

Factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the Eastern Cape

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Dissertation submitted for the degree *Magister in Social Work: Forensic Practice* at the Potchefstroom Campus of the North-West University

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November 2015



ACKNOWLEDGEMENTS

- I would like to express my gratitude to the rock of ages, almighty God who gave me power to come this far.
- Special thanks to my supervisor Dr AA Roux who guided me all the way, may your heavenly Father keep you safe.
- Special thanks to Prof CC Wessels for all her support.
- Special thanks to my sisters Bulelwa, Bongwe and Jiya family. I thank God for family such as you as well as for your support and your encouragement. May God bless you Bazeksi
- Special thanks to Mr. Mabula for your encouragement and support. I appreciate your support Mzalwane Wam.
- I would like to thank Madikse, Mr. Dotwana and my participants for your co-operation.
- Lastly I would like to thank the language editor Prof Lesley Greyvenstein.

STATEMENT

I **NTOMBIZANDILE JIYA** hereby states that the manuscript entitled:

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is my own work.

N Jiya

Date

LANGUAGE CERTIFICATE

ENGLISH LANGUAGE EDITING CERTIFICATE

This is to certify that the English Language of the dissertation by

Ma N JIYA

was edited by Prof L.A. Greyvenstein

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ABSTRACT

TITLE: Factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of OR Tambo District in the Eastern Cape.

Key words: Child, conviction process, delay, factors, sexual abuse

Despite the high reporting rate of child sexual abuse cases, the conviction rate in South Africa is low. According to the South African Police National Statistics, 2012/2013 (South Africa, 2012/2013), 66 196 incidents of sexual offences were reported between 2012 and 2013, while only a dismal 4 501 (6.8%) of these cases resulted in convictions.

The aim of this study was to explore and describe the factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas in the OR Tambo district of the Eastern Cape Province. The researcher used a quantitative research approach and the design chosen for this study was a cross sectional design. The study involves groups, such as social workers, magistrates, prosecutors and investigating officers of a carefully defined population of role players in child sexual abuse cases. The participants were sampled by using a purposive sampling technique. The participants included in the sample were from the Departments of Social Development and Justice, Child Welfare and the Family Violence, Child Protection and Sexual Offences unit (FCS) of South African Police Service in the Oliver Tambo District that are dealing with sexual abuse cases.

The researcher used a partially self-constructed questionnaire to explore participants' views regarding factors causing delays in the conviction process of child sexual abuse cases. The data received from the questionnaire indicated that the participants have high caseloads with many cases not yet finalized. The most important factors causing delays in the conviction process according to the participants are: not enough social workers who have specialised training in Forensic Social Work; late DeoxyriboNucleic Acid (DNA) results causing delays in the conviction process; not enough training in handling child sexual abuse cases; continued delays of court proceedings; absence of coordination between the different role players in child sexual abuse cases; too many cases to handle and not enough evidence to prosecute.

OPSOMMING

Titel: Faktore wat tot verdragings in die proses van skuldigbevindings ten opsigte van die seksuele misbruik van kinders in plattelandse gebiede van die Oos Kaap bydra

Sleuteltermes: Kind, skuldigbevinding, verdragings, faktore, seksuele misbruik

Nieteenstaande die hoë voorkoms van seksuele misbruik van kinders in Suid-Afrika, is die skuldigbevindings laag. Volgens die Suid-Afrikaanse Polisie se Nasionale Statistieke, 2012/2013 (Suid-Afrika, 2012/2013), is 66 196 gevalle van seksuele misbruik gedurende 2012 en 2013 aangemeld, waarvan slegs 4 501 (6.8%) van hierdie sake tot skuldigbevindings gelei het.

Die doel van hierdie studie was om die faktore wat tot verdragings in die proses van skuldigbevindings ten opsigte van die seksuele misbruik van kinders in die plattelandse gebiede van die Oos Kaap bydra, te verken en te beskryf. Die navorser het 'n kwantitatiewe navorsingsbenadering gebruik. Die navorsingsontwerp was 'n dwarsdeursnee opname (cross-sectional) omrede dit 'n groep van maatskaplike werkers, landdroste, aanklaers en ondersoekbeamptes van 'n spesifieke populاسie van rolspelers op die terrein van molestering van kinders ingesluit het. 'n Doelgerigte steekproef tegniek is benut. Die deelnemers wat in die navorsing ingesluit is was van die Departemente Maatskaplike Ontwikkeling en Justisie, Kindersorg en die GKS eenheid van die Suid-Afrikaanse Polisie Diens in die OR Tambo distrik wat met seksuele misbruik van kinders handel.

Die navorser het 'n gedeeltelike self-ontwerpte vraelys gebruik om die menings van deelnemers ten opsigte van faktore wat tot verdragings in die proses van skuldigbevindings ten opsigte van die seksuele misbruik van kinders in plattelandse gebiede van die Oos Kaap bydra te verken. Die data verkry uit die vraelys het daarop gewys dat die deelnemers baie hoë gevalleladings het waarvan baie sake nog nie gefinaliseer is nie. Die belangrikste faktore wat verdragings veroorsaak was: nie genoeg maatskaplike werkers wat gespesialiseerde opleiding in Forensiese Maatskaplike Werk het nie; onvoldoende opleiding hoe om sake van misbruik van kinders te hanteer; voortdurende verdragings van hof verrigtinge; die afwesigheid van samewerking tussen die verskillende rolspelers in sake van seksuele misbruik

van kinders; te groot gevalleladings om te hanteer asook onvoldoende bewyse om te vervolg.

FOREWORD

The article format has been chosen in accordance with Regulations A.7.2.3, as stipulated in the yearbook of the North-West University, Potchefstroom Campus, 2008 for the degree MA Social Work: Forensic Practice. The article will comply with the requirements of one of the journals in social work, entitled Social Work/Maatskaplike Werk.

INSTRUCTIONS TO THE AUTHORS

SOCIAL WORK/MAATSKAPLIKE WERK

The journal publishes articles, brief communications, book reviews and commentary articles already published from the field of Social Work. Contributions may be written in English. All contributions will be critically reviewed by at least two referees on whose advice contributions will be accepted or rejected by the editorial committee. All refereeing is strictly confidential. Manuscripts may be returned to the authors if extensive revision is required or if the style of presentation does not conform to the practice. Commentary on articles already published in the Journal must be submitted with appropriate captions, the name(s) and address (es) of the author(s), preferably not exceeding 5 pages.

The entire manuscript must be submitted, plus one clear copy as well as a diskette with all the text, preferably in MS Word (Word Perfect) or ASSII. Manuscripts must be typed, doubled spaced on the one side of the A4 paper only. Use the Harvard system for references. Short references in the text: When word-for-word quotations, facts or arguments from other sources are cited, the surname(s), year of publication and the page number(s) must appear in parenthesis in the text. More details concerning sources referred to in the text should appear at the end of the manuscript under the caption "References". The sources must be arranged alphabetically according to the surnames of the authors.

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FACTORS CONTRIBUTING TO DELAYS IN THE CONVICTION PROCESS OF CHILD SEXUAL ABUSE CASES IN THE RURAL AREAS OF THE EASTERN CAPE

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Keywords: Delays, child sexual abuse, conviction, factors, rural area

1. INTRODUCTION AND BACKGROUND

Although child sexual abuse is a global problem (Johnson, 2004:462), South Africa has the highest incidence of reported cases of child sexual abuse in the world (Artz & Smythe, 2007:13). It is estimated that 1 in 3 children in South Africa will be abused some time during their childhood (Dunn, 2008:37).

Despite the high reporting rate of child sexual abuse cases, the conviction rate is low. According to the South Africa Police National Crime Statistics, 2012/2013 (South Africa, 2012/2013) 66 196 incidents of sexual offences were reported between 2012 and 2013, while only a dismal 4 501 (6.8%) of these cases resulted in convictions. It is, however, not reported what the outcome for the remaining 61695 cases were.

As a social worker employed by the Department of Social Development dealing with sexual abuse cases on a daily basis, the researcher and her colleagues, Ms Madlavu and Ms Khewane, frequently experienced problems with the conviction process regarding child sexual abuse in the OR Tambo district. It takes mostly two to three years for a child sexual abuse case to be finalized in the rural areas of the Eastern Cape. Rape Crisis (2014) claims that the system supposed to help children is fragmented and lacking cohesive links between the overall service chain from police services to the forensic unit of the courtroom. As a result many cases fall between the cracks, whilst case files sometimes are lost or weakened by a lack of evidence or delayed by administrative problems. Questions frequently asked in

practice, and that informs this research, is what contributes to these delays and to what extent are these delays serving the best interests of the child as victim?

The focus of the study stems from the above question whilst the purpose of the research will, therefore, is to explore and describe those factors contributing to delays in the conviction process of child sexual abuse cases specifically in the rural areas of the OR Tambo district in the Eastern Cape.

2. PROBLEM STATEMENT

Not only is child sexual abuse a criminal offence according to Article 54 of the Sexual Offence Act No 38 of 2007, but it is also a criminal offence not to report while having knowledge that a sexual offence has been committed against a child (South Africa, 2007). It is of utmost importance and in the best interests of the child to ensure children are protected from further harm and are treated fairly whilst they are in the justice system (Scheepers, 2006:154; South Africa, 1996). This principle, according to enquiries by the South African Human Rights Commission in April 2002 into the incidence of sexual violence against children, is not always consistently applied in the case of children (Kruger & Spies, 2006:169-170). To protect children from on-going or further sexual and other abuse requires the combined efforts of different professions such as social work, law enforcement, judges, medical professionals, lawyers, and probation officers that work either directly or indirectly with the abused child during the Justice system's involvement (Kreston, 2007:89-90; Myers, 2011:65; Segal, Gerdes & Steiner, 2007:170; Zastrow & Kirst-Ashman, 2004:176-177).

