

Secondary victimisation of child victims in the criminal justice system

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This article focuses on the prevalence and nature of secondary victimisation of child victims in the criminal justice system (CJS). In addition, the authors explored whether the policies and legislation, which have been put into place to minimise secondary victimisation, are in actual fact enforced in practice. Subsequently, measures which should be taken to avoid or reduce the occurrence of secondary victimisation of child victims were investigated and described. A qualitative research approach was made use of and Piquero and Hickman's extended control balance theory guided the study. Semi-structured interviews were conducted with social workers who have experience working with child victims and who are familiar with the CJS and how it impacts a young victim. The research participants indicated that child victims invariably encounter secondary victimisation whilst proceeding through the CJS. They attribute this victimisation to various criminal justice professionals who deal with child victims without the sufficient training and knowledge needed. Moreover, the research participants indicated that the effect of secondary victimisation on child victims is substantial and that it often resulted in withdrawal, delinquent behaviours, as well as suicidal tendencies. They also affirmed that the current legislation and policies, although powerful on paper, are not being enforced in practice. They reiterated that in order to avoid or reduce the occurrence of secondary victimisation, awareness and training need to be provided to all professionals who engage with child victims.

Keywords: victim; child; victimisation; secondary victimisation; criminal justice system; victim vulnerability; re-victimisation

INTRODUCTION

The Service Charter for Victims of Crime in South Africa was officially launched in November 2007, amalgamating the current legal framework on victims' rights with that of the essential services to be rendered to them. The Charter was introduced with the aim of ensuring that victims are the key focus in the criminal justice process, as well as to eliminate secondary victimisation from occurring (Brand South Africa, 2007). Bruce and Artz (2019: 114), alludes to the fact that apart from primary victimisation, the process of proceeding through the CJS can be a daunting task for any survivor. With the possible addition of insensitive or disrespectful treatment by officials, a victim can be traumatised even further. This apathetic treatment can be extended by police members, prosecutors, and other role-players within the CJS. In addition, the process of cross-questioning is often considered a concerning exercise, especially when children are involved (Leoschut, 2017). Negative treatment, whether it be insensitivity or disrespect by criminal justice officials, who these victims encounter following the primary victimisation, can be referred to as secondary victimisation (Bruce & Artz, 2019: 114). Secondary victimisation is defined by the United Nations Centre for Crime Prevention as victimisation that occurs not as a direct or primary result of the criminal act but rather through individuals' and institutions' responses to the victim. It is further explained that institutionalised secondary victimisation mostly occurs within the CJS where victims' human rights may, at times, be denied especially when they are part of a particular ethnic, racial or gender background (South African Service Charter for Victims of Crime, 2006: 3).

RATIONALE

This article focuses on children who have succumbed to various types of primary victimisation (e.g. neglect, physical abuse and sexual abuse) and aims to determine if these child victims were subjected to secondary victimisation in the CJS. Due to a dearth in research, it is very difficult to obtain statistics and to ascertain the extent of primary victimisation of children. The authors could only obtain statistics from two sources. One in which Charles (2018) states that of the 124 526 rapes which were reported over the past 3 years in South Africa, 41% of these rapes were committed against minors. He further mentioned

that researcher Stefanie Röhrs from the Children's Institute had pronounced that the problem faced is that current policies and laws are not being implemented. The second source being the South African Police Service's (SAPS) annual report (Crime situation in RSA, 2018) which stipulates that between 2017 and 2018, 43 540 children were victims of various crimes. The available statistical information articulates that an innumerable number of children are being victimised, and as a result of such victimisation they come into contact with the CJS. The question then arises if these children are subjected to secondary victimisation in the CJS and if they are, how it influences them. Limited research focusing on secondary victimisation of victims in general have been conducted internationally with an even more prominent dearth in the South African context. Moreover, the lack of research pertaining to secondary victimisation of child victims is even more prevalent as affirmed by a SABINET search of journal articles, books and other sources related to the topic under investigation. Due to the concerning statistics of child victimisation and the lack of research conducted with regards to the secondary victimisation of child victims in the CJS, the current study originated.

