

Caregivers' experiences of the South African judicial system after the reporting of child sexual abuse

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Child sexual abuse (CSA) is found to occur in alarming proportions worldwide. In South Africa, children represent almost half of the victims of known sexual abuse, and this is becoming a great concern even being described as silent epidemic. This research study serves as a qualitative exploration of caregivers' experiences of the South African judicial system after CSA has been reported. For the purpose of this study, the researcher used a descriptive qualitative research design so as to thoroughly describe the caregivers' experiences. From the empirical findings and the literature the researcher concluded that there is a general sense that CSA investigations are poorly conducted. The empirical findings indicated that caregivers of child victims of sexual abuse and their children have experienced great frustration when dealing with the judicial system after CSA had been reported. These frustrations were due to the investigation of CSA cases, the court process, and the lack of communication from prosecutors and other professionals in the judicial system. The findings are recommended to be used to inform and raise the awareness of social workers and other role-players working in the field of CSA about caregivers' experiences with the South African judicial system after CSA has been reported.

INTRODUCTION AND BACKGROUND TO THE STUDY

Newspaper headlines in 2012 about child sexual abuse (CSA), indicated that the issue of CSA is a cause for great concern not only in South Africa but worldwide. Between 2007 and 2008, 45% of all rapes in South Africa involved children (Mail & Guardian Online 2002). In 2009 it was reported that, in South Africa, 530 child rapes occurred every day (Solidarity 2009). That means that 193 450 children were raped that year. Further to this, the Crime Report 2010/2011 of the South African Police Service indicated that between the financial years 2006/2007 and 2010/2011, sexual offences against children aged 18 years and younger had increased by 2.6%. As high as this statistics is, it is still not a representation of the severity of the problem as eight out of nine instances of rape are not reported in South Africa.

Social workers, from a non-profit organization in the Western Cape that renders therapeutic services to children who have been raped, sexually abused and who have experienced trauma, indicated that from March 2010 to August 2011 at three of their Centres, about 95 child clients and their caregivers were involved with the South African judicial system after reporting sexual abuse. These social workers furthermore reported that during the above mentioned period there was an increase in the numerous complaints received by them from

their child client's caregivers regarding their dissatisfaction with the judicial system after reporting CSA. Mahery, Jamieson and Scott (2011:8) describe caregivers as any person who cares for a child, including: grandparents, foster parents, the head of a child-and-youth-care centre, the head of a shelter where children receive services, a child-and-youth-care worker, a child who is 16 years or older heading a child-headed household, and any relatives who care for a child/children with the permission of the parents or guardian of the child/children. For the purpose of this article, caregivers will refer to caregivers to children who became involved in the criminal justice system after reporting CSA.

PROBLEM FORMULATION

It is no secret that crime, particularly the sexual abuse of children, occurs in alarming proportions worldwide in both wealthy and poor societies (Ah Hing 2010:10; Fourie 2007:1). Tlali and Moldan (2005) describe CSA as being a social problem which, according to the International Save The Children Alliance (2005:9), needs to be taken "seriously by the world community".

In South Africa, Waterhouse (2008:1) identifies that children represent almost half of the victims of known sexual abuse. The sexual abuse of children is therefore becoming a great concern and is now being described as "a silent epidemic". Yahaya, Soares, De Leon and Macassar (2012:2)

contend that sexual abuse of children is a major health issue with negative long term effects which vary from child to child. These authors emphasise that sexual abuse of children not only presents a problem in South Africa but is a problem of considerable proportion in the whole of Africa.

Conradie (2009:2) found that South Africa had a 7% conviction rate, which meant that 93% of those accused in a court of law, walk free. This is particularly significant as only a small number of successful court cases were reported to the social workers at the Centres of the non-profit organisation dealing with these cases.

The complaints furthermore, received by the social workers from the caregivers regarding their dissatisfaction with the judicial system after reporting CSA, reached alarming levels. These social workers confirmed that a number of the caregivers lacked a clear understanding of the South African judicial system protocols after reporting CSA and that they were not informed about the processes and everything that was to follow after reporting the crime and that they began to question policing practice. Plummer and Eastin (2007:4) found in their research that caregivers often felt dismayed at the treatment, services and attitudes they encountered from police officials who dealt with their children's cases. Pelser and Rauch (2001) indicate that the main role-players in the South African judicial system are the South African Police Service (officers and investigating officers), prosecutors (Fox & Nkosi 2003:22), judges, lay assessors and the Department of Justice (Department of Public Service and Administration 2009:8).