The time spent on forensic assessment is recognised as a critical component in the criminal justice process, since timely assessment improves the quality and accuracy of the information obtained from the child, whilst this quality deteriorates over time (Meissner, 2012:1-2). The American Professional Society on the Abuse of Children (APSAC) practice guidelines for forensic assessment recommend that interviews should be conducted as close to the incident as possible whilst the impact of any delays in the interview process should be cautiously considered (Laraque, De Mattia, & Low, 2006:1142). Time is also a factor during the justice process. According to the United Nation's guidelines on justice matters concerning child victims and witnesses of crime (UNICEF, 2005), delays are only acceptable when it

is in the child's best interest. A delay generally is not considered honouring the best interests of the child and, therefore, it is crucial for the justice process to be concluded in the shortest possible time whilst protecting the rights of the child (Ewing, 2007:291; Meissner, 2012:1). Müller and Hollely (2011:1) stress the following negative implications of delays:

- delays affect the quality of the child's evidence,
- delays have a negative effect on the child's memory of the event,
- delays enhance the child's anxiety,
- delays force the child to undergo the anticipatory trauma again and again, and
- delays often leave the child in the dark as to what a remand involves and the reason why the particular case is being postponed.

Factors influencing the successful criminal prosecution of the perpetrator may be such as social workers lacking experience in assessing sexually abused children, delays at laboratories obtaining DNA results, children's ability to testify in court, the management quality of police investigation processes, inadequate time set aside for an investigation, child not represented in court, inexperienced investigating officers, incomplete reports by role players, insufficient role players who have specialised training in Forensic assessment, doctors' reluctance to testify in court, not enough evidence to prosecute, not enough prosecutors and absence of coordination between different role players in child sexual abuse cases (Kringlie, 2010:73-74; Loffel, 2000:6; Modise, 2008:28; Ntlatleng, 2011:2-3). Effective criminal prosecution of a sexual offence against a child according to Eastwood, Kift and Grace (2006:1) is more difficult to secure than for any other offences in South Africa. In South Africa as well as in other countries only a small number of reported sexual offences against children result in conviction (Eastwood *et al.*, 2006:2). There are many difficulties and problems in the finalisation of child sexual abuse as well as the prosecutions of these cases.

Court delays in South Africa are a real problem in most of the Provinces in South Africa as discussed by Ewing (2007:290-291) and Schönsteich (2003:1-5). Court delays are as much a problem in the OR Tambo district as in other areas in South Africa. According to statistics by the South African Police Service (South Africa,

2013/2014) 39 cases of child sexual abuse were reported in the Port St Johns district during 2013/2014. There are currently four cases on the researcher's case load that were referred during 2013/ 2014 only in the Port St Johns court that are not yet finalised. The researcher's colleagues share similar experiences.

Although no definite guidelines exist regarding the time in which sexual abuse cases should be finalised, the justice process has to be concluded in the shortest possible time according to the best interests of the child principle. When protecting the rights of the child, trial dates should not be vacated unless this is absolutely unavoidable (Meissner, 2012:1 Ewing, 2007:291). This includes avoiding any last minute changes in Prosecution Counsel because of the disruption it can cause to victims and witnesses. If a change of Counsel does happen, it should only take place where it is unavoidable (for example, illness) (Anon, 2015:20).

General public confidence in the criminal justice system and the government's handling of crime in South Africa is low and according to Schönteich (2003:1), the dissatisfaction is primarily a result of lengthy delays in trials, and unhelpful and unprofessional prosecutors. Ewing (2007:290) agrees with Schönteich and came to the conclusion, after evaluating a court case in South Africa, that if there is a large enough team of people, working with strong enough sexually abused survivors, and backed up by enough resources, connected to enough people who know the law and a few people dedicated to applying it, the justice system may indeed work better.

- **Rationale for this study**

If delays in the finalisation of child sexual abuse cases are experienced in urban areas with more professionals such as social workers, magistrates and prosecutors available as indicated above, it becomes apparent that research is needed to know which factors contribute to the delays in the conviction process of child sexual abuse cases in a specific, unique context such as the OR Tambo district. If the factors that contribute to the delays of child sexual abuse cases in the OR Tambo district are known, it would be possible for the researcher to make recommendations to all role players such as the Departments of Justice, Social Development and the NGO's on how delays can be reduced in future. If delays can be minimized the court and other

role players such as social workers may be seen to honour the best interests of the sexually abused child. Moreover, it would then be possible to conclude the justice process in the shortest possible time so that the rights of the sexual abused child can be protected. Knowledge obtained through this study may contribute to resolving similar issues in other areas. The body of knowledge may contribute in promoting the best interest of the child.

3. THE RESEARCH QUESTION

What factors contribute to delays in the conviction process of child sexual abuse cases in a rural area of the Eastern Cape Province?

4. AIM AND OBJECTIVES OF THE STUDY

The aim of the study is to explore and describe the factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the OR Tambo district of the Eastern Cape Province.

5. ENTRAL THEORITCAL STATEMENT

If role players in the OR Tambo district of the Eastern Cape Province have a better understanding of the factors contributing to delays in the conviction process of child sexual abuse, finalising child sexual abuse cases will be on time to honour the best interests of the sexually abused child.

6. THEORETICAL ORIENTATION

The role and appropriateness of a theoretical framework in research is influenced by the choice of research approach employed by the researcher (Botma, Greeff, Mulaudzi & Wright, 2010:196-199). According to Mouton (2001:87), Neuman (2000:446) and Thyer (2001:401), the goal of a literature review is to demonstrate the researcher's familiarity with the existing body of knowledge in order to establish credibility, to show a path of prior knowledge, to integrate and summarise what is known in this area of research, and to learn from others while creating new ideas. Although this research is described as exploratory and descriptive, thus non-experimental in nature, it employs a theoretical orientation to give it the kind of direction and focus required for an effective study.

Although a range of possible theoretical frameworks could be employed to study and understand the criminal justice processes in a contextual study such as this, the focus for purposes of this study were on the systems theory. According to Zastrow & Kirst-Ashman (2010:48-49) systems theory “opposes linear cause-and-effect explanations”, looks at circular or multiple causality which is applicable for this study. Systems theory attempts to understand an individual such as the sexually abused child as a system of interacting elements and within the context of the court, interacting with the different role players in court proceedings which in themselves “are social systems with several independent members attempting to maintain order and a stable equilibrium while functioning as a unified whole” (Toseland & Rivas, 2012:57; Zastrow, 2010:49). Systems theory allows the researcher to explain holistically the role different role players regarding court proceedings and delays in child sexual abuse cases (Bungane, 2012:104-105; Roux, Bungane & Strydom, 2010:44). From a systems theory framework, the researcher could interpret the impact different systems have on court delays of child sexual abuse cases in the OR Tambo district.

The increased anxiety caused by postponement can negatively affect the child’s testimony. Postponements create a distrust of the criminal process with a belief that it is only being made in the interests of the accused (Müller & Hollely, 2011:1). Ewing (2007:301) confirms the negative impacts of delays by advising that special sexual offences courts need to be implemented as advised by McHunu (2002). Partnerships between the criminal justice system, social work and civil society should be developed to help change attitudes as well as management systems to improve the total system.

This overview of literature locates the actuality of this study in current international and local literature. Studies such as Johnson (2004), Kreston (2007), Meissner (2012), Myers (2011), Pereda *et al.* (2009), Segal *et al.* (2007) and in South Africa Ballard (2011), Dunn (2008), Ewing (2007) and Müller & Hollely (2009) were used at the end of the empirical study as framework for interpreting findings in this study.

During the compilation of this research proposal, the researcher consulted books, dissertations, journal articles and internet resources to become familiar with the subject. A variety of database was utilized such as Ferdinand Postma Library of the

Potchefstroom Campus of the North-West University, Google scholar; EBSCO host; Academic Search Premier; Medline and SA Publications.

7. EMPIRICAL INVESTIGATION

7.1 Research context

The research was conducted in the OR Tambo district, a specific geographical district in the Eastern Cape Province. The OR Tambo district is surrounded by towns such as Port St Johns, Lusikisiki, Libode, Ngqeleni, Tsolo, Qumbu, Mount Free, Flag Staff, Ntabankulu and Mqanduli. Port St Johns is the administrative area in the OR Tambo district of the Eastern Cape Province. The population of this area is approximately 165 000 and 89.7% are isiXhosa speaking people, 6.2% English speaking people and 4.1% speak other languages. This district is characterized by 165 000 people that are staying in this area. The OR Tambo district was regarded in the Apartheid era of South Africa as the Capital area of the Transkei. The small towns mentioned are predominantly rural areas and most of the community members do not have formal education. Sexual abuse of children in these small towns is a problem because some children stay alone because their parents went to big cities where they are working and others are orphans. Although this area has a problem of child sexual abuse it usually take years for these cases to be convicted. ‘

In the Port St Johns area, there are two magistrates and two prosecutors representing the Justice system. They service the 20 regional wards. Other role players in this area are the Department of Social Development with 20 social workers and Child Welfare with 3 social workers. Amongst other duties these social workers are responsible for assessment and preparation of cases of child sexual abuse for court purposes. The South African Police Service (SAPS) has one police station in Port St Johns with a Family Violence, Child Protection and Sexual Offences Unit (FCS). At this police station, 3 investigating officers are tasked with investigating and assessing child sexual abuse cases. Lusikisiki has 15 social workers working for the Department of Social Development. The Ngqeleni area has 5 social workers who are also working for the Department of Social Development. There are 2 prosecutors working for the Department of Justice in Umtata. Each of the 20 wards in the Port St Johns district has a ward councillor who works closely with the social workers. The ward councillor often reports cases of

children that are suspected victims of sexual abuse. This contextual description sets the backdrop for this particular study illustrating some of the complexities that are potentially associated with rural service conditions in the OR Tambo district.