The first step to understanding this vulnerability is through the eyes of the child victims that come into contact with the CJS. It is, however, challenging to conduct research with child victims due to ethical constraints. It is also important to note that research of this nature could be additionally traumatising and go against the best interest of child victims. Furthermore, if one conducts research with children, their responses might reflect their learned responses and not what they actually feel or believe, especially if they were previously in a manipulative situation. In addition, children might find it difficult to identify links between behaviour (e.g. developmental regression) and the secondary victimisation. Hence, it is deemed more appropriate to obtain the perspectives of role-players who work directly with these children and are aware of the children's views, sentiments and experiences. Moreover, it can be argued that the role-players are more objective and unbiased, whilst having first-hand knowledge of the experiences of child victims. For the purpose of this article, 'role-players' will refer to social workers with two or more years of experience working with child victims.

The purpose of this investigation into the secondary victimisation of child victims in the CJS is to use the findings to improve or redirect current practices. When it comes to victimised children, it is imperative that they feel and are protected by the systems put into place to assist them.

THEORETICAL FRAMEWORK

Alex R. Piquero and Matthew Hickman's extended control balance theory was selected as the theoretical framework for this study and was used as a guideline whilst conducting the research. Charles R. Tittle initially developed a theory in 1995 known as the control balance theory. The central idea of Tittle's work is that the control individuals are subjected to, relative to the amount of control that they exercise, determines the chances of, as well as the type of deviant behaviour they may exert (Newburn, 2013: 245; Tittle, 1995; Tittle, 2009: 213).

In 2003, Piquero and Hickman extended Tittle's control balance theory and developed a framework to understand how the control balance theory could account for victimisation (Peacock, 2019: 35). Similar to the hypothesis that states that control deficits and control surpluses lead to various types of deviation, Piquero and Hickman linked these deficits and surpluses to that of victimisation. Individuals who experience a balanced control ratio are therefore the least likely to experience victimisation. They postulate that persons who have control deficits, being subject to more control than they are able to exert, are weaker due to their perceived lack of control. According to these theorists a deficit in control leads to predation (violence), defiance (challenging the control) or submission. The reaction that is most often associated with victimisation is submission (Peacock, 2019: 36). Piquero and Hickman highlighted that persons with control deficits are often less likely to stand up against those with control surpluses. Moreover, offenders are known to target individuals who are more vulnerable and easier to access. Thus, these theorists postulate that there is a link between control deficits and victimisation and that the more control deficits an individual experiences, the more vulnerable that individual becomes (Piquero & Hickman, 2003: 285-286).

According to the authors, Piquero and Hickman's extended control balance theory is the most appropriate framework to use when investigating secondary victimisation of child victims. Even though the theory was developed to provide an explanation for primary victimisation, the authors are of the opinion that it can also be applied to secondary victimisation. According to Peacock (2019: 39) children

often experience control deficits as they are not in a position to have physical, emotional or financial control over their circumstances. Children who have been victimised in any way might feel like they cannot escape the control exerted on them. Children are often victimised by individuals known to them, therefore when they are in the vicinity of these controllers, it would be natural to think they would feel like their behavioural options are extremely limited. With this imbalance, there might just be a direct link to general or antecedent victimisation. Often children adapt to their surroundings and circumstances in what they believe to be an attempt to protect themselves. This attempt is based on the level of control they believe they have. One of children's adaptations to the deficit of control when they are victimised is that of submission, which increases their vulnerability. Children often use submission as an adaptation method because of their lack, or perceived lack of control (Peacock, 2019: 39). In terms of children proceeding through the CJS, there are numerous events in which they do not understand what is happening or where they struggle to intellectually relay information as required by officials and the courts. These events include the giving of statements, identification parades and cross-questioning, to name a few. If and when any type of negative treatment or disbelief of the child's story by officials occurs, these children will understandably feel a lack of control and feel unprotected and unsupported (Bruce & Artz, 2019: 114-116).

RESEARCH METHODOLOGY

The study took on a qualitative approach and a subjective paradigm was employed, as the study aimed to understand the perceptions of role-players who have first-hand knowledge pertaining to the prevalence and nature of secondary victimisation of child victims in the CJS. Due to the dearth in research focusing on the secondary victimisation of child victims, an exploratory purpose guided this research and the type of research was basic in nature. The aim of the study on which this article is based was to conduct an investigation into the secondary victimisation of child victims in the CJS. In pursuit of the aim of the study, the following objectives were formulated:

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

An instrumental case study design was utilised in order to collect information. The instrumental case study design was deemed to be the most appropriate, as the purpose was to gain insight into the secondary victimisation of child victims by obtaining and analysing the perceptions of role-players who work with child victims (Baxter & Jack, 2008: 549,554; Fouché, Delpont & De Vos, 2011: 272).

