three components can be assessed by using AAC strategies and systems.

When asking all three participants what they thought made an individual a competent witness, their answers were clear and concise and parallel with what Klemfuss and Cece (2012) stated. A summary of their answers is depicted below in Figure 4.3.

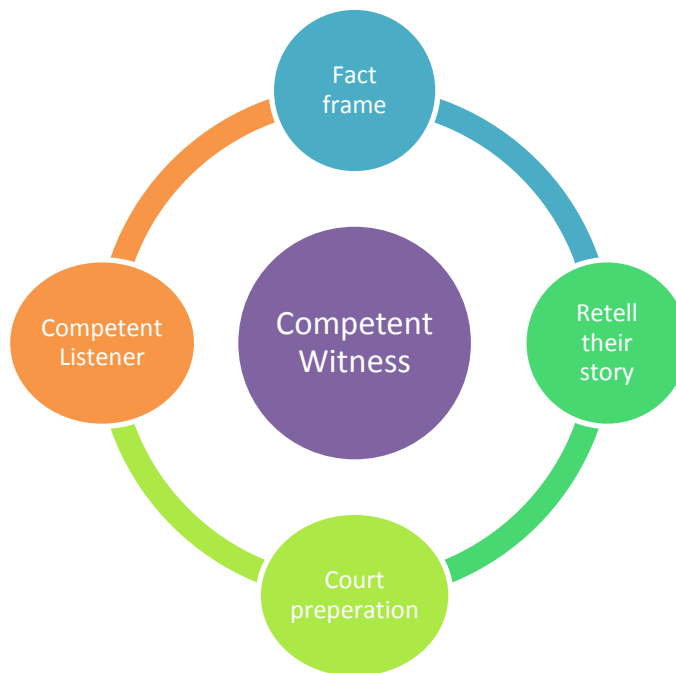


Figure 4.3 Components of being a competent witness

As shown in Figure 4.3, all participants were in agreement that a competent witness should have the ability to retell the event and remember all the facts in detail about the specific event.

Participant 1.1 mentioned the importance of the victim's being a good listener and being able to listen to questions. This implies that both receptive communication skills (listening and understanding), as well as expressive communication skills (retelling events in a factual manner), need careful consideration. The importance of having court preparation by the justice team was also deemed important by Participant 1.1. This can be linked back to the important role of the intermediary, which was highlighted earlier. The importance of preparing a witness as part of ensuring competency therefore cannot be over-emphasised. Research and South African Law clearly define what a competent witness is and a person with LNFS would need to be able to retell the event accurately (eyewitness ability) and be able to distinguish between truth and lie (motivational aspect) when testifying in court (Jonker & Swanzen, 2007; Pillay, 2012). Furthermore, all participants in their interviews agreed that a person with LNFS can be a competent witness, provided that the person has a means of communication. AAC (both aided and unaided communication) could be seen as an important alternative to speech. Participant 1.1 honestly stated when answering this question that, *"I think it is possible, but I think it is not done. It is very difficult"*.

When considering the competency test, one important consideration should be the use of the Lyon-Saywitz test (1999). This test has been used extensively for witnesses with intellectual impairment, but as yet its applicability for people with LNFS has not yet been proven (Van Niekerk, 2014). Lyon and Saywitz (1999) partook in a vast research study with 192 maltreated children to examine the competency of these children to take the oath and the ability to distinguish between truth and lie. This research study led to the development of materials to be used when testing witness competency to take the oath (Lyon & Saywitz, 2000). The materials were designed both to minimise the difficulties vulnerable witnesses, such as children, children with intellectual impairment and possibly other vulnerable groups such as victims with LNFS face in taking the oath and to define and discuss truth and lies, in order to give a more concrete example of truth and a lie (Lyon & Saywitz, 2000). The researchers divided the materials into two tasks: the first task (truth vs lie) evaluates whether a witness could understand that the words "truth" and "lie" refer to statements that relate to reality and to statements that fail to relate to reality. This is similar to the "motivational aspect" described by Jonker and Swanzen (2007). The second task is the morality task, and this task determines whether a witness understands the consequences of telling a lie, and that if he or she told a lie he or she would get into "trouble"

(Lyon & Saywitz, 2000). This is a complex and abstract concept, but yet it is the recommended test, as it addresses these concepts in a logical and reliable manner. An example of the first task, namely differentiating between the truth and a lie, is displayed below in Figure 4.4.

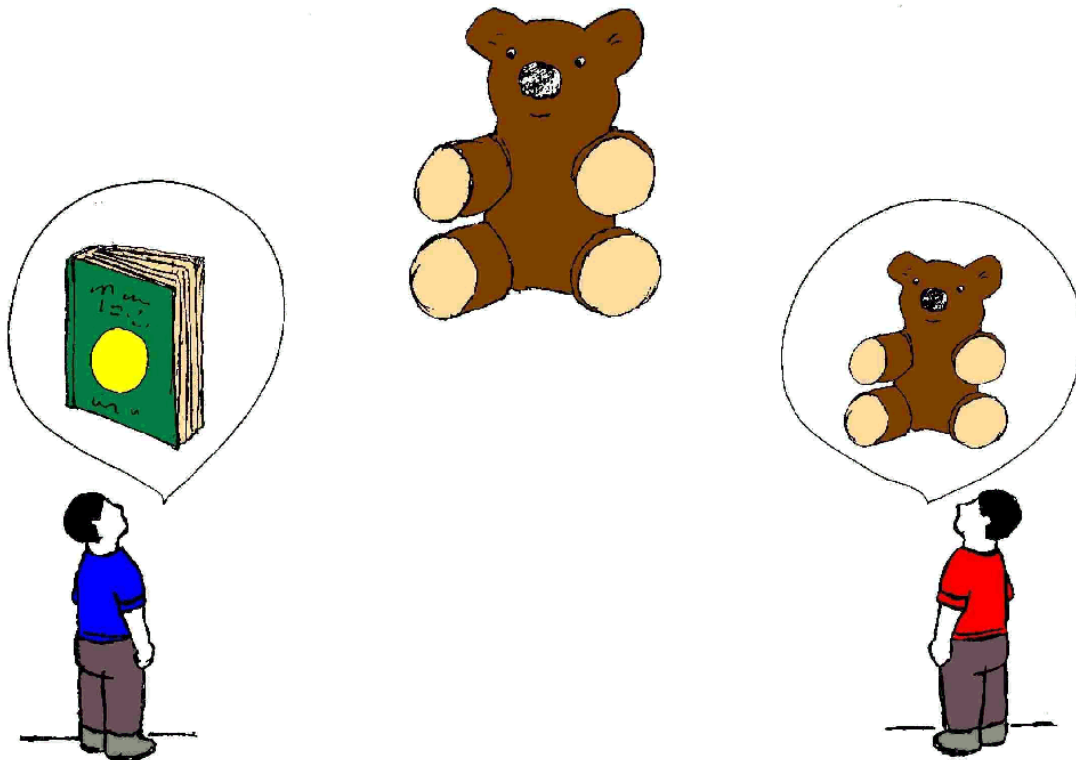


Figure 4.4. Truth vs Lie (as depicted by Lyon & Saywitz, 2000)

The trained adult, who has the responsibility of conducting the competency test, asks the child: “Here’s a picture. Look at this toy – what kind of toy is this?” The adult waits for the child’s response, and then continues, “OK, that’s a [child’s label]. LISTEN to what these boys say about the [child’s label]. One of them will tell a LIE, and one will tell the TRUTH”. While pointing to the boy on the left the adult states, “THIS boy looks at the [child’s label] and says “IT’S a BOOK.” Then the adults points to boy on the right and states, “THIS boy looks at the [child’s

label] and says "IT'S a [child's label]. Which boy told the TRUTH?" (Correct answer is boy on the right) (Lyon & Saywitz, 2000).

The second task is completed in the exact same method as the first task. As stated so pointedly by Lyon and Saywitz (2000) that all professionals involved in assessing the competency of a witness must take into consideration the witness's unique vulnerabilities and to be observant of the witness's backgrounds on their competency performance, and this holds so true to victims of LNFS. Using the Lyon-Saywitz (1999) test would be applicable for people with LNFS, as it can easily be adapted for this population, allowing them to point to symbols without having to verbalise the words. Furthermore, this test consists of 12 questions in the truth vs lie task and 4 questions in the morality task providing children the opportunity to learn the procedure and become familiar with it, without being unfairly dismissed.

The South African Law Commission in 2001 made a submission that “.... *all witnesses be regarded as competent to testify if they can understand the questions put to them and can in return give answers that the court can understand*” (Jonker & Swanzen, 2007, p.2). This would greatly assist a person using an AAC system when testifying in court, irrespective of whether a low technology or a high technology system is used, as the court would still be able to understand them through their AAC device.

4.3.3 Reasonable accommodation for language and communication

All participants were in agreement that the use of anatomical dolls, anatomical drawings and pictures could assist with communicating broader concepts such as sexuality. Participant 1.1 once again mentioned the importance of a qualified and trained intermediary. Participant 1.2 and 1.3 both explicitly mentioned the use of pictures. Participant 1.2 said, “*things that are communication without words, so it would be pictures...*” could assist people with LNFS. Anatomical dolls are used specially for children, individuals with mental disability and individuals who may not have the terminology necessary to describe the sexual crime such as people with LNFS (Department of Justice and Constitutional Development, 2013). It is interesting that none of the participants specifically mentioned the use of sign language, given

the fact that it is an accepted alternative form of communication in South Africa with proven case law (Schmidt & Rademeyer, 2000).

When asking participants about specific words that were needed, they mostly referred to categories of words, rather than specific words. In some cases, they did provide words, but simply to illustrate to broader category they mentioned.

The words and categories suggested by the participants that are needed to testify in court is displayed in Table 4.1. In this table, the themes extrapolated are also noted and identified for the development of the custom-designed questionnaire for Phase 2. This table also shows the different professional disciplines of the participants.

Table 4.1

Words and Categories Suggested for Testifying in Court

Participant	Words/Categories	Themes extrapolated
<u>Participant 1.1</u> Medical social worker	- Relationships (mom, dad, uncle, minister) - Feelings - Action words that describe actions and experiences	- Who - How - Feelings/emotions
<u>Participant 1.2</u> Child care specialist in the legal system	- Time frame (Before Christmas, after birthday) - Where is the scene of the crime - Who - What was done - What was used	- When / Time frame - Where - Who - What - How
<u>Participant 1.3</u> Forensic Nurse	- Truth and lie - What was done - How it happened - The difference between rubbing and penetrating the vagina	- What - How

From Table 4.1 it is interesting to note that the words and categories suggested reflect the various disciplines of the experts interviewed. This underscores the importance of selecting data-rich participants from diverse disciplinary backgrounds. However, it was evident that there was a fair amount of overlap, indicating that although different vocabulary was suggested, the essence of the themes extrapolated was consolidated, therefore suggesting legal core vocabulary.

The above themes therefore were used in the development of the quantitative questionnaire for Phase 2. There was a clear and distinct flow of themes being identified. Even though the researcher requested that no body parts be mentioned, Participant 1.3 felt it crucial to mention that certain sexual crimes do not consist of only penetration and that certain perpetrators will “rub” the victim’s private parts (vagina) and this is the crime. But when testifying in court, the victim will say the perpetrator penetrated the vagina as they do not have the vocabulary for “rubbing”. Not being able to differentiate between these two acts will have a negative repercussion on the conviction. In the past this was a very important consideration. The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 now clearly defines the difference between sexual penetration for rape and other sexual assaults such as rubbing the victim’s private parts.

4.3.4 Importance of identifying specific words for people with LNFS

All participants confirmed the importance of identifying specific words for people with LNFS to testify in court. Participants all said that it would be “*amazing*”, “*brilliant*” and “*phenomenal*” if these individuals could be empowered by providing them with the needed vocabulary to testify in court. But they all did state that professionals would need to be trained firstly in the court systems if this was to be implemented in South African courts. AAC vocabulary selection is crucial so that people with LNFS can be able to communicate specific events such as a sexual crime, so that they can testify in court. It is important for stakeholders to assist in this process so that people with LNFS have equal access to justice (Bornman & Bryen, 2013).