7.2 Research design

The researcher used a quantitative research approach in this research endeavour. Fouché and Delpont (2011:64) describe quantitative research as an inquiry into a social or human problem, based on testing a theory or theoretical statement composed of variables, measured with numbers and analysed with statistical procedures in order to determine whether the predictive generalisations of the theory or theoretical statement hold true. Quantitative researchers according to Fouché and Delpont (2011:63) choose methods that allow them to measure the variables of interest objectively and they try to remain detached from the participants in order to draw unbiased conclusions.

The design chosen for this study was a cross sectional design which involves data from “a cross section of the population at a point in time, indicating that the data are gathered once from a specific sample” (Botma *et al.*, 2010:113). According to Botma *et al.* (2010:113), surveys can be used in the cross sectional design to gather data and ask questions from a specific sample at one point and time. The study is cross sectional because it involves specific groups, such as social workers, magistrates, prosecutors and investigating officers, in a carefully defined population of role players in child sexual abuse court cases. The study can be regarded as a case study since it is delimited to a specific geographic area that fits the description of a case as it is characterized by known delays in its management of child sexual abuse cases. Surveys in social sciences can be used for all types of studies such as exploratory and descriptive studies (Fouché, Delpont & De Vos, 2011:156). Surveys, according to Botma *et al.* (2010:133), are done mainly to explore and describe samples in terms of simple proportions and percentages of people who respond in some way to different questions. Explorative research is conducted to gain insight into a situation (Fouché & De Vos, 2011:95-96; Kreuger & Neuman, 2006:23). With this research the researcher aimed to explore and describe factors that may contribute to the conviction process of child sexual abuse cases in the OR Tambo district (Botma *et al.*, 2010:110; Fouché & De Vos, 2011:95-96; Thyer, 2001:131). This study was non-experimental and hypothesis generating in that its results may

contribute to further study in this area. The researcher wanted to sample a profile of factors that may contribute to the delays in the conviction process of child sexual abuse cases in the OR Tambo district in order to draw conclusions regarding the adequacy of factors that may contribute to the conviction process of child sexual abuse cases in this district. The researcher made recommendations to the different Departments and organisations with directions regarding the focus areas in the prevention of delays in sexual abuse cases in the OR Tambo district in order to enhance the convictions rates of perpetrators on child sexual abuse cases.

7.3 Participants and sampling

The researcher did a quantitative study with an explorative objective and, therefore, explored the factors that contribute to the delays of child sexual abuse cases in the OR Tambo district (Botma *et al.*, 2010:186; Fouché & De Vos, 2011:95). The participants who were included in the sample were the two magistrates and two prosecutors of the Port St John's court; two prosecutors from Umtata, 40 social workers from the Department of Social Development; three social workers from Child Welfare who work under the supervision of the Department of Social Development as well as three investigating officers from the FCS unit of SAPS that are dealing with sexual abuse cases. From these 52 participants, two social workers did not want to participate in the research. The participants were sampled by using a purposive sampling technique. According to Strydom (2011a:232), purposive sampling is based on the judgement of the researcher and it is composed of elements that contain the most characteristics, and represent attributes of the population that serve the purpose of the study. Strydom and Delport (2011:391) also indicate that the sample size depends on what the researcher wants to know, the purpose of the inquiry, what is at stake, what is useful, what is credible and what can be done with the available time and resources.

- **Inclusion criteria**

- Participants should have experienced delays in the conviction process of cases regarding child sexual abuse.
- Participants must be working in the OR Tambo geographical district boundaries at the time of the study.

- Participants who have access to computers.
 - Participants who signed consent forms to participate in the research and the interview to be recorded.
 - Participants who could speak English. All the mentioned participants spoke English in their work environment.
- **Exclusion criteria**
 - Role players who did not work with child sexual abuse cases or who were not directly involved in processing child sexual abuse cases were excluded.

7.4 Data collection

The questionnaire in this research was an essential part of this study. A questionnaire is defined as a document which contains questions and or other items to collect appropriate data for analysis (Babbie, 2007:246; Delpont & Roestenburg, 2011:186). The researcher used a partially self-constructed court delays questionnaire derived from an existing and adapted questionnaire (**annexure 5**) used by Kringlie (2010) in a similar study of child sexual abuse case management in North Dakota. The aim of this rural study was to obtain an accurate and detailed picture of how well the criminal justice system is doing in meeting its obligation to deliver justice in a timely manner. Although the original questionnaire was designed with sufficient face validity, it was not subjected to quantitative standardisation procedures. Kringlie's study utilised Survey Monkey administered to a diverse group of direct and indirect role players within in the local criminal justice system return rate.

Following the enrichment of the proposed questionnaire with more contextually relevant items obtained from the researcher's literature review the researcher employed the following techniques in establishing basic measurement properties of this test: Firstly, face validity was established by submitting the questionnaire to the Statistical consultation services of the North-West University, Potchefstroom Campus in order to establish whether the instrument indeed answers to the requirements of a court delay test. Secondly, as a method of establishing content validity, the newly developed test was submitted for qualitative appraisal to a small

panel (six members) of knowledgeable experts recruited from the current Forensic Social Work class who judged formulated items for item difficulty, appropriateness for the target group and fit to the theoretical factors contributing to child sexually abused court delay cases. Thirdly, to further confirm content validity the newly developed test was pilot tested on five social workers who were not part of the research, to ensure that errors of whatever nature could be rectified.

The questionnaire in this research had only one open-ended question. This question was used to draw an opinion response regarding the respondent's own view of factors causing delays. The questionnaire contains two sections namely identifying information (Section A) and specific delay factors (Section B).

- **Research procedures**

- Written permission was obtained from the Health Research Ethical Committee (HREC) of the University of North-West Potchefstroom Campus to conduct the research. **NWU-00336-15-S1 (Annexure 1)**
- The researcher wrote a letter to the managers of the Departments of Justice, Social Development and the South African Police service (SAPS), as well as Child Welfare in the OR Tambo district to do the research with the mentioned professionals who are assessing child sexual abuse cases. Permission was asked to include the investigating officers from the FCS unit of SAPS that are dealing with sexual abuse case in the research. A letter was sent to the managers with all the details of the research. The researcher let them know that participation in the study was voluntary and no one had to feel obligated to participate. Refusal to participate will carry no consequences.
- The researcher asked the social work managers of the mentioned Departments and Child Welfare in OR Tambo district after gaining permission to do the research, to assist the researcher as gatekeepers with full details of the participants **(Annexures 2, 3 and 4)**.
- After the participants had been identified, an e-mail was sent to them regarding the aim of the study, the advantages and disadvantages of taking part, the process to conduct the research as well as the ethical aspects regarding the research. Although it is not necessary to give a consent form

for participants when sending a questionnaire by e-mail (Botma *et al.*, 2010:16), the researcher include a participant consent form to be signed for ethical purpose (**Annexure 6**).

- Enough time (a week) was given to the participants to go through the details on the consent form before they decided to sign the consent form and send it back to the researcher. This ensured that the participants made an informed choice on whether to continue taking part.
- After receiving consent from the participants to be part of the research, the researcher sent the questionnaires by e-mail to the participants so that they could complete the questionnaire on a computer in their own time and at a place they decided on (**Annexure 5**).
- The researcher sent an e-mail to each participant after a week and again after two weeks asking them to complete the questionnaire. Because of problems regarding the internet services the researcher collected the questionnaires herself from some of the participants and that assured a good response rate regarding the amount of questionnaires the researcher received back.
- After the researcher received the completed questionnaires, the questionnaires were sent to the Department Statistical Consultation Services of the Potchefstroom Campus of the North-West University to be analysed by means of descriptive procedures the results of which will be compiled in a report.
- If the respondents experienced any difficulties with the questionnaire they could clarify the matter with the researcher.
- The data were compared with data of Kringlie (2010) as well as with other literature.
- The researcher sent a report to all the managers for distribution and if they wanted to, they could send it to the participants.

- The report was completed in a mini-dissertation with recommendations regarding the factors contributing to delays in the conviction process of child sexual abuse cases in a rural area of the Eastern Cape.

7.5 Data analysis

The aim of data analysis according to Babbie (2011:398) is to discover a pattern among the data, patterns that point to a theoretical understanding of social life and it involves a continuing interplay between data collection and theory. Quantitative data analysis can be regarded according, to Rubin and Babbie (2005:552) and Fouché and Bartley (2011:249), as techniques by which researchers convert data to a numerical form and subject it to statistical analysis. Quantitative data can be analysed manually or by computer (Fouché & Bartley, 2011:249).

The Statistical Consultation Services of the North-West University, Potchefstroom Campus quantitatively analysed the data. Descriptive procedures were used including frequency distributions for analysing categorical variables and descriptive statistics for analysing mean scores where appropriate. The data received were presented by means of tables.

8. ETHICAL CONSIDERATIONS

According to Strydom (2011b:114) it is the researcher's responsibility to follow ethical standards. Approval from the Health Research Ethical Committee of the Faculty of Health Sciences (HREC) Potchefstroom Campus of the North-West University to conduct this study in the Social Work Forensic Practice will be applied for. The researcher will consider the following ethical aspects when conducting the interviews with participants.