A pilot study with one social worker in private practice was conducted. Thematic analysis was used to analyse the data obtained during the pilot study and because no problems arose, the questions did not need to be adjusted or improved. In line with the processes followed during the pilot study, as well as the verbal feedback from the pilot study participant, the interview process remained the same for the remainder of the study. Due to the quality and richness of the information obtained during the pilot study, it was not excluded from the main findings.

In order to yield the maximum information possible, non-probability sampling was used and the sample was selected purposefully and non-randomly. In line with the explorative purpose of the study, a purposive or judgement sampling method was utilised in order to ensure the appropriate selection of role-players who were able to provide in-depth information (Christensen, Johnson & Turner, 2015: 171). The sample included ten social workers from the Teddy Bear Clinic for Abused Children, who work with and have more than two years' practical knowledge pertaining to child victims in the CJS. The Teddy Bear Clinic is a multi-disciplinary organisation that focuses on child victims of neglect, physical abuse and sexual abuse.

Qualitative interviews, guided by a semi-structured interview schedule, were conducted and the responses were audio recorded after obtaining the permission of the research participants. In order to make sense of the qualitative data obtained, the responses were consolidated and interpreted (Merriam, 2009: 171,175). Once saturation had been reached and additional information was no longer being obtained, themes and patterns were drawn from the provided perceptions by means of thematic analysis. This

process encompassed the interpretation as well as representation of the obtained textual data (Nowell, Norris, White & Moules, 2017: 1).

Ethical clearance was obtained from the Research Ethics Committee of the Faculty of Humanities at the University of Pretoria. Informed consent letters were signed by all the research participants. Due to the fact that the research participants were role-players who are professionals in their respective fields, the chances of harm were reduced. Any individuals or entities referred to within the interviews were kept confidential and were not used in outlining the findings of the study.

Trustworthiness was achieved by ensuring that the participants' perspectives were ethically gathered and thereafter represented accurately. Confirmability was obtained by means of peer debriefing, where researchers currently busy with qualitative research were met with and research decisions discussed. The process of auditability was also followed by writing up all procedures in order for other researchers to be able to conduct similar studies (Lietz & Zayas, 2010: 191-198; Nowell et al, 2017: 3). With regards to transferability, member checking was utilised, where the transcribed data was corroborated with the participants in order to allow for any feedback or alternatively an approval of the interpretations made (Cope, 2014: 89).

SUMMARY OF FINDINGS

Subsequent to the data gathering phase, by means of thematic analysis, the following themes and sub-themes were identified from participant responses during the semi-structured interviews (Table 1 below).

Demographic background information

The majority of participants were female, however it was found to be advantageous to obtain information from male participants as well, as the perceptions of male and female social workers varied. Gender was not categorised within a specific theme, however, the researcher noticed that the male participants provided additional notions which were not disclosed by any of the female participants. Participant J revealed that he had only ever received complaints about male SAPS officials and never about female officials. Furthermore, participant C stated that officers who work with children and arrive in their full uniforms are unaware of the way in which they intimidate and scare child victims.

Table 1: Themes and sub-themes

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

Theme 1: Causal factors

There were various factors found to cause child victims to experience secondary victimisation. These included the process by which victims report their primary victimisation to the SAPS, court personnel and prosecutors, court procedures, and the repeated re-telling of the initial incident.

Sub-theme 1.1: Reporting process (SAPS)

A child's first interaction with the CJS is generally at a police station, therefore the participants expressed their concern regarding child victims who are often not being taken seriously, being interviewed in a non-private setting, and not being treated with the sensitivity that they require. In this regard, Participant J stated: *"The rule of the police is to open a case and investigate and that's when you find out whether I'm telling the truth or lying... if you conclude while I am coming to open a case, that I am lying, then you didn't do your job properly. You failed me."*

As recorded in the SAPS' report on the crime situation in the Republic of South Africa (2018), a substantial number of children are victimised each year. These statistics, along with the empirical findings in the current study, make it clear that our SAPS officials have to accommodate and process a large number of cases involving children. Participant D articulated that police *"are not being educated on how to deal with these victims, especially for sexual abuse. They ask questions such as 'why were you walking at night? Why are you wearing short dresses?'"* It was further found that a dominant stigma exists in terms of a male child's experience of, and reaction towards an incident of victimisation. In terms of police asking unbecoming questions to these young boys, Participant F stated that *"boys have a challenge of reporting cases of abuse because of stigma, some officer will just make fun of him and say, 'oh come on didn't you enjoy it?'"*