The social workers also indicated that many of their child clients and their caregivers say that they are unsure whether the perpetrator was released on bail or not. With regard to this, the Women's Legal Centre in Cape Town has stressed that complainants have the right to attend bail hearings (Park, Kenny, Sanger & Abrahams-Fayker 2009:16) and therefore need to be informed about them. The South African Human Rights Commission (2002:22) emphasises that the standard practice, after a case of sexual abuse has been reported, is that the investigating officer needs to ensure that complainants and their caregivers are informed of the bail conditions of the perpetrator and the progress of the case. The Parliamentary Task Group on Sexual Abuse of Children (2002:15) highlighted in their report that the problem with the judicial system was that even though communities were provided with opportunities to give input at

parole hearings, most often family members were not notified of the dates and times of these hearings; therefore, their input was never given. The Parliamentary Task Group on Sexual Abuse of Children (2002) continued to emphasise that the amount of time it took to obtain and see justice done was traumatic for victims of crime as well as for their family members. The South African Human Rights Commission (2002:48) found that the prosecutor profession had a high turnover rate resulting in experienced prosecutors being lost. According to the National Policy guidelines for specialist prosecutors, the prosecutor who initially handles a case should follow it through to the trial stage and to its conclusion (Sadan, Dikweni & Cassiem 2001: 11). The high turnover in the prosecuting profession thus impacts negatively on the standard of prosecution in courts. This also means that there is a lack of experience in the prosecution of CSA cases, which may negatively affect the child and can lead to an increase in the child's trauma during the case (Conradie 2009:9; Parliamentary Task Group on Sexual Abuse of Children 2002:15).

From the literature review it became apparent that no research had been conducted in South Africa with regards to caregivers' experiences with the judicial system after CSA was reported. Plummer and Eastin's (2007) study focussed on how mothers experienced the interventions of the professionals assigned to intervene in cases of CSA, specifically looking at how mothers perceived the attitudes and actions of professionals towards them. Though the focus of this study is partly similar to that of the researchers, Plummer and Eastin's study was done in America, this research study is therefore unique in that it was undertaken in a South African context. The research question that was formulated to achieve the aim of the study was: *What are the experiences of the caregivers of CSA victims of the South African judicial system after CSA has been reported?*

AIM OF THE STUDY

The aim of this study was to explore and describe the experiences of caregivers of CSA victims of the South African judicial system after CSA had been reported.

RESEARCH METHODOLOGY

Research approach and design

A qualitative approach was followed in this study. This seemed an appropriate approach to

follow as the qualitative approach aims to explore in-depth the attitudes and experiences of people (Carey 2009:36) and has to do with exploring and describing a topic to gain a better understanding of it (Babbie 2010:92-94) from the point of view of the research participants (Leedy & Ormrod in Fouché & Delpont 2011: 64). Babbie and Mouton (2001:270) explain that a qualitative approach can be viewed as a “broad methodological approach to the study of social interaction”. With qualitative research, the focus is on the process rather than the outcome and the primary aim is to gain in-depth descriptions and understanding of events (Babbie & Mouton 2001:270).

A research design refers to the strategy a researcher uses for solving a research problem. This strategy thus provides the researcher with a structure for all procedures that need to be followed, all data that need to be collected, and all data analyses the researcher will conduct (Leedy & Ormrod 2010:85). The researcher used a descriptive design which attempts to describe, analyse and interpret a particular phenomenon (Fouché & Schurink 2011:321). This design, as described by Sandelowski (2010:78), provides descriptive qualitative findings that are closer to the pure awareness provided by the participants, thus relying less on the researcher’s interpretation of the data. This type of design was appropriate for the study as the researcher was particularly interested in describing, analysing and interpreting these caregivers’ experiences. The nature of this research was thus exploratory and descriptive (Babbie 2010; Rubin & Babbie 2011). The research had an exploratory purpose as it was the intention of the researcher to explore the research topic for better understanding and fresh insights into the phenomenon (Babbie 2010:92). This study was also descriptive, as mentioned earlier, as it describes the experiences of the caregivers in this situation.