- **Avoidance of emotional discomfort**

Participants can experience emotional discomfort to some extent because of the fact that the participants work in close proximity with each other in a rural area where privacy and anonymity is more limited and the possible risk of a participant being exposed by another participant as contributing to delays (Strydom, 2011b:115).

Research must bring no emotional discomfort to participants and, therefore, the participants will be thoroughly informed beforehand about the potential impact and implications of the investigation verbally when recruiting them, but also by providing them with an information sheet before the interview commences (Babbie, 2007:2; Strydom, 2011b:115). All participants were adults and completed the questionnaire in their professional capacity. Adhering to principles of informed consent and respect for participants and their privacy and confidentiality will protect them from possible emotional discomfort. Although there was no direct benefit to participate, their participation helped the researcher to identify factors contributing to delays in the conviction process of child sexual abuse cases where the participants work. This knowledge can benefit participants if services can be improved as a result of the findings of this study. The study will also benefit future child victims of sexual abuse and their caregiver system.

- **Privacy and confidentiality**

It was made clear to participants when recruiting them as well as in the information sheet that it is their right to decide when, where, to whom, and to what extent they disclose their views and experiences (Strydom, 2011b:119). Most of the completed questionnaires received from the participants were sent to the researcher electronically. Because of internet problems the researcher collected some of the questionnaires herself. The analysed data on the computer of the researcher received from the Statistical Consultation services of the University were password protected. Each participant was allocated a number beforehand such as participant 1, participant 2 *et cetera*. The survey was anonymous and did not contain any names. The questionnaire was formulated in such a way that it was not possible to identify specific persons through the kind of data requested. All analysed data were stored in a room in the office of the secretary at the Social Work Division of the North-West University, Potchefstroom Campus for five years prohibiting all people, including the researcher, study leader and co-study leader from having access to the material, for five years where after it will be destroyed by the University. This will also be conveyed in the information sheet.

- **Informed written consent**

Royse (2004:52-54) and Strydom (2011b:117-118) explain that informed written consent implies that all possible or adequate information on the goal of investigation, the procedures that will be followed during the investigation, the possible advantages, disadvantages and dangers to which respondents may be exposed, as well as the credibility of the researcher, be rendered to the potential of the participant. Babbie (2001:470) calls informed consent “voluntary participation”. The researcher asked participants to complete an informed consent form before data gathering commences. This form outlined the purpose of the research, what participation will involve, how long the completion of the questionnaire will take, and that participation is voluntary and how privacy and confidentiality will be respected.

- **Professional competency**

As a registered social worker the researcher has an obligation to follow the codes of ethics and rules for social workers registered with the South African Council for Social Service Professions (2010) and, therefore, will inform the participants beforehand about the potential impact the completion of the questionnaire may have on them. The researcher was trained to do research during a module in the Master’s degree and are capable to do quantitative research by means of questionnaires .

- **Benefits and risks**

There was no direct benefit for participants in this study. Indirect benefits for the participants were gaining knowledge and insights attained from the study that can assist role players dealing with sexual abuse cases in the OR Tambo district, regarding their role and responsibilities in minimizing delays in the conviction process regarding child sexual abuse cases. This will honour the best interest of the sexual abused child and the justice process to be concluded in the shortest possible time so that the rights of the child can be protected and perpetrators be convicted. A report was sent to the managers for distribution to the respondents. They will benefit by developing new insights regarding their contextual situation.

Risk, according to Botma *et al.* (2010:22) “equates to harm or injury and implies it is something that is detrimental that will occur in the future.” Emotional discomfort of participants in this study could occur due to the involvement in child sexual abuse cases. The participants were given the opportunity of working through their

embarrassments and trauma if they experienced this by means of debriefing sessions by an appropriate therapist (Strydom, 2011b:122). There was no need for debriefing sessions. The benefits outweighed the risks not only for the participants but also for professions dealing with sexual abuse cases in the OR Tambo area confronted with delays in procedures regarding child sexual abuse cases.

- **Deception of subjects**

The researcher did not intentionally mislead participants by way of written or verbal instructions, the actions of other people, or certain aspects of the setting (Neuman, 2000:229).

- **Right to withdraw**

The participants had the right to withdraw at any time when they wished to do so.

- **Remuneration**

Remuneration is compensation for inconvenience incurred by participating in the research (Botma *et al.*, 2010:21). There was no remuneration to any of the participants in this study because the questionnaires were completed in their own time by means of an e-mail.

- **Publication of results**

The results of the study will introduce to the reading public in written form by means of a dissertation as well as an article in an accredited journal. The managers of the Departments of Justice, South African Police Service, Social Development and Child Welfare were informed as Mnisi (2012:8) deems it necessary, of results that will be published regarding the research project. The researcher sent a report to the managers for distribution to the participants in order to enhance the convictions rates of perpetrators on child sexual abuse cases.

- **Ethical risk level descriptors**

The research was of low to medium risk because questionnaires were only completed by the participants who are working in the Departments of Justice, South African Police Service, Social Development and Child Welfare on the factors contributing to delays in the conviction process regarding child sexual abuse (Botma

et al., 2010:22-23). No sexually abused child or the primary caregiver of the child, were included in this research.

9. SHORTCOMINGS OF THE RESEARCH

The researcher struggled to get hold of the respondents especially the magistrates and prosecutors as they are always busy at court. Also they only checked their emails when they are at work. It was also not easy to get social workers because it was a busy time for them because they were busy doing their business plans for 2016-2017 for funded and unfunded projects.

The area was also having problems with the internet network and the researcher had to go to collect some of the questionnaires from the participants' offices. The researcher had to courier the questionnaires twice to the Potchefstroom University because the copies were at first lost but later on were delivered at the University.

10. DEFINITION OF TERMINOLOGY

The definitions of the child sexual abuse in the old literature and current literature sound almost the same.

10.1 Child Sexual abuse

The Children's Act, 38 of 2005 (South Africa, 2005) defines sexual abuse as:

- sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted;
- encouraging, inducing or forcing a child to be used for sexual gratification of another person;
- using a child in or deliberately exposing a child to sexual activities or pornography or,
- procuring or allowing a child to be procured for commercial sexual exploitation or in any way participating or assisting in the commercial sexual exploitation of a child.

10.2 Child

The Children's Act No 38 of 2005 (South Africa, 2005) defines a child as a person under the age of 18 years. The new dictionary of Social Work also defines a child in

terms of the child care Act (74 of 1983) as a person under the age of 18 years (1995:8). A child means any person under the age of 18, and in certain circumstances means a person who is 18 years or older but under the age of 21 years (Gallinetti, 2009:13). When the researcher talks of a child: it refers to a person under the age of 18 years whose crime was committed against him/her.

10.3 Factor

The Oxford Dictionary (1981:297) defined factor as a fact or situation which influences the result of something.

10.4 Court Delays

According to Free Dictionary (2015) delays refer to postponement until later time or to cause to be later or slower than expected.

10.5 Case

According to the New Dictionary of Social Work (1995:7), the word case means an individual or family who comes to the attention of a social worker. A child sexual abuse case means for the purposes of this research a child who comes to the attention of a member of the multi-professional team such as a social worker or investigation officer.

10.6 Conviction

Conviction is when someone is officially found to be guilty of a particular crime (Cambridge Advance Learner's Dictionary).

11. PRESENTATION OF THE RESEARCH RESULTS

The aim of this research was to explore and describe the factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the OR Tambo district. The sample size was 50 which consisted of 2 (4%) magistrates, 2 (4%) prosecutors, 3 (6%) investigation officers and 43 (86%) social workers. Partially self-constructed court delays questionnaire (**annexure 5**) was compiled and used as tool to collect the data. The questionnaire consisted of two sections: In Section A the researcher wanted to explore how the identifying details of the participants can contribute to delays and in section B the researcher wanted to explore how specific factors may contribute to the delays regarding child sexual

abuse cases in the OR Tambo district in order to formulate recommendations on how to prevent delays in the conviction process of child sexual abuse cases. This was done to enhance the conviction rates of perpetrators on child sexual abuse cases. The answers received from all the participants were the following:

11.1 Identifying data of participants that may contribute to delays in the conviction process of child sexual abuse cases

11.1.1 Qualification of participants

Table 1: Qualification

	Secondary qualification	Diploma	Degree	f	%
Magistrate			2 (LLB)	2	4%
Prosecutor			2 (LLB)	2	4%
Investigation officer	2	1		3	6%
Social worker			43 (BA SW)	43	86%
N=	2	1	47	50	100%

From the data in Table 1 only the two investigation officers have a secondary qualification whilst the other 48 (96%) of the participants have either a diploma or degree. From these participants, five (10%) were from the Department of Justice, two (4%) from the South African Police Services, three (6%) from the Child Welfare organisation and 40 (80%) from the Department of Social Development. All the participants have experience in service delivering regarding child sexual abuse cases. All the social workers have only a BA degree in Social work. If one compares this information with Table 7, one of the factors causing delays regarding child sexual abuse cases according to the participants is not enough social workers who have specialised training in Forensic Social Work. Child sexual abuse cases are a very sensitive issue and as such they have to be handled very carefully and with specialized knowledge in the field of forensic social work (Grunder, 2014:40). Social workers, who have no specialized training in forensic assessments, find it difficult to act as an expert witness in court. In research done by (Grunder, 2014:43-44) she mentioned that testifying in court can be very stressful and demanding. It is,

therefore, so important that professionals need specialised training. According to Carstens (2006:185), “the legal system needs competent, qualified experts who can deal with complexities in the courtroom”.