Sub-theme 1.2: Court personnel

Research participants confirmed that many professionals who work with children throughout the court process are not well equipped or sensitised to protect child victims and minimise their experiences of further victimisation. Furthermore, they opined that prosecutors are primarily concerned with their success rate of cases and are therefore, in many instances, unaware of the mannerisms and actions that are contributing to the re-victimisation of child victims. Participants' feedback indicated that prosecutors and court personnel who had been confronted about their harsh approaches, simply stated that they are not in a position that obliges them to be child friendly. This notion was highlighted by Participant C who stated that *"the defence attorneys and lawyers are not child friendly, they want to defend their client, so they really don't care that this is a child or not."* In line with this response, Participant J also said: *"The main aim of the defence lawyers is to win the case and they try to confuse the child."* Participant K stated that other prosecutors state that they *"are not supposed to be friendly like social workers."* The research participants indicated that court personnel, who come into contact with children, need to have more knowledge on how to handle such cases and on the importance of providing feedback to child victims and their families. Participant A expressed that she personally feels that *"prosecutors are our biggest issue. They have to become experts because only experts are good enough to help a child."*

Sub-theme 1.3: Court procedures

One of the aspects related to secondary victimisation as a result of court procedures, is the fact that cases are often postponed resulting in cases dragging on for lengthy periods. In this regard, Participant J said: *"Cases of children normally drag, cases get dragged for 3 years due to a lot of procedures and processes that are involved. I had a case with one child who testified in an open court, in front of the suspect. The case was opened in 2016, still today it has not been finalised {2019}. So, whenever this child had to go to court she would cry, even today she will cry."*

The current study confirmed that children are still being exposed to similar situations of secondary victimisation as those which were found in the South African study conducted by Ovens, Lambrechts and Prinsloo (2001). Child victims were found still being exposed to lengthy court procedures due to numerous postponements, as well as being subjected to the insensitive treatment of role-players in the CJS. As a result, these victims develop negative reactions such as nightmares, flashbacks, and invasive thoughts about the traumatic event (Ovens et al, 2001: 29-30). The current study's research findings further echoed the findings of Roque, Ferriani, Gomes, Da Silva and Carlos (2014) who conducted research on the secondary victimisation of child and adolescent victims of sexual violence in Brazil. They deduced that approaches taken within these justice systems affect both the behaviour and further development of children. Moreover, both this study and Orth's (2002) study which focused on secondary victimisation of adult crime victims during criminal proceedings in Germany, allude to the fact that the stress caused by criminal proceedings often leads to more harm for the victim than that of the primary victimisation.

Sub-theme 1.4: Repetitive detailing of primary victimisation

The participants' responses confirmed that when children feel that they are not being taken seriously or are not believed, they make alterations to the details of their stories or they no longer want to engage with the CJS or any of its role-players. The children were said to get to the point of "I don't want to talk anymore because whatever I say now, nobody believes me" (Participant A) and "what do you want to know? I've been saying this to a lot of people, there is nothing more that I want to say" (Participant H). A direct link between a child's perceived lack of control and their adaptive responses, was noticed. Participant feedback corroborated the theoretical explanation of Piquero and Hickman provided above, that indicates when children begin to feel that they are not believed, due to them having to continuously retell their stories, they feel a lack of control. This control deficit places children in a position where they become submissive as a means of protecting themselves, and this often places them in a vulnerable position.

Theme 2: Reactive factors

The participants of this study provided insight into how child victims perceive secondary victimisation and described the common responses of children which indicate that they have experienced re-victimisation. Subsequently, victims' understanding of secondary victimisation and verbal nuances will be discussed.

Theme 2.1: Victims' understanding of secondary victimisation

It was determined throughout the data collection process that child victims are not capable of distinguishing between primary and secondary victimisation. The participants stated that the children purely feel abused or feel pain, however they cannot make the distinction between primary or secondary victimisation. Participant A stipulated that "*vulnerable children do not have the capacity to make that link*". Without the knowledge to differentiate these traumas, it was postulated that children simply absorb the re-victimisation and try to reassure themselves that they are used to the pain and will therefore not be affected by it. It did, however, become clear through the data analysis process, that numerous types of stresses and trauma do occur and have detrimental effects on children (e.g. regression, sleep disturbances). Moreover, it was established that these damaging effects, caused by secondary victimisation, can push children over the edge. Although child victims do not comprehend that further victimisation is occurring, the layered damage that transpires results in children presenting specific responses. These children are thus exposed to the experience of complex trauma which can be described as both the exposure to numerous distressing events and the deep-rooted effects thereof (The National Child Traumatic Stress Network, n.d.).