4.3.5 Barriers in court for people with disabilities and redress suggestions

The barriers the participants experienced in court when people with disabilities have had to testify as witnesses in court as well as suggestions to overcome these barriers are presented in Table 4.2.

Table 4.2

Barriers faced by people with disabilities when testifying in court and suggestions to overcome these barriers

Participant	Barriers	Suggestions to overcome the barriers
<u>Participant 1.1</u> Medical social worker	• Lack of knowledge of all legal professionals • Time pressures • Too many cases in the legal system • Impatience from the legal system • Certain legal professionals cannot deal with children who have a disability	• Training of all professionals involved with a person with a disability, who needs to testify in court.
<u>Participant 1.2</u> Child-care specialist in the legal system	• Lack of training of all legal professionals • Attitudes towards people with disabilities	• Adopting an ICF (International Classification of Functioning, Disability and Health) framework, as this could assist in addressing barriers.
<u>Participant 1.3</u> Forensic nurse	• Lack of training of all legal professionals • Communication difficulties	• A communication programme that assisted in training these professionals and using AAC could assist with removing these barriers.

From Table 4.2 it was clear that one of the biggest barriers found when people with disabilities testified in court was that the majority of legal professionals had little or no knowledge or training of people with disabilities. The suggestions to overcome these barriers were to incorporate a communication training programme using the International Classification of Functioning, Disability and Health framework (WHO, 2001) for all legal professionals. The ICF is a framework used for describing and organising information on functioning and disability and provides a universal language and a conceptual basis for the definition and measurement of health and disability (WHO, 2001). There is a growing body of research focused on the use of the ICF, but not only for identifying people with disabilities health care, rehabilitative and support needs, but also for identifying and measuring the effect of the policy environments, such as certain legislation and law in their lives (WHO, 2001). Professionals should consider adopting this framework, as this could assist in the legal justice system process and full access to justice for the person with LNFS.

Training of police, prosecutors and presiding officers in relevant legislation regarding people with disability and sexual offences should be heightened and prioritised (Seedat et al., 2009).

Training on how to protect these vulnerable individuals and their basic human rights, giving full access to justice should also be considered so that each sexual crime case is strengthened and ultimately secure a court date to testify in court (Seedat et al., 2009).

It is evident that when a multidisciplinary team approach is adopted and the legal system works alongside disability experts where there is exchange of knowledge and training, there can be success in convictions with people with LNFS (Krause, 2014).

4.3.6 Conclusions from Data Source 1

From Data Source 1, internal and external factors that influence successful conviction were discussed. Then the factors that influence competency of the witness were conferred. Reasonable accommodation for language and communication was further explained, and the importance of identifying specific words for people with LNFS was emphasised. Finally, the barriers in court for people with disabilities and redress suggestions were discussed. It was evident from Data Source 1 that there is a need to identify relevant vocabulary for people with LNFS to be able to testify in court and the importance of recognising a victim with LNFS as a competent witness and ensuring that these victims are given the opportunities to prove this. Furthermore, the legal justice system (police, prosecutors and presiding officers) must be trained in disability knowledge and skills to be aware that people with LNFS can be competent witnesses and can testify in court.

4.4 Data Source 2: Focus groups

The answers to the three questions of each of the three focus groups are described in detail in this section of the chapter. The data will be presented in the form of the specific three questions asked in the focus group using the Focus Group script (Appendix F). Dialogue was encouraged and the researcher created a relaxed environment (Rio-Roberts, 2011) and therefore honest and rich data was provided to the questions asked.

4.4.1 Barriers a person with a communication disability faces when testifying in court

This section focusing on the barriers a person with a communication disability faces when testifying in court is described in detail. Figure 4.5 shows the five distinct themes of barriers that were identified by the three different focus groups, following the thematic analysis. In the first column the specific barriers are shown, while the second column contains the detailed information from which the themes were extrapolated.



Figure 4.5. Barriers themes and codes

From Figure 4.5 it is evident that there are significant barriers that first and foremost need to be addressed, so that professionals can assist a victim of crime when testifying in court (Bryen & Wickman, 2011). Communication and language are well researched and identified barriers in recent literature. A person with LNFS and who has communication disabilities must be assisted by a trained police officer and social worker who have the skills to communicate with these individuals. South Africa has 11 official languages and is a multi-lingual nation, hence provisions for people with LNFS of different South African languages must be made so that

there is a police officer or an interpreter who can assist with the whole process from the statement taking through to the complete court process (Keilty & Connelly, 2001).

The attitudes of society are a mammoth barrier for a person with LNFS and accessing justice. As discussed in Chapter 2, the family's attitudes that they do not want an additional stigma of their disabled child being a victim of sexual crime, the attitudes of the police feeling that a person with LNFS cannot be a competent witness and therefore do not even take the statement from the victim, and the attitudes of the perpetrators, believing that the victim of LNFS "wanted" sex, as they have over-active sexual libidos (Mckenzie, 2013). All these attitudes can be addressed with proper training and education within our communities and schools.

A person with a disability can be assisted to testify in court if an intermediary is used and court preparation is given. The intermediary can inform the court and presiding officer of the concentration span of a victim with LNFS and that the victim may need more time than an able-bodied individual (Jonker & Swanzen, 2007). The social worker can assist the victim with appropriate counselling so that the victim does not blame himself or herself for the sexual crime. Environmental factors must be addressed when a person with LNFS needs to testify in court. More community programmes such as Afrika Tikkun should be implemented, as they assist with victims of crime in finding the nearest police station, reporting the crime to the police officer, and assist with the court preparation (De Sas Kropiwnicki, Elphick & Elphick, 2014).

Training in disability skills and etiquette, as discussed in Chapter 2, must be made a priority on levels of the justice system. Police officers and prosecutors should be given training regarding people with disabilities and how to communicate with them, and a presiding officer should be given a detailed description and overview before the court case begins on the specific victim's disability and method of communication. Specific training programmes such as those implemented in the UK and Israel are needed (Larcher, 2014; Ziv, 2007). These identified barriers added to the trustworthiness of the data of this phase, as the barriers identified in Data Source 1 corresponded with the barriers identified in Data Source 2. Furthermore, the majority of these barriers had also been recorded in literature.

4.4.2 Processes that can facilitate the person with LNFS's ability to testify in court

Participants in all three focus groups were required to suggest potential strategies and processes that could enable a person with LNFS to be able to testify in court. Following a thematic analysis of the verbatim transcriptions of the responses, five distinct themes and codes were generated.

These themes as well as the corresponding codes are presented in Figure 4.6.



Figure 4.6. Themes of processes that could facilitate the process when a person with LNFS testifies in court

As stated by the Department of Social Development (2014) it is the social worker's role to train the person with a communication disability in court proceedings and assist in preparing for a consistent and accurate testimony (Townsend, Waterhouse & Nomdo, 2014). Additionally, in 2012 it was reported that there were 30 Thuthuzela Care centres in South Africa that assisted and supported children and specifically, children with disabilities, with court preparation (Townsend et al., 2014).

As highlighted in previous sections in this study, the training of professionals in disability knowledge and etiquette is of the utmost importance (Seedat et al., 2009). Training needs to start at the statement-taking process and how to take a statement from a person with LNFS all the way up until the court process and educating prosecutors and presiding officers on disability and the means and methods used by a person with LNFS to communicate.

Time is a vital aspect to consider with a person with LNFS who has been a victim of crime. A serious and traumatic injustice has been done to these individuals and most of the time, as research states, their trust has been broken by a familiar perpetrator. Police officers and prosecutors must take the time and effort to build a trusting relationship with the victim of crime so they too, can obtain all the necessary information they need to prepare for the court case.

As stated in the Children's Act, No.38 of 2005, if the person with LNFS is under the age of 18 they have a legal right to be placed in a child-friendly and separate room when testifying in court. If a person with LNFS is over 18, the legal team can request that they are seen as a vulnerable individual and also be requested to be placed in a separate room when testifying in court (Dickman, 2013). It is stated in the Criminal Law [Sexual Offences and Related Matters] Amendment Act 32 of 2007 (SOA) that a person with LNFS under the age of 18 can testify outside the court with the assistance of a person who acts as an intermediary.

Research has shown that the use of an intermediary has reduced the trauma experienced by a person with LNFS. If a person with LNFS is older than 18 years, the legal team can request that he or she is seen as a vulnerable individual and can use an intermediary to testify in court (Dickman, 2013).

From Figure 4.6 it is once again important to note, that the processes identified in Data Source 2 confirmed the processes identified from Data Source 1, and that Data Source 2 elaborated on what Data Source 1 referred to.

4.5 Vocabulary needed to testify in court

Although the vocabulary suggested is more quantitative in nature, it is included in this section, as it was used to inform the development of the measuring instrument (the custom-designed questionnaire) that was used in Phase 2, by Data Source 3.

Each focus group was asked to suggest vocabulary that was needed to testify in court. Thereafter, participants were asked to rank the suggested words into four different categories, namely “very important”, “important”, “somewhat important” and “not important”. Only the words suggested in the “Very Important” and “Important” Category from each focus group were used for the development of the measuring instrument for Phase 2. In Table 4.3 the number of different words that each focus group suggested is provided, as well as the number of specific words that were repeated and therefore removed from the data table.

Table 4.3 *Vocabulary suggested*

Focus Group	Total of words suggested ranked as very important and important	Repetition of specific words	Final number of words
Focus Group 1:Gauteng	199	8	191
Focus Group 2: Cape Town	175	14	161
Focus Group 3: Durban	100	6	94
	TOTAL: 474	TOTAL: 28	TOTAL: 446

From Table 4.3 it is evident that, in total, a list of 446 distinct words (without any repetitions) were suggested, by the three focus groups with Focus Group 1 contributing the most words. However, Focus Group 1 and Focus Group 2 provided comparable numbers. Focus Group 3 contributed significantly fewer words, which may possibly be attributed to the fact that the participants in this focus group mentioned categories more frequently than specific words. For example, they suggested the words “places”, “emotions” and “persons” and did not always elaborate on the specific words that would describe the categories.

The words were grouped into categories suggested by the participants in Data Source 1, namely “when”, “who”, “what”, “how”, “where” and “emotions”. Words that had synonyms were grouped together. The process of involving a second, independent rater for the grouping and analysis of the specific words is explained in Chapter 3. Table 4.4 shows the specific words suggested and how the words were grouped into the six distinct categories.

Table 4.4
Suggested words grouped into categories

CATEGORIES and WORDS					
When (Time frame)	Who	What	How	Where	Emotions (feelings)
after/ afterwards	adult	alcohol	apart (legs apart)	bathroom	afraid
before	anyone	balaclava	back (he raped me from the back)	bedroom	cry/cried
again	black (man)	bed	front	bushes	embarrassed
birthday	boy	belt	blindfold	camera room	emotion/ emotions
Christmas	boyfriend	black (clothing)	break	church	emotional state
night	brother	bus	bribe	court	enjoy
dark (it was dark)	conductor	taxi	do/doing	crèche	fearful
day/days (it was light)	cousin	car	escape	garden/ yard	feeling/ feelings/felt
days of the week	dad/daddy	cable	force/forced	home/ house/ houses/ shack	forgot
Easter	defence attorney	cellphone	grabbed	inside	fun
everyday	doctor	chips(bribe)	hit	outside/ out	guilty
funeral	family	clothes/ clothing (dress)	how	jail/ prison	hate
holiday	friend	colour	insert/inserted	lounge	honest
months	gang	computer	kick	movies	hungry
new years	girl	condom/ plastic	kiss	outside toilet	hurt
once	he/him/ man	cream/ Vaseline/ lubricant	legs (spread legs apart)	place/ places	know (I know!)
time	her/she/ woman	diapers	lick/licked	police station	love
times of	I	door	made	school/	nauseous

CATEGORIES and WORDS					
day				school ground	
weekend	intruder/ perpetrator	drawing	forced	shop	pain/sore
	judge	drugs	many (times)	toilet	remember
	mom/ mommy/ mother	food	passed out		sad
	nationality/ race	gun	pay		safe
	neighbour	jacket	play		sorry
	nurse	knife	point		trust
	pastor	magazines	rape		understanding
	people	money	rub		unsafe
	person	object (various objects)	show		weak
	police/ police officer	clothing	spread		
	prosecutor	panties	steal		
	sangoma	underpants	strangle		
	sister	photo	sucked		
	social worker	picture	take		
	stranger	pill	take off		
	taxi driver	pull	teaching		
	teacher	put	tear/torn		
	uncle	rope	threat/ threatened		
	white(man)	sjambok	touch/ touched		
		shirt	undress		
		skirt	watch		
		spectacles			
		sunglasses			
		sweets			
		T.V.			
		tattoo			
		telephone			
		vehicle			
		white (clothing)			
		water			
		weapon/ weapons			
		whip			
		window			

It was evident from Table 4.4 that the categories suggested by the participants in Data Source 1 were accurate and precise and that this resonated well with the specific words suggested by the

focus group in Data Source 2. This attests to the fact that all participants included in Phase 1 of the research were experienced experts in the field of testifying in court.