11.1.2 Years of experience working in organisation

Table 2: Years of experience

Number of years	Magistrate	Prosecutor	Investigation officer	Social worker	f	f
1-2 Years		2	1	15	18	36%
3-6 Years	2		1	24	27	54%
7-10 years			1	3	3	6%
11-15 years				1	1	2%
16 years and more				1	1	2%
				N=	50	100%

From the results in the above Table most of the participants 32(64%) have between 3 to 16 years of experiences in their organisations. We can come to the conclusion that although most of the participants in this research are experienced and mostly senior people in their different organisations the participants according to Table 1 may not have specialised training in forensic work.

11.1.3 Wards responsible for

Table 3: Amount of wards

Wards	Magistrate	Prosecutor	Investigation officer	Social worker	f	100%
1 to 2 wards				37	37	74%
2 to 3 wards				2	2	4%
3 to 4				3	3	6%
All twenty wards	2	2	3	1	8	16%
				N=	50	100%

The social workers in this research (74%) were mostly working in wards 1 and 2 and 8 (16%) participants working in all twenty wards. According to the data received in Table 3 one may come to the conclusion that professionals such as the magistrates, prosecutors, investigation officers and the one social worker, working in all the 20 wards, are having huge areas to attend to. According to Muller and Hollely (2011:2) professionals such as magistrates and prosecutors usually have very heavy caseloads and very little time at their disposal.

11.1.4 Years of experience with sexual abuse cases

Table 4: Years of experience

Years	Magistrate	Prosecutor	Investigation officer	Social Worker	f	%
1-2 Years	1	1	1	22	25	50%
3-6 Years	1	1	1	18	21	42%
7-10 Years			1	1	2	4%
11-15 Years				1	1	2%
16 years and more				1	1	2%
				N=	50	100%

From the 50 participants, 25 (50%) have between three to sixteen years of experience with child sexual abuse cases. Only one (2%) of the prosecutors has more than 3 years of experience. According to Ntlatleng (2011:18) and Vieth, Bottoms and Perona (2006:16), prosecutors must be well trained with enough experience to interview sexually abused children. They must be able to ask questions that children can understand. They are also the role players in the forensic team that have the power to decide whether to reject or accept a case for prosecution and, therefore, it is so important that they have enough experiences in dealing with child sexual abuse cases (Hill, 2008:42; Ntlatleng, 2011:28-29). From these results 21 (48.9%) of the 43 social workers have more than seven years of experience. Although these participants have many years of experiences they still need specialised training.

In research done by researchers such as Grunder (2014), Kringlie (2010:73-74), Modise (2008:28) and Ntlatleng (2011:2-3) they all experienced that there are a general feeling that a lack of education is affecting the finalization of child sexual abuse cases. Some participants felt that social work students are not trained enough in the field of sexual abuse and also that they lack sensitivity. Professionals, according to Grunder (2014:29), “often lack accurate information vital to decision-making: the specific course that prosecution would take within the criminal justice system, the nature (and likelihood) of requirements that would be imposed on the victim, and the incidence of successful resolution of the case”.

11.1.5 Sexual abuse cases registered at that stage

Table 5: Cases registered

Position	F
Magistrate	29
Prosecutor	29
Investigation officer	103
Social Worker	150
N=	311

11.1.6 Cases not yet finalised

Table 6: Cases not finalised

Position	F
Magistrate	29
Prosecutor	29
Investigation officer	103
Social Worker	122
N=	283

According to the data in Tables 5 and 6 the 50 participants have 311 child sexual abuse cases between them at this stage with 238 cases not yet finalised. This is only the child sexual abuse cases and does not include the other cases that they are dealing with. In research done by Ntlatleng (2011:26-27) regarding

circumstances that influence the finalisation of sexual abuse cases in Tembisa, she came to the conclusion that the role players in child sexual abuse cases are understaffed with high caseloads which makes the conviction process to take very long. Like in this research in the OR Tambo district, the prosecutors in Tembisa have to take care of 9 stations. The social workers' situation is even worse.

Most social workers in South Africa, as well as the social workers in this research, do generic social work which means that they have many roles to fulfil. They have to do clinical social work, group work as well as community development and like the social workers in this research, they also have to do forensic assessments that they are not trained for. Therefore, there is an urgent need for qualified social workers in the field of sexual abuse who can assist the sexually abused child in order to get larger conviction rates (Grunder, 2014:51; Ntlatleng, 2011:27; Mabusela, 2013:37).

According to Delport, Roux and Rankin (2008:307), all social workers in the rural areas of South Africa, like these in the North West Province, struggle with heavy caseloads. Although the procedures of handling sexual abuse cases are very long and not many social workers are trained to handle these cases, social workers have a responsibility towards their clients and the community to deliver their best service to the community as well as the sexual abused child in the shortest time (Roux, Bungane & Strydom, 2010:307).

11.1.7 Court type

It was important to know in which courts the different participants usually appear in the OR Tambo district, especially the social workers.

Table 7: Court type N=50

	Children's court	Sexual offences court
Magistrate	1	1
Prosecutor	1	1
Investigating officer	2	1
Social worker	40	1

Missing=2

From the above mentioned results, it is obvious that only one (2%) magistrate one prosecutor and one (2%) of the social workers appear in the sexual offences court. All of the social workers are dealing with sexual abuse cases but not all the social workers take these cases through to the criminal court. In research done by Grunder (2014:28) with social workers to explore reasons why they do not finalise child sexual abuse cases it was found that not all forensic social workers are willing to testify in court especially the Sexual Offences Court.

11.2 Experiences of participants regarding delays in the conviction process of child sexual abuse cases

11.2.1 Extend of unnecessary delays

A question was asked what are the participant's experiences regarding unnecessary delays in child sexual abuse cases.

Table 8: Unnecessary delays N=50

	None	Rarely	Sometimes	Frequently	Commonly
Magistrate			1	1	
Prosecutor				1	1
Investigation officer			1		2
Social worker	1	4	20	9	9
Total=	1	4	22	11	12

According to Table 8, most of the participants 22 (44%) answered sometimes and 22 (44%) frequently and commonly. The problem of unnecessary delays was also experienced by one magistrate, prosecutors, two investigation officers and sixteen social workers who answered frequently or commonly. We can come to the conclusion that almost half of the participants in this research experienced unnecessary delays regarding the conviction process in child sexual abuse cases in the OR Tambo district. The results in the research of Kringlie (2010:60), correlates with the results in this research to some extent, because 50% of all responders in the research of Kringlie felt that some amount of unnecessary delays did occur.

According to the United Nation's guidelines on justice matters concerning child victims and witnesses of crime (UNICEF, 2005) delays in the conviction process are

only acceptable when it is in the child’s best interest. According to Ewing (2007:291) and Meissner (2012:1), a delay in the conviction process is not honouring the best interests of the child and, therefore, it is crucial for the justice process to be concluded in the shortest possible time whilst protecting the rights of the child.

11.2.2 Court meets time standards in child sexual abuse cases

A question was asked to what extent the participants experience that the court meets time standards in child sexual abuse cases in the OR Tambo district.

Table 9: Meets time standard N=49

	Magistrate	Prosecutor	Investigati on officer	Social worker	F	%
1. Rarely meets standards	1			3	4	8%
2. Sometimes meets standards	1	2	2	31	36	72%
3. 50-70% of time meets standards			1	5	6	12%
4. 70-90% of time meets standards				2	2	4%
5. 90-100% of time meets time standards				1	1	2%

Missing=1

According to the results in Table 9, one magistrate and three social workers (8%) are of the opinion that the court rarely meets time standards. According to 70% of the respondents the courts meet time standards only sometimes. One can come to the conclusion that in the OR Tambo district there are problems regarding the time standards that the court in this area, meet regarding the conviction process in child sexual abuse cases. The American Professional Society on the Abuse of Children (APSAC) practice guidelines for forensic assessment recommend that interviews should be conducted as close to the incident as possible whilst the impact of any delays in the interview process should be cautiously considered (Laraque *et al*, 2006:1142). Time standards are an important factor during the justice process.

11.2.3 Time from scheduled court appearance till the case is called in court

A question was asked to participants on average how much time do they wait from the scheduled time of court appearance or hearing in child sexual abuse cases to the actual time when the case is called in the court? The following answers were received:

Table 10: Time scheduled to case called in court N=50

	Magistrate	Prosecutor	Investigati on officer	Social worker	F	%
0-10 Minutes	1	2		1	4	8%
10-15 Minutes			2	10	12	24%
15-30 Minutes	1			18	19	38%
30-60 Minutes			1	7	8	16%
60 Minutes or more				7	7	14%

From the above data 32% of the participants experienced a high level of commitment. According to them they experienced that in less than 15 minutes of the time scheduled for court appearance, the case is called in court. Twenty one (42%) of the participants experienced it between 15 to 30 minutes. These results correlate to a large extent with the results of the research done by Kringlie (2010:63) where it was found that 47% of all participants found a “high level of commitment”.