Theme 2.2: Verbal nuances

The participants indicated that children who have been re-victimised often convey the following to them:

- Participant A: "I don't want to go there again. I don't want to speak to that one, if anybody needs to talk to me can you talk to me?"
- Participant D: "I am tired of going to court."
- Participant E: "I want this whole thing to be over."

According to the participants, professionals who are experts in the field will easily be able to observe what a child is or has been going through. Furthermore, the participants divulged that the main responses of child victims included verbal indications of discomfort or negative emotions, and opposition to the entire criminal justice process.

Theme 3: Consequential factors

A number of effects, pertaining to child victims who are further victimised, were evident in this study. With the close analysis and grouping together of these effects, two main consequential factors were identified, namely physiological and psychological or emotional effects. A brief overview of the two factors will follow.

Theme 3.1: Physiological effects

Regression and changes in sleeping patterns were noted as the presiding physiological effects that child victims experience. Although isolation will be discussed in more detail below as an emotional effect, the link between isolation and a disruption in sleeping patterns is of importance in this sub-theme. It was

divulged that children often isolate themselves and that some children lock themselves in their rooms, mostly occupied with their phones. Where children were known to go to sleep early, they now preoccupy themselves with their phones or technology until midnight. Two participants stated the following in this regard:

- Participant C: *“Often the feedback that we will get from the parents, you’ll be told that the child has regressed, back to square one; the child is bedwetting.”*
- Participant K: *“Our kids tend to be withdrawn, they lock themselves in their rooms, mostly chatting on their phones all the time.”*

The participants’ responses echoed the case described by Prinsloo (2010) where the stresses that a 6-year-old child experienced within the court environment, resulted in the child regressing to a stage of bed wetting and having trouble sleeping.

Sub-theme 3.2: Emotional or psychological effects

The current study echoed Thoman’s (2014) international study which found that when a child experiences extended trauma, it often leads to perplex coping mechanisms, isolation and inappropriate behaviours. Children were also found to have a reduced amount of self-confidence which was stipulated as consequently leading to self-harm and suicidal ideations. Participants stated the following in this regard:

- Participant B: *“What usually happens is isolation...it’s just for them to avoid being victimised again. They tend to find ways in which they can cope with this secondary trauma, in a way that is inappropriate, in a way that they were not like before. Their behaviour seems to change a lot.”*
- Participant F: *“Social functioning is affected...they become withdrawn, a whole list.”*
- Participant K: *“Most of them become withdrawn, obviously when you get home after being asked so many questions, you see you’re dealing with emotions that are hard for a child to understand.”*
- Participant I: *“It {secondary victimisation} leads to behavioural problems, they act out and they become aggressive...and it causes a problem at home because the parents don’t understand.”*
- Participant J: *“Children normally cut themselves, they normally say to me that whenever they cut themselves, they feel relief when the blood comes out.”*

Du Preez (2004: 45) explains that stress is a manner in which the mind and body reacts to environmental threats which may be harmful to a child’s functioning. Stress which occurs in the early phases of a child’s life often leads to changes in brain development, and some children are found to mirror the depressive symptoms of adults. Thoman (2014: 237-239), in conjunction with the empirical findings of this study, corroborate that when children are subjected to stress and anxiety, their emotional experiences may manifest into suffering and trauma. Both studies established that when a child is traumatised, their social, emotional and academic functioning becomes affected.

Due to secondary victimisation deeply affecting the healing process, child victims begin to lose confidence in themselves, in others as well as the system and when healing is hindered, children are prone to taking on feelings of guilt and shame. The guilt and shame were discussed as being a bracketed feeling of regret that children begin to latch on to, they begin feeling as though they have done something wrong because they are being traumatised even further. In terms of a lack of confidence and being mistrusting, these child victims are found to group all adults into their represented world of trauma, purely because the people who have hurt them in the past were adults, and they are often dealing with adults when they experience secondary victimisation. Adjoined to the minimised hope, it was uncovered that not only do children lose ambition for themselves and adults, they reach a point where they are no longer interested in continuing with their cases (Thoman, 2014: 240). The following quotes summarise the abovementioned effects:

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

Theme 4: Reduction factors

It became clear through this research that the elimination of secondary victimisation is unattainable. Two dominant suggestions were however deduced regarding what can be done to reduce or limit child victims' experiences of further victimisation. The reduction factors identified by the authors were noticeably connected to the consequential factors discussed above.