Participants

According to Leacock, Warrican and Rose (2009:78), conducting research usually involves examining a group of people; known as the population. All caregivers of CSA victims of a non-profit organisation in the Western Cape made up the population (Strydom 2011:223) for this research. Leacock *et al.* (2009:78) add that from this population the researcher then selects a sample which is considered the subgroup of the population that shows the characteristics of that population. For the purposes of this research, the

researcher used the purposive sampling method (Struwig & Stead 2001:122; Walliman 2011: 188) to select the participants for the study. Purposive sampling was used as a type of non-probability sampling (Struwig & Stead 2001: 122; Walliman 2011:188) which allowed the researcher to select participants with specific knowledge or expertise to represent the population (Berg 2009:50-51). Purposive sampling is described as “the process of deliberately selecting a particular sample because you believe it to be a source of rich information about the phenomenon that you are investigating” (Leacock *et al.* 2009:91). The research participants were caregivers whose children had been sexually abused and as a result received services from the non-profit organisation in the Western Cape. Additionally they had to have experience with the judicial system after CSA was reported in the past three years.

As a result of this study being explorative and descriptive, studying a small sample enabled the researcher to collect sufficient data for the study’s purposes (Babbie & Mouton 2001:166). As stated previously, the purpose of this study is not to generalise the findings but rather to explore and describe caregivers’ experiences with the South African judicial system. The participants were also asked to partake voluntarily in the study. Informed consent was thus obtained and those willing to participate were included in the semi-structured interviews.

Data collection

In qualitative research, interviewing is often the main method of collecting information. The researcher thus utilised the method of semi-structured interviews (Denscombe 2007:177; Greeff 2011:351-353; Nieuwenhuis 2007:87). An interview schedule (Greeff 2011:352) was used to guide the interviews. A pilot study (Walliman 2011:191) was used as a pre-test. The interview schedule was amended, and the researcher proceeded with the semi-structured interviews. With the written permission of all the participants, the semi-structured interviews were recorded, using tape recordings (Greeff 2011: 359). The recorded interviews were transcribed (Schurink *et al.* 2011:408). The researcher conducted semi-structured interviews until data saturation was reached (Greeff 2011:350).

Field notes were also used during the research in order to assist the researcher in remembering and capturing the entire process of the interviews (Greeff 2011:359).

Data analysis

Content data analysis (Babbie & Mouton 2001:492) was used to reduce and organise the large amount of data collected during the semi-structured interviews (Schurink *et al.* 2011:410-412). In order to organise, reduce, analyse and interpret the data within manageable pieces (Schurink *et al.* 2011:399), category formation and coding were used. Category formation assisted the researcher to identify salient themes, recurring ideas and patterns of belief that link people and settings (Schurink *et al.* 2011:410). The researcher read through the transcribed interviews to familiarise the content and the data were reduced by generating categories and coding the data. Once categories were identified, they were named, reduced into themes and then presented. The representation of the data allowed the researcher to discuss and debate the findings as well as compare them to existing literature.

Trustworthiness

The trustworthiness of this study was established in terms of four criteria, namely credibility, transferability, dependability and confirmability (Babbie & Mouton 2001; Schurink *et al.* 2011). Credibility was ensured through accurately identifying the participants through purposive sampling (Schurink *et al.* 2011), prolonged engagement in the field, persistent observation (Babbie & Mouton 2001:277) and data triangulation (Nieuwenhuis 2007:113). A thick description of the participants' experiences and contexts were provided to ensure transferability (Babbie & Mouton 2001:277). Dependability was ensured through the fact that the research process was well documented (Schurink *et al.* 2011:420). Confirmability was enhanced through the audit trail that was kept by the researcher (Babbie & Mouton 2001:278) and documentation of the data (dictaphone recordings and transcribed interviews, field notes, theoretical notes, concepts) and instrument development information (pilots) (Babbie & Mouton 2001:278) that are securely stored.

Ethical considerations

The researcher, as a social worker, adhered to the ethical code of the South African Council for Social Service Professionals (SACSSP) when working with participants. The researcher was also responsible for obtaining permission from the reviewing panel of the Centre for Child, Youth and Family Studies, North-West University (NWU) to proceed with the research. Furthermore, it was also necessary to obtain written

permission from the non-profit organisation to conduct the research. Ethical considerations, such as voluntary participation and the right to withdraw from the study, informed consent, the right to privacy, confidentiality and no harm were adhered to in the execution of the study (De Vos *et al.* 2011).