11.3 Specific factors causing delays in child sexual abuse cases

The last close-ended question was to what extent the following factors cause delays in the conviction process regarding child sexual abuse

11.3.1 Extent of factors that cause delays in court

Table 11: Factors causing delays

	Always	Sometimes	Not at all	Missing	N
1. Inadequate time set aside to do the investigation	9	39	1	1	50
2. Child not represented in court	11	34	4	1	50
3. Child not able to testify in court	9	38	1	2	50
4. Conflict of court calendar	1	24	22	3	50

5. Inexperience of social workers	3	19	28	0	50
6. Inexperience of investigating officers	3	25	21	1	50
7. Incomplete reports of investigating officers	0	24	25	1	50
8. Incomplete reports of social workers	0	12	37	1	50
9. Lack of knowledge regarding child sexual abuse	3	37	8	2	50
10. More training in handling child sexual abuse cases	22	20	8	0	50
11. Not enough social workers who have specialised training in Forensic Social Work	40	7	2	1	50
12. Too many cases to handle	12	33	4	1	50
13. Continued delays of court proceedings	15	31	2	2	50
14. Delays of the assessments reports from the social workers	8	30	11	1	50
15. Incomplete reports from the doctors	2	34	13	1	50
16. Doctors' reluctance to testify in court	4	39	6	1	50
17. Not enough evidence to prosecute	10	35	2	3	50
18. Not enough prosecutors	5	37	7	1	50
19. Late DNA results	36	13	1	0	50
20. Absence of coordination between the different role players in child sexual abuse cases	14	28	4	4	50

According to the data received from the 50 respondents the most important specific factors causing delays in the conviction process regarding child sexual abuse in the OR Tambo district are:

- Not enough social workers who have specialised training in Forensic Social Work (80%).

- Late DNA results (72%).
- More training in handling child sexual abuse cases (44%).
- Continued delays of court proceedings (30%).
- Absence of coordination between the different role players in child sexual abuse cases (28%).
- Too many cases to handle (24%).
- Not enough evidence to prosecute (20%).
- Child not able to testify in court (18%)

11.3.2 Not enough social workers

The most important factor causing delays in the conviction process in child sexual abuse cases according to the participants is a shortage of social workers and too many cases to handle. According to Kopane (2011) cited in Calitz (2013:32) there are at least 60 000 social workers needed to implement the Children's Act, 38 of 2005 (South Africa, 2005). Because South Africa has a shortage of social workers these social workers have to cope with large caseloads as seen in the results in this research of Table 5. The fact that role players such as investigation officers, social workers and prosecutors in child sexual abuse cases are understaffed can lead to burn-out among them (Calitz, 2013:195; Ntlatleng, 2011:26). What worsened this problem is that many social workers do not want to work in rural areas such as the Eastern Cape (Chitereka, 2009:32).

11.3.3 DNA results

Late DNA results are another factor mentioned by the participants. According to Ewing (2007:289), DNA results are only conducted by the government forensic laboratory in Pretoria. There was a backlog of samples for testing at the laboratory according to Ewing in 2007 which can take up to 12 weeks or more for a test to come through. The duration of DNA results at the laboratory and the lack of enough evidence makes the finalization of sexual abuse cases to be very long (Ntlatleng, 2011:29).

11.3.4 Training in handling child sexual abuse cases

As already discussed South Africa urgently needs social workers with a specialized training in Forensic Social work (Grunder, 2014:52; Mabusela, 2013:37; Ntlatleng, 2011:28; Vizard, 2013:511). Forensic Social Work is a specialised part of social work and is recognised by the South African Council for Social Service Professions (2010:1) as a special field of social work which “focuses on the interface between society’s legal and human systems and is characterized by the social worker’s primary function of providing expert testimonies in courts of law with the primary client being the judiciary system”. The need for more training not only for social workers but also for the other role players in the field of child sexual abuse is needed. Inadequate training of the role players has an effect on dealing with these cases (Ntlatleng, 2011:29). According to Faller (2007), law enforcement personnel are more likely to be trained in interrogation of adults than interviewing of children.

11.3.5 Continued delays of court proceedings

In the research done by Grunder (2015:39), the participants mentioned that court procedures take a very long time. According to Ewing (2007:290), in a survey of opinions of the National Prosecuting Authority, they found that one of the prime causes of dissatisfaction was lengthy delays in trials.

11.3.6 Coordination between the different role players

From the data received in this research 30% of the respondents answered “always” and 56% answered “sometimes” to indicate that they wanted coordination between the different role players in the field of child sexual abuse. According to Lotter (2004:129), cooperation between the multi-professional team in child sexual abuse cases must be encouraged. Schiller and Spies (2006:36-47) on the other hand found in their research that a multidisciplinary approach to sexual abuse cases fails in practice because nobody wants to take responsibility to co-ordinate the services and multi-professional teams. According to research done by Cussons (2011:14-16), she experienced that doctors and psychologists want to get involved but they do not want to put anything in writing. The social workers in this research of Cussons preferred to have more cooperation of other professionals than only their colleagues in social work.

11.3.7 Child not able to testify

There are many reasons why a child is not able to testify in court and two of the most important reasons are language barriers during the court proceedings and the age of the child. According to Faller (2007:170) and Truter (2010:13), when the first language of the child and the language of the interviewer differ, a barrier to accurate communication may arise. To handle this problem a definite need exist for language interpreters during the forensic interviews. According to Zaal (2003:166) the use of language interpreters is one of the primary methods of overcoming differences during child sexual abuse court cases.

The age of the child can be another reason for not testify. According to Lawrence and Janse van Rensburg (2006:136-137), whenever it appears to the court that any witness under 18 years experiences stress or suffering if he or she testifies, the court may appoint a competent person as an intermediary in order to enable such child to give his or her evidence through that intermediary. The younger the child the greater the possibility that the court will grant the application.

12. SUGGESTION FROM PARTICIPANTS REGARDING REDUCING UNNECESSARY DELAYS

The researcher asked an open-ended question asking the participants to give recommendations on how unnecessary delays in the conviction process regarding child sexual abuse cases in the OR Tambo district can be reduced. The participants gave the following suggestions:

12.1 Suggestions from the legal team

Some of the suggestions mentioned by these participants were:

- “Cases must be attended immediately”.
- “Judgement by magistrates must be attended immediately”.
- “The case must not take more than two years”.
- “If there is full evidence, the magistrate should make sure that the case is finalised within the period of three to six months”.
- “Employment of forensic social workers can reduce delays because they have special skills to investigate these cases”.

- “Specialisation in child sexual abuse cases is needed in all Departments and organisations”.
- “To get fast DNA results”.
- “The court preparation officer must always prepare the child before appearing in court”.

12.2 Suggestions from the social workers

Some of the suggestions mentioned by these participants were:

- “The reporter and the victim must have access to information of the case”.
- “It must take not more than six months for the case to be convicted otherwise the child will forget the details regarding the sexual abuse. Role players must attend to these cases immediately because there is the risk of the child being sexually abused again. Reports must be completed immediately”.
- “There must be follow up services for the child”.
- “The OR Tambo district must employ trained forensic social workers.”
- “The district needs experienced and trained magistrates, prosecutors and investigators regarding child sexual abuse. Role players who understand the child and the child’s development”.
- “A specialised unit at the Justice Department is needed who is only responsible for sexual abuse cases. With this unit role players will never encounter any delays”.
- “Availability of all evidence including the DNA results”.
- “Workshops to gain more knowledge and discuss challenges about service delivery to sexually abused children”.
- “Government Departments and NGO’s must prioritise sexual abuse cases”.
- “The establishment of sexual offence court”.
- “A multi-disciplinary team who work together is needed”.
- “Prosecutors must not take cases from the roll”.

With all the information received from the participants regarding factors contributing to delays in the conviction process of child sexual abuse in the OR Tambo district, the researcher wants to make the following recommendations to the different Departments and NGO’s in the OR Tambo district.

13. RECOMMENDATIONS

- The relevant Departments and NGO's in the OR Tambo district should employ more magistrates, prosecutors, investigating officers as well as social workers, all with specialised training in dealing with sexually abused children if they want to serve the best interest of the child.
- A specialised unit at the Justice Department who are only there for child sexual abuse cases must be implemented. With this unit role players will never encounter any delays in the conviction process of child sexual abuse cases in the OR Tambo district.
- A multi-professional team approach, which includes team members such as forensic social workers, medical doctor, legal representatives such as a magistrate, prosecutor and investigation officers as well as a psychologist would decrease delays in the conviction process and assure a higher conviction rate.
- Delays at the forensic laboratory of the government should receive urgent attention.
- There should be more workshops to gain more knowledge and discussions regarding new research in the field of child sexual abuse.
- Bursaries for social workers to attend the Master's degree in Social Work: Forensic Practice at the North-West University, Potchefstroom Campus should be available for social workers.

14. CONCLUSION

This research study involved 50 participants from the OR Tambo district that have experience in service delivery of sexually abused children. The main goal of this research was to explore the factors contributing to delays in the conviction process of child sexual abuse in the rural areas of the Eastern Cape Province. The research sample included social workers, magistrates, prosecutors and investigation officers from the OR Tambo district.

Various factors were identified that contribute according to the participants to delays in the conviction prices of the sexually abused child. The most important factor identified by the respondents was role players with no specialised training in forensic assessments. All the social workers in this research had only a BA degree

and no post graduate degree in Forensic Practice. There is a desperate need for more training not only for social workers but also for the other role players in the field of child sexual abuse to contribute in promoting the best interest of the child.

Another factor that has an influence in the conviction process is the continued delays of court proceedings. According to the participants that court procedures take a very long time. In some situations it takes 60 minutes from the time the case is scheduled for court appearance until the case is called in court. This situation is evaluated negatively by the participants have an influence in the conviction process.

Better coordination between the different role players was mentioned by the participants. Almost 80% of the participants wanted a better coordination between the different role players in the field of child sexual abuse in the OR Tambo district. Cooperation between the multi-professional team in child sexual abuse cases must be encouraged to serve the best interest of the sexually abused child (Lotter, 2004:129).

Kringlie (2010) came to the conclusion in her research that delay not only defeats the very purpose of the courts but delay in child abuse cases often irreparably harms the child's continuity of relationships with family and community, their trust in the system meant to protect them and their very sense of self-worth. "Considering a child's vulnerability and the critical elements of childhood development that hang in the balance of these decisions, the court's attention to the causes and solutions of case delay must be of paramount concern and focused on-going attention".