Sub-theme 4.1: Training

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

Sub-theme 4.2: Sensitisation

It can be stressed that if desensitisation can be avoided, the chances of secondary victimisation occurring would decrease. In order to protect children, it was clearly demonstrated that professionals need to remain sensitive. As Participant E so aptly put it: *"It requires people that work within the police to have a lot of compassion for children and to not become desensitised themselves. It's not just another case that I have to deal with, but I need to show more compassion and warmth."* This sensitivity was related to being able to acknowledge a child's point of view and progress through cases at a child-appropriate pace. With the direct role that the participants have in assisting children with their healing processes, it was confirmed that children are especially attentive to the empathy and delicacy that adults display. In order to ensure that sensitivity is successfully maintained when dealing with children, interviewees once again emphasised the importance of training.

Theme 5: Resource availability factors

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

Sub-theme 5.1: Special court rooms

Special court rooms, implemented by the Department of Justice, have made a noticeable difference in children's experiences of the CJS. The manner in which facilities have been made child-friendly, allows for an intermediary, and ensures higher levels of privacy, has clearly aided in the protection of young victims. The participants shared the following regarding the facilities of the special court rooms:

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

Although special court rooms have assisted in minimising the stresses and negative effects associated with testifying in an open court, it was confirmed that many of the resources needed in this setting are

ineffective. Closed-circuit television (CCTV) cameras were highlighted as one of the biggest concerns, as cases are often postponed due to technological equipment not being in working condition. In addition, Participant A alluded to the fact that the problem does not lie with the available resources and infrastructure, but rather with the professionals and their lack of expertise.

Sub-theme 5.2: Lack of child friendly infrastructure

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

Sub-theme 5.3: Finances

It was questioned whether the lack of child friendly infrastructures or ineffective training is a result of financial constraints. It became clear to the authors that the dominant issue is not a lack of finances, but rather a need for professionals who are passionate about their professions and the role that they play in the CJS and who want to initiate change for the better. Feedback provided indicated that there are funds being utilised for international professionals, for example pornography experts, to present training or give expert advice. It was therefore advocated that the finances which are available need merely be placed into more beneficial provisions. It was strongly recommended that the funds which are being placed into correctional centres, be fairly distributed to support child victims as well.

Theme 6: Legislative factors

Due to South Africa being known to have one of the most progressive Constitutions in the world, it was fitting to request insight into the understanding and implementation of legislative provisions. Unambiguous perspectives were provided by the participants, indicating that exceptional improvement is necessary before the extensive legislation that has been enacted will be practically enforced. Reiterations were provided pertaining to just how impressive our legislative documents are in writing. On the other hand, it became clear that these documents are not being used practically or implemented in a manner that they should be. This was corroborated by Participant C: *“South Africa has the best Constitution, the best Acts to protect children but as to whether they are really executed or enforced, at times I really don't think so.”* In addition, participants confirmed that the importance of the best interest of the child being paramount, as stipulated in the Children's Act 38 of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, is often being overlooked.

Sub-theme 6.1: Implementation of legislation and enforcement of provisions

Numerous participants indicated that there are individuals who utilise the relevant legal documentation to the best of their ability. Unfortunately, however, it was confirmed that the majority of the role-players who work with children, are not equipped with the necessary knowledge about these provisions. The main findings boil down to the fact that professionals, although they comprehend the importance of maintaining the best interest of the child, are seemingly unaware of how the child's wellbeing is affected when this is not maintained. Cases therefore often result in children being pushed too far and manipulated into displaying doubt. Concerns related to the lack of intervention in removal cases were provided. This related to cases of physical abuse, neglect, and sexual abuse where it is said that when cases of abuse are reported to the Department of Social Development, it is expected that intervention will take place. Furthermore, where necessary, the children should be removed from this destructive environment. This intervention and assistance for abused children is however often not being enforced in practice as children are found to remain within these hostile environments even when it has been proven to be harmful to their wellbeing. The following quotes have reference to all of the above discussed legislative factors:

- Participant A: *“Our most important goal, that happens simultaneously to how can I help this child get through this gruesome experience, it is the healing process. Whenever you touch a child's life...you have to make sure that you contribute to the healing process.”*
- Participant B: *“When they {offenders} have money, they feel like, no I'm going to make sure that nobody believes this child...but what about what the child said, why are we not listening to the child?”*

- Participant C: *“A lot of children still remain in abusive families and there are no interventions that are taking place, and yet the law demands that we intervene.”*
- Participant D: *“They {police} don’t know what is happening in the Children’s Act, they can’t use the Act in practice.”*

Another way in which it was made clear that legislation is being inaptly implemented, was in cases where no obvious evidence of sexual abuse is found. Perceptions provided by participants confirmed that the law tends to be on the side of the perpetrator when it comes to the amount of physical evidence required for a child’s case to not be ruled as exhibiting insufficient evidence. There clearly remains a grey area pertaining to professionals assuming that a perpetrator did not commit a sexual offence, purely because there is no substantial sign of damage to the victim’s body. In this regard, Participant K said: *“When it comes to the perpetrator being punished for it {fondling}, I don’t see it happening. They will make sure that they don’t leave any trace.”* It was concluded that there are immense improvements that need to be made in order to ensure that children are being protected in a way that South Africa’s legislation and provisions intend.

LIMITATIONS OF THE STUDY

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

CONCLUSION

Children can experience secondary victimisation as a result of processes, actions and intentional or unintentional omissions that occur subsequently to the primary victimisation. Furthermore, secondary victimisation materialises when children are not treated with respect, dignity and understanding (South African Service Charter for Victims of Crime, 2006: 2-3). In line with Piquero and Hickman’s extended control balance theory, the current study indicated that control imbalances can be related to secondary victimisation as well. Prinsloo (2008: 49-64) stipulated that the Criminal Procedure Act 51 of 1977 was introduced as a tool to assist with cases involving child victims and a measure to protect young witnesses. The reason why it is vital to make use of and implement tools such as this, is to ensure that a child does not experience the complex consequential factors which were elucidated in this research. South Africa’s Constitution (1996) demands that the rights of children and their best interest remain paramount. It is, however, clear that current implementations of provisions are not mirroring this demand.

In a country such as South Africa, where children are especially vulnerable to primary and secondary victimisation, it is vital that procedures are put into place and professionals are committed to preserve and aid in the healing process of child victims.

RECOMMENDATIONS

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

- It may be beneficial to do research with a more diverse group of role-players, including judges, legal practitioners, SAPS members and psychologists. Such a study can further increase the foundation of knowledge pertaining to this phenomenon where after comparisons can be made based on the various perceptions of professionals from multiple contexts.
- Further research should be conducted on the secondary victimisation of child victims who experience additional challenges, such as autism. It was suggested by Participant B alongside the explanation that numerous children with disabilities or challenges, particularly autism, proceed through the CJS. With minimal available research in this regard, it may be beneficial to gain insight into the effects on differently abled children such as children with autism, so as to ensure that procedures are put into place to protect and assist this vulnerable group.

- An in-depth study on the current available training for professionals who work with children could be advantageous. The value and the shortcomings of these programmes can be assessed. This could result in the development of a programme which standardises training across multiple contexts so as to ensure that child victims do not experience such contrasting and often ineffective assistance from the professionals that they come into contact with.