FINDINGS

The participants in the study were all caregivers of child clients who had any involvement with the South African judicial system after CSA had been reported. A total of eight participants were identified and semi-structured interviews were conducted with them for the purposes of this study. The group of participants included five biological parents, one grandmother, one foster mother and one stepmother and all filled the role of a permanent caregiver for the child. Three main themes, with subthemes, arose from the content analysis of the interview data and will be discussed in the next section. The first theme was the experiences with officials from the SAPS which included the subthemes of positive experiences with the investigating officer from the SAPS, negative experiences with the investigating officer and negative experiences with the SAPS. Theme two consisted of the experiences with regard to statutory social service delivery with one subtheme of negative experiences of statutory social workers. The third theme was the experiences with the court and personnel as part of the judicial system with subthemes of the experience of the court, the experience with the prosecutor and the experiences of the judicial system professionals. Quotes to support the interpretation will be used.

The experiences with officials from the South African Police Service

The first identified theme pertains to the experiences the participants had with officials from the South African Police Service (SAPS) as a role player within the judicial system. The participants responded with positive (subtheme one) as well as negative experiences (subtheme two) with regards to their contact with investigating officers from the SAPS.

Positive experiences with officials from the SAPS
Some of the participants indicated that their experiences with investigating officers were very positive as they experienced investigating officers as being accommodating and helpful. Participants stated the following:

“She was fantastic. Very caring, very efficient — she still phones me to find out what’s happening up till this day”. “Very helpful. The first time I met her, she was polite, immediately responded and there’s no complaints about her. The service was excellent”.

The researcher has found that South African literature on positive outcomes of investigating officers’ dealings with cases of CSA is sparse, but it was found that due to the disclosure of sexual abuse being difficult particularly for children, it is essential for any professional dealing with a child victim of sexual abuse to listen actively, respond supportively and be sensitive as well as to create a safe space for a child to talk (Allnock 2010:2&10). The responses from the above participants show that the investigating officers in these cases dealt effectively with the participants’ children in their initial contact.

The majority of participants indicated that they experienced the communication of the investigating officers with their children as caring, and the language used was easy enough for their children to understand. One participant mentioned the following:

“She was so sweet and nice and she communicate that she can understand, and she was like a parent, she was not like ‘I’m a police’ when she speak to her, you know, so she cannot be afraid of her”.

Makhubu (2005:73) indicates that many police officials have great difficulty in communicating with children. The empirical data obtained from this study found a difference and contradicts Makhubu’s statement. Though the researcher’s findings above emerged from a small sample, the researcher is of the opinion that with these findings it is possible that some police officials are competent in dealing and communicating with children.

Although there were positive experiences with some investigation officers of the SAPS, there were also negative experiences such as the participants felt that they were inconvenienced by investigating officers’ unavailability and poor follow-up of cases. Less than half of the participants indicated that they were inconvenienced by investigating officers because of their unavailability and poor following-up of cases. The following was mentioned by two of the participants:

“There we sat and they then apparently phoned L, but L didn’t come out to us. We then were told to go home and no statement was taken, nothing at the police station.” “I had to run up and down to eventually find out who is the investigating officer. Before S there was another investigating officer involved and this guy then went on leave, and then I don’t know what happened”.

According to Park *et al.* (2009:12-13) it is not only the right of a complainant to report a case of sexual abuse or rape but it is the duty of SAPS officials to allow a complainant to report such cases. With regards to the responses provided by the participants, these indicate that SAPS officials approached at the time did not adhere to their mandatory duty. Furthermore, SAPS officials are also responsible for obtaining an initial statement (Park *et al.* 2009:13) but in the case of the above respondent this did not happen. Literature further highlights that families generally experience the feedback from investigating officers as poor, because many of them do not know who the investigating officers are, or they do not have contact details for them. As a result of this, families are often uncertain about the procedures within the criminal justice process and what will follow next (Coetzee 2005:61).

The participants furthermore expressed their feelings that the SAPS lacked skills in dealing with CSA cases. Two participants said the following about the SAPS:

“It should start at the police station, laying the case. I feel like someone more equipped should take a statement like that, because you can’t just deal with a child like that. I mean, the investigating officer, I dunno if they need some training or what, they should be more equipped, especially an officer assigned to a case, like a child rape case.” and “Whoever assists you, they need to be trained in what they are doing, because most of the time who I have dealt with, then it’s, like, you have this job, but you don’t even know how to help me. Like the police, the one called the other one”.