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ANNEXURE 1: ETHICAL PERMISSION



Private Bag X6001, Potchefstroom
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**Institutional Research Ethics Regulatory
Committee**
Tel +27 18 299 4949
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ETHICS APPROVAL CERTIFICATE OF PROJECT

Based on approval by Health Research Ethics Committee (HREC), the North-West University Institutional Research Ethics Regulatory Committee (NWU-IRERC) hereby approves your project as indicated below. This implies that the NWU-IRERC grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the project may be initiated, using the ethics number below.

Project title: Factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the Eastern Cape	
Project Leader: Dr AA Roux	
Ethics number:	N W U - 0 0 3 3 6 - 1 5 - A 1 <small>Institution Project Number Year Status</small> <small>Status: S = Submission; R = Re-Submission; P = Provisional Authorisation; A = Authorisation</small>
Approval date: 2015-11-25	Expiry date: 2016-10-30
Risk	Medium

Special conditions of the approval (if any): None

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following:

- The project leader (principle investigator) must report in the prescribed format to the NWU-IRERC:
 - annually (or as otherwise requested) on the progress of the project,
 - without any delay in case of any adverse event (or any matter that interrupts sound ethical principles) during the course of the project.
- The approval applies strictly to the protocol as stipulated in the application form. Would any changes to the protocol be deemed necessary during the course of the project, the project leader must apply for approval of these changes at the NWU-IRERC. Would there be deviations from the project protocol without the necessary approval of such changes, the ethics approval is immediately and automatically forfeited.
- The date of approval indicates the first date that the project may be started. Would the project have to continue after the expiry date, a new application must be made to the NWU-IRERC and new approval received before or on the expiry date.
- In the interest of ethical responsibility the NWU-IRERC retains the right to:
 - request access to any information or data at any time during the course or after completion of the project;
 - withdraw or postpone approval if:
 - any unethical principles or practices of the project are revealed or suspected,
 - it becomes apparent that any relevant information was withheld from the NWU-IRERC or that information has been false or misrepresented,
 - the required annual report and reporting of adverse events was not done timely and accurately,
 - new institutional rules, national legislation or international conventions deem it necessary.

The IRERC would like to remain at your service as scientist and researcher, and wishes you well with your project. Please do not hesitate to contact the IRERC for any further enquiries or requests for assistance.

Yours sincerely

**Prof LA
Du Plessis**

Digitally signed by Prof LA Du Plessis
DN: cn=Prof LA Du Plessis, o=North-West University, ou=Campus Rector,
email=Linda.DuPlessis@nwu.ac.za,
c=ZA
Date: 2015.12.10 12:21:15 +0200

Prof Linda du Plessis
Chair NWU Institutional Research Ethics Regulatory Committee (IRERC)

ANNEXURE 2: CONSENT DEPARTMENT OF JUSTICE



the doj& cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

MAGISTRATE COURT: PORT ST JOHNS

**P/BAG X1006, PORT ST JOHNS, 5120
TEL NO :0475641117/20**

ENQUIRIES: MR TSHOZI
REF NO: 2/1/5
EMAIL: TTshozi@justice.gov.za

17 February 2015

THE NORTH WEST UNIVERSITY
RESEARCH DEPARTMENT

**SUBJECT: PERMISSION TO CONDUCT RESEARCH BY N. JIYA STUDENT
NUMBER : 23910666.**

The Department of Justice is giving permission to the above candidate who is busy with her Master Degree in Forensic Social Worker to conduct research study on the delays of Child Sexual Abuse Cases in Port St Johns District Court.

Regards

T. Tshozi

A handwritten signature in black ink, appearing to be 'T. Tshozi', written over a horizontal dotted line.

.....
ACTING CONTROL MAGISTRATE





Private Bag X1006, Port St Johns 5540

2015 -02- 17

ONE

ANNEXURE 3: CONSENT SOUTH AFRICAN POLICE SERVICE

South African Police Service		Suid Afrikaanse Polisie
P. O. Box Postbus	3 Port St Johns	Fax N° Faks N° (047 564 1483)
Reference / Verwysing	Brigadier Majikjela	THE OFFICE OF THE CLUSTER COMMANDER SOUTH AFRICAN POLICE SERVICE PORT ST JOHNS EASTERN CAPE
Enquiries / Navraag		2015-03-03
Tel. No	(047 564 1540)	
E-mail / E-pos	EC:Port St Johns Cluster Commander	
The North West University Research Department		
PERMISSION TO CONDUCT RESEARCH BY MISS N. JIYA: STUDENT NUMBER 23910666		
<p>1. The Department of South African Police Service is giving permission to the above mentioned candidate who is busy with her Master Degree in Forensic Social Worker to conduct research study on the delays of Child Sexual Abuse Cases in Port St Johns District Court.</p> <p>2. Thank you</p> <p style="text-align: right;"> CLUSTER COMMANDER: PORT ST JOHNS N.V. MAJIKJELA 2015-03-03</p>		

ANNEXURE 4: CONSENT DEPARTMENT SOCIAL DEVELOPMENT



Province of the
EASTERN CAPE
SOCIAL DEVELOPMENT
Ground Floor – Port St John's service Office – Private Bag X102 –Port St John's 5120
REPUBLIC OF SOUTH AFRICA Tel: +27 (0)47 5641239 · Fax: +27 (0)47 5641239 · Email address
nomakholwa.vinindwa@socdev.ecprov.gov.za: Website: www.socdev.ecprov.gov.za

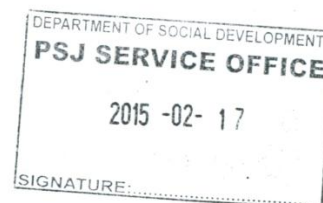
Enquiries: N. VININDWA
Date: 17/02/2015

THE NORTH WEST UNIVERSITY
RESEARCH DEPARTMENT

SUBJECT: PERMISSION TO CONDUCT RESEARCH BY N.JIYA WITH A STUDENT NUMBER 23910666

The Department of Social Development and special programmes is giving permission to the above mention person who is busy with her Master Degree in Forensic Social Worker to conduct research study on the delays of Child Sexual Abuse Cases in Port St Johns

Yours faithfully
Miss N. Vinindwa
.....
Service Office Manager



ANNEXURE 5: QUESTIONNAIRE

TITLE OF RESEARCH: Factors contributing to delays in the conviction process of child sexual abuse cases in a rural area of the OR Tambo district

CANDIDATE: NE JIYA

STUDY LEADER: Dr AA Roux

CO-STUDY LEADER: Prof CC Wessels

Questionnaire number:

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INTRODUCTION

The researcher will use a partially self-constructed court delays questionnaire derived from an existing and adapted questionnaire used by Kringlie (2010) in a similar study of child sexual abuse case management in North Dakota. The aim of this rural study was to obtain an accurate and detailed picture of how well the criminal justice system is doing in meeting its obligation to deliver justice in a timely manner. The aim of this research is to explore and describe the factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the OR Tambo district in order to formulate recommendations on how to prevent delays in the conviction process of child sexual abuse cases in OR Tambo district in enhancing the convictions rates of perpetrators on child sexual abuse cases.

The definition of the concept delay in this research is: “a situation in which something happens later than it should or the amount of time that you must wait for something that is late (Merriam-Webster Dictionary).

- Please answer all questions by putting a cross (x) in the block next to your answer
- All questions will be dealt with anonymously. It is therefore not necessary to include your name.

The information will assist the researcher to identify factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the OR Tambo district.

A. PARTICIPANT DEMOGRAPHIC INFORMATION

1. What is your functional position in the OR Tambo district (**Cross only one box**)

Magistrate	Prosecutor	Investigating officer	Social Worker
1	2	3	4

2. What is your highest qualification? (**Cross only one box**)

Secondary qualification (Specify which grade)	Diploma (Specify in what)	Degree (Like BA, LLB- Specify which degree)	Master degree (Like MA in SW Specify)	Doctor degree/ PhD	Other (specify)
1	2	3	3	5	5

3. Which Department/Organisation are you working for? (**Cross only one box**)

Department/Organisation	
Dept. of Justice	1
South African Police Service (SAPS)	2
Dept. of Social Development	3
Child Welfare	4

4. How long have you been working in this department/organisation? (**Cross only one box**)

Number of years	
1-2 Years	1
3-6 Years	2
7-10 years	3
11-15 years	4
16 years and more	5

5. For how many of the 20 wards in the OR Tambo district are you responsible?
(Cross the appropriate box)

Amount of Wards	
1 to 2 wards	1
3 to 4 wards	2
5 to 7 wards	3
8 to 9 wards	4
10 to 11 wards	5
12 to 13 wards	6
14 to 15 wards	7
16 to 17 wards	8
18 to 19 wards	9
All 20 wards	10

6. How long have you been dealing with cases of child sexual abuse? (Cross only one box)

Number of years	
1-2 Years	1
3-6 Years	2
7-10 years	3
11-15 years	4
16 years and more	5

7. Approximately how many cases of child sexual abuse do you handle at this stage?

Number of cases

8. How many of your cases mentioned in question 7 are not yet finalised?

Number of cases

**FACTORS CONTRIBUTING TO THE DELAY OF CHILD SEXUAL ABUSE CASES
IN THE OR TAMBO DISTRICT**

9. In which court type or types do you commonly appear in the OR TAMBO district court? **(Cross the appropriate box)**

Children’s Court (1)	Sexual offences court (2)	Juvenile Court (3)
---------------------------------	--------------------------------------	-------------------------------

10. According to your experience to which extend do you believe unnecessary delays in child sexual abuse cases occurs? **(Cross only one box)**

None	Rarely	Sometimes	Frequently	Commonly
1	2	3	4	5

11. According to your experience to which extend does the court meets time standards in child sexual abuse cases in the Port St Johns district court? **(Cross only one box)**

Rarely meets standards	1
Sometimes meets standards	2
50-70% of time meets standards	3
70-90% of time meets standards	4
90-100% of time meets time standards	5

12. On average how much time do you wait from the scheduled time of the court appearance or hearing in child sexual abuse cases to the actual time when the case is called in the Port St Johns district court? **(Cross only one box)**

0-10 minutes	1
10-15 minutes	2
15-30 minutes	3
30-60 minutes	4
60 minutes or more (Specify on average how much time)	5

13. In your experiences to what extent do the following factors cause delays in child sexual abuse cases in the Port St Johns district?