LIST OF REFERENCES

- Baxter, P.E. & Jack, S.M. 2008. Qualitative case study methodology: Study design and implementation for novice researchers. *Qualitative Report*, 13(4): 544-559.
- Brand South Africa, 2007. *Giving power to victims of crime*. Available at: <https://www.brandsouthafrica.com/governance/services/rights/victimscharter-launch> (accessed on: 22 May 2018).
- Bruce, D. & Artz, L. 2019. Challenges of the criminal justice system in addressing the needs of victims and witnesses. In Peacock, R. (Ed.). *Victimology in Africa*. (3rd ed.). Pretoria: Van Schaik.
- Charles, M. 2018. 41% of rapes committed in South Africa are against children. Available at: <https://www.iol.co.za/capeargus/news/41-of-rapes-committed-in-south-africa-are-against-children-15037185> (accessed on: 02 March 2019).
- Children's Act 38 of 2005. (Published in *Government Gazette* (28944)), Pretoria: Government Printer.
- Christensen, L.B., Johnson, R.B. & Turner, L.A. 2015. *Research methods, design and analysis*. (12th ed.). England: Pearson.
- Constitution of the Republic of South Africa, 1996. Pretoria: Government Printer.
- Cope, D.G. 2014. Methods and meanings: Credibility and trustworthiness of qualitative research. *Oncology Nursing Forum*, 41(1): 89-91.
- Crime situation in RSA. 2018. Available at: https://www.gov.za/sites/default/files/gcis_document/201809/crime-stats201718.pdf (accessed on: 25 March 2019).
- Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007 (Published in the *Government Gazette*, (30599) Pretoria: Government Printer).
- Department of Justice and Constitutional Development. [Sa]. Minimum standards on services for victims of crime. Available at: <http://www.justice.gov.za/VC/docs/vcms/vcms-eng.pdf> (accessed on: 18 July 2019).
- Du Preez, C.S. 2004. Health and well-being. In Eloff, I. & Ebersön, L. (Eds.). 2002. *Keys to educational psychology*. Cape Town: University of Cape Town Press.
- Fouché, C.B., Delpont, C.S.L. & De Vos, A.S. 2011. Qualitative research designs. In De Vos, A.S. (Ed.), Strydom, H., Fouché, C.B. & Delpont, C.S.L. 2002. *Research at grass roots: for the social sciences and human service professions*. (4th ed.). Pretoria: Van Schaik Publishers.
- Leoschut, L. 2017. Poly-victimisation: Understanding multiple forms of victimisation among South African youth. Available at: <https://www.saferspaces.org.za/blog/entry/poly-victimisation> (accessed on 22 May 2018).
- Lietz, C.A. & Zayas, L.E. 2010. Evaluating qualitative research for social work practitioners. *Advances in Social Work*, 11(2): 188-202.
- Merriam, S.B. 2009. *Qualitative research: A guide to design and implementation*. San Francisco: Jossey-Bass.
- Newburn, T. 2013. *Criminology*. (2nd ed.). London: Routledge.
- Nowell, L.S., Norris, J.M., White, D.E. & Moules, N.J. 2017. Thematic analysis: Striving to meet the trustworthiness criteria. *International Journal of Qualitative Methods*, 16(1): 1-13.
- Orth, U. 2002. Secondary victimisation of crime victims by criminal proceedings. *Social Justice Research*, 15(4): 313-324.
- Ovens, M., Lambrechts, D. & Prinsloo, J. 2001. Child witnesses in the Criminal Justice System. *Acta Criminologica: Southern African Journal of Criminology*, 14(2): 25-41.
- Peacock, R. 2019. Theoretical approaches and perspectives in victimology. In Peacock, R. (Ed). *Victimology in South Africa*. (3rd ed.). Pretoria: Van Schaik.

- Piquero, A.R. & Hickman, M. 2003. Criminal justice and behaviour: Extending tittle's control balance theory to account for victimisation. Available at: <http://journals.sagepub.com/doi/10.1177/0093854803030003002> (accessed on: 02 June 2018).
- Prinsloo, J. 2008. In the best interest of the child: The protection of child victims and witnesses in the South African Criminal Justice System. *Child Abuse Research in South Africa*, 9(2): 49-64.
- Prinsloo, J. 2010. Testimony of children in the criminal justice environment. *Journal of Psychology in Africa*, 20(1): 125-133.
- Roque, E.M., Ferriani, M., Gomes, R., Da Silva, L.M. & Carlos, D.M. 2014. Justice system and secondary victimisation of children and or adolescent victims of sexual violence in the family. *Saúde e Sociedade*, 23(3): 67-76.
- South African Service Charter for Victims of Crime. 2006. Available at: <http://www.justice.gov.za/VC/docs/projects/2007%20UNDERSTANDING%20THE%20CHARTER.pdf> (accessed on: 07 May 2018).
- The National Child Traumatic Stress Network (n.d.). Trauma types. Available at: <https://www.nctsn.org/what-is-child-trauma/trauma-types> (accessed on: 04 September 2019).
- Thoman, D.H. 2014. Testifying minors: Pre-trial strategies to reduce anxiety in child witnesses. *Nevada Law Journal*, 14: 236-267.
- Tittle, C.R. 1995. *Control balance: Toward a general theory of deviance*. Boulder, Colorado: Westview Press.
- Tittle, C.R. 2009. Refining control balance theory. In Henry, S. & Lukas, S.A. (Eds.). *Recent developments in criminological theory: Toward disciplinary diversity and theoretical integration*. Burlington: Ashgate Publishing.