The words that did not fall into the categories were labeled as “Miscellaneous words” and they were added into the custom designed questionnaire (Appendix H). This is discussed in more detail in Chapter 5.

4.6 Conclusions from Phase 1 of the research

Based on the preceding discussion, the following important aspects should be highlighted:

- The semi-structured, in-depth interviews and focus groups confirmed the importance of the identified vocabulary categories for testifying in court namely, the when, who, what, where, how and feelings. These categories constitute legal core vocabulary.
- The semi-structured, in-depth interviews and focus groups discussed important barriers that should be addressed, as this could hinder the process of testifying in court for a victim with LNFS. The specific role of communication and language was highlighted.
- The participants in both Data Source 1 and Data Source 2 provided processes to address the identified barriers and how these processes should be implemented to facilitate equal justice for people with LNFS.
- All the words identified by the participants in the three focus groups (Data Source 2) that did not fit into a category suggested by Data Source 1 was placed into a new group called ‘miscellaneous words’.
- The categories (suggesting core legal vocabulary) and “miscellaneous words” suggesting fringe legal vocabulary was developed into a custom-designed questionnaire which was used in Phase 2 to socially validate the researcher’s findings.

4.7 Summary

The results obtained from the semi-structured, in-depth interviews (Data Source 1) and the three focus groups (Data Source 2), were presented and interpreted with reference to the first three sub-aims of this study, which were identified in Chapter 3, and form the foundation of the methodology presented in Chapter 3. The results were subsequently discussed with reference to current literature. This chapter is concluded by referring to the development of the content for the custom-designed measuring instrument (questionnaire) which was socially validated in Phase 2 of the research.

Chapter 5

Results and discussion: Quantitative phase

5.1 Introduction

This chapter describes the data received from Data Source 3, namely, the custom-designed questionnaire that focused on the social validation of the vocabularies. The quantitative data is presented and analysed in this chapter. This addresses the last two of the five sub-aims, namely, to socially validate the results from Phase 1. Figure 5.1 provides a schematic outline for the presentation and discussion of the results, emphasising the results of Phase 2.

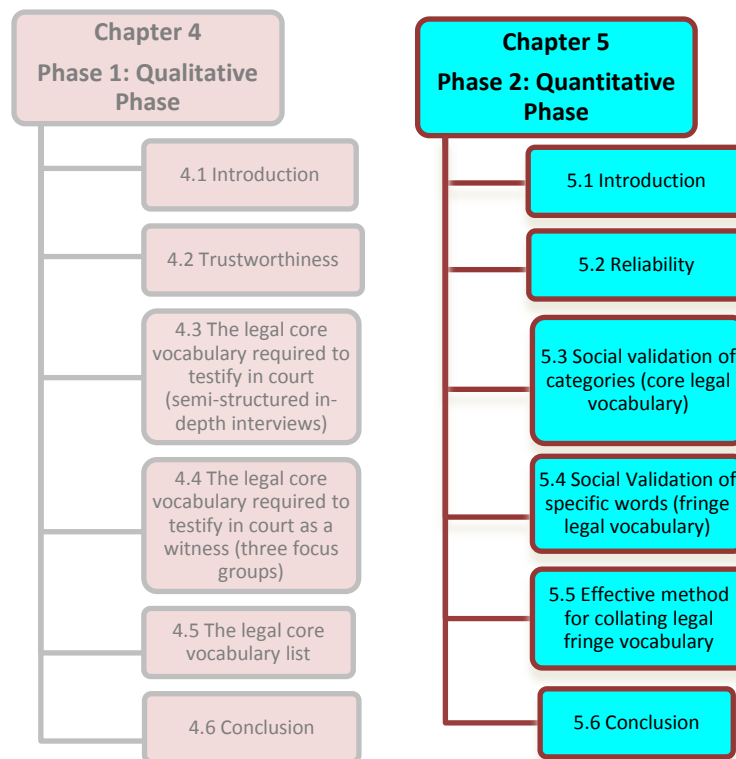


Figure 5.1. Outline for presentation and discussion of results

Figure 5.1 shows the flow of this chapter. It firstly describes the reliability of the quantitative data, which is the focus of this phase. Secondly, social validity of the legal core vocabulary

namely the categories is discussed. This is followed by a discussion of the social validation of the fringe legal vocabulary. Lastly, an appropriate method for collating fringe vocabulary is suggested.

5.2 Reliability

Reliability of this data was seen in the fact that the scores from the participants were consistent, logical and expected (Creswell & Plano Clark, 2011). Furthermore, the answers provided were spread out across the four different categories, namely very important, important, somewhat important and not important showing that participants had considered all the possible categories and did not select only one category in a specific pattern (Creswell & Plano Clark, 2011). Hence, not all words were simply ranked as being “very important”.

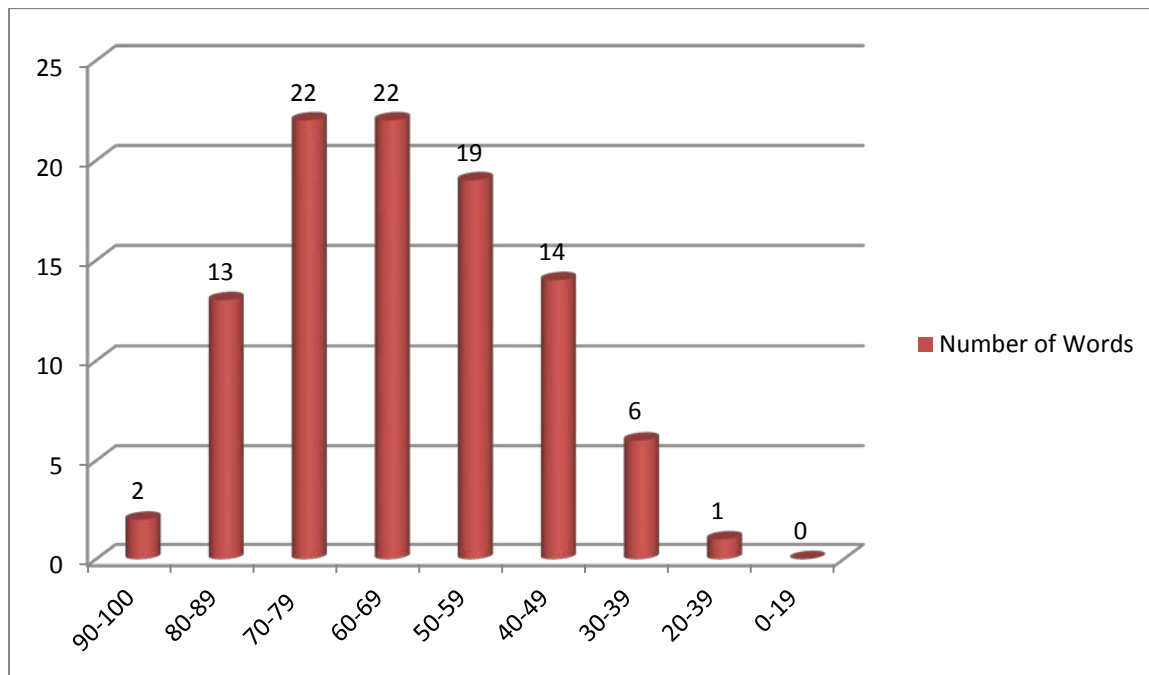


Figure 5.2. Number of words ranked as “very important”.

From Figure 5.1 it is evident that the highest percentage of words scored by participants as “very important” was between 70-79% and 60-69%. There is also an obvious bell curve in this figure, which suggests that the data (words ranked) did not produce unusual extreme values (Russell,

2014). It also shows that participants provided varied answers, considering each word on its own, and not simply marking in a patterned manner. This finding supports the reliability of the data.

There was a small percentage of missing data. No statistical procedures were employed to substitute the missing data, because of the small percentage (2.37%). This percentage was calculated by using the following formula:

$$\frac{\text{missing data}(73)}{\text{total number of responses}(99) \times \text{total number of participants}(31)} \times \frac{100}{1}.$$

5.3 Social validation of categories

Participants in Data Source 3 were requested to socially validate the specific categories of words suggested in Phase 1. The social validation process points to the importance of the specific categories as perceived by the stakeholders. If the words have high social validity scores, it increases the likelihood that the words would be used in practice by the target group (professionals involved in the legal part who want to ensure access to justice for the individual with LNFS who uses AAC). Participants were requested to indicate their answers on a 4-point Likert scale ranging from 4 = Very Important, 3 = Important, 2= Somewhat Important and 1= Not important. The higher the score would reflect that participants ranked the words as more important.

In order to contextualise the categories, four examples of words that could be used in each of the broad categories, were provided. These examples came from the vocabulary suggested by participants in Data Source 2 and is illustrated in Table 5.1. Appendix I shows the complete lists of words.

Table 5.1

Words used as examples in the categories

Category	Example of words
When	Birthday, night, days of the week, Easter
Who	Dad, aunt, pastor, teacher
What	Weapon, bed, chips, rope

Category	Example of words
How	Hit, kiss, kick, forced
Where	Church, bedroom, school, shop
Emotions/feelings	Love, hate, scared, sad

Table 5.2 shows the descriptive statistics related to the categories and include the mean, standard deviation, as well as the range. The variables are presented in descending order based on the mean results.

Table 5.2

Descriptive statistics related to the categories

Variable	Mean	Standard Deviation	Minimum	Maximum
Who	3.96	0.17	3	4
What	3.87	0.56	1	4
When	3.80	0.40	3	4
How	3.74	0.68	1	4
Where	3.74	0.68	1	4
Emotions/Feelings	3.58	0.76	1	4

From Table 5.2 it can be seen that the mean for all the items in the categories received a score between 3 and 4, indicating that on average, all categories were ranked by participants as important. However, the strength of the importance varied with “who” showing the highest mean score (3.96) and emotions (3.58) showing the lowest. The minimum range regarding how the categories were ranked varied, and ranged from 1 (not important) in the cases of the “what”, “how”, “where” and “emotions” categories, while the “who” received a minimum score of 4. Interestingly, the minimum rank score shown for “who” and “when” was a 3, indicating that the lowest score showed that it was “important”. As seen in Table 5.1 none of the categories had a mean below 3.5. This is suggestive, irrespective of the type of crime reported, it is evident that these categories are important to consider when testifying in court.

Table 5.3 shows the same categories expressed as the percentages of participants who provided a specific score to each of the categories.

Table 5.3

Percentages of the 4-point Likert scale ratings for each category

Categories	Very Important	Important	Somewhat Important	Not important
Who	96.77	3.23	0	0
What	93.55	3.23	0	3.23
How	83.87	9.68	3.23	3.23
Where	83.87	9.68	3.23	3.23
When	80.65	19.35	0	0
Emotions/Feelings	70.97	19.35	6.45	3.23

It is evident from Table 5.3 that all six categories were ranked as being very important when testifying in court. Only one category (emotions) scored a percentage of 70.97 %, but three other categories scored above 80% and two scored about 90%. It is clear that the participants from Phase 2 agreed with the vocabulary suggested from the participants in Phase 1, hence confirming the social validation of these categories.