The above responses support the findings of Vetten *et al.* (cited in Vetten 2012:6) who indicate that the majority of SAPS members based at client service centres are not trained to deal appropriately with sexual offences or the victims thereof, and that the statement-taking skills of “members of the uniform division based at client service centres” are not adequate.

With regard to their negative experiences with the SAPS, another participant mentioned the following:

“I went to R police station where I sat almost a whole hour to see different constables coming in the room, crying, and I mean, here I was in such a state and they couldn’t help me. They basically told me that I must go to the M police station because that’s where the incident happened. So that obviously had to be opened there, and when I went to M I was basically sent to Sergeant M, and then she said I had to open it there, and then come to her. So it was a whole up and down. It was terrible! It was terrible! It was terrible! I mean, I was, like, is there anybody that can help me, just to get this thing going? It just felt very traumatising”.

Overall, the responses from the above participants give credence to the fact raised by Waterhouse (2008:19) that for some time concerns have been raised about police exercising inappropriate discretion in rape and sexual assault cases. In support of this, Vetten (2012:6) also indicates that although the Family Violence, Child Protection and Sexual Offences (FCS) Units were restored to full function in April 2011, the response to sexual offences by the SAPS remains disorganised.

The majority of the participants also emphasised that investigating officers were unhelpful and unprofessional. As stated by the participants:

"He came when we already gave a statement, and then he asked N about what happened to her, but then there I found out that he didn't believe N. He said he didn't think that she was raped. It's hard for her..., because she was telling me. 'Why do I have to talk about it every time, and – mm – to everyone?' Every time it's like a different one asking her questions, and I don't think she wants to – to say to everyone. It really make me mad!"

The above statement from the participant is supported by literature such as Muller (in Coetzee 2005:3) and Makhubu (2005:73) who emphasise that the investigations of child sexual abuse are often poorly conducted. In reflection on the response from this participant, it is evident that this participant's child was engaged in talking to more than one person about her ordeal, which seemed to result in her becoming anxious. In this regard Muller (in Coetzee 2005:32) emphasises the fact that when a child engages in more than one interview with a stranger this can have negative effects, as multiple interviews can increase the level of stress and aggravate trauma. Given the responses from the research participants, it can be understood that poorly conducted cases often leads participants to feel disappointed and angry.

The experiences with regards to statutory social service delivery

Theme two pertains to the experiences the participants had with regards to statutory social service delivery. The experiences that the participants had concerning the services rendered by the statutory social service delivery, was only negative. The majority of the participants indicated that their experiences with the statutory social workers were negative. The participants described the services that they received from statutory social workers as unsatisfactory, as stated by the following participant:

"It's like everything has to take a month or two months or even a year to get an answer. When we

go there, then you hear they short-staffed, this or that, which is kind of not really your problem, because you coming there to be helped, and yet they do say over the TV or radio or the internet, 'Go for help! Don't sit in this abusive situation and just accept it!' but when you go for help, then it's like you get treated kind of the same way. They should really have a system of how they working and helping people, because I was really shocked".

Several respondents furthermore indicated that they received poor communication from the statutory social workers who became involved in their case. This participant said the following:

"Mm – nobody phones you back. You battle to get hold of the specific social worker – mm – They make promises – 'I'll phone you later –, I'll phone you at 11 – I'll phone you tomorrow' – Nobody phones you back. Not good".

The majority of the participants perceived the social workers as inaccessible. "I was also placed with another social worker who never got back to me, then another social worker phoned me and he said he was no longer dealing with the case, somebody else is taking over and I need to phone them in order to hear who's taking over. When I phoned it was, like, people not getting back to you. So what's the point of phoning?" Literature on statutory social service delivery in South Africa and the evaluation thereof seems sparse. However, in reflecting on the findings of Davis (2009:slide5) who indicates that social workers in the child welfare sector have low status, high caseloads and disempowering working conditions, it might be possible that these reasons could be some of the contributing factors to statutory social workers not attending to their cases efficiently, as pointed out by the participants in this research. Erasmus (in Viljoen 2009) is of the opinion that the high staff turnover in the social service and/or welfare sector negatively affects service delivery because communities do not benefit when there is no continuity. Given the response of a participant, it is evident that high staff turnover or staff being moved from one case to the next is definitely an issue of concern in the social service field.

