

**GUIDELINES IN SUPPORTING THE SEXUALLY ABUSED ADOLESCENT WHO
TESTIFIES IN COURT**

by

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submitted in part fulfilment of the requirements for
the degree of

**MASTER OF DIACONIOLOGY
(DIRECTION: PLAY THERAPY)**

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: MRS. I. SCHRÖDER

NOVEMBER 2007

DECLARATION

Student number: 3676-807-3

I declare that GUIDELINES IN SUPPORTING THE SEXUALLY ABUSED ADOLESCENT WHO TESTIFIES IN COURT is my own work and that all the sources I have used or quoted have been indicated and acknowledged according to standard requirements.

SIGNATURE

(Mrs. C. Fourie)

DATE

Dedicated to:

My dad, Johan, who will always be my biggest hero...

My mom, Ingrid, who taught me the meaning of unconditional love...

My unbelievable grandparents, Oupa Hannes and Ouma Engela van Zyl and Ouma Christine Kriek who have taught me so much... without your love, support and prayers my life would have been so empty...

My husband, Burton, my best friend and soul mate, you are a true companion through this journey of life...

My brothers, Hannes and André, you mean the world to me... to both of you: your personal dedication to your own studies was part of the inspiration from dear ones who encouraged me.

ACKNOWLEDGEMENTS

Sincere thanks to my husband, Burton, for never putting any pressure on me when choices had to be made, for accepting an untidy house, empty fridge and an unmade bed for so long. Thank you for your unwavering belief in me.

My mom and dad, who were always there when I needed encouragement and support. Firstly I want to thank them for paying for my tuition throughout all my years of study. It is the most endearing gift I have ever received and it surely inspired me to develop into the person I now am. Also to my dad, for saying he'll only love me more whether I fail or pass: your belief in me over the years has helped me to believe in myself. My mom, for everything... I cannot even begin to thank you for all that you have done for and meant to me throughout my life.

My grandmother, Engela van Zyl, for proofreading my thesis and for all the hours she spent to assist me. You know words are never needed between us, but I want to thank you for your willingness to share this experience with me. It was a privilege to have you as a partner on this journey.

My grandfather, Hannes van Zyl, for supporting my grandmother with this endeavor and for being such an inspiration and example to me.

My brothers, Hannes and André, as well as Ilke, who were always willing to assist me.

My supervisor, Ilse Schröder, for her support and encouragement.

All my friends who always understood when I said I had to work on my thesis... and for still loving me although I was often not there in the past two years to be a friend to them.

EXPLANATION OF TERMINOLOGY USED

In the context of this study:

- (i) The male reference form of “he”, “him” and “himself” was utilised throughout this study, even though the participants in this study were all female. The researcher did not intend to discriminate with regard to sexuality, but considered this terminology most effective in order to ensure an easy flow throughout this document.

SUMMARY

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The researcher identified in her work as a social worker that sexually abused adolescents experience difficulties with testifying in court. The goal of this research was directed at developing guidelines to assist adolescents who have to testify in court.

The researcher utilised the qualitative research approach with an exploratory and descriptive nature. Semi-structured interviews were done with a sample of adolescents who have testified in court, a sample of parents or caregivers of adolescents who have testified in court and social workers working with adolescents who testify in court. These interviews were conducted to gain insight into how the research participants experienced the court process in order to formulate guidelines for adolescents who have to testify in court.

The researcher concluded that adolescents experience testifying in court as negative. Guidelines were developed from the information obtained from the research participants to support adolescents who has to testify in court.

KEY TERMS

ADOLESCENT

TESTIFY

PROSECUTOR

DEFENCE ATTORNEY

VICTIM

COURT

IN CAMERA

COURT PREPARATION

SEXUAL ABUSE

ACCUSED

PERPETRATOR

ACCUSATORIAL SYSTEM

GUIDELINES

CRIMINAL JUSTICE SYSTEM

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CHAPTER ONE

INTRODUCTION AND RESEARCH METHODOLOGY

1.1 INTRODUCTION

Child sexual abuse is prevalent both nationally and internationally in alarming proportions. Childline, a South African organisation working with children and adolescents who have been sexually abused, states that one in three girls and one in six boys in this country are sexually abused before they reach the age of eighteen. Even though these statistics indicate a high prevalence of sexual abuse, only 20% to 50% of cases are reported worldwide. This implies that not all cases of sexual abuse are heard in court and of those that go to court only 5% of offenders are convicted. These statistics indicate that the legal system is failing to convict most criminals who perpetuate sexual abuse against children and adolescents (Van Niekerk, 2006).

South African criminal procedures are based on the accusatorial system (Müller, 2004:11). The accusatorial system is a very formal and rigid system where the judge or magistrate should remain neutral throughout the case. The two opposing parties namely the prosecutor and the defence attorney, play aggressive roles in cross examining witnesses. This can result in the adolescent who is called as a witness, being exposed to this type of hostile questioning, which he can experience as severely traumatising. According to Lynch (2002:133) cross-examination is often utilised with the intention of discrediting the adolescent witness. Questions are often asked to confuse adolescents and are often misunderstood by them. Due to the formality of the court procedures adolescents may feel too scared or even embarrassed to state when they are not sure about a question that is being asked in court.

Müller (2004:25) states that there are various other difficulties adolescents may experience when they have to testify, which includes that they have to testify in the presence of strangers; unknown procedures are followed; the language that is used in court is formalistic and specialised; they often have to reveal embarrassing and

intimate detail and often the adolescents have to tell what happened to them in the presence of the accused. Stanton and Lochrenberg (in Combrinck & Skepu, 2003:12) add to the above by stating further problems that may be experienced by sexually abused adolescents who testify in court as prosecutors who do not consult with victims before the trial; prosecutors who do not involve and inform victims about decisions that are or will be taken; inadequate court preparation for victims before the trial; little or no information being provided to victims with regard to the progress of the court case; prosecutors not objecting to inappropriate cross-examination of the victim; a lack of private waiting facilities at court and long waiting periods between reporting the crime and appearing in court.

The researcher's experience of working with sexually abused adolescents who have testified in court supports these findings described by Müller (2004:25) as well as by Stanton and Lochrenberg (in Combrinck & Skepu, 2003:12). Various other authors confirm these findings about what adolescents experience during testifying, stating it to be traumatic and that it can lead to other difficulties they may experience in court. Martin (1992:332) highlights the importance for individuals working with adolescents who have been sexually abused, of realising that the trauma experienced by the victim does not stop when the abuse is identified, but that it may continue throughout the investigation of the case and the court procedures that follow.

For the purpose of this study the researcher wanted to interview sexually abused adolescents who have been through the process of testifying in court in order to confirm whether their experience supported existing literature, or if they could identify any other obstacles they experienced when they testified in court. The end goal of this study was to identify and formulate guidelines from the information obtained through interviews with the research participants in order to assist sexually abused adolescents who still have to testify in court.

1.2 PROBLEM AND RATIONALE FOR STUDY

1.2.1 Motivation for choice of research

There is a very high prevalence of sexual abuse world wide (Pendergrast, 1998:5). This implies that adolescents often need to testify in court as part of the procedures of the legal system.

In the researcher's experience as a social worker at Childline, adolescents often have to wait for a prolonged period of time before testifying, due to postponements of the court case and a backlog of the court role. This results in a drawn out process to finalise legal procedures which in turn is experienced as a stressful and uncertain period by the adolescent and his family. Due to this long process adolescents are expected to remember vivid details of their assault for up to two years after it has occurred and are often not able to reach closure and experience healing within a therapeutic environment during this period.

Testifying in open court can have a negative impact on adolescents and they may find the process so intimidating that many of them are simply silenced (Müller, 2004:25). Various changes have been introduced due to the fact that testifying in open court can be experienced as traumatic, in order to make courts more child friendly and accessible for children and adolescents. This includes that children, and sometimes adolescents, can give their testimony in a separate camera room with the assistance of an intermediary. This implies that the child or adolescent do not have to be present in the court room together with the alleged perpetrator and that they are not subjected to face to face cross-examination. Müller (2004:19) states that testifying with the assistance of an intermediary is available to children and adolescents if it can be proved to the court that undue stress will be experienced if they testify in open court. According to the researcher the South African legal system has not been devised to be child friendly and is a system that focuses mainly on adult's needs. Even with these reforms the researcher is of the opinion that adolescents still find court proceedings intimidating, challenging and frightening which is why the formulation of guidelines, which is the goal for this study, would benefit adolescents who still have to testify in court.

1.2.2 Problem formulation

According to Babbie and Mouton (2001:73) all research commences with the identification and clear formulation of a research problem. Fouché and De Vos (2005:103) name three factors that determine the way in which problem formulation occurs, namely, the unit of analysis, the research goal and the research approach.

Mouton (in Fouché & De Vos, 2005:103) states that the unit of analysis refers to what forms part of the study, or to the research participant from whom the researcher collects data and determines the way in which the problem is formulated. Fouché and De Vos (2005:104) further continue to assert that the selection of a unit of analysis happens automatically after the researcher identified the research problem. For the purpose of this research individual sexually abused adolescents were interviewed to obtain information about their experience of the court process in order to formulate guidelines for adolescents who still have to testify in court. In addition to this parents of adolescents who have testified in court, as well as social workers who work with adolescents who testify in court, were also interviewed.

According to Babbie (2005:115) the researcher needs to answer the following questions in order to formulate the research problem: What do you want to study? Why is it worth studying? Does this study have practical significance? Does this study contribute to social research? According to Müller (2004:26) sexually abused adolescents often have difficulty with testifying in court and the experience of testifying seems to cause secondary traumatisation for the victims. Due to the above it is the view of the researcher that this study had practical significance and contributed to social research by assisting the researcher to gain new insights with regard to difficulties adolescents experience when they testify in court. Through this study the researcher was thus able to formulate guidelines to support and assist sexually abused adolescents who have to testify in court.

According to Combrinck and Skepu (2003:7) the South African criminal justice system is adversarial in nature. Criminal trials can be seen as a two sided "*battle*" between the accused, which is represented by the defence attorney, and the state, represented by the prosecutor. The role of the judge or magistrate is a passive one

and he should “*intervene only to ensure that each party plays according to the rules*” (Combrinck & Skepu, 2003:7). The above implies that sexual abuse cases are treated as an offence against the state, and not as a dispute between the victim and the accused. As stated by Combrink and Skepu (2003:7):

The immediate effect of this is that the complainant in a sexual assault case is not party to the criminal trial. Despite the intensely personal nature of the crime, she is no more than a state witness. This implies, for example, that she does not have the right to legal representation at any stage of the proceedings. The prosecutor does not act as the victim’s representative; the prosecutor’s primary role is to assist the court in arriving at a just verdict and, in the event of a conviction, a fair sentence based upon the evidence presented.

Sexually abused adolescents can be affected in many ways through testifying in court. Bjerregaard (in Müller, 2004:26) mentions that psychologists are often of the opinion that psychological damage can be caused to adolescents when they testify in court. Psychological trauma can be linked to feelings such as intense fear, helplessness and loss of control due to experiencing violence (Herman, 2001:23). Blankenberg (1997:21) continues to state that testifying may lead to the adolescent who has been sexually abused feeling victimised. Studies have shown that testifying may have a negative impact on adolescents and cause further trauma, which may lead to them feeling embarrassed, nervous, and scared (Müller, 2004:27).

According to Kriel and Van der Merwe ([sa]:11) sexually abused adolescents are often subjected to threats of violence and intimidation by their perpetrator. In the researcher’s experience with sexually abused adolescents who have to testify in court these threats include statements such as “*if you tell, you will not be believed*”, “*I will kill you or your mother*” or “*you will break up the family and be sent to a children’s home*”. The above mentioned threats may lead to recantation of the alleged abuse by the adolescent after he has disclosed the abuse and can thus have far reaching implications on the legal process. Kriel and Van der Merwe ([sa]:14) agree that threats made by the perpetrator may lead to recantation of the abuse. This may result in sexually abused adolescents not being believed and court cases being dismissed.

Furthermore, adolescents may experience secondary trauma when they testify in court. Müller and Hollely (2000:12) state that South African courts are based on the accusatorial system where there is a confrontation between the prosecutor and the defence attorney, where each party tries to prove his own case and destroy that of the other by highlighting weaknesses. The prosecutor has to prove beyond reasonable doubt that a crime was committed whereas the defence attorney only has to create doubt. In sexual abuse cases this provides difficulties for abused adolescents as they have to testify and be cross-examined and it is often the adolescent's word against the alleged adult perpetrator. In addition only limited medical evidence often exists. Due to the above sexually abused adolescents may experience secondary traumatization when they testify in court.

Combrinck and Skepu (2003:11) agree with the above by stating "*rape does not end with the departure of the assailant, instead, the institutional processing that occurs can be equally devastating to the victim*". The authors continue to highlight that sexual abuse victims may experience unsympathetic, disbelieving and inappropriate responses at each stage of the criminal justice system and that this can lead to secondary traumatization of the victim.

From the above it is evident that sexually abused adolescents experience various difficulties when testifying in court. Furthermore the process of testifying may be experienced as negative and traumatic. For the purpose of this study the researcher focused on the experience of sexually abused adolescents who have testified in court in order to formulate guidelines for adolescents who have to testify in the future. The problem that was thus formulated for the purpose of this study was that testifying in court is an emotional experience for sexually abused adolescents and they need support in the process of testifying in court.

1.2.3 Research question

From the problem formulation the research question can be formulated. Creswell (2003:105) defines the research question as a statement of the question being examined in the most general form. This question has to be consistent with the

methodology of qualitative designs and should be posed as a general issue so as not to limit inquiry.

For the purpose of this study the research question was: What guidelines can be formulated in order to support the emotional experience of sexually abused adolescents who testify in court?

1.2.4 Goal and objectives

In order to answer the research question a clear goal and objectives were required. A goal can be defined as, "*the end toward which effort or ambition is directed*", as stated by the Webster's Third International Dictionary (in Fouché & De Vos, 2005:104). The goal of this research as identified by the researcher was to develop guidelines to support the emotional experience of sexually abused adolescents who have to testify in court.