The high number of “important” and “very important” scores for the categories was expected, following the outcome of the focus groups and semi-structured, in-depth interviews. These results imply high social validity of the categories. It is of great importance that the categories represent the core legal vocabulary, as these categories would be important to include in all vocabulary lists, irrespective of the crime. It is therefore the responsibility of the practitioner who will select the vocabulary to ensure sufficient and appropriate vocabulary under each of these specific categories to allow the victim to be able to provide a clear description of the crime in court. Furthermore, the vocabulary needs to be as comprehensive as possible, so that the witness is not led in a specific way and that leading the witness can be minimised. It is suggested that, if possible, for each target word, at least four foils are provided per category. For example, if forensic evidence suggests that the rape had been committed in the bathroom, the names of at least five indoor places be provided, e.g. lounge, my room, mommy’s room, bathroom, kitchen (Bornman & Tönsing, 2012). All categories would be treated in this manner, ensuring the customisation of the core legal vocabulary.

5.4 Social validation of specific words

Following the three focus groups, a list of 146 miscellaneous words was generated. It is important to note that the 146 words excluded all the duplicate words that were reported across the three focus groups, and it also excluded all the words that were pre-assigned to the different categories. In the previous chapter, it was mentioned in Table 4.3 that the duplicate words in each focus group were removed; now the duplicate words across the focus groups were excluded. This resulted in 102 words being removed. To enhance the succinctness of the questionnaire, certain words were grouped together, as shown in Table 5.4. Furthermore, antonyms were also grouped together, in an attempt to reduce the number of words. When presenting the words on a communication board, the number of symbols becomes important. One of the possibilities to reduce the number of concepts on the board is to use some of the linguistic principles suggested when implementing a Blissboard (McNaughton, 1990). The Blissymbol for “opposite”¹ can be used, as that would allow the individual to expand the number of available concepts. Therefore, only one word, e.g. “fat” would be represented on the board, and if the individual had wanted to indicate “thin”, a 2-symbol sequence would be used, namely, “opposite + fat”. However whether the concept of “opposite” would be understood by the victim of LNFS would need to be further explored in further studies. The one exception however is the words “yes” and “no”. Due to their high frequency of use, it is suggested that both words should be included.

Table 5.4

Synonyms and Antonyms grouped together

Nr of words	Words grouped	Presented in the questionnaire
Synonyms		
2	Bleed, blood	Bleed/blood
2	Burning, tingling	Bodily sensations
2	Describe, explain	Describe/explain
2	Game, special games	Games/special games
2	Oath, promise	Oath/promise
2	Secret, secrets	Secret/secrets
2	Sound, volume	Sound/volume

¹ = (Blissymbol for “opposite”)

Nr of words	Words grouped	Presented in the questionnaire
2	Speak, say, tell, told	Speak/say/tell/told
3	Scar, scars, scarred	Scar/scars/scarred
4	Semen, milky stuff, white stuff, sperm	Bodily fluids
4	Quiet, keep quiet, silent	Quiet (keep quiet, keep silent)
6	Hear, see, saw, look, smell, stink	Senses (hear, see/saw, look, smell, stink)
6	Openings, back, front, openings, body, position	Openings (back front position, body openings)
Antonyms		
2	Drunk, sober	Drunk/sober
2	Fat, thin	Fat/thin
2	No, yes	No/yes
2	Short, tall	Short/tall
2	Truth, lie	Truth/lie

In six cases, a short sentence or part of sentence was provided in order to contextualise the word. This was particularly important for the present study, as the meaning of words could be altered if the word is read in a context-blind manner. For example, “groomed” would typically refer to self-care activities such as combing hair, brushing teeth, etc. However, in the context of this study, groomed refers to the perpetrator luring the victim into a secretive sexual relationship (SOA, 2007). This is shown in Table 5.5. The mean scores are also presented in descending order.

Table 5.5

Words with sentences

Words	Sentences added	Mean
Die	Die (“he told me I would die if I didn’t do it”)	3.7
Groomed	Groomed (“he groomed me to have sex”)	3.4
Number	Number (how many)	3.6
Of	Of (on top of)	3.2
On	On (on top of)	3.3
Temporarily withdrawn	Temporarily withdrawn (“the case was temporarily withdrawn”)	3.4

If considering the mean score shown in Table 5.5, it is evident that these six words were not disproportionately advantaged because it was contextualised. The mean score for these words ranged between 3.2 and 3.7 that are comparable with the rest of the data that all show means scores in this range.

After this process there were 99 words in the “miscellaneous” category. The results of the “miscellaneous words” presented in the questionnaire (Appendix I) are presented in Table 5.6 in percentages, for each of the four rank positions on the Likert scale. It also shows the mean value for each word, as well as the word class which the word belongs. An independent rater (speech-language therapist) with experience in communication boards and the researcher independently signed the words to the different word classes. Some words required discussion (e.g. sexual abuse, intimidation, interpretation) and discussion continued until 100% agreement was reached. In cases where the agreement could not be reached, a third independent rater with a linguistic background was consulted. Bold lines are included in Table 5.6 to indicate the “very important” words in 10% intervals, as well as mean scores for each word.

Table 5.6
Percentages of Likert Scale Ratings for Each Miscellaneous word

	Word Class	Mean Score	Very Important	Important	Somewhat Important	Not important	Missing Data
intimidation	noun	3.96	96.77	3.23	0	0	0
bodily fluids (semen, milky stuff, white stuff, sperm)	noun	3.80	90.00	3.33	3.33	3.33	1
kill	verb	3.87	87.10	12.90	0	0	0
sex	verb	3.87	87.10	12.90	0	0	0
penetration	noun	3.80	83.87	12.90	3.23	0	0
pornography (60)	noun	3.80	83.33	13.33	3.33	0	1
sexual	descriptor	3.83	83.33	16.67	0	0	1
no/yes	other	3.68	82.76	10.34	6.90	0	2
body	noun	3.77	80.65	16.13	3.23	0	0
oral sex	noun	3.74	80.65	12.90	6.45	0	0
quiet (keep quiet, keep silent)	verb	3.70	80.65	12.90	3.23	3.23	0
senses (hear, see/saw, look, smell, stink)	verb	3.70	80.65	12.90	3.23	3.23	0
sexual abuse	verb	3.80	80.65	19.35	0	0	0
truth/lie	noun	3.76	80.00	16.67	3.33	0	1
violent	verb	3.76	80.00	16.67	3.33	0	1
bleed/blood	verb	3.77	77.78	22.22	0	0	4
die (“he told me I would die if I didn’t do it”)	verb	3.74	77.42	19.35	3.23	0	0
HIV	noun	3.77	77.42	22.58	0	0	0

	Word Class	Mean Score	Very Important	Important	Somewhat Important	Not important	Missing Data
openings (back/front position/ body openings)	noun	3.70	77.42	16.13	6.45	0	0
report	verb	3.70	76.67	16.67	6.67	0	1
violence	noun	3.73	76.67	20.00	3.33	0	1
allow	verb	3.67	75.00	17.86	7.14	0	3
consent	verb	3.54	74.19	12.90	6.45	6.45	0
language	noun	3.61	74.19	12.90	12.90	0	0
virginity	noun	3.61	74.19	19.35	0	6.45	0
arrested	verb	3.70	73.33	23.33	3.33	0	1
number (how many)	other	3.60	73.33	16.67	6.67	3.33	1
scar/scars/scarred	noun	3.60	73.33	16.67	6.67	3.33	1
secret/secrets	noun	3.66	73.33	20.00	67.67	0	1
why?	noun	3.53	73.33	10.00	13.33	3.33	1
agree	verb	3.71	71.43	28.57	0	0	3
interpretation	noun	3.61	70.97	19.35	9.68	0	0
kidnap	verb	3.64	70.97	22.58	6.45	0	0
open	verb	3.61	70.97	22.58	3.23	3.23	0
stop	verb	3.61	70.97	22.58	3.23	3.23	0
ask	verb	3.63	70.00	23.33	6.67	0	1
testify	verb	3.56	70.00	20.00	6.67	3.33	1
describe/explain	verb	3.53	69.23	15.38	15.38	0	5
don't (20)	verb	3.41	68.97	13.79	6.90	10.34	2
alleged	other	3.50	67.86	17.86	10.71	3.57	3
bodily sensations (burning, tingling)	verb	3.58	67.74	22.58	9.68	0	0
drunk/sober	verb	3.45	67.74	19.35	3.23	9.68	0
groomed (" he groomed me to have sex")	verb	3.45	67.74	16.13	9.68	6.45	0
hard	descriptor	3.61	67.74	25.81	6.45	0	0
position	preposition	3.54	67.74	22.58	6.45	3.23	0
repeat	preposition	3.50	66.67	23.33	3.33	6.67	1
ejaculation	verb	3.48	65.52	20.69	10.34	3.45	2
oath/promise	verb	3.35	64.52	16.13	9.68	9.68	0
respect	noun	3.48	64.52	22.58	9.68	3.23	0
speak/say/tell/ told	verb	3.48	64.52	22.58	9.68	3.23	0

	Word Class	Mean Score	Very Important	Important	Somewhat Important	Not important	Missing Data
temporarily withdrawn (“the court case was temporarily withdrawn”)	other	3.45	64.52	19.35	12.90	3.23	0
wish	verb	3.30	63.33	23.33	6.67	6.67	1
justice	noun	3.45	61.29	25.81	9.68	3.23	0
safety	noun	3.48	61.29	25.81	12.90	0	0
want	verb	3.38	61.29	22.58	9.68	6.45	0
high	descriptor	3.50	60.00	30.00	10.00	0	1
on (on top of)	preposition	3.30	60.00	20.00	10.00	10	1
pregnancy	verb	3.50	60.00	30.00	10.00	0	1
underneath	preposition	3.46	60.00	33.33	6.67	0	1
keep	verb	3.37	58.62	20.69	20.69	0	2
masturbation	verb	3.35	58.06	25.81	9.68	6.45	0
of (on top of)	preposition	3.29	58.06	22.58	9.68	9.68	0
not	other	3.39	57.14	25.00	17.86	0	3
relationship	noun	3.43	56.67	33.33	6.67	3.33	1
roles	noun	3.33	56.67	23.33	16.67	3.33	1
wet	descriptor	3.20	56.67	13.33	23.33	6.67	1
noise	noun	3.16	54.84	19.35	12.90	12.90	0
short/tall	descriptor	3.32	54.84	29.03	9.68	6.45	0
sizes	descriptor	3.29	54.84	25.81	12.9	6.45	0
legal terminology	other	3.16	53.33	13.33	30.00	3.33	1
more	descriptor	3.23	53.33	23.33	16.67	6.67	1
top	preposition	3.46	53.33	43.33	0	3.33	1
care	verb	3.38	51.61	35.48	12.90	0	0
nationality	noun	3.16	51.61	22.58	16.13	9.68	0
shapes	descriptor	3.29	51.61	32.26	9.68	6.45	0
unknown	other	3.22	51.61	29.03	9.68	9.68	0
covering	noun	3.10	50.00	23.33	13.33	13.33	0
non-discrimination	other	3.16	50.00	20	26.67	3.33	1
loss	noun	3.22	48.39	29.03	19.35	3.23	0
up	preposition	3.19	48.39	29.03	26.13	6.45	0
visit	verb	3.25	48.39	35.48	9.68	6.45	0
sound/volume	noun	3.16	46.67	29.67	23.33	3.33	1
without	preposition	3.43	46.67	36.67	16.67	0	1
gone	verb	3.03	44.83	24.14	20.69	10.34	2
gag	verb	3.03	43.33	26.67	20.00	10.00	1
game/special games	noun	2.93	43.33	23.33	16.67	16.67	1

	Word Class	Mean Score	Very Important	Important	Somewhat Important	Not important	Missing Data
fat/thin	descriptor	3.06	41.94	25.81	29.03	3.23	0
gentle	descriptor	2.83	41.94	16.13	25.81	16.13	0
ready	descriptor	3.22	41.94	38.71	19.35	0	0
different	descriptor	3.03	41.38	31.03	17.24	10.34	2
weather	noun	3.00	41.38	24.14	27.59	6.90	2
moustache	noun	3.10	40.00	40.00	10.00	10.00	1
clean	verb	3.12	38.71	38.71	19.35	3.23	0
low	preposition	3.06	38.71	32.26	25.81	3.23	0
dizzy	descriptor	3.06	37.93	34.48	21.14	3.45	2
faint	descriptor	2.90	36.67	30.00	20.00	13.33	1
abortion/terminate	verb	2.86	30.00	33.33	30.00	6.67	1
errand (I went to run an errand)	verb	2.83	30.00	36.67	20.00	13.33	1
addiction	noun	2.93	26.67	43.33	26.67	3.33	1

From Table 5.6 it can be seen that only two words, “intimidation” and “bodily fluids” was ranked by more than 90% of the participants as “very important”. Participants ranked 13 words as “very important” in the 80-89% category, 22 in the 70-79% category, 22 in the 60-69%, 19 in the 50-59%, 14 in the 40-49%, 6 in the 30-39% and only 1 in the 20-29% category. Only 1 word, namely addiction (26.67%) was rated as very important by less than 30% of the participants. On the inverse side, 61 of the words were rated as “not important”, but this was done by a smaller number of participants. The word “game/special games” scored the highest on the inverse side of the scale, and that was still a low score, namely 16.67%. Table 5.6 also shows that the highest mean score was obtained for intimidation (3.96), and that the other means ranged between 3.87 and 3.00. Only 6 words had a mean score lower than 3, ranging from 2.93 to 2.86, which is indicative of words being “somewhat important”. No words had a mean of 1.