The experiences with the court and personnel as part of the judicial system

Theme three pertains to the experiences the participants had with the court and personnel as part of the judicial system. Three subthemes were identified: their experiences of the court, their experiences with the prosecutor and their experiences of the judicial system professionals.

The participants' experiences with regards to the court were only negative. Participants felt

that proceedings were lengthy and never-ending, as stated by these participants:

"The case doesn't happen – it doesn't – we can't really get it done with. The court is just extremely slow. When the case does come up – mm – it'll be like a year and six months after it happened. It just doesn't, you know, finish. It doesn't come to an end ..." and "It started when she was four years. She's turning nine this year. I was very upset. They say they're going to postpone the case again ..."

According to Muller (in Parker 2006:18) a trial period can take from two weeks up to several years. The fact that the court procedure is an over-lengthy process was also seen in the empirical data. Dawes and Mihloti (in Waterhouse 2008:20) stress that lengthy investigations may persuade victims to retract their allegations. Makhuba (2005:74) further emphasises that cases are often postponed, thus leading to delays and resulting in children becoming anxious.

The majority of the participants were also of the opinion that the court granted bail too easily, as stated by one participant:

"I think he gets bail too easily. He has been in jail before for armed robbery, and he got bail then as well."

This confirms the opinion of Karth (2008:1&5) who indicates that it is perceived by the public that bail is granted too easily. In support of this, Makhuba (2005:80) emphasises that the bail process is in fact not very well understood by both children and their caregivers and they often lack an understanding and have misconceptions that the granting of bail means allegations against the perpetrator are dismissed, not considered serious, or have been dismissed. This is clearly evident in the following response:

"He's walking on bail free! I saw him twice. I don't think they must get bail! They walk, like they didn't do anything, like the world belongs to them!" and "I think they give bail far too easily, and in this case we saw him, and he came running up to her, and he chatted to her!"

With regards to accused being granted bail, they are in actual fact not allowed to make any form of contact with the victim (The National Prosecuting Authority 2008:14). Considering the responses of the above mentioned participant, the bail conditions of the accused in this case were breached.

The participants furthermore felt that they were particularly disappointed with the decision-making of the court, as stated by this participant:

"You take off for the whole day and you come to court, and then they tell you 'The court is not on the register because the prosecutor or officer is ill, or whatever, and that's just it!'"

The above response gives credence to the statement highlighted by both Muller (in Parker 2006:18) and Makhuba (2005:78) which points out that postponement can occur at any stage of the trial for various reasons. Makhuba (2005:78) emphasises that delays can cause children to become fearful and uncooperative when they are eventually given the opportunity to testify.

The participants indicated that another negative experience was the fact that they saw the accused while at the court. One participant mentioned the following:

"We're sitting in the same area! And that's the thing that makes me very, very upset!"

This response contradicts the emphasis that the South African Human Rights Commission (2002:29) places on the fact that waiting rooms should be private and away from the accused. In further support of the above, Waterhouse (2008:17) indicates that children and their caregivers generally express a fear of seeing the perpetrator at court. The responses from the participants in this study indicate that after several years witnesses are still vulnerable before testifying, as they still see the accused.

The experiences with the prosecutor

The empirical findings from this research study indicated that the participants have mostly negative experiences with the prosecutor. The participants felt that the prosecutor's communication and contact making with them was poor, as stated below:

"Honestly, I haven't had any communication with the prosecutor – mm – I remember one day I phoned the court and requested to speak to the prosecutor, but then a lady, was not available! I left many messages, but I haven't got any communication up until today. Technology is so good today, I think there's no excuse for not communicating with the next person, because there's phone, there's post, you know what I'm saying, and they don't return your calls at all. I dunno – I have a terrible problem with that!"

Another participant also mentioned the following:

"They didn't do court preparation. She wasn't aware what she is gonna talk, and then when she speak with them, she just stop. And then that mama started to be too much frustrated with the child".