Fouché and De Vos (2005:104) define an objective as the concrete, measurable and more speedily attainable steps one has to take to reach a goal. Objectives should be clear, specific and measurable. The goal can be seen as the dream and the objectives as the steps to realise this dream.

In order to reach the goal the objectives of this study were:

- To perform a literature review on the topic of sexual abuse of adolescents and court procedures that result from the abuse;
- To gather data by means of semi-structured interviews with a sample of sexually abused adolescents who have testified in court in the past six months, with parents or caregivers of adolescents who have testified in court, as well as with social workers from Childline who work with adolescents who testify in court,
- To analyse this data by means of a framework applicable for the analysis of qualitative data and to verify the research findings and describe it according to existing literature;

- To draw conclusions and formulate recommendations in the form of guidelines to support sexually abused adolescents when they testify in court.

1.2.5 Paradigm

A paradigm can be defined as a model or pattern according to which a researcher views his research participants within a particular discipline (De Vos, 2005a:40). The author continues to state that it is of importance that research should be conducted within a specific paradigm and that the researcher should thus decide within what paradigm he is working. Babbie (2005:32) continues to define a paradigm as a model or framework for observation and understanding that shape what we see and how we understand it. Underlying theories are paradigms which form the frames of reference used to organise observation and reasoning within the research process.

The paradigm that the researcher worked from in this study was that of ethnomethodology. According to this paradigm people continuously try to make sense of the life they experience (Babbie, 2005:36). Ethnomethodology utilises techniques that reveal how people make sense of their everyday world and experiences, where the researcher can utilise conversation and ask for clarification about the research participant's statements (Babbie, 2005:303).

For the purpose of this study the ethnomethodology paradigm was utilised during the process of conducting semi-structured interviews with research participants. The researcher tried to gain information regarding the experience of sexually abused adolescents who have testified in court, in order to formulate guidelines to support adolescents who have to testify in the future.

1.3 RESEARCH APPROACH

1.3.1 Qualitative research approach

Within the context of this study a qualitative research approach was utilised. Qualitative research can be defined as a multi-perspective approach (utilising

different qualitative techniques and data collecting methods) to social interaction, aimed at describing, making sense of, interpreting or reconstructing this interaction in terms of the meanings that the research participants attach to it (McRoy in Fouché & Delpont, 2005:74).

Beyer (in Padgett, 2004:19) states that a qualitative research study should have the following characteristics:

- The researcher should have a genuine curiosity in the topic of the study;
- The study should acknowledge and question existing theory;
- New insights should be sought from immersion in the phenomena in question;
- The researcher should use research methods flexibly and imaginatively, as a tool serving the research question that is being pursued;
- The researcher's curiosity should drive him to do whatever it takes to arrive at a credible answer to the research question.

McRoy (in Fouché & Delpont, 2005:74) states that qualitative research can be viewed as an anti-positivistic, interpretive approach, where the main aim is to understand social life and the meaning people attach to everyday life. Qualitative research is also known as "*field research*" and is undertaken within the habitat of the actor(s) (Fouché & Delpont, 2005:77). In contrast, quantitative research is based on positivism which takes a scientific explanation to be based on universal laws. The aim is to objectively measure the social world, to test hypotheses and to predict and control human behaviour (Fouché & Delpont, 2005:73). When comparing the two definitions it was clear that the qualitative approach was more applicable to the nature of this study, as the focus was on the experience sexually abused adolescents had when they testified in court. This was done in order to formulate guidelines for adolescents who have to testify in court in the future. The aim was thus not to objectively measure and test hypotheses, but rather to describe and try to make sense of sexually abused adolescents' experience of testifying in court.

1.3.2 Type of research

Research can be labeled as either basic or applied. For the purpose of this study applied research was utilised. Fouché and De Vos (2005:105) define applied research as the scientific planning of induced change in a troublesome situation. The goal of this type of research is to solve problems in practice. The researcher's goal for this study was to develop guidelines to support the emotional experience of sexually abused adolescents who have to testify in court.

The researcher utilised applied research with an exploratory and descriptive nature to better understand the research participants' experiences of the court process in order to formulate guidelines to assist adolescents who have to testify in court in the future. Babbie (2005:91) states that exploratory research addresses the question of "why?". Exploratory research is utilised when the goal of the researcher is to gain insight into a phenomenon or individual due to lack of information or understanding thereof (Bless & Higson-Smith in Fouché & De Vos, 2005:106). The researcher reached the goals of exploratory research as stated above by utilising semi-structured interviews in order to explore the research participants' experience of testifying in court.

According to Babbie (2005:91) the purpose of many research studies is to describe situations and events and the researcher thus aims to observe and then describe what he observes. Neuman (in Fouché & De Vos, 2005:106) states that descriptive research focuses on how and why questions and presents the researcher with specific details of a situation. When utilising descriptive research the researcher will begin with a well-defined subject and the purpose of the research is to describe this subject accurately (Fouché & De Vos, 2005:106). Furthermore Rubin and Babbie (in Fouché & De Vos, 2005:106) state that "*description is more likely to refer to a more intensive examination of phenomena and their deeper meanings*", which in turn provides the researcher with a more detailed description of the phenomena. Babbie (2005:91) mentions that many qualitative research studies utilise descriptive research, but continues to state that these studies often do not only have a descriptive purpose. He attest that researchers often go on to examine what the participants that took part in the study imply, indicating exploratory research. The

descriptive nature of this study therefore linked with the previously mentioned explorative nature of this study. The aim of this study was to look at a specific event, namely testifying in court, where the research participants had to describe their experience of testifying which presented the researcher with specific details. The goals of descriptive research were reached by describing the data that was collected in the form of a research report.

1.3.3 Research strategy

Creswell (2003:183) states that the procedure for a qualitative study includes advancing the assumptions of qualitative designs such as ethnography, grounded theory, case studies and phenomenological designs. According to Fouché and Delport (2005:75) qualitative researchers will, during the research process, create a flexible research design or strategy that is best suited to their research.

For the purpose of this study case studies were utilised as a research strategy in order to gain information on the research topic. Creswell (2003:15) defines a case study as where the researcher explores in depth an event, a process or one or more individuals. For the purpose of this research four sexually abused adolescents were interviewed in order to explore their experience of testifying in court so as to formulate guidelines for adolescents who still have to testify in court. Further interviews were conducted with parents or caregivers of adolescents who have already testified in court, as well as with social workers working with adolescents who testify in court. The researcher did not discriminate towards the research participants who were approached to participate in this study with regard to ethnicity, language or sexuality.

Furthermore the type of case study that was utilised was an instrumental case study. Fouché (2005:272) states that with an instrumental case study the aim is to gain better understanding of a social issue. The aim of this type of case study is to gain more knowledge about a social issue. For the purpose of this research the focus was on gaining more knowledge about the emotional experience of sexually abused adolescents who testified in court in order to formulate guidelines for adolescents who have to testify in the future.

1.4. RESEARCH METHODOLOGY

The following section of this chapter will report on the research methodology utilised for this research. The researcher will focus on the type of literature sources that was studied; the universe, population and sampling technique for the purpose of this study; the data collection methods utilised and the method of data analysis.

1.4.1 Literature

The function of a literature review as mentioned by Delport and Fouché (2005a:263) is to generate underlying assumptions behind the research question, to demonstrate the researcher's knowledge about the research topic and to identify gaps in previous research. Neuman (2000:446) states the goals of a literature review as:

To demonstrate a familiarity with a body of knowledge and establish credibility, to show the path of prior research and how a current problem is linked to it, to integrate and summarise what is known in an area and to learn from others and stimulate new ideas.

For the purpose of this study the researcher conducted a conceptual framework as a literature review in chapter two in order to obtain an overview of, and gather background information regarding the proposed topic. For the purpose of this study the researcher studied relevant literature about sexual abuse, testifying in court as well as adolescence. The literature that was studied was in the format of books, journals and previous dissertations and it served the purpose to form a framework from which the researcher was able to obtain a better understanding of the research problem.

Literature from different fields including social work, psychology, education, law and play therapy was studied for the purpose of this research. In some cases literature that was referred to was written more than ten years ago. This was done due to the fact that it was seen as a valuable resource and it was still referred to in recent books and journals. The researcher however balanced the quantum of old and recent references in order to present a balanced view of the topics that were discussed. After data gathering and analysis took place a literature control was

performed in chapter three, in order to compare the findings of this study with existing literature.

1.4.2 Universe, population and sampling technique

Arkava and Lane (in Strydom, 2005b:193) define a universe as all potential candidates who possess the attributes in which the researcher is interested. For the purpose of this study the universe was identified as all adolescents in the Western Cape who have been sexually abused and have had experience of testifying in court. A second universe was identified as parents or caregivers of sexually abused adolescents who have testified in court, as well as social workers who work with sexually abused adolescents who testify in court, in the Western Cape.

The population differs from the universe as it refers to individuals in the universe who possess specific characteristics (Arkava & Lane in Strydom, 2005b:193). Powers (in Strydom, 2005b:193) defines a population as a set of entities in which all the measurements of interest to the researcher are present. The population the researcher identified for the purpose of this research consisted of all the sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court. The second population included parents or caregivers of sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court, as well as social workers from Childline working with sexually abused adolescents who testify in court.

The element of the population that is considered for actual inclusion in the study is defined by Arkava and Lane (in Strydom, 2005b:194) as a sample. A sample is studied in an effort to understand the population from which it is drawn. Neuman (2000:518) describes a sample as a smaller set of cases a researcher selects from a larger pool and generalises to the population. A purposive sampling method was utilised to select a sample of adolescents from the population. Singleton (in Strydom, 2005b:202) states that purposive sampling is based on the judgment of the researcher as a sample is composed of the research participants that has the most characteristics representative of the population. Neuman (2000:517) continues to state that purposive sampling is a type of nonrandom sampling where a researcher

utilises different methods in order to locate all possible cases of a highly specific and difficult to reach population.

The sample for the purpose of this study consisted out of four sexually abused female adolescents between the ages of eleven to sixteen years who have testified in the Wynberg Magistrates Court in the past six months. No discrimination was made in terms of ethnicity, language or sexuality. The second sample consisted out of two parents and one caregiver of sexually abused adolescents who have testified in the Wynberg Magistrates Court in the past six months and three social workers from Childline working with sexually abused adolescents who testify in court. For the second sample also no discrimination were made in terms of ethnicity, language or sexuality.

1.4.3 Data collection

De Vos (2005b:335) highlights the link between data collection and data analysis. The author continues by stating that this link between data collection and data analysis is a feature of qualitative research and mentions that both data collection and analysis “*go hand in hand in order to build a coherent interpretation of the data*” (De Vos, 2005b:335).

For the purpose of this study the researcher firstly obtained verbal consent from the Childline manager after she identified the focus of the study, as part of the data collection process. The manager was informed that interviews would be conducted at Childline and that the researcher planned to utilise clients that may have been seen at the office in the past as research participants. Thereafter the researcher approached the social workers working at the Childline Wynberg office for possible adolescent research participants that met the criteria for this study. The social workers did not have possible candidates as the clients they have seen testified in court more than six months ago. The social workers however agreed to participate in the research themselves. Thereafter the researcher approached the Wynberg Court in order to obtain a list of sexually abused adolescents who have testified in the past six months. A list of ten possible candidates for the study was obtained from the Wynberg Court. The researcher then made telephonic contact with all ten

of the parents or caregivers of the adolescents, explained the purpose of the study, and invited them for an interview at the Childline Wynberg office.

For the purpose of this study the researcher interviewed sexually abused adolescents who have testified in court in the past six months. Further interviews were conducted with parents or caregivers of sexually abused adolescents who have testified in court, and with social workers working at Childline who work with sexually abused adolescents who testify in court. The researcher obtained written consent from the parents or caregivers of the research participants agreeing to their participation in this study. All other research participants, including the parents or caregivers of adolescents, as well as the social workers who participated in this study, also signed a consent form before the research interviews were conducted (see Appendices 1, 2 & 3).

Semi-structured qualitative interviews were conducted with research participants after sample selection took place. Greeff (2005:292) defines a semi-structured interview as an interview organised around a specific topic of interest, as in the case of this study, the experience of sexually abused adolescents who testified in court. During a semi-structured interview a considerable amount of flexibility is allowed while also providing the researcher with some structure. The process followed while utilising semi-structured interviews requires that questions are mostly open ended. When utilising data collection methods it is possible to utilise multiple sources of information (Fouché, 2005:272). When conducting a semi-structured interview the researcher utilises a set of pre-determined questions in order to conduct the interview. It is, however, of importance not to be dictated by these questions, but rather to use them as a guideline (Greeff, 2005:269). According to the author research participants should always be viewed as the experts on a topic and should be allowed to tell their story. For the purpose of this research the researcher utilised a set of pre-determined questions in each interview, but also allowed for flexibility in the interviews. This was done in order to ensure that the research participants could express their own views and perceptions and direct the interviews according to their experiences.

According to Seidman (in Greeff, 2005:294) the researcher should terminate the study once the data is theoretically saturated. The author explains that this implies that the researcher will become bored because the information gathered from the research participants will become predictable and no new insight will be gained. For the purpose of this study information was gathered until saturation of information was reached by the researcher when the information obtained through the semi-structured interviews became repetitive. Saturation of information was reached after four interviews were held with sexually abused adolescents who testified in court, two parents and one caregiver of adolescents who have testified in court, as well as with three social workers from Childline who work with sexually abused adolescents who testify in court.

All the interviews were conducted in the researcher's office at Childline, and were recorded on audio-cassettes. The researcher also observed the non-verbal responses and body language of the participants while conducting the interviews.

1.4.4 Data analysis

Data analysis took place after the interviews were completed. De Vos (2005b:333) describes data analysis as the process of bringing order, structure and meaning to the data that has been collected. Qualitative data analysis involves several overlapping steps including data collection, sorting the data into categories, formatting it into a story or picture and writing the qualitative text (Creswell in De Vos, 2005b:334). Terre Blanche and Durrheim (2002:140) suggest the following method for data analysis:

familiarization and immersion in the data, inferring themes that arise naturally from the data but also relate to the research question, coding (breaking up the data in analytically relevant ways), exploring themes in greater detail and checking, before the final written interpretation.