Table 5.7 indicates the number of words in percentages that were ranked as “very important” and “not important”.

Table 5.7

Number of words under the “very important” category in percentages

Percentages (%)	Very important
90-100	2

Percentages (%)	Very important
80-89	13
70-79	22
60-69	22
50-59	19
40-49	14
30-39	6
20-39	1
10-19	0
9-0	0
Total	99

From Table 5.7, there is a clear indication that the words in the “very important” category with the score of 50% or below was limited, and continue to decrease in their 10% interval groups, indicating that most words (78 words) were voted above 50% as “very important” and only 21 words were voted less than 50% as “very important”. All words had a ranking of “very important” ranging between 20% and 96%. Thereafter, the “very important” and “important” categories were combined, as shown in Table 5.8.

Table 5.8
Very important and important categories combined

Word Classes	Number	Number of words ranked 100%	Examples	Mean score	90-99%	80-89%	70-79%	60-69%	50-59%
Verbs	39 words	5	kill, sex, sexual abuse, bleed/blood, agree	3.50	15	13	3	3	0
Nouns	29 words	2	Intimidation, HIV	3.46	12	7	6	2	0
Descriptor	14 words	1	sexual	3.39	2	4	4	2	1
Preposition	9 words	-	-	3.24	4	3	2	0	0
Other	8 words	-	-	3.34	2	4	1	1	0

There was a total of 8 words that scored 100% when the “very important” and “important” categories were combined. The majority of the words, with the exception of one word, namely "gentle" scored above 60% as “very important”. More than half of the words (66 words) scored over 80% as “very important”. Table 5.7 also shows that the highest mean score was obtained for the word class verbs (3.50%) and that the other means ranged between 3.46 and 3.34. No word

class scored below 3, indicating that all words classes were ranked “very important” and “important”. Verbs was the most counted word class that stayed true to the research question, as testifying in court is about an action or occurrence, and verbs describe these concepts such as a crime (Beukelman & Mirenda, 2013, Bornman et al., 2011). Moreover, nouns scored a high percentage, and this is important for the person with LNFS to be able to produce a sentence when being cross-examined in court (Kebbel, 2001).

A Related- Samples Friedman Two-Way Analysis of Variance Ranks test was performed to determine if there were any differences between any of the pairs of the five word classes. The hypothesis for testing was:

H_0 = the different word classes are rated as equally important by participants.

H_1 = There is a difference in how important the word classes are as rated by participants. Results for the combined five word classes showed a p-value of 0.028 indicating statistical significance. In order to determine where the differences lay, different pairs were considered and tested with the Related-sample Wilcoxon Signed Rank test. A p-value of $p \leq 0.05$ on the 5% level of confidence is regarded as statistically significant. Results are show in Table 5.9.

Table 5.9

Statistical significance of word classes

Comparison	p-value	Decision
Verb and noun	0.394	Retain H_0 (No difference between verbs and nouns)
Verb and other	0.106	Retain H_0 (No difference between verbs and other)
Verb and descriptor	0.000*	Reject H_0 (There is a significant difference between verb and descriptor)
Verb and preposition	0.036*	Reject H_0 (There is a significant difference between verb and preposition)
Noun and other	0.178	Retain H_0 (No difference between v noun and other)
Noun and descriptor	0.005*	Reject H_0 ()There is a significant difference between noun and descriptor)
Noun and preposition	0.069	Retain H_0 (No difference between noun and preposition)
Descriptor and other	0.124	Retain H_0 (No difference between descriptor and other)
Other and preposition	0.399	Retain H_0 (No difference between other and preposition)

Preposition and descriptor	0.218	Retain H_0 (No difference between preposition and descriptor)
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*p-value ≤ 0.05 indicates statistical significance on the 5% level of confidence

It is indicative from Table 5.9 that it is important when considering vocabulary for an individual with LNFS for testifying in court to ensure that all word classes are included and to pay particular importance on the word class, verbs as verbs were statistically significant from both descriptors and prepositions. Furthermore, the descriptors also differed in statistical significance from nouns. When considering the linguistic implications of the word classes, it is important that the word classes such as verbs should always be in the active form for example, “Sally kissed the boy”, rather than, “The boy was kissed by Sally” (BenZeev, Lerner & Klein, 2014). In addition, it is important to encourage maximal use of the core legal vocabulary and to not focus on professional jargon and to use limited acronyms and abbreviations when assisting the person with LNFS to testify in court (BenZeev et al., 2014).

There were only three participants who responded to the open-ended question, “Are there any words you would like to suggest that should be included on a “Testifying in court” communication board?”, but these answers (sore, pain and steal) were disregarded as these words were previously placed into the categories.

5.5 Effective method for collating legal fringe vocabulary

From the above results it was clear that different word classes are needed to testify in court, and these words could guide the professional such as the speech-language pathologist in identifying appropriate words needed to testify in court. It is important when placing the fringe vocabulary and content on a communication board to consider the following characteristics: First, the number of items must be considered as is important to have a pool of words for each target word under each category, in order to eliminate the possibility of “leading the witness” (Beukelman & Mirenda, 2013).

Second, the size of the communication board and how many categories and words in the form of graphic symbols (for the illiterate individual) you can place on a communication board is to be

considered. This has implications for the individual's intellectual level (e.g. how many symbol locations can be measured), their visual skills (the visual capacity of the symbol display), as well as motor skills (the range of movement that the individual is able to access) (McNaughton, 2006). The legal fringe vocabulary list will be a large vocabulary set for when testifying in court and this must be considered so that the person with LNFS has access to all categories and words in order to retell the event and answer relevant cross-examining questions (Pillay, 2012).

Third, the spacing and arrangements of the items (graphic symbols) must be considered. A large proportion of people with LNFS have physical disabilities and therefore the way in which the person can access should be considered, either through direct selection, using a body part or adapted equipment (e.g. head pointer), or through scanning, using a switch interface, therefore arranging the fringe vocabulary in a layout that a person with LNFS can access these graphic symbols is of crucial importance (BenZeev et al., 2014).

Lastly, it is important to colour encode certain words into groups. Specifically for this research study, colour encoding the suggested word classes into different colours could assist the person with LNFS in accessing the different words in an easier manner, such as verbs=yellow, nouns=green and so forth (Beukelman & Mirenda, 2013). This fringe vocabulary should always be specific to the person with LNFS and the specific crime.

5.6 Conclusion

The results obtained from the 31 questionnaires that were completed by the participants in this research were presented and interpreted with reference to the last two sub-aims, which are identified in Chapter 2 and forms the foundations of the methodology presented in Chapter 3. The results were subsequently discussed with reference to current literature.

Chapter 6

Conclusions and recommendations

6.1 Introduction

This chapter summarises and integrates the main findings of this study. Subsequently a critical evaluation highlighting both the strengths and limitations of the study is provided. Next, the clinical implications of the study are discussed, followed by a presentation of the recommendations for further research.

6.2 Summary of results

Various studies support the fact that context-specific vocabulary should be identified for people with LNFS (Balandin & Iacono, 1998; Dark & Balandin, 2007; Snodgrass et al., 2013). One such specific context is the courtroom, as research shows that people with disability, especially people with LNFS are at disproportionate high risk for being a victim/s of crime. The aim of this study was to identify and describe the legal core vocabulary required by illiterate victims of crime, who have little or no functional speech, to testify in court as a witness. This was achieved using three different data sources in a sequential mixed-methods design. Two distinct phases were employed to collect the data. Phase 1 collected qualitative data in the form of three semi-structured in-depth interviews (Data source 1) as well as three focus groups (Data source 2). Fifty-six participants were involved in the three focus groups. The results from Data source 1 showed that both internal and external factors influenced successful convictions. Not only were effective communication and cognitive skills needed, but also family support and belief in the person's story. A knowledgeable and skilled intermediary, prosecutor and presiding officer were also mentioned. Results further indicated that a person with LNFS could be a competent witness and produce a reliable and credible account of the events of the crime. Furthermore, results from Data source 1 suggested that certain reasonable accommodation could facilitate this process, such as including augmentative and alternative communication strategies, particularly related to aided strategies (such as graphic symbols) and that providing certain vocabulary to a person with LNFS could assist them in testifying in court. In addition, using an intermediary was also discussed. Results highlighted barriers that people with disabilities face when testifying in court,

with two of the most pertinent issues being the lack of trained professionals as well as a variety of communication difficulties in as far as disability issues are concerned. Thereafter, suggestions were made, such as training these professionals in disability-related aspects and designing a communication programme that could assist people with disabilities and professionals who work with these individuals, in order to enhance access to justice for these individuals.

Results generated specific categories that the participants from Data source 1 identified, namely ‘when’, ‘who’ ‘what’, ‘how’, ‘where’ and ‘emotions’. These six categories were used for the development of the custom designed questionnaire in Data source 3. The results from Data source 1 emphasised the importance of identifying specific words for people with LNFS to testify in court.

The results from Data source 2 corroborated and expanded on the barriers reported in Data source 1, by alluding to five specific barriers, namely communication and language, attitudes, disability characteristics, environmental factors and lack of training and knowledge (Figure 4.6). Processes that could facilitate a person with LNFS’s ability to testify in court were also identified, such as the importance of court preparation, training of professionals involved in the legal process, time, environmental adaptations and the use of an intermediary.

Results regarding the words needed to testify in court yielded that Focus group 1 identified 199 words, Focus group 2 identified 175 words and Focus group 3 identified 100 words, after removing duplicated words in each focus group. These identified words were then grouped in the different categories identified from Data source 1, namely, ‘when’, ‘who’ ‘what’, ‘how’, ‘where’ and ‘emotions.’ Words that did not fall into a relevant category were placed in a newly created ‘miscellaneous’ category. The results from Phase 1 were analysed and used for the development of the measurement instrument for Phase 2, thereby strengthening the mixed method research design.

Phase 2 collected quantitative data in the form of a custom designed questionnaire (Data source 3) and this phase was used to socially validate the findings from Phase 1. The data were obtained from 31 participants who all consented and completed the questionnaire. The questionnaire contained the six categories and the 99 miscellaneous words and was presented in a 4-point Likert scale ranging from ‘4 =very important’, ‘3=important’, ‘2=somewhat important’ and

‘1=not important’, so that a higher score indicated the greater importance of the word. Participants were requested to rank the six categories as well as the 99 miscellaneous words. Results indicated that the category ‘who’ yielded the highest score with 96% of participants ranking it as ‘very important’. The category ‘emotions’ yielded the lowest score with 70% of the participants ranking it as ‘very important’. However, all categories ranged between 70% and 100% and these results implied that there was high social validity of the categories. The categories can be seen as reflecting the core legal vocabulary. Results from the ‘miscellaneous’ group of words yielded two words, namely ‘intimidation’ and ‘bodily fluids’ that received the highest scores with 96% and 90% respectively of the participants ranking it as ‘very important’. Regarding the nature of the vocabulary, the words reflected 39 words in the verb class, 29 words in the noun class, 14 words in the descriptor class, nine words in the preposition class and eight words in ‘other’ word classes. Finally, results showed that five of the 39 verbs were ranked as very important by more than 90% of the participants. The fact that the rest of the words in the ‘other’ category have varying scores shows that there is no ‘universal’ legal vocabulary; although some core vocabulary categories could be suggested as well as a method for developing a fringe vocabulary.