Sadan et al (2001:12&27) indicate that one of the essential roles prosecutors have is to provide court preparation to victims because they are presenting the victims in court. Another role is for them to consult with complainants to prepare the case for court. This consultation assists in assessing the merits of the case as well as the complainant's ability to testify. Given the responses of the above participants, it is evident

that currently not all prosecutors are adhering to their responsibilities. In support of all that has been mentioned, Waterhouse (2008:26) states that for improved prosecution of sexual offences it is essential for courts to provide on-site court preparation for complainants and their families. In support of the above participant's response and literature, the findings in a study done by Makhuba (2005:76) indicate that prosecutors have very heavy case loads and very little time at their disposal. According to Makhuba there are a majority of cases where prosecutors only met children once, and that was on the date of the trial. Makhuba further pointed out that this leaves the prosecutor with no time to establish rapport with the child, neither does it leave time to have proper consultation.

The participants furthermore experienced the judicial system professionals negatively. The majority of the participants said that they felt that their children's rights were ignored by various judicial system professionals. One of the participants said the following:

"When we went to court there was a shooting. The lights went off, there was a power failure. They shot a prisoner and N was in a state when we heard all this gunshots – she was getting sick from it. When we went back again for the second time, then she was sick, and the case was putten back again. And then when we went back again – mm – the speakers that N have to talk over, that machine, was broken. That didn't work, so the case have to put out again. N is in school, then she misses school work every time. We will sit there for hours until they come out and tell us the case is not going to go on, and that really make me mad!"

One of the rights highlighted by the UN guidelines for child victims and child witnesses of crime is the right to safety (Centre for Child Law 2008:17). Considering the response of the participant, it is evident that both the caregiver and child victim were vulnerable and at risk of being physically harmed at the court. A second right highlighted by the UN guidelines for child victims and child witnesses of crime is the right to be treated with dignity and compassion, in terms of limiting any interference in the child's private life (Centre for Child Law 2008:18). It is evident from the response of the participant that their children's educational life was interrupted on more than one occasion owing to various incidents occurring at the court resulting in the child being unable to testify. Aside from the above mentioned findings from a study done by Makhuba (2005:80), it was highlighted that the adversarial nature of court proceedings are believed to be detrimental to children in terms of

their effectiveness when testifying as witnesses, and detrimental to children's emotional well-being. The findings in this research gave the researcher the impression that children's rights are not fully upheld at court and in court proceedings.

CONCLUSIONS

During the explorative study valuable data were collected with regards to the experiences that caregivers of CSA victims have with the judicial system. From the experiences of the eight participants who took part in this study it became evident that they had both positive and negative experiences. From these experiences it was possible to draw the following conclusions:

Conclusions regarding the investigations of CSA cases done by SAPS officials

Existing literature, in the South African context, only focuses on negative occurrences related to the way in which investigating officers deal with cases of CSA. In the present study it was found that negative occurrences do exist, such as investigating officers who do not efficiently attend to complainants and their cases, being unhelpful and unprofessional as well as caregivers being inconvenienced by investigating officers' unavailability and poor following-up of their cases.

Literature also indicates that for some time concerns have been raised about police officials exercising inappropriate discretion in rape and sexual assault cases and that although the FCS Units were restored to full functioning in April 2011, the response to sexual offences by the SAPS remains disorganised. From the empirical findings it is evident that participants generally felt that some SAPS officials lack skills and knowledge in dealing with cases of CSA. SAPS officials are just as uncertain about the reporting and investigating procedures of CSA as the participants and their family members. Considering the empirical findings as well as what was found in the literature, the conclusion can be made that there is a general sense that CSA investigations are poorly conducted, and that families generally experience the feedback and communication from investigating officers as poor. The trend emerging from both the empirical findings and literature was that as a result of poorly conducted investigations and the lack of communication from investigating officers, the participants and/or families were uncertain about the reporting and investigating procedures.

However, some of the findings of this study, through the empirical data, differ from the findings in existing literature in that they also showed some positive outcomes about police officers demonstrating competency in their jobs. These competencies included investigating officers being accommodating, caring and helpful to the participants and their children, as well as using age-appropriate language when engaging with the participants' children.

The researcher; therefore, concludes that although existing literature focuses on the negative issues related to the investigating of CSA cases, there are also SAPS officials who efficiently attend to complainants and their cases.