For the purpose of this study the researcher adhered to the guidelines for data analysis as proposed by Marshall and Rossman, as well as Creswell (in De Vos, 2005b:334). The first step the researcher followed was to plan for the collection of

data. The researcher planned to utilise tape recordings during the conducting of the semi-structured research interviews with the research participants.

Data collection and preliminary analysis took place while the researcher conducted the interviews with the research participants. The researcher utilised field notes while interviewing the research participants where questions and issues were noted that had to be followed up in the course of the interviews.

The researcher managed and organised the data by transcribing all the interviews herself. Thereafter she read the interviews and wrote memo's in the margins of the documents. The researcher highlighted the data that was repetitive in each interview and by doing this she generated eight different themes from the information obtained through the interviews.

Finally the researcher presented the information obtained through the semi-structured interviews in chapter three of the research report. The researcher then tested the emerging data and searched for alternative explanations by comparing it to existing data on the topic of this study. Conclusions were made of each of the themes that were identified and in chapter four recommendations were proposed in the form of guidelines for sexually abused adolescents who have to testify in court. Finally the researcher wrote a qualitative research report in the form of a dissertation of limited scope.

1.5 VALIDITY OF THE STUDY

Lincoln and Guba (in De Vos, 2005b:346) state the importance of establishing the validity of a research study and suggest that the issues of credibility, transferability, dependability and confirmability should be addressed for this purpose. By adhering to the above mentioned principles the trustworthiness of the study can be evaluated (Marshall & Rossman in De Vos, 2005b:345).

The credibility of a study refers to the demonstration that the study was conducted in such a manner as to ensure that the subject was accurately identified and described (Lincoln & Guba in De Vos, 2005b:346). For the purpose of this study, and to ensure

credibility, the researcher focused on sexually abused adolescents who have been through the process of testifying in court. In addition to interviewing sexually abused adolescents the researcher also interviewed parents of adolescents who have testified in court, as well as social workers who work with adolescents who testify in court. The end goal of this study was to identify guidelines from the information obtained through interviews with the research participants in order to assist sexually abused adolescents who still have to testify in court. This was achieved by the researcher through not only utilising semi-structured interviews with research participants in order to gather information, but to also include existing literature on the research topic of this study in order to come to conclusions. By including both semi-structured interviews as well as existing literature in this study the researcher ensured the credibility of this study.

According to Lincoln and Guba (in De Vos, 2005b:346) transferability refers to the generalisation or applicability of the findings of the study to another context. The researcher described the research process thoroughly in order to ensure that if other researchers want to follow the concept in another context it would be possible for them to do so.

The authors continue to state that dependability refers to the changing conditions in the phenomenon chosen by the researcher to study, as well as changes in the design utilised for the study, which leads to the researcher continuously refining his understanding of the setting (Lincoln & Guba in De Vos, 2005b:346). The researcher achieved this by continuously referring back to the research process of qualitative research throughout the duration of this study. The researcher utilised different sources to gather data throughout the process of the research, including semi-structured interviews and utilising existing literature. The researcher also consulted with other experts, namely her study leader, with regard to the research findings in order to ensure that the researcher stayed focused on the planned goal and objectives of this study in order to formulate guidelines for sexually abused adolescents who have to testify in court.

Lastly, confirmability, which is similar to objectivity, looks at whether the data from the study confirms the general findings of the study (Lincoln & Guba in De Vos,

2005b:346). By adhering to the above it is possible for the researcher to test grounded theory when utilising the qualitative approach for a research study (De Vos, 2005b:347). The researcher achieved the above for the purpose of this study by staying focused on the research goal and objectives throughout the duration of this study in order to answer the research question. The researcher continuously stayed focused on the opinions of the research participants throughout the research process, while staying objective throughout this process. The research participants' opinions thus guided the direction of the study.

According to the researcher this study conformed to the issues as set out by Lincoln and Guba (in De Vos, 2005b:346) and thus proves the validity of this study.

1.6 ETHICAL ASPECTS

Due to the sensitive nature and emotional implications of sexual abuse on an individual it was important to consider ethical aspects that might relate to the undertaking of a study of sexually abused adolescents' experience of testifying in court. Ethics in general can be defined as conforming to the standards of conduct of a given profession or group (Babbie & Mouton, 2001:520).

Strydom (2005a:57) defines ethics as a set of moral principles that is widely accepted by both individuals and groups and that prescribes rules and expectations about conduct towards research participants. Ethical aspects that need consideration include harm to research participants, informed consent, deception of subjects, violation of privacy, actions of competence of the researcher, publication of findings and the debriefing of research participants (Strydom, 2005a:58).

1.6.1 Discussion of ethical aspects that were adhered to

The following ethical aspects were adhered to for the purpose of this study:

- Strydom (2005a:58) mentions the responsibility of the researcher to protect research participants against physical or emotional harm. The researcher adhered to this principle by informing the parents or caregivers of the adolescents who participated in this study that the interview to be conducted

may bring up memories of the abuse and the court process and that they should contact the researcher to discuss a follow-up debriefing session should this occur. The researcher also mentioned that the research participants can be referred for further counselling should they wish to. Two of the research participants were interested in coming for further counselling at Childline. The researcher referred these participants to another social worker for counselling. Furthermore the researcher also spoke to the adolescent research participants themselves before the start of the interviews regarding the above mentioned concern.

- Another ethical aspect that the researcher adhered to was that of informed consent. According to Williams (in Strydom, 2005a:59) informed consent implies that the researcher should provide the research participant with information relating to the goals of the investigation, procedures that will be followed, possible advantages and disadvantages of the study and dangers which the participants may be exposed to. The researcher adhered to this principle by first obtaining verbal consent over the telephone after the research participants were selected. At the research interviews consent forms were signed by all the research participants, including the social workers, parents of adolescents who have testified in court, as well as the adolescent research participants themselves. The researcher provided all the research participants with the relevant information as suggested by Williams (in Strydom, 2005a:59) and discussed aspects such as the goal of the study, the procedures that would be followed and information on how confidentiality would be ensured.
- A further ethical issue that has to be considered is that of the deception of research participants. According to Loewenberg and Dolgoff (in Strydom, 2005a:60) deception of research participants can be viewed as “*deliberately misrepresenting facts in order to make another person believe what is not true, violating the respect to which every person is entitled*”. The researcher adhered to this principle by informing the research participants of the goal of this study and the research interviews and stated that a research report will be compiled after the conclusion of the interviews and it will be made available to them for inspection.

- According to Strydom (2005a:61) the violation of privacy, anonymity and confidentiality should be upheld throughout the research interviews. Violation of privacy, the right to self-determination and confidentiality can be viewed as similar. Sieber (in Strydom, 2005a:61) defines privacy as “*that which normally is not intended for others to observe or analyse*”. The values relating to the violation of privacy, anonymity and confidentiality were upheld by ensuring the participants of confidentiality of the information that were provided during the interviews and by utilising a pseudonym for participants. Confidentiality was further ensured by the researcher through locking away tape recordings in a filing cabinet in her office and destroying it after the completion of the study. Furthermore the researcher was solely responsible for transcribing the audio-cassettes.
- The credibility and competence of the researcher should also be discussed with the research participants. According to De Vos (2005a:63) the researcher is ethically obligated to ensure that he is competent and adequately skilled to perform the research study. The researcher informed the research participants that she is a registered social worker. This implies that the researcher must therefore comply with the code of ethics of the South African Council for Social Service Professions. The researcher adhered to this code of ethics throughout the course of this study.
- According to Strydom (2005a:65) researchers should compile a research report after the completion of the research. This report should be compiled accurately and objectively. The researcher adhered to this ethical principle by compiling a research report in the form of a dissertation of limited scope after the completion of the research interviews, which would be available to the research participants who participated in this study after the completion of the report.
- Termination of the relationship between the researcher and the participants was another ethical issue that was considered. When breaking the relationships with the participants they may feel cheated, exploited or let down. Greeff (2005:296) suggests that leaving the field should be treated as a process of “*winding down*”. Once the researcher feels confident that the purpose of the study has been fulfilled, he should start preparing himself, as

well as the participants for termination. The relationship should never end abruptly and the researcher should always leave a back door open so that he can return to collect more data or to confirm findings (Greeff, 2005:296). The researcher took into account that the research participants might find the discussion about their court experience and the termination of the research relationship traumatic. The researcher thus adhered to the guidelines in terms of terminating the relationship with the research participants in a professional manner, as suggested by Greeff (2005:296).

- Lastly, debriefing were provided to the research participants due to the sensitive nature of the research topic. Strydom (2005a:67) states that the research participants should have the opportunity to work through their experiences and the researcher should rectify any misperceptions that may have arisen on the part of the participants. For the purpose of this study debriefing opportunities were provided at the end of each interview. The researcher ascertained whether the research participants were in need of further counselling after the research interviews, in order to ensure continued support. Two of the research participants were interested in coming for further counselling at Childline. The researcher referred these participants to another social worker for counselling.

1.7 DEFINITIONS AND MAIN CONCEPTS

The following section includes the definitions of the main concepts present in this study:

Sexual abuse: Castle, Fuhr, Siqosa, Thomas and Wright (1993:1) define sexual abuse as the sexual exploitation of a child for the gratification of an adult. According to these authors sexual abuse includes various forms of sexual behaviour such as exhibitionism, kissing, fondling, oral sex, vaginal or anal intercourse, showing children pornographic pictures or films or exposing them to any sexual behaviour.

Gil (1996:12) defines sexual abuse as “*a type of maltreatment that refers to the involvement of the child in sexual activity to provide sexual gratification or financial*

benefit to the perpetrator, including contacts for sexual purposes, prostitution, pornography, exposure, or other sexually exploitive activities”.

Mash and Wolfe (2005:445) continue to define sexual abuse as *“abusive acts that are sexual in nature, including fondling a child’s genitals, intercourse, incest, rape, sodomy, exhibitionism, and commercial exploitation through prostitution or the production of pornographic materials”.*

For the purpose of this study the definition as provided in Mash and Wolfe was considered in order to understand the meaning of the term sexual abuse.

Adolescence: According to Berk (2006:6) puberty, or in other words adolescence, includes individuals from eleven to eighteen years of age. Flannery, Torquati and Lindemeier (in Gil, 1996:5) define adolescence as the period of life between the ages of ten and twenty one.

For the purpose of this study adolescents were viewed as young people who fall between the ages of eleven and sixteen years of age. This age group was relevant for this study due to the fact that young people of this age are still considered minors and are legally regarded as adults only after they reach the age of eighteen.

Court process: Müller (2004:215) defines the court process as a criminal process which involves making a statement, a medical examination, a forensic assessment and actually going to court.

Wikipedia (2007) state the following definition for a court:

A court is a public forum used by a power base to adjudicate disputes and dispense civil, labour, administrative and criminal justice under its laws. In common law and civil law states, courts are the central means for dispute resolution and it is generally understood that all persons have an ability to bring their claims before a court. Similarly those accused of a crime have the right to present their defence before a court.

For the purpose of this study the focus was on adolescents' experience of testifying in court after being sexually abused in order to formulate guidelines for adolescents who still have to testify in court. Furthermore the researcher considered the actual process of testifying in court for the purpose of this study.

1.8 CHAPTER OUTLINE

In chapter one the researcher focused on the research problem, the research goal and objectives and the research methodology that was utilised for this study.

The goal of chapter two was to present the reader with a literature review based on the topics of this study. The focus was on sexual abuse and court procedures and the impact this have on sexually abused adolescents who have to testify in court.

The focus of chapter three was on the empirical results and research findings of this study. The researcher identified eight themes from the research interviews which were discussed in this chapter. The feedback gathered from the research participants in the research interviews was also provided and compared to existing literature.

The goal of chapter four was to evaluate the research process, the research goal and the objectives. Furthermore the researcher made conclusions regarding the themes that were identified through the research interviews and recommendations were formulated in the form of guidelines for each of the themes, for adolescents who have to testify in court.

1.9 CONCLUSION

In this chapter the focus was on the motivation for undertaking this study, the problem formulation as well as the goals and objectives of the study. The researcher also provided the reader with information on the universe, population and sampling procedures that were utilised for the purpose of this study. Furthermore the manner in which data collection and data analysis took place was discussed. Finally the researcher focused on the ethical issues that needed to be considered for the

purpose of this study. The following chapter will provide the reader with a literature review of the proposed topics for this research and will focus on sexual abuse and court procedures and the impact this have on sexually abused adolescents who have to testify in court.

CHAPTER TWO

LITERATURE REVIEW OF THE EFFECTS OF SEXUAL ABUSE AND THE COURT PROCESS ON THE ADOLESCENT WHO HAS TO TESTIFY

2.1 INTRODUCTION

In this chapter it will be attempted to look at the different issues surrounding the sexually abused adolescent. Literature about sexual abuse and the court processes is rife. The purpose of this chapter is to discuss broadly the dynamics of sexual abuse and the effect it has on the adolescent who has been abused. Signs and symptoms of sexual abuse will be discussed and sexual abuse will be related to the specific developmental phase of the adolescent and how the abuse may impact on the adolescent during this life stage. Disclosure will also be discussed in some detail as it influences the impact of trauma experienced as a result of sexual abuse and impacts on the legal procedures that follow disclosure and reporting abuse to the police. Furthermore an overview of the court process will be considered and specific reference will be made to how this process may impact negatively on the sexually abused adolescent who has to testify in court. Lastly, the effects of testifying in court on the emotional well-being of sexually abused adolescents will be discussed.

2.2 SEXUAL ABUSE

For the purpose of this research it is important to have an understanding of sexual abuse and how it may affect adolescents who are subjected to this abuse. The first part of this chapter will focus on the above mentioned aspects.