6.3 Critical evaluation of the study

Certain factors may have influenced the results of this study in a positive or negative manner, thereby either strengthening or weakening it. Both of these factors will now be described in more depth.

6.3.1. Strengths of the study

This study employed an interesting and novel approach to addressing an important focus area that had been neglected in the past. The research aim therefore has social responsibility appeal, with significant clinical implications (Please see Appendix J for a media report on this study). It also cuts across many disciplines, as disability is a multidisciplinary, multi-faceted phenomenon. Therefore, a multi-disciplinary approach, in which different role players can participate, is needed to address this challenge.

A rigorous selection procedure was followed to ensure that the participants had the knowledge and skills to assist in answering the research question. From the description of participants, it is also clear that the participants were from different professional backgrounds and disciplines. The heterogeneity of the population, comprising multiple stakeholders, therefore broadened the depth of the information obtained. In this study, there were a total of 25 participants for Phase 1 and 31 participants for Phase 2, which is seen as a sufficient sample size for a mixed method design (McMillan & Schumacher, 2010).

The mixed method design employed for this research study provided more evidence to address the research aim than either quantitative or qualitative research could have produced alone, attesting to the old adage that the sum was greater than the parts. The selected qualitative data informed the quantitative data (Creswell & Plano Clark, 2011), thereby creating a pure mixed methods study.

Before data was collected from any of the data sources, a form of pre-testing was done to enhance the quality of the data. Firstly, the stakeholder review was conducted prior to the main data collection for Data source 1 to test the appropriacy and relevance of the questions for the semi-structured in-depth interviews to ensure face validity of the questions. Secondly, a pilot study was conducted prior to the focus group (Data source 2) to test the appropriacy of the pre-developed focus group script and to acquaint the researcher with the necessary information on the procedure to be followed during the focus group. Thirdly, a pilot study was conducted prior to the main study to test the appropriacy of the questions in the custom-designed questionnaire to ensure suitability and face validity and to test the user friendliness of the custom designed questionnaire as a means of data collection.

6.3.2 Limitations of the study

Despite attempts to involve as many legal practitioners (e.g. lawyers, prosecutors and presiding officers) as possible, time constraints and work pressures experienced by these individuals proved to be challenging. The study would have been further strengthened if these legal practitioners could have been included as they would have been able to provide valuable input

of the court process, thereby adding rich data to this study regarding legal issues such as hearsay.

This study was restricted only to expert professionals and if people with disabilities who had been victims of crime and experienced the process of disclosing or reporting a crime could have been included themselves as another stakeholder group, it would have strengthened the study.

The methodology used in the social validation phase could have been strengthened if a Delphi technique was used for the quantitative phase. The Delphi technique consists of a consecutive process to collect and extract the anonymous judgments of expert professionals using a series of data collection and analysis techniques scattered with feedback (Castro & Pinto, 2013). Due to time constraints and limited availability of these individuals, this technique was not employed. A study such as the current one, which relies heavily on the law, is context specific to some degree. Although some aspects of this study might have universal appeal (e.g. taking the oath and how to select core vocabulary), this study is embedded within the South African legal framework. It relies heavily on a number of South Africa laws (SOA, 2007, Criminal Law Amendment Act 135 of 1991) and this cannot be applied as such to other countries with its own laws. However, as the CRC and CRDP has certain universal concepts (that can be domesticated for the specific country) in a similar way the principles from this study can be domesticated. A collaborative effort internationally (UK, Canada, Israel, USA, Australia) with other expert professionals can, be amalgamated to assist in ensuring that people with LNFS have full access to justice.

6.4 Clinical Implications

- The most important clinical finding of this study was that people with LNFS are extremely vulnerable of being victims of crimes and are not always given fair access to justice due to their restricted communication skills (receptively and expressively). The vocabulary that was identified in this study could assist an individual with LNFS to testify in court and access the equal justice that they so rightly deserve.
- The categories (core legal vocabulary) and vocabulary (fringe legal vocabulary) could also assist professionals in the legal justice system such as social workers, lawyers,

prosecutors and presiding officers to understand and gain knowledge about the alternative communication methods that people who use AAC use to communicate.

- Results also suggested that, if vocabulary was identified and used by individuals with LNFS, more cases would result in convictions as the victim with LNFS could testify, thereby adding substance to the evidence given in court.
- The results also alluded to the barriers that people with disabilities face in the South African legal system. Suggestions were made as to how these barriers could be addressed to assist these individuals in the lengthy process of reporting the crime, making a statement, being prepared for court and ultimately testifying in court.
- This study did yield evidence that vocabulary would need to be individualised to the individual and the specific crime, thereby highlighting the importance of including and expanding on fringe legal vocabulary. On the other hand, it also clarified the use of certain core legal vocabulary.
- The evidence from these results also suggest strongly that an AAC expert should testify in the court case regarding AAC, before the person with LNFS is called so that the expert can educate the prosecutors and presiding officers regarding the individual's communication difficulties as well as alternative and augmentative methods of communication that are available and valid.
- This important topic and issue has been addressed since the 1980's and yet, it is sadly still an on-going issue in our society and communities. The researcher should take the responsibility of the recommendations suggested for future research and ensure these recommendations are realised, and in doing so, assist in ending the violence against this vulnerable population.

6.5 Recommendations for future research

Recommendations for further research based on the present research results are as follows:

- 1) To design a communication board with the identified vocabulary to be used in court by a person with LNFS. This board could be graphic symbol based and should include both a symbol set (e.g. Picture Communication Symbols) as well as traditional orthography;

- 2) To design guidelines for ‘best practice’ when examining and cross-examining witnesses with LNFS, e.g. how to frame questions in such a way that will enable a person who uses a communication board to construct an answer. Strategies could include asking closed-ended questions which have responses such as ‘Yes/No’ or ‘True/False’ (Beukelman & Mirenda, 2013), or asking open-ended narrative-based questions if the individual has the needed vocabulary available;
- 3) To design an AAC Resource toolkit that is available to all individuals during the court process such as the parents and social workers as well as professionals in the legal justice system to educate them regarding people with communication disabilities and alternative ways in which they can communicate;
- 4) To investigate how the results of the current study around AAC and vocabulary selection can contribute to the principles suggested for standardised competency testing (Lyon-Saywitz test, 1999) for people with communication disabilities.

6.6 Summary

This chapter concluded the research by summarizing the most important results with respect to the main aim of the study. The study was critically evaluated in terms of strengths and limitations, and clinical implications were discussed. Finally, suggestions for future research were made.

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Appendix A

Biographical Questionnaire

Biographical questionnaire

Biographical Questionnaire	For office use
1) Age: _____ 2) Date of birth: _____ 3) Gender: Male ☐ Female ☐ 4) Home Language: _____ 5) Law/ SACSSP/HPSCA registered number if applicable: _____ 6) Qualifications: Please specify (Degrees, Diplomas) _____ _____ _____ 7) Current Position and Title: _____ _____ 8) How long have you been working in your current position: _____ 9) Number of years' experience working in or have been involved in the legal sector : _____ 10) Do you have work experience with victims of crime testifying in court: Yes ☐ No ☐ Please specify if Yes: _____ _____ _____ _____ 11) Do you have work experience with people with disabilities who have been victims of crime: Yes ☐ No ☐ If yes, please answer Questions 12 and 13 12) What difficulties did you find when working with people with disabilities who had been victims of crime? _____ _____ _____ _____ _____ 13) What in your professional opinion could have assisted with these difficulties when working with people with disabilities who had been victims of crime? _____ _____ _____ _____	Participant no: Q1 ☐ Q2 ☐ Q3 ☐ Q4 ☐ Q5 ☐ Q6 ☐ Q7 ☐ Q8 ☐ Q9 ☐ Q10 ☐ Q11 ☐ Q12 ☐ Q13 ☐

Appendix B

Semi-structured in-depth interview guide

Interview guide and questions

<u>Introduction Key Components:</u> • Thank you • Your Name • Purpose • Confidentiality • Duration • How interview will be conducted • Opportunity for questions • Signature of consent	I want to sincerely thank you for taking the time to meet with me today. My name is Robyn White; I am a Masters Student at the Centre for Augmentative and Alternative Communication at the University of Pretoria. My research is centred on people with disabilities, specifically, people with little or no functional speech who have been victims of crime and testifying in court. I would like to talk to you about your professional experiences and knowledge you may have about testifying in court when you have been a victim of crime. The interview should take between 45 – 60 minutes. I will be audio recording the session because I do not want to miss any of your comments. Although I will be taking notes during the session, I cannot possibly write fast enough to get it all down. All responses will be kept confidential. This means that your interview responses will only be shared with the research team members and I will ensure that any information I include in my study does not identify you as the respondent. You do not have to answer questions you do not want to and you may end the interview at any time. Are there any questions about what I have just explained? Are you willing to participate in the interview? _____ Interviewee Witness Date	
<u>Questions</u> • No more than 11 open-ended questions	<u>Questions</u> 1) Have you been in court when victims of crime who have disabilities testify? 2) What factors influence successful convictions when the complainant has a disability? 3) How important do you think is the	

	complainant's testimony in obtaining conviction? Could you please justify your answer? 4) What in your professional opinion makes a competent witness (basic and legal competency)? 5) What in your professional opinion might you suggest that could assist individuals with disabilities who have been victims of crime to communicate broader concepts such as sexuality better? 6) What in your professional opinion do you think are important words needed to testify in court as a victim of crime, specifically abuse and rape? 7) What experiences have you had with people with disabilities being witness's in court? 8) What barriers did you find existed in the above cases and what suggestions do you have to overcome these? 9) Have you had experience with a person with little or no functional speech (LNFS) that was a victim of	
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	crime? Please elaborate? 10) Do you believe a person with LNFS could be a competent witness? Please elaborate. 11) How helpful would it be to you as a professional, if specific words were identified for people with LNFS to testify in court, for example, a specific communication board was made with those specific words to assist the individual with LNFS? Please elaborate.	
<u>Closing Key Components</u> • Additional comments • Next steps • Thank you	Is there anything more you would like to add? I will be analysing the information you and others have given me and will be adding the results to my Master's Thesis. I will be happy to send you the results if you are interested. Thank you once again for your time. It is much appreciated!	

NOTES:

What is AAC:

Augmentative and alternative communication (AAC) includes all forms of communication (other than oral speech) that are used to express thoughts, needs, wants, and ideas. We all use AAC when we make facial expressions or gestures, use symbols or pictures, or write.

What are the types of AAC systems?

When children or adults cannot use speech to communicate effectively in all situations, there are options.

Unaided communication systems – rely on the user's body to convey messages. Examples include gestures, body language, and/or sign language.

Aided communication systems – require the use of tools or equipment in addition to the user's body.

Aided communication methods can range from paper and pencil to communication books or boards to devices that produce voice output (speech generating devices or SGD's) and/or written output. Electronic communication aids allow the user to use picture symbols, letters, and/or words and phrases to create messages. Some devices can be programmed to produce different spoken languages. Devices and communication boards also have a pre-determined vocabulary lists for certain activities for those AAC users who are illiterate.

What is core and fringe vocabulary?

Core vocabulary includes words that are used frequently and are useful in a variety of situations. They are often small, commonly used words (eg, I, the, have, and, on, want, etc.).

Fringe vocabulary is more situation specific. Their importance changes from context to context and from person to person (eg, school, braai, movies, rugby).

My aim is divide into legal core vocabulary that will be used irrespective of type of crime (push, put, in) and legal fringe vocabulary that is specific to the incident such as weapons, incident, place (prosecutor, house, school).

Appendix C

Ethical Approval letter from Research Ethics Committee of the Faculty of Humanities at the University of Pretoria



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Humanities
Office of the Deputy Dean

9 April 2013

Dear Prof Bornman

Project: Testifying in court as a victim of crime: vocabulary required by illiterate individuals with little or no functional speech
Researcher: Rm White
Supervisor: Prof J Bornman
Department: Centre for Augmentative and Alternative Communication
Reference number: 29642630

Thank you for well presented and motivated study.