	Always (1)	Sometimes (2)	Not at all (3)
1. Inadequate time set aside to do the investigation			
2. Child not represented in court			
3. Child not able to testify in court			
4. Conflict of court calendar			
5. Inexperience of social workers			
6. Inexperience of investigating officers			
7. Incomplete reports of investigating officers			
8. Incomplete reports of social workers			
9. Lack of knowledge regarding child sexual abuse			
10. More training in handling child sexual abuse cases			
11. Not enough social workers who have specialised training in Forensic Social Work			
12. Too many cases to handle			
13. Continued delays of court proceedings			
14. Delays of the assessments reports from the social workers			
15. Incomplete reports from the doctors			
16. Doctors' reluctance to testify in court			
17. Not enough evidence to prosecute			
18. Not enough prosecutors			
19. Late DNA results			
20. Absence of coordination between the different role players in child sexual abuse cases			
23. Other factors (Please specify)			

14. Please give any suggestions you may have for reducing unnecessary delays in sexual abuse cases in the Port St Johns district?

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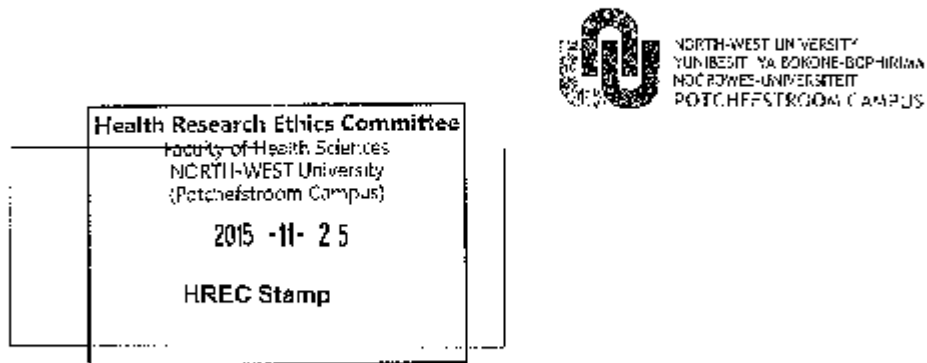
Thank you for participating in this research.

Ms N Jiya

MA-STUDENT IN SOCIAL WORK: FORENSIC PRACTICE, NORTH-WEST UNIVERSITY, POTCHEFSTROOM CAMPUS

ANNEXURE: 6: INFORMED CONSENT

ATTACHMENT 5: PARTICIPANT INFORMATION LEAFLET AND CONSENT FORM



PARTICIPANT INFORMATION LEAFLET AND CONSENT FORM

TITLE OF THE RESEARCH PROJECT: Factors contributing to delays in the conviction process of child sexual abuse cases in a rural area of the OR Tambo district

REFERENCE NUMBER: 23940666

STUDENT: Miss N Jiya

ADDRESS: Second Beach Road, Port St Johns

CONTACT NUMBER: 073 676 2838

You are being invited to take part in a research project that forms part of my masters study (*Masters of Social Work in Forensic practice*). Please take some time to read the information presented here, which will explain the details of this project. Please ask the researcher any questions about any part of this project that you do not fully understand. It is very important that you are fully satisfied that you clearly understand what this research entails and how you could be involved. Also, your participation is entirely voluntary and you are free to decline to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part.

This study has been approved by the **Health Research Ethics Committee of the Faculty of Health Sciences of the North-West University (NWU-00336-15-S1)**

and will be conducted according to the ethical guidelines and principles of the international Declaration of Helsinki and the ethical guidelines of the National Health Research Ethics Council. It might be necessary for the research ethics committee members or relevant authorities to inspect the research records.

What is this research study all about?

- This study will be conducted at a location which you prefer and will involve the completion of a questionnaire by e-mail. Participants from the Departments of Justice, Social Development, the South African Police service and Child Welfare Organisation will be included in this study. **The total number of participants will be 53.**
- The objectives of this research are:
 - To explore the factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the OR Tambo district by using a questionnaire as research method in order to obtain an understanding of potential factors that might influence the delays in cases of child sexual abuse in the OR Tambo district.
 - To make recommendations how to prevent the delays of sexual abuse cases in the OR Tambo district in order to enhance the convictions rates regarding perpetrators on the sexually abused children.

Why have you been invited to participate?

- You have been invited to participate because you are dealing with child sexual abuse cases and your experience can make a valuable contribution to this study.
- You have also complied with the following inclusion criteria:
 - You speak English and have experience with child sexual abuse cases including at least one that was delayed.
 - You will be excluded if you do not work with child sexual abuse cases and delays.

What will your responsibilities be?

- *You will be expected to sign the* participant information leaflet and consent form and participate in completion of a questionnaire. You will be invited to share your experiences and views on the delays of child sexual abuse cases in the **OR Tambo** district. The completion of the questionnaire will be between 15-30 minutes. The answers received from questionnaires will be used to complete a Masters in Social work in Forensic Practice dissertation at the North-West University Potchefstroom Campus.

Will you benefit from taking part in this research?

- There will be no direct benefit to you from participating in this study. Your participation will help the researcher in exploring and identifying the factors contributing to the delays on sexual abuse cases in **the OR Tambo** district. Your participation can assist in results that can possibly contribute to making recommendations how to reduce delays of child sexual abuse cases in this district in order to enhance the convictions rates of perpetrators on child sexual abuse cases.

Are there risks involved in your taking part in this research?

- There are risks associated with participating in this research. Discomfort may arise due to the content of the questions asked and the fact that you may want to share information that involve colleagues or people known to you. You are assured that all information given by you will be held in strict confidence and will be used for the purpose of this study only. No personal identification will be revealed when the information is used. The researcher is ethically obliged to ensure that she is competent, honest, and adequately skilled to undertake the proposed research study.

What will happen in the unlikely event of some form of discomfort occurring as a direct result of your taking part in this research study?

Should you have the need for further discussions after the completion of the questionnaire an opportunity will be arranged for you to consult a senior social

worker at a NGO or a therapist without any costs. The benefits in this study outweigh the risks.

Who will have access to the data?

Your right to decide when, where, to whom, and to what extent, you disclose your views and experiences will be respected. Reporting of the findings will be anonymous and no private information of you will be given to the public. The completion of the questionnaire must take place in a safe and private environment such as your office. You will be allocated a number, beforehand such as participant 1, instead of using your name to maintain confidentiality. Only the researcher and the research's study leader will have access to the analysed data.

What will happen with the data?

Data will be kept safe and secure by locking the completed questionnaires in a locked cabinet in the researcher's office. All statistical data on the researcher's computer will be password protected. Data will be stored for five years as per requirement of the NWU at the office of the secretary at the Social Work Division of the Potchefstroom Campus of the North-West University in a locked cabinet where no one will have access to it where after it will be shredded by the University.

Will you be paid to take part in this study and are there any costs involved?

No, you will not be paid to take part in the study and there will thus be no costs involved for you.

Is there anything else that you should know or do?

- You can contact the researcher at the contact number provided or the research supervisor Dr AA Roux if you have any further queries or encounter any problems.
- You can also contact the Health Research Ethics Committee via Mrs Carolien van Zyl at 018 299 2089 or carolien.vanzyl@nwu.ac.za if you have any concerns or complaints that have not been adequately addressed by the researcher.

- You will receive a copy of this information and consent form for your own records.

How will you know about the findings?

- The findings will be shared with the manager of your department. The researcher will also send a report to the managers with the results
- The manager will share the data with you regarding the report.
- The data will also be published in the journal: ***Social Work/Maatskaplike Werk.***

Thank you for your time and consideration in this matter.

Yours sincerely,

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Mrs N Jiya

Tel. no: 047 564 1239
Cell no: 073 675 2638
Email address: ntombijiyaz@gmail.com

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Dr AA Roux

Tel. no: 018 290 5760
Cell no: 082 704 3922
Email address: adrie.roux@nwu.ac.za

CONSENT OF PARTICIPANT

Declaration by participant

By signing below, I agree to take part in a research study entitled: ***Factors contributing to delays in the conviction process of child sexual abuse cases in the rural areas of the Eastern Cape***

I declare that:

- I have read this information and consent form and it is written in a language with which I am fluent and comfortable.
- I have had a chance to ask questions the researcher and all my questions have been adequately answered.
- I understand that taking part in this study is **voluntary** and I have not been pressurised to take part.
- I may choose to leave the study at any time and will not be penalised or prejudiced in any way.
- I may be asked to leave the study before it has finished, if the researcher feels it is in my best interests, or if I do not follow the study plan, as agreed to.

Signed at (*place*) on (*date*)
20.....

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Signature of participant

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Signature of witness