2.2.1 Definition of sexual abuse

Castle, *et al.* (1993:1) define sexual abuse as:

The exploitation of a child for the sexual gratification of an adult. Sexual abuse can take many forms such as exhibitionism, kissing, fondling, oral sex, vaginal or anal intercourse, showing children pornographic pictures or films or exposing them to any sexual behaviour.

Kriel and Van der Merwe ([sa]:5) list the following aspects as conceptualised by Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) as defining sexual abuse:

- Having sex with a child;
- Object rape – forcing an object into the child’s anus or vagina;
- Deliberately having sex in front of a child;
- Involving a child in sexual activities with an animal;
- Exposing a child to pornography;
- Using a child for sexual and pornographic photo’s or activities;
- Gang rape;
- Touching a child to stimulate the child or the adult sexually;
- Seductive behaviour with children;
- Peeping into the bathroom or bedroom of a child to see him/her naked;
- Flashing, masturbating, sexual innuendo or jealousy of the child’s physical development.

When taking into account the above definitions it is clear that any adolescent who is exposed to sexual abuse experiences trauma. According to research, having to testify in court may then add to this trauma already experienced as a result of the abuse (Müller, 2004:29).

2.2.2 Risk factors

According to Finkelhor and Baron (in Hollin & Howells, 1991:18) there is currently no consensus about the risks factors that increase the adolescent’s risk for sexual abuse. According to these authors girls are at a higher risk, although boys are also victimised. Conte (in Hollin & Howells, 1991:18) did a study on how sexual offenders select adolescents for sexual abuse and identified several vulnerabilities in potential victims. These vulnerabilities included:

- Status conditions, such as living in a single parent family;
- Emotional characteristics, such as being needy, unhappy or shy;
- Situational factors, such as that the adolescent was alone and unprotected.

Several authors (Fergusson & Mullen, 1999:38; Finkelhor, 1981:118) agree with the above and state that marital dysfunction, including divorce and separation, as well as marital conflict can also be seen as risk factors for sexual abuse of children or adolescents. Physical characteristics such as physical attractiveness, height, weight, temperamental characteristics and intelligence may also lead to the adolescent being vulnerable to sexual abuse (Fergusson & Mullen, 1999:38).

2.2.3 Signs and symptoms of sexual abuse

The adolescent that is being sexually abused may experience a variety of physical, emotional and behavioural symptoms due to the trauma of the abuse. According to Renvoize (1993:76) these symptoms may include problems at school, sexualized play, aggressive or destructive behaviour, withdrawn or compliant behaviour, lack of trust, social isolation, running away, excessive masturbation, bedwetting, sleep disturbances and eating disorders.

In the Childline Training Workshop ([sa]:10) it is mentioned that it is important to remember that these symptoms should not be considered in isolation and need to be examined in combination with everything else that is happening in the adolescent's life. The reason for this is that some of these symptoms may also be indicators of many other issues the adolescent may be experiencing, such as physical or emotional abuse, or due to some other trauma in his life, for example the death of a parent. Green (in Thompson & Rudolph, 2000:437) states that no specific behaviour patterns indicate that sexual abuse is taking place and in some cases adolescents might show no symptoms that abuse is occurring at all.

2.2.4 Factors influencing the impact of abuse on the adolescent

According to research there are various factors that may influence the impact of sexual abuse on adolescents. Factors specifically related to adolescents include the chronicness of the abuse, severity of the abuse, the relationship the adolescent has with the offender, threats made by the perpetrator, the adolescent's mental and emotional health, the guilt experienced by the adolescent and parental responses as

a result of the abuse. These factors will be discussed briefly in terms of how they relate to the adolescent who has been sexually abused.

Various authors (Gil, 1991:4; Fergusson & Mullen, 1999:61) agree that the more chronic the abuse the greater the impact of the abuse will be on the adolescent. This may be due to the fact that a sense of helplessness, as well as negative defense mechanisms utilised by the adolescent as a result of the abuse, such as dissociation, may increase over time.

Secondly, the more severe and extensive the abuse, the greater the damage would be to the adolescent. (Compare Gil, 1991:4; Fergusson & Mullen, 1999:61; Finkelhor, 1981:105.) As stated by Adams-Tucker and Mrazek (in Gil, 1991:4) "*in sexual abuse cases more extensive genital contact, such as penetration, has been associated with a greater negative impact*".

Another factor influencing the impact of abuse on the adolescent is the relationship the adolescent has with the offender. Various authors (Adams-Tucker, Simari & Baskin in Gil, 1991:4; Renvoize, 1993:1; Finkelhor, 1981:101; Berliner & Elliot in Mash & Wolfe, 2005:411) are of the opinion that the closer the relationship between the adolescent and the offender, the more traumatic the experience of the abuse would be. The above authors claim the reason for this is due to the fact that when the adolescent is abused by someone outside of the home he can turn to his family structure for support, protection and reassurance.

Various authors (Rush & Chandler in Gil, 1991:4; Berliner & Elliot in Mash & Wolfe, 2005:411) continue by emphasising that the use of force, violence and threats also affects the trauma the adolescent experiences when being abused. Threats do not necessarily have to be explicit to manipulate the adolescent and can also be communicated non-verbally, which can be equally threatening. (Compare Gill, 1991:4; Renvoize, 1993:10.) According to Karp, Butler and Bergstrom (1998:89) the sort of threats perpetrators may utilise include the following:

- "If you tell, I'll kill you."
- "If you tell, mommy and daddy will get divorced."

- “If you tell, your parents won’t love you anymore.”
- “If you tell, you’ll get in trouble”.

Adams-Tucker and Leaman (in Gil, 1991:5) are of the opinion that the adolescent with good psychological health pre-abuse would have a better chance to deal with the damaging effects of the abuse. Kendall-Tackett (in Fergusson & Mullen, 1999:60) adds that an adolescent’s attitude and coping skills will also influence the way that the abuse impacts on him.

A further aspect that may influence the impact of sexual abuse on the adolescent relates to the degree of guilt the adolescent experiences as a result of the abuse. According to MacFarlane and Korbin (in Gil, 1991:6) there is general consensus according to research that if the adolescent experiences some sort of sexual pleasure during the abuse or if he feels responsible for the abuse, he is more likely to experience guilt, which in turn is associated with a greater impact of the abuse on the adolescent.

Parental responses due to disclosure of sexual abuse also play an important role in the way the abuse will impact on the adolescent. Various authors (Gil, 1991:6; Spies, 2006:52; Finkelhor, 1981:106) state the importance of a supportive parent who believes the adolescent when he discloses the abuse. This plays an important part in the healing process of the adolescent. A parent who may be unsupportive, blaming or who over-reacts to a disclosure may further traumatise the adolescent. If an adolescent is believed and given the appropriate support by his parents, he has a more positive chance of recovery.

2.2.5 Traumagenic stages

James (1996:21) defines the traumagenic stages as “*emotional conditions that have their origin in traumatic experiences*”. Each adolescent however experiences trauma in his own unique way and it should not be assumed that the adolescent will display all the symptoms as set out below. However, these stages can provide a useful

framework to assess the impact of trauma for the adolescent who has been sexually abused.

2.2.5.1 Traumagenic sexualization

Puberty is a stage in the development of the adolescent that plays an important part in his sexual development and marks the commencement of developing romantic relationships. Sexual abuse in this developmental stage has a great impact on the adolescent's sexual development (Gil, 1996:36).

The sexual knowledge adolescents may have due to being sexually abused can impact on their sexual development in many ways. They may have distorted views about their bodies and sexuality, which may lead to inappropriate sexual behaviour, social alienation and incompetence during this life stage (Mash & Wolfe, 2005:421).

According to James (1996:33) adolescents who have learned that they are of special value as sexual objects, who have experienced excitement whilst being sexually abused and who have learned that they have control over an adult's sexual behaviour will often become eroticised. The entire character of the eroticised adolescent centers around the view of himself that he is only valued for his sexuality. As a result there is confusion between sexual intimacy and emotional intimacy. This may lead to high risk sexual behaviour and also place the adolescent at risk for further abuse. The adolescent might be very promiscuous, have an advanced sexual knowledge and a preoccupation with sex, might show repetitive sexual behaviour and may use sexual behaviour to manipulate others. (Compare James, 1996:33; Bannister, 1998:13; Mash & Wolfe, 2005:421.)

Gil (1996:36) agrees with the above by stating that disturbances in sexual identity and sexual functioning may be prominent in adolescents who have been sexually abused. The author continues by asserting that sexually abused adolescents may lack confidence in sexual relationships which may lead to exploitation within such a relationship and mentions that these adolescents may become sexually active at an earlier stage in an attempt to experience love and security (Gil, 1996:40).

2.2.5.2 Stigmatisation

Various authors (James, 1996:28; Bannister, 1998:10; Gil, 1996:44) agree that adolescents who have been abused experience a deep sense of shame and feel alienated from their peers because of their experience. According to Kriel and Van der Merwe ([sa]:16) this might be caused by the abuser blaming the adolescent for the sexual activity.

Feeling stigmatised due to experiencing sexual abuse may also affect the adolescent's self-image (Gil, 1996:44). Stigmatised adolescents often try to overcompensate for their feelings of not being good enough by overachieving. These adolescents often believe that everyone/anyone can tell what has happened to them by just looking at them.

2.2.5.3 Loss and betrayal

James (1996:25) proposes that adolescents who have been abused experience a number of losses. Various authors (Cattanach, 1993:72; Bannister, 1998:12; Karp, *et al.*, 1998:74) suggest that some of the losses that the adolescent might experience are the loss of innocence, the loss of trust, the loss of childhood, the loss of the ability to make and relate to friends and the loss of enjoyment of previously enjoyable activities. This may impact directly on the adolescent's social development and formation of identity where relationships with peers play an important role (Gil, 1996:46).

Another loss that may be experienced by the adolescent if he is removed from his home due to sexual abuse, is the loss of family. In such cases the adolescent may also experience a loss due the absence of the alleged perpetrator in his life, as he may love and miss the abuser when no contact between them is allowed. Mash and Wolfe (2005:417) continue by emphasizing that feelings of betrayal can be directly linked to the relationship of trust between a victim and a perpetrator (for instance in the case of incest), which can subsequently lead to feelings of self-blame, guilt and powerlessness in adolescents.

During adolescence the skills of problem solving, logic and flexibility develop, but for this the adolescent requires models and individuals setting examples and providing him with opportunities to test different ways of problem solving (Straus in Gil, 1996:33). Experiencing loss and betrayal during this life stage due to sexual abuse by a trusted family member or close family friend may then negatively impact on these cognitive developmental milestones.

2.2.5.4 Powerlessness

Many adolescents maintain the feeling of powerlessness after the trauma of sexual abuse and carry this over into everyday functioning. (Compare Bannister, 1998:9; Karp, *et al.*, 1998:73; Friedrich in Gil, 1996:44.) This leads them to feeling that they have no choices and they thus remain victims. Mash and Wolfe (2005:417) state that powerlessness may affect the will, desire and sense of self-efficiency of the individual, which may as a result be linked to fears, worries and depression. Friedrich (in Gil, 1996:44) continues by mentioning that sexually abused adolescents have specific self-related issues, including an unstable sense of self, identity problems, a distorted body image and reduced self-efficiency, to name a few.

2.2.5.5 Self-blame

It is of great importance that sexually abused adolescents believe the abuse was not their fault. Perpetrators will often re-enforce the belief that it is the adolescent's fault that the abuse is occurring. Psychological impacts of self-blame would include guilt, shame and a belief that the adolescent's self is unworthy. Gil (1996:44) agrees by stating that sexually abused adolescents often experience a sense of differentness compared to their peers and have the assumption that the abuse was their fault.

2.2.5.6 Fragmentation of bodily experience

James (1996:25) suggests that adolescents who are sexually abused not only encode the trauma in their cognitive memory, but also in their sensory and muscular memory. This implies that specific sensory stimuli may illicit vivid memories of the traumatic experience. Sexually abused adolescents may have difficulty defining and

integrating different aspects of themselves and this may lead to a sense of separate or fragmented selves (Gil, 1996:43).

2.2.5.7 Destructiveness

James (1996:32) suggests that adolescents who have been abused may act out destructively in a way that elicits a negative and punitive response from others. This in turn may re-enforce feelings such as guilt, shame and self-blame.

Hart, Mader, Griffith and deMendonca (in Gil, 1996:12) further emphasise that adolescents who are exposed to sexual abuse may be involved in more negative behaviour relating to drug abuse, report more symptoms of distress, have more interpersonal problems, have a lower self-esteem and engage in more self-destructive behaviour, compared to adolescents who have not been subjected to abuse. Finkelhor (in Gil, 1996:24) agrees with the above by identifying common reactions by adolescents who have been sexually abused such as depression, self-injurious behaviour, running away and substance abuse.

Destructive behaviour as mentioned above, such as drug abuse, can be linked to the adolescent's ability to develop morally. Gil (1996:34) asserts that during adolescence an individual becomes more aware of the needs of others and society as a whole, and develop the ability to understand why societal rules and laws are necessary to maintain order. Moral development can also be linked to spiritual development or the adolescents' search for the meaning of life (Newton in Gil, 1996:35). The adolescent's moral development may be compromised when he is exposed to sexual abuse, which may lead to a diminished capacity to develop morally and adhere to the rules of society.

2.2.5.8 Dissociative disorder

James (1996:34) proposes that sexual abuse has often been a predisposing factor in cases of multiple personality disorder. It is therefore important for therapists working with sexually abused adolescents to be familiar with the dissociative disorders and to be aware of dissociation as a defence mechanism in and outside of therapy.

2.2.5.9 Attachment disorder

According to James (1996:37) attachment disorders can result from repeated or single incidents of abuse. Sexually abused adolescents may attach indiscriminately in a clinging and demanding way or may be emotionally disconnected from everyone. Their behaviour often elicits an angry response from people and usually only their negative behaviour receives attention.