I am pleased to be able to tell you that the above application was **approved (with comment)** by the **Postgraduate Committee** on 12 March 2013 and by the **Research Ethics Committee** on 4 April 2013. Data collection may therefore commence.

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

The Committee requests you to convey this approval to the researcher.

We wish you success with the project.

Sincerely

Prof Sakhela Buhlungu
Chair: Postgraduate Committee &
Research Ethics Committee
Faculty of Humanities
UNIVERSITY OF PRETORIA

**FACULTY OF HUMANITIES
POSTGRADUATE COMMITTEE**

COMMENTS/ SUGGESTIONS FROM THE POSTGRADUATE COMMITTEE

WHITE RM (29642630)

12/03/2013

Well-presented and motivated study

Comprehensive research strategy and well-reasoned steps in the process – each step motivated and integrated

Only comment: suggest that a clearer position be defined relating to the notion of 'victim of crime'. Although the title refers to a victim of crime in the text more focus seems to be directed at violent crimes e.g. rape and physical attack or abuse. I was not clear about how the inquiry will be directed if the broader field is being addressed although the focus might be much more specific. Clarification of this focus will give clarity to the inquiry process. The reasoning is that the psychological complexity of the experience and ability to transform that into language will differ between the various forms of violent crimes and should therefore be made explicit in the research process

In the focus groups the candidate will be assisted. The identity of this person is not outlined but should be made clear – consistency and sensitivity to the field of study.

Social contribution of the study well motivated

Appendix D

Title Registration

Our Ref: Ms P Woest / 29642630
Tel: 012 420 2736
Fax: 012 420 2698
E-mail: petru.woest@up.ac.za



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Humanities

26 April 2013

Mrs RM White
PO Box 785165
SANDTON
2146

Dear Mrs White

TITLE REGISTRATION: FIELD OF STUDY – MA IN AUGMENTATIVE AND ALTERNATIVE COMMUNICATION

I have pleasure in informing you that the following has been approved:

TITLE: Testifying in court as a victim of crime: Vocabulary required by illiterate individuals with little or no functional speech

SUPERVISOR: Prof J Bornman

CO-SUPERVISOR: Ms E Johnson

I would like to draw your attention to the following:

1. **ENROLMENT PERIOD**
 - (a) You must be enrolled as a student for at least one academic year before submission of your dissertation/essay.
 - (b) Your enrolment as a student must be renewed annually before 31 March, until you have complied with all the requirements for the degree. You will only be able to have supervision if you provide a proof of registration to your supervisor.
2. **APPROVAL FOR SUBMISSION**

On completion of your dissertation/essay enough copies for each examiner must be submitted to Student Administration, together with the prescribed examination enrolment form signed by you, which includes a statement by your director of studies that he/she approves of the submission of your dissertation/essay.
3. **NOTIFICATION BEFORE SUBMISSION**

You are required to notify me at least three months in advance of your intention to submit your dissertation/essay for examination.
4. **INSTRUCTIONS REGARDING THE PREPARATION OF THE DISSERTATION/ESSAY AND THE SUMMARY APPEAR ON THE REVERSE SIDE OF THIS LETTER.**

Yours sincerely

for DEAN: FACULTY OF HUMANITIES

Appendix E

Consent letters to participants



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA
Faculty of Humanities

August 2013

Dear Expert Professional

REQUEST TO TAKE PART IN RESEARCH PROJECT

I am currently a Masters student in Augmentative and Alternative Communication (AAC) at the Centre for Augmentative and Alternative Communication (CAAC) at the University of Pretoria. In partial fulfillment for the requirements of this degree; I am requested to conduct a research project. I would appreciate your participation in this research.

Research topic: Testifying in court as a victim of crime: Vocabulary required by illiterate individuals with little or no functional speech

Rationale for the study: Research shows that adults and children with little or no functional speech (LNFS) face increased vulnerability when it comes to being a victim of crime as they are seen as voiceless and invisible members of society. This study aims to determine the most important vocabulary needed by a victim of crime who has LNFS to testify in court. The results of this study will form part of a larger research project, which will help to develop a specific communication board for people with little or no functional speech to testify in court as victims of crime.

Aim of the study: The main aim of this study is to determine the core vocabulary required by a victim of crime, who has little or no functional speech, to testify in court by using a multi-tiered approach. This approach would involve professionals from the legal protection system such as judges, lawyers, therapists and social workers.

Risks and benefits of participants: Participants may withdraw at any time from the study without any negative consequences. Furthermore, the content of the data will be handled with confidentiality and used for research purposes, conference presentations, journal articles and to write a thesis. Documents will be in safekeeping at the Centre for AAC, University of Pretoria for 15 years.

Centre for Augmentative and Alternative Communication (CAAC)
Sentrum vir Aanvullende en Alternatiewe Kommunikasie (SAAK)
Communication Pathology Building
University of Pretoria, Lynnwood Road
PRETORIA, 0002
Republic of South Africa

Fax/Faks: +27 86 510 0841
Tel: +27 12 420 2001

juan.bornman@up.ac.za
www.caac.up.ac.za

If you require further information after reading this document, please feel free to contact me on the details below:

Principal investigator: Mrs. Robyn White (BA Communication, BA Hons: AAC
[Cum Laude])
Contact details: (cell)
(work)
(fax)
robyn.white@up.ac.za (email address)
Project supervisor Prof. Juan Bornman, Director, Centre for AAC, University of
Pretoria
Contact details: juan.bornman@up.ac.za (email address)

We trust that you will agree that on the importance of this research project to support illiterate individuals with little or no functional speech who have been victims of crime to be able to testify in court by identifying legal vocabulary. We would appreciate your willingness to participate in this research project.

Kind regards



Robyn White
Researcher



Prof. Juan Bornman
Supervisor/Director of CAAC

Research topic: Testifying in Court as a victim of crime: Vocabulary required by illiterate individuals with little or no functional speech.

I, _____, (full names and surname)

hereby:

- Agree that I will participate in the study as outlined above
- Understand that I will at no stage during the research process be exposed to any harmful situations
- Understand that the researcher will use recording equipment.
- Agree that I have the right to withdraw from this study should I wish to do so for any reason whatsoever without providing any explanation
- Understand that the content of the data will be handled with confidentiality and used for research purposes, conference presentations, journal articles and to write a thesis.
- Understand that no identifying information will be given in the long term and that the data will be stored for a period of 15 years in a safe place at the CAAC, University Pretoria for archival purposes.

(Please tick appropriate block)

I give consent		I do not give consent	
----------------	--	-----------------------	--

Signature of professional

Date

Signature of researcher

Date

Signature of supervisor

Date

Appendix F

Pre-developed focus group script

Welcome	• Thank you for making your time available to attend this Focus Group. • Introduce yourself and co-facilitator. ✓ <i>My name is Robyn White; I am a Masters Student at the Centre for Augmentative and Alternative Communication at the University of Pretoria. My research is centred on people with little or no functional speech who have been victims of crime and testifying in court.</i> • Introduction of Participants <i>Ask all participants to introduce themselves in few sentences in the way that we introduced ourselves earlier. This is to break the ice and make the participants feel less isolated.</i> • What we want to do and achieve in the focus group – First short introduction (show abuse board and pixon board) What is AAC: Augmentative and alternative communication (AAC) includes all forms of communication (other than oral speech) that are used to express thoughts, needs, wants, and ideas. We all use AAC when we make facial expressions or gestures, use symbols or pictures, or write. What are the types of AAC systems? When children or adults cannot use speech to communicate effectively in all situations, there are options. Unaided communication systems – rely on the user's body to convey messages. Examples include gestures, body language, and/or sign language. Aided communication systems – require the use of tools or equipment in addition to the user's body. People who would use this system are people with intellectual impairments, people with Autism, people with cerebral palsy or people who have had strokes or traumatic brain injuries. Aided communication methods can range from paper and pencil (if literate) to communication books or boards to devices that produce voice output (speech generating devices or SGD's). Electronic communication aids allow the user to use picture symbols, letters, and/or words and phrases to create messages. Some devices can be programmed to produce different spoken languages. Devices and communication boards also have a pre-determined vocabulary lists for certain activities for those AAC users who are illiterate. What is core and fringe vocabulary? Core vocabulary includes words that are used frequently and are useful in a variety of situations. They are often small, commonly used words (eg, I, the, have, and, on, want, etc.). Fringe vocabulary is more situation specific. Their importance changes from context to context and from person to person (eg, court, prosecutor, school etc.).
---------	--

	• How the participants can help us to achieve this goal and why the participants are suitable for the task. ✓ <i>“Your help and knowledge is very valuable, because you can share with us your wealth of experience that you may have in law, testifying in court or victims of crime specifically those that have been abused or sexually assaulted”</i> • Details about focus group ✓ <i>This focus group will be held in English.</i> ✓ <i>The focus group will take between 60 and 70 minutes</i> ✓ <i>Please can we ensure all cellphones are placed on silent for the duration of the focus group</i> ✓ <i>Please be aware that what is said in this focus group remains confidential.</i> ✓ <i>Please can I draw your attention to the Inclusion/Exclusion Criteria board that is mounted on the wall. Explain these criteria. (Exclusion List consists of: Specific body parts EG Hand, penis, teeth. Inclusion List consists of: All nouns, verbs and adjectives that you feel is appropriate such as hit, force, rape, kiss, touch)</i> ✓ <i>Explain that the participants have the right to withdraw from the session at any time.</i>
Discussion	• Carefully word the questions before the question is addressed by the group. Then, facilitate discussion around the answer to the question. Give each participant a handful of post it notes to write on. ✓ <i>What do you think are the challenges or barriers professionals face when a person with a disability has to testify in court? (5-10 min)</i> ✓ <i>What may facilitate the process of an illiterate individual who can't speak to testify in court? (5-10 min)</i> ✓ <i>Which words do you think a person with LNFS must be able to understand and use to testify in court?</i> • Ensure even participation. If one or two people are dominating the meeting, then call on others.
Closing the session	• After 60 minutes summarize the vocabulary suggested to the top words, read out the specific words and ask if there are any words or vocabulary that they felt were left out or needed to be added. The focus group should take 70 minutes at most. Thank the participants for taking part in your research group and for their valuable time.

Appendix G

Pre-developed inclusion/exclusion criteria

INCLUSION/EXCLUSION CRITERIA GUIDELINE LIST FOR THE FOCUS GROUPS

INCLUSION LIST

ALL nouns, verbs and adjectives
for example:

- Touch
- Rape
- Force
- Kissed
- Pushed

EXCLUSION LIST

ALL body parts for example:

- Hand
- Penis
- Teeth
- Leg
- Stomach

Appendix H

Custom designed questionnaire

Biographical questionnaire

Biographical Questionnaire	For office use
Participant no: _____	
1) Age: _____	Q1 ☐
2) Date of birth: _____	Q2 ☐
3) Gender: Male ☐ Female ☐	Q3 ☐
4) Home Language: _____	Q4 ☐
5) Law/ SACSSP/HPSCA registered number if applicable: _____	Q5 ☐
6) Qualifications: Please specify (Degrees, Diplomas)	

_____	Q6 ☐
7) Current Position and Title: _____	Q7 ☐
8) How long have you been working in your current position: _____	Q8 ☐
9) Number of years' experience working in or have been involved in the legal sector : _____	Q9 ☐
10) Do you have work experience with victims of crime testifying in court: Yes ☐ No ☐ Please specify if Yes: _____	

_____	Q10 ☐
11) Do you have work experience with people with disabilities who have been victims of crime: Yes ☐ No ☐ If yes, please answer Questions 12 and 13	Q11 ☐
12) What difficulties did you find when working with people with disabilities who had been victims of crime?	

_____	Q12 ☐
13) What in your professional opinion could have assisted with these difficulties when working with people with disabilities who had been victims of crime?	

_____	Q13 ☐

Rating of categories and words to appear on “Testifying in court” communication boards

- 1) Please indicate (with a tick) how important you feel the inclusions of these categories are for appearing on a “Testifying in court” communication board.

Category with examples	Very Important	Important	Somewhat Important	Not important
When? (e.g. birthday, night, days of the week, Easter)				
Who? (e.g. dad, aunt, pastor, teacher)				
What? (e.g. weapon, bed, chips, rope)				
How? (e.g. hit, kiss, kick, forced)				
Where? (e.g. church, bedroom, school, shop)				
Emotions/feelings (e.g. love, hate, scared, sad)				

- 2) Please indicate (with a tick) how important you feel the inclusion of these miscellaneous words is on a “Testifying in court” communication board. They are presented in alphabetical order.