Conclusions regarding statutory social services

The literature review indicated that literature on statutory social service delivery in South Africa and the evaluation thereof is sparse. It also emerged from the existing literature that statutory social workers have disempowering working conditions and high case loads owing to high staff turnover in their organisations. In the empirical findings regarding the participants' experiences with statutory social services, participants described their experiences as negative. The empirical findings highlighted that statutory social service staff turnover and staff absence from the office seems to negatively affect service delivery.

The empirical findings furthermore indicated that poor communication from and the inaccessibility of statutory social workers, resulted in participants being uncertain about social services and the role and responsibilities of statutory social workers. From these findings, as well as the findings in existing literature, the researcher therefore concludes that the workings within some statutory social service organisations are unsatisfactory, and some statutory social service organisations seem not to be functioning as they are intended to. With literature on statutory social service delivery in South Africa seeming sparse, the empirical findings of this research provide some insight into what is currently being experienced by some beneficiaries of statutory social services.

Conclusions regarding CSA cases dealt by judicial system professionals at court

Literature with regards to investigations of CSA cases indicates that cases are often postponed for further investigation and these postponements probably lead to delays. This was supported by

the empirical findings in this study as court procedure was described by the participants as an over-lengthy process with continuous delays which were experienced as frustrating and anxiety-provoking for the participants and their children.

Literature regarding the bail process indicates that there is a perception from the public that bail for alleged CSA perpetrators is granted too easily. It also indicates that there are misconceptions that bail means that allegations against the alleged perpetrator are often dismissed, or not considered to be serious. The empirical findings support the literature in this regard, as the empirical data indicated that participants felt that bail was in fact granted far too easily.

One of the rights highlighted in literature for child victims and child witnesses of crime, is the right to safety. Another right indicated for child victims and child witnesses of crime is the right to be treated with dignity and compassion, in terms of limiting any interference in the child's private life. It was also highlighted in literature that the adversarial nature of court proceedings is believed to be detrimental to children in terms of their effectiveness when testifying as witnesses, and detrimental to children's emotional well-being. The empirical findings in this study indicated that the private life of most of the child victims and/or witnesses, especially their schooling, was interfered with or interrupted by court proceedings and various occurrences at the court. This, as well as the participants and their children seeing the accused in the waiting areas or in the passages of the court, when they were assured this would not occur, may be some reasons why participants felt that their children's rights were not being upheld.

On the other hand, with regards to the prosecutors, literature indicated that prosecutors have very heavy case loads and very little time at their disposal. This results in there being no time for prosecutors to establish rapport with CSA victims and/or witnesses and insufficient consultation is provided to CSA victims and/or witnesses as well. From the empirical data the researcher concludes that currently not all prosecutors are adhering to their responsibilities, and neither are they providing the necessary services that they are mandated to provide. The majority of participants indicated that they have had negative experiences with prosecutors owing to some prosecutors' poor communication and contact-making with the participants regarding

their children's cases.

From literature and the empirical findings, the researcher thus concludes that not only are court processes and case postponements or other court delays generally experienced by both participants and their children as negatively, but they are also emotionally affected by these occurrences. From empirical findings the researcher also concludes that there is a general feeling of disappointment with the decision-making of the court, particularly with their granting of bail and postponement of cases because the prosecutor or alleged CSA perpetrator was ill. From the empirical findings it can be concluded that there is a general sense that the rights of child victims of sexual abuse are generally ignored. Overall, the researcher concludes that procedures and protocols that should be followed when dealing with CSA cases, as well as the roles and responsibilities of judicial system professionals, are not always followed as they should be.

CONCLUDING STATEMENT

In conclusion, the researcher would like to emphasise that there should be continuous monitoring and evaluation of all service delivery

from all sectors of the judicial system and those working with CSA cases. The outcome of such a process should also be made public knowledge so that the public can be made aware of the fact that services are being monitored. In a time where some awareness has been raised regarding the problems with the South African judicial system and its personnel working with CSA cases, the need to implement such an approach seems critical. In closing, the researcher hopes that further research will develop from the insights of this study, not only for the betterment of South African literature but for the betterment of the way in which our children and all witnesses are dealt with in the South African judicial system.

This research thus served as valuable insight into caregivers' current experiences of the South African judicial system after the reporting of CSA. Though current literature in the South African context was limited, from what was gathered the researcher finally concludes that though strides have been made to better manage cases of CSA as well as create child friendly spaces for child victims of sexual abuse, there is still room for improvement.

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