Gil (1996:29) states that negative parent-child interactions, as in the case of incestuous families, may disrupt the formation of attachment. When adolescents have secure attachments and parental figures are available and supportive, it allows for future intimate relationships with others. Mash and Wolfe (2005:407) agree that the adolescent's way of adapting to the abuse may later compromise the ability to attach to others. The authors continue to state that abused adolescents may withdraw from or avoid peer interactions and are evaluated as shy and anxious by their teachers. Adolescents who have been sexually abused may attach in avoidant or ambivalent ways to others, which implicates greatly on their ability to form future relationships (Gil, 1996:30). These adolescents may either be overly dependant or experience problems in developing close relationships.

From the above discussion of the traumagenic stages it is clear that adolescents who are subjected to sexual abuse may experience various symptoms and suffer trauma due to the impact of the abuse on their daily lives. The following section of this chapter will focus on the court process and aspects related to testifying in court. This process may further impact on the sexually abused adolescent's emotional well-being and it is thus important to have an understanding of this process in order to be able to grasp the impact of this on the adolescent who has already experienced trauma due to being sexually abused.

2.3 THE COURT PROCESS

The following section of this chapter will focus on the court process and how it impacts on the sexually abused adolescent. There will be a short discussion relating to the different role players within the legal system, including the police, the courts

and the prison service. The courts as an accusatorial system will be discussed as well as the effects that testifying in court may have on the adolescent's well-being.

2.3.1 The criminal justice system

The criminal justice system in South Africa includes three main components, namely, the police, the courts and the prisons (Müller, 2004:2). These three departments function together as a whole, but each department also has specific functions and tasks which they have to perform independently. For the purpose of this research it is important to understand the role and the functions of each of these components and how they may affect the adolescent that has been sexually abused, and as a result has to lay a charge and testify in court. Each of these departments and the roles that they play within the criminal justice system will now be discussed.

2.3.1.1 The police

Any person can lay a charge with the police if sexual abuse towards a minor is suspected or have been committed (Müller, 2004:2). After a complaint of sexual abuse has been lodged the police will open a docket. Thereafter the case will be referred to the unit in the police that specialises with these types of crimes, namely the Family Violence, Child Protection and Sexual Offences Unit (FCS). An investigating officer will be appointed to investigate the allegations. This person will interview the sexually abused adolescent and other relevant witnesses.

The adolescent's statement is the starting point of an investigation and forms a crucial piece of the evidence (Murray & Gough, 1991:72). The purpose of the interview with the adolescent and other witnesses is to establish whether a crime has been committed. The investigating officer will take a statement from the adolescent that will be included in the docket. This again will be introduced in the course of the adolescent's evidence in trial and will be available to the defence (Müller, 2004:3).

The investigating officer will further investigate the allegations of sexual abuse by taking statements from other witnesses. A medical examination will also be conducted for the adolescent if this is deemed necessary. Müller (2004:5) states

that most adolescents do not undergo a medical examination due to the fact that disclosure often happens months after the alleged abuse and the examination may thus not contribute to further evidence. Combrinck and Skepu (2003:33) state that other roles of the investigating officer incorporates keeping the victim informed regarding procedures that are being followed, including the arrest of the suspect, bail applications and court dates.

According to Müller (2004:6) the arrest of the alleged perpetrator can take place at any time during the investigation and the person then needs to appear in court within forty eight hours of the arrest. During this hearing the judge will decide on bail and the case will be postponed for further investigation. In terms of the South African Constitution a person is presumed innocent until proven guilty and due to this alleged perpetrators often receive bail after their first appearance in court while the case is still being investigated. (Compare Müller, 2004:8; Combrinck & Skepu, 2003:9; Müller, 2002a:32.) Müller (2004:9) states that when bail is granted certain conditions may be imposed, such as that the accused may not have contact with the abused adolescent. If the accused is released on bail and does not comply to these conditions the witness should report this to the police and bail may be revoked.

A court case may be postponed a number of times while being investigated. When the investigation has been completed the prosecutor will set a date for the trial. The investigating officer is then responsible to subpoena all the witnesses so that they are present in court on the day of the trial (Müller, 2004:6).

The role of the police in the criminal justice system is thus to gather evidence for the trial, as well as to take statements from all the witnesses, including the adolescent who has been sexually abused. Furthermore the investigating officer has to assist the victim of sexual abuse with accessing a medical examination where relevant and to ensure that witnesses show up for court.

2.3.1.2 The courts

Even though the process of reporting a crime to the police may be experienced as traumatic by sexually abused adolescents, the court process may lead to even

further traumatisation due to procedures being followed. It is thus important to have an understanding of the court procedures and how they may affect the adolescent.

The prosecutor's (who is the legal representative of the sexually abused adolescent in court) first encounter with the case will be through the police docket (Müller, 2004:6). The prosecutor may also consult with the adolescent before the trial, but sometimes they will only meet on the date of the trial. Various authors (Wise & Hubbard, 1998:12; Combrinck & Skepu, 2003:20) emphasise the importance of the prosecutor meeting with the adolescent before the trial, as this will enable the prosecutor to gain the witness's confidence, which will be beneficial to the adolescent when the trial starts.

An important aspect that needs to be considered when sexually abused adolescents testify in a court case is the fact that a witness may not wait in the court, and as a result the adolescent will wait in a special waiting room if one is available. In some courts no waiting rooms are available and then the adolescent will have to wait in the passage outside of the court room. This may result in the adolescent waiting in the same area as the alleged perpetrator and seeing him before testifying. This would most likely further impact on the traumatic experience of testifying in court (Müller, 2004:7).

The trial may be postponed a number of times due to factors such as if a witness is not available to testify or if the court role is full for the day. This again impacts on the adolescent who may have to return to court a number of times, as he will be subjected to the trauma experienced by going to court and confronting the alleged perpetrator each time he returns to court to testify. Once all the witnesses have testified the judge will convict or acquit the alleged abuser (Müller, 2004:7).

2.3.1.3 The prison service

The third component of the South African criminal justice system refers to the prison service. When an accused has been sentenced to prison he will be transferred to a prison and this falls under the prison services. Sentences of house arrest and

community service also fall under the jurisdiction of the prison service (Müller, 2004:8).

The researcher has attempted to set out the procedures followed by the criminal justice system and the role players involved, namely the police, the courts and the prison service in the case of a report of sexual abuse. The following section will focus on the accusatorial system followed in the South African legal system and the four features that are included in this system.

2.3.2 The accusatorial system

South African legal procedure is based on the accusatorial system and includes four features, namely a passive presiding officer, two opposing parties, cross-examination and rules of evidence (Müller, 2004:10). The element of confrontation through cross-examination forms the basis of the accusatorial system. It is important to understand how this system functions and as a result impacts on the sexually abused adolescent who has to testify in court.

The role of the judge or magistrate in the South African law system is mostly passive (Combrinck & Skepu, 2003:7). His function is to listen to evidence presented by both parties and then to reach a decision based on this evidence. (Compare Müller, 2004:11; Combrinck & Skepu, 2003:7.) The judge may however intervene when needed to control the proceedings in court and may also ask the witnesses questions (Wise & Hubbard, 1998:32). Herrmann (in Müller, 2004:11) states that the judge may also call witnesses that have not been called by either party to testify, if he believes this would assist the court.

The two opposing parties in a court case refer to the prosecutor who leads the evidence of the adolescent, and the defence who leads the evidence of the alleged perpetrator. Goldstein (in Müller, 2004:11) states that both parties play an aggressive role when examining witnesses during cross-examination. This implies that the adolescent who testifies in court due to being sexually abused would also be subjected to cross-examination. This may be experienced as traumatic by the adolescent. Furthermore the two parties in a court case are not on equal footing as

the prosecutor needs to prove beyond reasonable doubt that abuse has taken place, whereas the defence only has to create doubt. (Compare Spies, 2006:143; Müller, 2004:11.)

As mentioned, once a witness has given evidence in a trial the opposing party has the right to cross-examine the witness (Müller, 2004:12). Smith, Lane and Walsh (1988:135) describe the aim of the individual that cross examines the witness as to destroy the credibility of the evidence. Cross-examination can be humiliating to the witness and be experienced as stressful and disruptive. (Compare Fourie, 2005:48; Müller, 2002b:165.)

The procedure followed during the trial will depend on whether the accused pleads guilty or not guilty. If the accused pleads not guilty the criminal trial begins when the prosecutor reads the charge being made against the accused of the crime he has allegedly committed. The following structure is described by various authors (compare Müller, 2004:14; Smith, *et al.*, 1988:127) as the process followed in South African courts. The accused is given the opportunity to plead guilty or not guilty and can make a statement if he wishes to do so. Thereafter the prosecution presents their evidence and calls their witnesses. When the prosecutor has finished questioning a witness the accused or his legal representative will ask the witness questions, a process known as cross-examination. After the defence is finished with the questioning the prosecutor will have the opportunity to clear up any problems that arose during cross-examination. The prosecutor will then call his next witness and the process will be repeated.

The process continues with the defence presenting their case by also calling witnesses. The prosecutor will also have the opportunity to cross-examine the witnesses of the defence. If the accused decides to testify he is treated the same as all the other witnesses.

According to Müller (2004:14) both the prosecutor and the defence is granted the opportunity to address the court and to give closing arguments after their witnesses have testified. Once all the evidence has been heard and the perpetrator convicted, sentencing will take place (Spies, 2006:143). If the verdict is guilty the accused must

be convicted of a specific crime, such as rape, and sentencing will then take place. In the case of sexual offences the magistrate does not have the authority to impose certain sentences and the accused may have to be referred to the High Court for sentencing, as in the case of a life sentence (Müller, 2004:14).

On the other hand, if the accused pleads guilty the prosecutor does not have to prove his case and the magistrate will then ask the accused questions to determine whether he is guilty (Müller, 2004:19). If the magistrate is satisfied that the accused understands the consequences of his guilty plea, and is convinced that the accused is guilty the magistrate will impose a suitable sentence.

Wise and Hubbard (1998:15) state that the Regional Court President of Natal said the following regarding appearing in court:

The assault that was already such a traumatic experience for the child is followed by interrogation by the Police which again revives that whole unpleasant experience. Now, after months, the child is asked to relate the whole story and go through everything in his or her mind. It may be expected that he or she will be afraid and upset; and if he or she is taken into a large court room with its exalted bench and other paraphernalia a measure of dread perhaps ascend on him. Besides the guardian he sees the accused who assaulted him and some other strangers in black robes. Can he then be blamed if he freezes and does not know what to say, or just say anything to escape from this situation as soon as possible? We must bear in mind that the tension rises in the presence of his assailant, who has probably threatened him with death should he dare tell what really happened.

The above quote highlights how the court procedures may be experienced by the sexually abused adolescent who testifies in court. It is thus important to consider what can be done within the framework of the legal system in order to support and minimise the negative and traumatic experiences that adolescents may be exposed to in the course of testifying in court. One such a reform that has been implemented in some courts is the availability of a special court room for vulnerable witnesses to testify in.

Wise and Hubbard (1998:16) state that a 1996 amendment to the Criminal Procedure Act make provision that a witness may give evidence by means of closed circuit television in a special room. This is due to the fact that vulnerable witnesses may experience difficulties when testifying in court. The Act states that any witness under eighteen may give evidence outside the sight and hearing of any person who may upset the witness. (Compare Wise & Hubbard, 1998:16; Spies, 2006:136.) Where an adolescent will suffer mental stress as a result of testifying in open court, an intermediary may be appointed and the adolescent may testify in a separate room from the court room. (Compare Müller, 2004:20; Spies, 2006:136; Fourie, 2005:164.) Müller (2004:20) continues to state that an adolescent will not automatically be allowed to give testimony in the camera room. Evidence from a psychologist or social worker might first have to be lead to prove that the adolescent will suffer undue stress should he give his testimony in open court.

A video camera is mounted in the separate room where the adolescent may testify and the testimony is recorded and played on a television screen inside the court room. An intermediary assists in the special room. The intermediary has an earpiece which allows him to listen to the court proceedings as he relays the questions being asked to the witness (Spies, 2006:138). This implies that the sexually abused adolescent does not see any person in the courtroom when giving evidence.

Intermediaries have two functions within the court process, namely to remove all hostility and aggression from the questions being asked and secondly to change the question in such a way that the child or adolescent understands what is being said or asked. (Compare Müller, 2004:22; Wise & Hubbard, 1998:24.) This implies that the adolescent who testifies in the special court room is more protected from suffering undue trauma. However, a number of adolescents still give testimony in open court room in front of the accused due to the fact that some courts are not equipped with special rooms and also because undue mental stress could not be proven (Müller, 2004:21).

It is clear that the sexually abused adolescent may experience various difficulties when testifying in court, some of which may be experienced as traumatic due to the

structure of the court and its processes. Much have been done to decrease the trauma and emotional stress related to testifying in court by introducing special courtrooms with intermediaries, but the process is often still experienced as traumatic by those adolescents who have to testify in court. In the following section the effects of the legal system on sexually abused adolescents will be discussed.

2.3.3 The effects of the legal system on sexually abused adolescents

Research has shown that testifying in court is a very stressful experience for any witness. Müller (2004:29) mentions the following reasons why sexually abused adolescents experience difficulty when testifying in court:

- They have to talk in front of strangers;
- The setting is alien with people wearing long robes;
- An unknown procedure is followed;
- The language used is formalistic, archaic and specialised;
- The witness often has to reveal embarrassing and intimate detail;
- The adolescent will have to tell what happened in front of the accused;
- The adolescent is exposed to hostile cross-examination;
- Cross-examination is used to confuse the adolescent and to suggest that he is lying.

Although research has found that sexually abused adolescents experience testifying in court difficult and traumatic, some authors have also highlighted advantages that may be experienced by adolescents when they testify. These advantages as stated by Giles (in Müller, 2002a:5) include the following:

- The adolescent is identified in the process as the person who has been wronged;
- The adolescent is provided with skilled assistance through the legal and psychological assistance he may receive;
- The adolescent has the opportunity to explain how he feels about what has happened to him;
- The adolescent receives the opportunity to hear the opinions of other experts which respond to and validate the trauma he has suffered;

- The adolescent can see that the responsibility of dealing with the accused is taken over by competent and powerful adults;
- The court appearance provides a ritual whereby the adolescent stops being the victim;
- The process provides family members with an effective outlet for showing that they disapprove of what the accused has done, as well as of their desire to protect the adolescent.