	Very Important	Important	Somewhat Important	Not important
abortion/terminate				
addiction				
agree				
alleged				
allow				
arrested				
ask				
bleed/blood				
bodily fluids (semen, milky stuff, white stuff, sperm)				
bodily sensations				

	Very Important	Important	Somewhat Important	Not important
(burning, tingling)				
body				
care				
clean				
consent				
covering				
describe/explain				
die ("he told me I would die if I didn't do it")				
different (				
dizzy				
don't				
drunk/sober				
ejaculation				
errand (I went to run an errand)				
faint				
fat/thin				
gag				
game/special games				
gentle				
gone				
groomed (" he groomed me to have sex")				
hard				
high				
HIV				
interpretation				
intimidation				
justice				
keep				
kidnap				
kill				
language				
legal terminology				
loss				
low				
masturbation				
more				
moustache				

	Very Important	Important	Somewhat Important	Not important
nationality				
no/yes				
noise				
non-discrimination				
not				
number (how many)				
oath/promise				
of (on top of)				
on (on top of)				
open				
openings (back/front position body openings)				
oral sex				
penetration				
pornography				
position				
pregnancy				
quiet (keep quiet, keep silent)				
ready				
relationship				
repeat				
report				
respect				
roles				
safety				
scar/scars/ scarred				
secret/secrets				
senses (hear, see/saw, look, smell, stink)				
sex				
sexual				
sexual abuse				
shapes				
short/tall				
sizes				
sound/volume				
speak/say/tell/ told				
stop				
temporarily withdrawn ("the				

	Very Important	Important	Somewhat Important	Not important
court case was temporarily withdrawn")				
testify				
thin				
top				
truth/lie				
underneath				
unknown				
up				
violence				
violent				
virginity				
visit				
want				
weather				
wet				
why?				
without				
wish				

- 3) Are there any words you would like to suggest that should be included on a "Testifying in court" communication board?

Declaration: by returning the completed biographical questionnaire, I give permission that the information may be used for research purposes. I understand that all data will be treated confidentially.

You are welcome to contact the researcher at any time for further information.

Thank you for your participation and completion of this questionnaire.

Robyn White (robyn.white@up.ac.za / 082 633 7428)
Centre for Augmentative and Alternative Communication
University of Pretoria

Appendix I

Raw data: Complete vocabulary list with
duplicates

Appendix I

Words	Number of words repeated
abortion	
addiction	
adult	
afraid	
afraid	1
after	
afterwards	
again	
agree	
alcohol	
alleged	
allow	
anyone	
apart	
arrested	
ask	
back	
back	
balaclava	
bathroom	
bathroom	2
bathroom	3
bed	
bed	4
bedroom	
before	
belt	
Birthday	
black	
bleed	
blindfold	
blood	
blood	5
bodily sensations	
body	
body	6
boy	
boyfriend	
boyfriend	7
break	
bribe	

bribe	8
bribed	
brother	
burning	
bus	
bushes	
cable	
camera room	
car	
care	
cellphone	
chips	
chips	9
chips	10
Christmas	
church	
clean	
clean	11
clothes	
clothes	12
clothes	13
clothing	
colour	
colour	14
colour	15
computer	
condom	
conductor	
consent	
consent	16
court	
court	17
court	18
court	19
cousin	
covering	
cream	
creche	
cried	
cry	
dad	
dad	20
daddy	
dark	
day	

Appendix I

day	21
day	22
day	23
days	
days of the week	
defense attorney	
describe	
diapers	
die	
different	
dizzy	
do	
doctor	
doing	
don't	
door	
drain	
drawing	
dress	
drugs	
drugs	
drunk	
Easter	
ejaculation	
embarrassed	
emotion	
emotional state	
emotions	
emotions	24
enjoy	
enjoy	25
errand	
escape	
every day	
explain	
faint	
family	
family	26
fat	
fat	27
fearful	
feeling	
feeling	28
feelings	
feelings	29

Appendix I

felt	
fluid	
food	
force	
forced	
forced	30
forgot	
friend	31
friend	32
front	
front	33
fun	
Funeral	
gag	
game	
gang	
garden	
gentle	
girl	
gone	
grabbed	
groomed	
guilty	
guilty	34
gun	
hard	
hate	
he	
hear	
hear	35
her	
high	
him	
hit	
HIV	
holiday	
home	
home	36
honest	
house	
house	37
houses	
how	
how	38
hungry	

Appendix I

hurt	
hurt	39
I	
insert	
inserted	
inserted	40
inside	
interpretation	
intimidation	
intruder	
jacket	
jail	
jail	41
judge	
justice	
keep	
keep	42
kick	
kidnap	
kill	
kill	43
kiss	
knife	
knife	44
know	
language	
legal terminology	
legs	
lick	
licked	
lie	
lie	45
light	
look	
loss	
lounge	
love	
love	46
low	
lubrication	
made	
magazines	
man	
man	47
many	

Appendix I

many	48
masturbation	
milky	
mom	
mommy	
money	49
money	50
money	51
months	
more	
mother	
moustache	
moustache	52
movies	
nationality	
nauseous	
neighbour	
News Years	
night	
night	53
night	54
no	
noise	
non-discrimination	
not	
number	
nurse	
oath	
object	
of	
on	
once	
open	
openings	
oral sex	
out	
outside	
outside	55
outside toilet	
pain	
pajamas	
panties	
part	
passed out	
pastor	

Appendix I

pay	
penetration	
people	
perpetrator	
perpetrator	56
person	
person	57
person	58
photo	
picture	
pill	
place	
place	59
places	
places	60
plastic	
play	
point	
police	
police officer	
police station	
pornography	
pornography	61
position	
pregnancy	
prosecutor	
prison	
private	
private parts	
promise	
pull	
put	
quite	
race	
radio	
rape	
rape	62
rape	62
ready	
relationship	
remember	
remember	63
repeat	
report	64
report	65

Appendix I

respect	
roles	
rope	
rub	
sad	
sad	66
safe	
safety	
sangoma	
saw	
say	
scar	
scared	
scared	67
scars	
schack	
school	
school	68
school ground	
secret	
secret	69
secret	70
secrets	
see	
see	71
semen	
sensation	
senses	
sex	
sex	72
sexual	
sexual abuse	
shape	
shapes	
she	
shirt	
shop	
shop	73
shop	
short	
show	
show	74
silence	
silenced	
sister	

Appendix I

sizes	
sjambok	
skirt	
smell	
smell	75
sober	
social worker	
sore	
sore	76
sorry	
sound	
speak	
special games	
spectacles	
sperm	
spread	
steal	
stink	
stop	
stranger	
strangle	
sucked	
sunglasses	
sweets	
sweets	77
sweets	78
T.V.	
take	
take off	
tall	
tattoo	
taxi	
taxi	79
taxi driver	
teacher	
teacher	80
teacher	
teaching	
tear	
telephone	
tell	
tell	81
tell	82
temporarily withdrawn	
terminate	

Appendix I

testify	
thin	
threat	
threatened	
threatened	83
time	
time	84
time	85
time	86
time of day	
time of day	87
times	
times	88
tingling	
toilet	
told	
told	89
top	
torn	
touch	
touched	
touched	90
touched	91
trust	
trust	92
truth	
truth	93
uncle	
uncle	94
underneath	
underpants	
understanding	
undress	
unknown	
unsafe	
up	
various objects	
vaseline	
vehicle	
violence	
violent	
virginity	
visit	
volume	
want	

Appendix I

watch	
watch	95
watch	96
water	
weak	
weapon	
weapons	
weapons	97
weather	
weekend	
wet	
when	
when	98
where	
where	99
whip	
white	
white stuff	
white stuff	100
why	
window	
wish	
without	
woman	
woman	101
yard	
yes	
yes	102
474	102

minus duplicates

372 words used for questionnaire

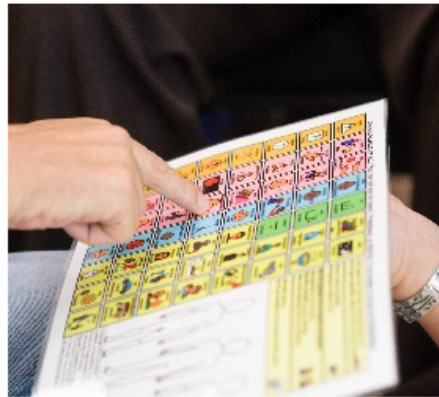
Appendix J

Media Report

Giving the defenceless a voice in court

By Ansa Heyl

Posted on 06 November 2014



Crimes committed against people with developmental and other disabilities are similar in scope to crimes committed against women, children and the elderly, and yet the victimisation of people with disabilities remains largely unaddressed. This can be ascribed to their being perceived as voiceless and invisible members of society – a perception that makes them attractive targets for their perpetrators because they often believe that their victims will not be able to testify against them in court. Three large-scale research studies are currently under way at the University of Pretoria (UP) to change this situation.

One of these studies is being conducted by Ms Robyn White of the Centre for Augmentative and Alternative Communication (CAAC) who is exploring the legal vocabulary needed to testify in court.

Research shows that, while there are higher rates of crime against people with disabilities, the rates of disclosure and reporting of these crimes to the police remain much lower than those perpetrated against able-bodied persons and that, in instances where crime and abuse are actually reported, they are often handled administratively rather than through criminal prosecution. This could be because of the fact that the people who form part of the legal protection system, such as the police and legal professionals, simply lack the knowledge of how to help a person with a disability or feel that the testimony of the disabled victim will not be admissible in court. Consequently it would seem that in cases where the victims are disabled either lighter court sentences are handed down or perpetrators are not prosecuted at all. As people with disabilities are often repeat victims, the fact that the perpetrator is not prosecuted can leave them stranded in a situation of continued abuse.

The above, combined with the fact that adults and children with disabilities are especially vulnerable to being victims of crime, necessitates the development of specific augmentative and alternative communication strategies, such as communication boards and vocabulary lists, that will enable illiterate adults and people with complex communication needs to report crimes and testify in court.

Communication boards are devices that make language visible and accessible to individuals with speech impediments. The boards typically utilise picture communication symbols, words or phrases, or a combination of all three, which can be displayed either on a cardboard background or on a high-tech device such as an iPad. The person using the device can then simply point to the symbol or word that represents what they need to communicate, thereby enabling them to express themselves in a way that is easily understood. Multiple communication boards are usually developed to address both specific and generic vocabulary needs in a variety of contexts and are used with great success to help disabled persons to communicate in many situations.

The research currently being conducted by Ms White aims to describe the vocabulary that will assist victims of crime with complex communication needs, specifically children and illiterate adults, to testify in court. She has used both qualitative and quantitative strategies in her preliminary work in order to strengthen the results obtained, as her research explores a new and important field that can have a significant impact on the lives of many victims with complex communication needs.

Professionals in the legal system are assisting Ms White in determining the core vocabulary that illiterate victims of crime will require to testify in court. As part of the study, these professionals will rank the identified vocabulary based on frequency of use so as to determine the core items required. The identified core vocabulary will then be socially validated by relevant professionals in the legal system, after which an appropriate and effective method for collating legal fringe vocabulary will be suggested.

It is stressful and often terrifying for any person, but probably even more so for a person with complex communication needs, to attend court and give evidence of a crime that was perpetrated against him or her, especially if the offender is present at the hearing. With the right instruction and relevant vocabulary, it is possible for a person with little or no functional speech to be a competent witness. If communication devices with relevant vocabulary are available, and if witnesses are trained in the use of the specific vocabulary, it could end the silence of these defenceless victims of crime.

This is the first article in a series of three. The other large scale projects currently underway in the Centre for Augmentative and Alternative Communication at the University of Pretoria, will be discussed in two separate articles. These projects are: a Centre staff project, led by Prof Juan Bornman, the Director of CAAC at UP, which forms part of the Faculty of Humanities Research theme "Vulnerable Children". This project investigates the use of communication boards to disclose victimization. The third study is focussed on training relevant service providers (e.g. police officers) in taking statements from people with significant communication disabilities.