Even though there are some aspects relating to the court process that may be experienced as positive by the sexually abused adolescent, the trauma related to testifying in court still dominates these advantages. The following section will highlight some of the difficulties experienced by sexually abused adolescents throughout the process of testifying in court.

2.3.4 Difficulties which sexually abused adolescents may experience with the court process

The following aspects related to court procedures and the effect of these on the sexually abused adolescent may be experienced as traumatic when having to testify in court, namely, having to give oral evidence; delays in the court case; multiple interviews conducted with the adolescent; having to confront the accused; cross-examination and the adolescents' knowledge and perceptions of the process of testifying in court. These aspects will now be considered in order to gain a better understanding of how they may impact on the sexually abused adolescent who has to testify in court.

2.3.4.1 Oral evidence

Within the accusatorial system oral evidence is viewed to be superior to all other sorts of evidence (Müller, 2004:30). This implies that the sexually abused adolescent will physically have to testify in court and it often happens that there is a long delay between the actual incident of the abuse and the date when the

adolescent has to testify. This in turn may have an effect on the ability of the adolescent to recall evidence and may impact negatively on his testimony.

2.3.4.2 Court delays

Another aspect of the court process that may impact negatively on the sexually abused adolescent who has to testify is delays in court cases due to witnesses not being present to testify, or the fact that the investigating officer is still busy with the investigation and the trial cannot proceed. These delays raise questions about the ability of the victim to remember the details of the abuse, especially if he is a child or young adolescent. (Compare Müller, 2002a:12; Wise & Hubbard, 1998:3.)

2.3.4.3 Multiple interviews

The sexually abused adolescent who testifies in court would have to give multiple interviews before actually testifying, due to the way the criminal justice system functions (Müller, 2002a:15). Usually the adolescent will disclose his abuse to an adult. If they go to the police he will then have to make a statement to the police as well. Thereafter a referral will be made to the FCS and an investigating officer will be assigned to the case. The adolescent will then have to give his statement again to the investigating officer. If a new investigating officer is assigned to the case the adolescent will have to give his statement again to the new person. In addition to this the adolescent may be in therapy and will also be talking about the incident within the therapeutic environment. When the adolescent then goes to court he will have to tell what happened to the prosecutor. It is clear that the adolescent will thus have to undergo multiple interviews before he actually testifies in court.

The danger of suggestion increases with every interview the adolescent is subjected to (Ceci & Bruck in Müller, 2004:32). Spencer and Flin (in Müller, 2004:33) assert that multiple interviews can diminish the adolescent's motivation and co-operation. Furthermore Müller (2002a:16) continues to state that multiple interviews may be detrimental to the adolescent's evidence due to the following reasons:

- The adolescent is forced to repeat intimate and embarrassing details to various strangers and this may increase his overall stress;

- After repeating his testimony so many times the adolescent's evidence may begin to sound rehearsed and he may have acquired specialised terminology, which can create the impression that he was coached.

2.3.4.4 Confronting the accused

Various authors (Dent & Peters in Müller, 2004:33; Murray & Gough, 1991:87) mention that research has shown that stress increases in adolescents when they have to testify in front of the accused. The adolescent who has been sexually abused often fears having to confront the perpetrator (Murray & Gough, 1991:87). Müller (2002a:17) states that various studies have found that confrontation with the alleged abuser may result in trauma experienced by the abused adolescent. Due to the layout of South African courts it is a reality that adolescents will have to face the alleged abuser during the trial, either in the court room or, due to an absence of a private waiting room for witnesses, in the hallway outside the court room before testifying.

2.3.4.5 Cross-examination

Cross-examination is another part of the legal proceedings that may be experienced as difficult and traumatic by the sexually abused adolescent testifying in court. Davies (in Müller, 2002a:18) mentions that cross-examination is a strategy a defence attorney and prosecutor utilise to cast doubt upon the opposing party's case and to discredit the evidence given by the witnesses.

Müller (2004:34) mentions the following confusing procedures that may cause difficulties for a sexually abused adolescent when he is cross-examined in court:

- When cross-examining the adolescent, the defence attorney will often not make eye contact with the witness, but rather face the bench while asking questions to the adolescent;
- Questions are directed through the bench;
- Questioning can be interrupted;

- There may be discussions at length relating to what was asked and how the adolescent answered the question in the adolescent's presence;
- The alleged perpetrator is present in court.

Sexually abused adolescents experience great difficulty to communicate when testifying in court. Müller (2002a:20) mentions the following reasons for the above:

- Cross-examination is hostile and aggressive;
- Adolescents may not understand the purpose of questions being asked in court;
- Leading questions may prove to be difficult for the adolescent to comprehend.

It is clear that sexually abused adolescents who testify in court may experience various difficulties throughout the process of testifying. One of these difficulties is cross-examination by the defence attorney, which may be experienced as a difficult and hostile process by the adolescent as highlighted above.

2.3.4.6 The adolescent's knowledge and perceptions of the court process

Limited knowledge regarding the procedures and functions of the court may have a negative effect on the sexually abused adolescent's ability to give effective testimony in court (Müller, 2004:36). Müller (2002a:23) mentions that adolescents may have serious misconceptions regarding the process followed in court and the roles of the personnel in court, which have implications on the degree of stress and fear experienced when giving testimony. It is important to clear up misconceptions and provide adolescents with the necessary information regarding the function of the court procedures and the roles and responsibilities of the people present in court. Various authors (Wise & Hubbard, 1998:9; Murray & Gough, 1991:73) continue to emphasise the importance of preparing sexually abused adolescents for court before they testify.

An important aspect to consider when sexually abused adolescents are subjected to the procedures of the court process and testifying in court as discussed above, is the

degree of secondary traumatisation they may experience as a result of this process. The following section of this chapter will focus on this aspect.

2.3.5 The effect of the court process on the emotional well-being of the sexually abused adolescent

Various authors (Bjerregaard in Müller, 2004:26; Murray & Gough, 1991:1252; Müller, 2002a:3) are of the opinion that psychological trauma is caused when the sexually abused adolescent is forced to testify in open court in front of the accused. Müller (2004:25) states that research has shown that adolescents who testify in open court showed greater emotional disturbance than those who were not exposed to it.

Avery (in Murray & Gough, 1991:122) agrees with the above by stating that a court case can lead to re-victimisation of the sexually abused adolescent. In a study that was done by Goodman and Jones (in Murray & Gough, 1991:123) it was found that adolescent victims were affected by having to testify in court. The study was done by comparing victims of sexual abuse that testified to victims of the same type of abuse who did not testify in court. It was found that three months after the trial the witnesses who testified in court showed a marginally significant increase in overall behavioural disturbances.

It is important to be aware of the effects of legal proceedings on adolescents as many individuals report that part of the trauma they experienced was due to this process (Bryant & Harvey, 2002:186). Reporting a crime can lead to various problems for the victim, including stressful and intrusive legal and investigative proceedings that can further increase the trauma of the victim. The authors continue to emphasise that this may be due to the fact that repeated interviewing in legal settings is not conducted in a therapeutic manner, which can lead to the victim re-experiencing the traumatic event and these legal proceedings can thus become associated with the traumatic event.

Murray and Gough (1991:124) assert that the following aspects of having to testify in court may be experienced as stressful by the sexually abused adolescent, namely cross-examination; seeing, identifying and having to stand near the accused; the

formality of the court room; having to speak in front of adults; the legal terminology utilised during proceedings and having to wait for months before appearing in court, as well as having to wait on the day of the court hearing. These aspects may then lead to secondary stress or post-traumatic stress disorder in the adolescent who has been sexually abused.

2.3.6 Post-traumatic stress disorder

After a major traumatic event most individuals, including adolescents, will experience psychological disturbances. (Compare Foa & Rothbaum, 1998:13; Bryant & Harvey, 2002: 157; Catherall, 2004:181.) Hanson (in Combrinck & Skepu, 2003:10) emphasises that serious trauma experienced by a victim may lead to physical, psychological and behavioural problems. According to the authors these problems have been termed “*post traumatic stress disorder*”. Yehuda (1998:16) emphasises that the risk to develop post traumatic stress disorder (PTSD) varies according to the type of trauma experienced by a victim and mentions that rape and sexual assault victims have the highest risk associated with the development of this reaction.

Victims of trauma often complain of insomnia, nausea, startle responses, nightmares, dissociation and numbing symptoms as a result of extreme stress being experienced. (Compare Combrinck & Skepu, 2003:10; Wastell, 2005:21; Herman, 2001:96.) Kaduson and Schaefer (2000:73) agree that in the immediate aftermath of a traumatic event, adolescents may meet the criteria for an acute stress disorder which includes dissociative symptoms such as numbness, depersonalisation or derealisation, and amnesia following a traumatic event.

According to Foa and Rothbaum (1998:24) there is a close relationship between post traumatic stress disorder and dissociation. Several authors (O'Connor & Braverman, 1997: 105; Gil, 1991:22; Pendergrast, 1998:201; Kaplan & Sadock, 1997:666; Hollin & Howells, 1991:241; Briere, 1992:37) agree that physical and sexual abuse in childhood and adolescence will often result in dissociative states. Gil (1991:15) highlights that dissociation is clearly linked to traumatic events and states that “*clearly, abuse is a psychic trauma to children, the more so by virtue of their size, dependency, and vulnerability*”.

Catherall (2004:182) mentions that secondary traumatic stress, which can be experienced as a result of court procedures and testifying in court, can have deleterious effects on the adolescent who might already be experiencing symptoms of a post traumatic stress disorder as a result of the abuse. Holmstrom and Burgess (in Combrinck & Skepu, 2003:11) agree with this author by stating that sexual assault does not end with the departure of the alleged abuser, but that secondary victimisation may occur after the incident due to unsympathetic, disbelieving and inappropriate responses the victim may experience during different stages of the criminal justice process.

Stanton and Lochrenberg (in Combrinck & Skepu, 2003:12) note the following aspects that might lead to secondary victimisation of the sexually abused victim, namely when prosecutors do not consult with victims before the trial, inadequate preparation of victims for court and not involving victims before decisions are taken. At court the lack of private waiting facilities, long delays until the court date and perpetrators that are released on bail without adequate protection of the victim are also mentioned as causes of secondary victimisation.

Herman (2001:72) agrees with the above by stating that when victims try to seek justice via the criminal justice system they are often further traumatised due to the fact that the legal system seems to act hostile towards victims. The author describes the legal system as "*an organised battlefield in which strategies of aggressive argument and psychological attack replace those of physical force*". Thus it can be concluded that the legal system provides no guarantees for the rights of the victim, but rather provokes in them intrusive post-traumatic symptoms.

The previous section focused on the psychological effects testifying in court may have on adolescents who have been sexually abused. It is clear that involvement in the court process may lead to secondary traumatisation or post-traumatic stress disorder in victims of sexual abuse and may negatively impact on their emotional well-being.

2.4 CONCLUSION

From the above discussion it is evident that sexual abuse has a detrimental affect on adolescents. Research has shown that the criminal justice system, from reporting the crime to the police to finally testifying in court, has various aspects that could lead to further traumatisation and victimisation of the victim. In the light of the above, and for the purpose of this research, the researcher will attempt to formulate guidelines for adolescents and their parents or caregivers, to assist and support the adolescent who has been sexually abused in the process of testifying in court.

In the following chapter the focus will fall on the empirical study that was conducted with the research participants. This was done in order to gain a greater understanding from the perspective of the sexually abused adolescents of how they experienced the court process and the impact testifying in court had on them. The research findings will also be compared to existing literature. Through this process the researcher will gain the necessary information to compile guidelines for adolescents who have to testify in court.

CHAPTER THREE

EMPIRICAL RESULTS, RESEARCH FINDINGS AND LITERATURE CONTROL

3.1 INTRODUCTION

In the following chapter the focus will be on the findings of the research interviews that were conducted for the purpose of this study. Semi-structured interviews were conducted with the research participants with the goal of accumulating information about the experiences of sexually abused adolescents who testified in court. The researcher identified eight themes from the research interviews. Four of the themes that were identified were further divided into sub-themes.

Furthermore, the researcher will provide a short summary of the research process that was followed. Thereafter the focus of this chapter would be on the empirical results obtained from the research interviews which would be linked to existing literature of each of the eight identified themes.

3.2 SUMMARY OF RESEARCH PROCESS

Within the context of this study the researcher utilised a qualitative research approach. The objectives of this study were as follows:

- To perform a literature review on the topic of sexual abuse of adolescents and court procedures that result from the abuse;
- To gather data by means of semi-structured interviews with a sample of sexually abused adolescents who have testified in court in the past six months, with parents or caregivers of adolescents who have testified in court, as well as with social workers from Childline who work with adolescents who testify in court,
- To analyse this data by means of a framework applicable for the analysis of qualitative data and to verify the research findings and describe it according to existing literature;

- To draw conclusions and formulate recommendations in the form of guidelines to support sexually abused adolescents when they testify in court.

For the purpose of this study the universe was identified as all adolescents in the Western Cape who have been sexually abused and have had experience of testifying in court. A second universe was identified as parents or caregivers of sexually abused adolescents who have testified in court, as well as social workers who work with sexually abused adolescents who testify in court, in the Western Cape.

The population the researcher identified for the purpose of this research study consisted of all the sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court. The second population included parents or caregivers of sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court, as well as social workers from Childline working with sexually abused adolescents who testify in court.

The sample for the purpose of this study consisted out of four sexually abused female adolescents between the ages of eleven to sixteen years who have testified in the Wynberg Magistrates Court in the past six months. The second sample consisted out of two parents and one caregiver of sexually abused adolescents who have testified in the Wynberg Magistrates Court in the past six months and three social workers from Childline working with sexually abused adolescents who testify in court.

Semi-structured qualitative interviews were conducted with the research participants after sample selection took place. Consent forms were signed by all the research participants who participated in this study after confidentiality issues were discussed with them. The researcher conducted all the interviews herself. After the completion of each interview the research participants were informed of the possibility of coming to Childline for therapy if they were interested in doing so. Two of the adolescent research participants were interested in coming for counselling at Childline and were referred to another social worker for the counselling process. One of the adolescent

research participants was already receiving counselling at school and one was not interested in coming for counselling at Childline, although her mother wanted her to do so.

Tape recordings were made of all the interviews that were conducted with the research participants. Data analysis took place after the interviews were conducted. The researcher listened to the tape recordings of the interviews and transcribed all the interviews herself. Thereafter a process was followed where the researcher read through the transcribed interviews and highlighted ideas and key concepts. The researcher then organised the information collected into themes and sub-themes of the data that emerged from the interviews. Eight themes which were compared to available existing literature relating to the identified themes were identified. The identifying particulars of the research participants will be discussed in the following section.

3.3 IDENTIFYING PARTICULARS OF RESEARCH PARTICIPANTS

Ten individuals participated in this study. The sample of research participants consisted out of four sexually abused female adolescents between the ages of eleven to sixteen years who have testified in the Wynberg Magistrates Court in the past six months. The second sample consisted of two parents and one caregiver of adolescents who have testified in the Wynberg Magistrates Court in the past six months as well as three social workers from Childline working with sexually abused adolescents who testify in court. During sample selection no discrimination was made in terms of ethnicity, language or sexuality. All the research participants that participated in this study were female by coincidence.

The ages of the sexually abused adolescent research participants that were interviewed were as follows:

- Adolescent research participant 1: 16 years of age;
- Adolescent research participant 2: 13 years of age;
- Adolescent research participant 3: 11 years of age;
- Adolescent research participant 4: 15 years of age.

3.4 MANNER IN WHICH EMPIRICAL RESULTS WILL BE PRESENTED

After the completion of the semi-structured interviews with the research participants, the transcribing of these interviews and the process of data analysis that were followed, eight themes were identified. Four of these themes were further divided into sub-themes.

The following themes emerged from the research interviews:

- Theme 1: Fear of going to court and confronting the perpetrator;
- Theme 2: Experience of the court process;
- Theme 3: Feelings experienced towards the defence attorney, the perpetrator and the court during testifying;
- Theme 4: Delays and postponements and the effect of this on memory of the abuse;
- Theme 5: Aspects that assisted in the court process;
- Theme 6: The psychological impact of the court process on the adolescent;
- Theme 7: The sharing of information about the progress of the court case;
- Theme 8: Testifying in the future.

The results of the interviews that were conducted with the research participants will be referred to throughout this chapter in the form of direct quotations. Utilising direct quotations in a research report can be of great benefit as it brings the voice of the research participants to the report (Delport & Fouché, 2005b:352). For the purpose of this research report reference to the quotes of the different participants will be indicated by the following symbols:

- Adolescents who have testified in court = A1, A2, A3, A4;
- Parents or caregivers of adolescents who have testified in court = P1, P2, P3;
- Social workers from Childline who work with adolescents who testify in court = S1, S2, S3.

A discussion of the eight themes that were identified from the information obtained from the research interviews will follow. The researcher identified relevant literature relating to each theme and linked this to the findings from the research interviews

and also provided the quotes obtained while conducting the research interviews. The researcher tested the findings from the research interviews by comparing it to existing literature. This process was followed for both of the sample groups of this research.

3.5 DISCUSSION OF EMPIRICAL FINDINGS

The semi-structured interviews that were conducted with the research participants were taped on audio cassettes. The following section of this chapter will focus on the eight themes that were identified from the feedback of the research participants after the information that was gathered through the interviews were transcribed. The researcher will present each theme that was identified during the research interviews and link it to existing literature.

3.5.1 Theme 1: Fear of going to court and confronting the perpetrator

The first theme that was identified from the research interviews was the fear that research participants had of seeing the perpetrator before testifying in court. Research by Perry and Wrightsman (1991:136) confirm this finding by stating that children and adolescents who have to testify experience negative feelings towards facing their perpetrator in court. Confronting the alleged perpetrator may result in a traumatic experience for the sexually abused adolescent witness (Müller, 2002a:17).

Various authors (Dent & Peters in Müller, 2004:33; Murray & Gough, 1991:87) mention that the stress of a witness may increase when he has to give evidence in the presence of the accused. According to Hill and Hill (in Müller, 2004:33) empirical research has shown that physical confrontation with the accused can damage the reliability and quality of the testimony of the adolescent who has to testify. Goodman (1993:16) states that witnesses in sexual abuse trials who expressed strong fears of the defendant struggle more with answering questions in court. The author alludes that a confrontation with the perpetrator may impact negatively on the victim and his ability to testify. These findings seem to corroborate with the fears as identified by the research participants who were interviewed for this study.

Facing the perpetrator on the day of testifying seemed to be traumatic according to both samples of the research participants who were interviewed for this study. One of the adolescent research participants were told that she would not have to be in the company of the perpetrator on the day of testifying, but when she arrived at court the perpetrator was there and she had to sit close to him while waiting to testify.

The social workers that were interviewed stated that facing the perpetrator when sexually abused adolescents testify is a problem at court, even though some courts have attempted to put measures in place to protect the victims of having to be confronted with the perpetrator or his family. Furthermore the social workers mentioned that they have had various clients who had contact with the perpetrator or saw him and his family before they went to testify. This impacted negatively on the adolescent's experience of testifying in court.

According to the adolescent research participants that were interviewed, confronting the accused in court had a detrimental effect on them when they testified and this may have impacted on their secondary traumatisation. One of the adolescent research participants stated the fact that the accused was present in court and looked at her while she testified, was stressful for her.

The following typical responses that were gained from the research participants confirm the above mentioned theme.

A. Feedback from adolescents who have testified in court

- *That there would be people that I did not want to see there, you know, the man who did it to me... (A1)*
- *Well, they told me that he was not going to be in the same company as I was, but, he was. I see him at home also because he lives near to me, but I just didn't want to see him that day. (A1)*
- *I was scared that I will see the person who did this to me. (A2)*
- *It was very hard to see the man there, I felt scared and did not want to see him, but my aunt was there and that helped. (A2)*

- *Sometimes I was scared that the person that I'm doing this case on and the family would do something to me and that I would see them when I went to court. (A3)*
- *Yes, I saw him outside and I was scared to face him in court, but then I went into the room to speak. (A3)*
- *Hmm... I was scared that I will have to see the man there. That you will stand in front of him. (A4)*
- *Hmm, it was difficult, seeing the... him there in court, hmm, him watching you, giving you a look, and everybody else that's there looking at you, you know? (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Well, before we went she was nervous that she would have to see him at the court and also when she testified. (P1)*
- *Yes, I think so, because she was so scared of telling what happened when he was there, you know, in front of him. (P1)*
- *Hmm... I just think it was difficult because before the time they said she would not have to be in his company that day, to see him before court, and she did, this was very hard for her. I could see she was emotional... (P1)*
- *She said she was scared to see the man there who did it to her. (P2)*
- *She was afraid to speak and the guy was there on the day when she testified and she saw him and this made her very afraid to talk about what happened. (P2)*
- *Yes, she was very scared that she'll see him at court and when we went into the court he was sitting there on the bench, so she did see him. (P3)*
- *Yes, you know and his family was also sitting there so she did not want us to sit there she was so scared, so I told her you just sit here, you did nothing wrong, you have nothing to be scared of , you just sit here. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *I think fear of actually telling their story and fear of the unknown. Also fear of seeing the perpetrator at court. Even though they get told about what is going to happen I think there's still a fear and worry about that and the whole process. And that they are going to be in trouble and that they are going to be seen as liars, that I think is quite a major worry and then I think its just a big thing for them to carry on their shoulders, that they have to go and testify and speak in front of the perpetrator. (S1)*
- *That is something I feel the court doesn't do... they have tried to put measures in place to protect the children and adolescents who's going to testify from seeing the perpetrator before they testify, but I don't think it actually happens. A lot of clients of mine have seen the perpetrator before testifying. One of my clients, they went and they allowed the perpetrator to sit right on the bench where the room is where she was going to testify via the use of an intermediary and nothing was done to almost protect her from seeing him, the, the accused. (S1)*
- *Hmm... I think it's going there because in general the place is not very friendly. Although the Wynberg court, the floor is nice where the sexual offences court is, but the other thing is walking past the perpetrator, him sitting there in the waiting area. They always are afraid of, am I going to see him, you know that kind of thing. (S2)*
- *Yes, it's kind of hard not to because they are sitting right there and sometimes the perpetrators wander around like the, the one part is locked off, but then on the other side its easy for them to kind of be there and to be glimpsed, even if though they don't have contact but they can see the victim and I think they experience this as scary. (S2)*
- *I would say the most difficult thing for my adolescent clients would be that they had to testify in open court, in front of the perpetrator and that they had to see him on this day, sometimes even before the hearing start, or they'll see his family that may intimidate them. (S3)*

From the above information gained through the interviews with the research participants it seems evident that the fear they had of confronting the perpetrator at court was a realistic fear. All the adolescent research participants who participated in this study had a fear of seeing the perpetrator at court and all four of them saw the perpetrator before they testified.

3.5.2 Theme 2: Experience of the court process

The second theme that was identified was the experience of the sexually abused adolescents of the court process. This theme was divided into the following six sub-themes:

- Questions asked in court;
- The feeling of not being believed when testifying in court;
- Feelings of research participants that they were not given the opportunity to tell their story in court while testifying;
- Time it took to testify;
- The experience of cross-examination;
- The relationship with the prosecutor, including the possible change of prosecutors during the trial.

The above mentioned theme with its respective sub-themes and the responses gathered from the research participants will be discussed in the following part of this chapter.

3.5.2.1 Sub-theme 1: Questions asked in court

The adolescent research participants identified various problems they experienced with the questioning in court. The two problems that were highlighted most included the type of questions being asked during the court procedures and the asking of the same question more than once. Literature seems to corroborate the experience and statements of witnesses regarding the questioning they were subjected to in court.

Goodman (1993:15) asserts that questions asked during court proceedings can often be confusing. Müller (2003:5) mentions that the reason for the above may be due to the specialised language utilised during court proceedings. The language used during court proceedings and the way in which questions are stated to the adolescent witness is formalistic, archaic and specialised, which may result in difficulty in comprehension of the questions (Müller, 2004:29).

Müller (2002a:20) continues by stating that leading questions asked during cross-examination may cause difficulty in comprehension for the adolescent witness. The author continues by mentioning that witnesses are expected to answer questions about private sexual matters within an environment they believe functions to punish bad people and that this can lead to them not wanting to talk and answer questions about such matters. Busy, Lee and Grimbeek (in Goodman, 1993:15) agree by stating that having the perpetrator present while the witness is being questioned in court can substantially reduce the adolescents' willingness to share information and disclose what has happened to them.

Müller (2004:35) further identifies the problems associated with peripheral questions asked in court. This type of questions is not related to the abuse itself, but deal with matters aimed at testing the witness's credibility. Spencer and Flin (in Müller, 2004:35) state that it is easier for witnesses to give false answers when dealing with peripheral questions in court. The reason for this may be due to the fact that the adolescent witness may feel that he will get into trouble if he answers certain questions regarding the surrounding circumstances in which the abuse took place and may then wish to create a different scenario. An example of this may be when asked if he used alcohol or drugs before the abuse took place. The witness may feel that he will be in trouble if he tells the truth about matters such as this and may then answer "no" to this question, even though there may be evidence or other witnesses to disagree with his answer.

Brennan and Brennan (in Müller, 2002b:173) state that there is no provision in court proceedings "*to express their concerns, their possible lack of comprehension about the questions, or to negotiate in any way the content or direction of the line of questioning*". The authors further mention that during cross-examination the lawyer

may put questions to the victim at a rapid pace, making it difficult for him to keep up with the line of questioning. Furthermore there is emphasis on limiting a witness' ability to respond to questions, and questions are asked in a manner where the witness has to agree, disagree or state that he does not know the answer to the question (Davies in Müller, 2002b:175).

Adolescent research participants identified that the type of questions that were asked in court was of a personal nature and at times they did not understand the questions that were being asked. Victims also seemed to find the use of double negatives when being questioned in court confusing. Another issue that was identified by both samples of research participants was the fact that the same question was asked more than once, and this seemed to result in frustration and confusion with the sexually abused adolescents who testified in court. The information obtained from the parents or caregivers of adolescents who have testified in court, as well as from social workers who work with adolescents who testify in court, supported the above findings.

The manner in which questions were asked while testifying seemed to impact negatively on the adolescent research participants as they felt that they were not being believed while testifying. This also resulted in their feeling that they did not receive the opportunity to tell what happened to them in the way they would have preferred to. The fact that the same question was asked more than once and that they did not receive time to think about it and to decide how to respond to questions seemed to impact on these perceptions. The following feedback was received from research participants with regard to this theme.

A. Feedback from adolescents who have testified in court

- *Well, it was difficult, they asked the same question over and over and they asked personal questions. (A1)*
- *Don't let them confuse you, because they ask you the same questions over and over, but then they just say it differently so that you can get mixed up. (A1)*

- *Hmm... I don't know. It was questions that the man's lawyer asked me. Like, he would ask the same question over and over and that was hard. (A2)*
- *It's, it's a lot of questions they had to ask and some questions I did not understand. (A3)*
- *I got kind of irritated and frustrated. It was very difficult for me when they were asking the same questions over and over, it's like they want to trick you. (A3)*
- *"Ja" so called... and she asked like such questions that I'm thinking huh? And she doesn't make what she want clear, and she talk so fast and so inappropriate that you don't know what's going on and every time you say excuse me... (A4)*
- *In a way yes, because and they'd push and I know they are pushing for the truth, but the one woman pushed so hard, like not my thingie, but she'd push and ask the same question over and over and over... (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Just that it was very difficult for her. The way they asked her questions and the way he could be there in court... also the type of questions they asked, she said it was very personal. (P1)*
- *She did say they asked the same questions over and over, and the time you know, the time they had her in there to ask questions, that was not right. (P1)*
- *It took long and she said he repeated the questions over and over and this was difficult. (P2)*

C. Feedback from social workers who work with adolescents who testify in court

- *And especially when they use double negatives and they are stressed or can't understand the question, that's where I find the trickery comes in. (S1)*
- *Well, yes, they often talk about this and I think its part of the whole cross-examination process that they ask the same questions over and over again*

and I think this is when they then decide to give a different answer or stay quiet. And especially the younger ones, they think they must answer the question differently. (S1)

- *But what I have found very strongly is that the questions are confusing, so, because they are confusing they can't actually understand what they're answering and they know they have to answer or they feel they have to answer so then they give any answer. Like using double negatives, or saying is it the, is it, is it, is he telling a lie if he says that hmm... that he didn't do it. There's like a double negative there and then they, the adolescent say yes he is telling a lie, or, you know, they become confused and that messes up the whole thing. (S2)*
- *Yes that has happened to my clients where questions were repeated over and over. (S2)*
- *Cross-examination, the type of questions being asked, I think they feel sometimes as if they are being tricked by the type of questions that's being asked. (S3)*
- *Well, yes, a client told me they kept on asking where it happened, what happened and so on, just in different ways. As if they were trying to catch her out, but this is one of the things I prepare my clients for, that questions will be asked over and over again, but I think nothing can really prepare them for when it actually happens. (S3)*

From the above it seems evident that the adolescent research participants experienced difficulty with the manner in which questions were put to them. They felt that they did not get the opportunity to think before they had to answer questions, which relate to the pace of the questions put to them, and that at times they did not understand the purpose of the line of questioning. The literature seems to substantiate these findings as it seems to be a widely recognised problem in the legal system when sexually abused adolescents have to testify in court.

3.5.2.2 Sub-theme 2: The feeling of not being believed when testifying in court

The following sub-theme did not feature very strongly in the literature the researcher studied, but was mentioned by all the participants that were interviewed from both of the sample groups of this research. According to Müller (2004:182) the defence attorney may at times implicate or even state that the adolescent witness is lying during testimony. The author continues to state that the witness should be prepared that this is a possibility and thought should be given on how this would make the adolescent feel when it happens in court, as well as how to deal with this situation should it arise.

According to all four of the adolescent research participants of this study they were extremely traumatised when it was suggested in court that they were lying and when the process of cross-examination made them feel as if they were not believed. This may have impacted on the secondary traumatisation they experienced while testifying. Typical responses of the research participants while conducting the research interviews relating to this theme were as follows.

A. Feedback from adolescents who have testified in court

- *Hmm... The type of questions that they asked, like, do I remember what happened and am I sure and things like that. It felt like they were not believing my story. (A1)*
- *I got angry, because I did tell the truth and it felt as if he did not believe me. (A2)*
- *No, it was only when that guy said I was a liar when I answered the questions. (A2)*
- *It kind of almost felt as if they did not believe me, but I still answered the questions. (A3)*
- *Yes, I also felt like they did not believe me. There was this one question that they asked me about who lives all in the house. Then I told them who lives all in the house at the moment. Now my one uncle lives in another place at the moment so I didn't mention his name, and then they said I lied because I*

didn't mention his name and he lives there. And I told them that he doesn't live there at the moment and they asked me why I didn't say that he lives there, so I didn't answer them because it's nothing to do with them why he doesn't live there. (A3)

- *Yes, because I felt they did not believe me and I did tell the truth. I think they wanted to try and catch me out. (A3)*
- *Irritated, you know, it feels as if they're not believing you. That you are lying. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Yes, at court she said that when she testified she felt as if they thought, or they even said that she was lying when she gave her testimony. This was very hard for her to accept. (P1)*
- *I think she felt it was difficult because they said that she was lying when she told them what happened and also asking her about dates and times, but this is very difficult, you know it happened lots of times so it was difficult for her to remember and to answer this. (P2)*
- *I think she almost felt that she was the one who did something wrong. It was difficult because they did not believe her, or she felt like this anyway. (P2)*
- *Yes, prosecutor, I went to ask her what was going on and she said to me that he was found not guilty and also about the witnesses' testimony that did not correspond with each other. And I asked her what she was talking about, because none of us really saw what happened. And she just said, well, this is what the court found. I mean, you can think for yourself, I said to her I don't understand, the system fails you in each and every way. I said, that is a child, she was the victim, she was treated as the, as the perpetrator the day she had to testify. She had to speak for four hours and now you come to tell me that this man was found not guilty, you think that's fair? You think that fair? I said this child told the whole story, a person can think, you can know when a child is telling a lie, we are all grown ups we can know. They will tell a story, but here and there a story will change, that is a child. But not that exact story*

like it was in the beginning, she told it every time the same. Now, that child told the story from the beginning to the end, I don't see how the court can find him not guilty. (P3)

C. Feedback from social workers who work with adolescents who testify in court

- *Well, yes, I think that they feel as if they are made out to be lying by the way the questions are put to them. Sometimes they won't verbalise this directly, but I have clients who have said that they felt this way. (S1)*
- *I think what they are left with is that they could have done it for nothing or that they... they feel like they are liars. And that they exposed themselves even more than what the abuse itself exposed them. And that they went through all that distress for the past two years where they could actually, just, left it... (S1)*
- *I have had clients say that they felt they were not believed by the way they were cross-questioned and I think it effected them and even their testimony very negatively, because you know, they will say that they felt like not answering anymore and this may happen in court and can be detrimental to their case. (S2)*
- *Well, yes and no. The one I have just mentioned I think definitely and very strongly experienced it this way. She told me after she had testified that she would never go back to court again, no matter what happens to her. I think the way she was cross-examined like asking her if she is telling the truth and if she's not making it up, this made her so angry and I think it's because she felt she was not believed. (S3)*

From the above responses it is evident that the adolescents who were interviewed were traumatised by the fact that the defence attorney implicated that they were lying and when they felt their testimony was not believed.

3.5.2.3 Sub-theme 3: Feelings of research participants that they were not given the opportunity to tell their story in court while testifying

Another sub-theme that was identified from the research interviews was the fact that one of the adolescent research participants felt she was not granted the opportunity to tell her story about what happened to her to the court in the way she wanted to. The feedback obtained from one of the parents or caregivers, as well as one of the social workers who were interviewed supported the above finding. This sub-theme was identified strongly by the adolescent research participant and was linked to her negative experience of the court process and testifying in court. This sub-theme did not feature strongly in the literature examined by the researcher. However, as stated by Combrinck and Skepu (2003:8) *“Even if the offender is apprehended and brought to trial, the experience of victims in many jurisdictions is that they have been marginalised and do not have the opportunity to express their views and concerns in the criminal justice process...”*. The research participant felt so strongly about the fact that she did not receive the opportunity to tell what had happened to her, and accentuated this so strongly, that the researcher deemed it necessary to identify this as a sub-theme of theme two.

The experience of the research participant of not being able to tell the story of what happened to her seems to implicate the process of cross-examination, where the witness may not be given time to respond to questions and seemed to have a negative impact on the quality of the research participant’s evidence as she *“became quiet”* during the process of testifying.

Typical responses from research participants relating to this sub-theme were as follows.

A. Feedback from adolescents who have testified in court

- *It wasn’t “lekker”, the people, they are mean they... I’m not used to someone not listening to me and not giving me a chance to speak, I’m not used to somebody not listening to me. And they don’t give you that. (A1)*

- *Hmm... if the, if they gave me a chance to tell my story the way I wanted to tell it and not the way they wanted to hear it. (A1)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *And you know, she really said that she did not feel the court, at court she was able to really tell what happened to her. She said the questions were so that they would just ask her and not give time for her to think or to answer them. They would just go on and on and she said to me that later she just became quiet... (P1)*

C. Feedback from social workers who work with adolescents who testify in court

- *Yes, I think one of my clients told me that she wanted to answer right, but that they did not give her time to answer or think about the questions. So I do think she felt as if she was not given the opportunity to tell her story in her way and I think this was a letdown as I think she thought before she testified that this was what court would be like, for her a place to tell what happened to her. (S3)*

From the above it seems evident that there is a possibility that sexually abused adolescents who testify in court may experience the court process as negative due to the fact that they may feel they did not receive the opportunity to express their feelings and report what had happened to them. There also seems to be a link with the above mentioned sub-theme and cross-examination of a witness in court.

3.5.2.4 Sub-theme 4: Time it took to testify

The time it took for the actual testimony to be completed seemed to be another obstacle that was identified by the adolescent research participants, as well as the parents or caregivers of adolescents who have testified in court. Westcott and Page

(2002:140) mention how lengthy cross-examination has the potential to weaken a witness's resilience. Müller (2004:219) continues to warn about the time it may take for a sexually abused adolescent to testify in court and stresses the importance to prepare him and his family for this. The author states that testifying may sometimes take even more than a day and may be experienced as frustrating and tiring by the adolescent witness.

The feedback from the research participants seems to collaborate this finding. The adolescents mentioned that they got tired after the long period they had to testify and emphasised the impact it had on them when questions were repeated during this process. The information received from the parents or caregivers further confirmed this finding. Typical responses were as follows.

A. Feedback from adolescents who have testified in court

- *Yes, they asked questions for a very long time and I got tired and felt like going to sleep. (A2)*
- *It was difficult, because it took so long and he asked the same questions over and over. (A2)*
- *Yes, it took very long to testify and I got tired. (A3)*
- *It took very long to testify, I was exhausted with them asking those questions over and over... (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Yes, it took very long for her to testify, you know, this was not good for her, asking the same things over and over, why do they have to do this, she's a child you know, she told them and they just kept going and going... (P1)*
- *Well I think she got tired because it took so long, the questions. (P2)*
- *Even the day when we testified in court... I mean to have a child testify for that amount of hours is unfair. Of course they will become confused and say things... (P3)*

- *Yes, four hours, and who can ask questions of a child this long? It's not right, not right... (P3)*

The feedback from research participants supports the view of literature. The adolescent research participants in this study testified for a long period of time and emphasised that this process tired them.

3.5.2.5 Sub-theme 5: The experience of cross-examination

Cross-examination was experienced as a negative, stressful and traumatic experience by the adolescents who participated in this study. All three social workers who work with sexually abused adolescents who testify in court who were interviewed, agreed with the above.

Research shows that children and adolescents can experience emotional trauma as a result of repeated questioning by police and attorneys, as well as by repeated court appearances (Perry & Wrightsman, 1991:135). Heeney (in Perry & Wrightsman, 1991:135) states that even defence attorneys acknowledge that the involvement in legal proceedings can be devastating to a child or adolescent.

Sadan (in Richter, Dawes & Higson-Smith, 2004:220) mentions that cross-examination by defence attorneys can be experienced as traumatic due to offensive and aggressive techniques utilised by attorneys in sexual abuse cases. According to the author there are no provisions in legislation that regulate cross-examination and can protect witnesses when under cross-examination.

Cross-examination is often used to humiliate, scare and deliberately confuse a witness and can have a devastating effect on victims. (Compare Fourie, 2005:48; Müller, 2002b: 169.) According to Lynch (2002:133) cross-examination is utilised by the defence attorney to discredit witnesses and the adolescent who testifies are also subjected to this process while testifying. The author continues to stress the importance of attempting to prevent improper and inappropriate questioning while cross-examining a witness.

The above may be some of the reasons why three of the adolescents who were interviewed experienced the process of cross-examination as traumatic and negative. It is clear that the adolescent research participants felt victimised by this process and that it was experienced as difficult and traumatic. The following responses were gathered from the research participants in this regard.

A. Feedback from adolescents who have testified in court

- *Well, it was like she never gave me time to speak. She was just asking questions and I'd try to answer as quick as I could, but she wouldn't give me time to think about the questions. "Ja", I got very angry, but I couldn't say anything. (A1)*
- *Hmm... like the way the woman, his lawyer, was looking at me, and he couldn't, the guy, he was sitting there but he didn't look at me at first and then later he did. And every time he would call his lawyer and tell her something and then she would ask me that question and I couldn't ask my lawyer anything. (A1)*
- *Hmm... the way the lawyer could look at me and act when I answered the questions then he would like immediately ask me another question, yeah, and him that was sitting there and that it took so long. (A1)*
- *When his lawyer asked me questions it was very difficult. There was one question that he asked. He said that yes, according to this man he says that he did not do anything to me. I wanted to say to him, to who did he do this, to me or to you? And then I didn't, but later I did say it. And then I felt bad about myself. (A3)*
- *I found cross-examination very irritating, because every time she does not think of something then he would tell her what to ask and that. But I thought, I thought that he made it so obvious that he's guilty. But, then I must be "dom" so he got out of it, he... (A4)*
- *I don't know how other people experience it, but when I went there bringing everything up like, hmm, ok I'm not, I don't know if it has to do with what happened but I don't believe in God and that. Ok, I don't believe in that because everyone says like the children and that, that He has control over the*

world and that, that he has control over the good and the bad. But he might have control over the good but then not the bad. Because bad things happen to people. But when I had to go through what happened and court, hell makes more sense than that. I mean... having to talk about what happened, them asking all those questions... (A4)

B. Feedback from social workers who work with adolescents who testify in court

- *I do think they experience cross-examination as stressful, and that they, they're being tricked. One adolescent told me that they asked lots and lots of tricky questions and then at the end of the process I think that's the part that makes them feel that they are not believed. (S1)*
- *Well they find cross-examination very, very stressful. You know they have said that the perpetrator would look at them while answering the questions or that the defence attorney would say things like he (the perpetrator) said it didn't happen or you are lying and they just can't deal with this. I think it makes them quite frustrated and angry. And I've had clients who found it very difficult to speak, or testify in front of the perpetrator because he had warned them in the first place not to tell about the abuse and now they are telling and often the perpetrator would have threatened them, saying that he'll kill them or so if they tell. (S2)*
- *Hmm... I think it's often very traumatic for them. They get flashbacks about what happened and they have to speak about things that's difficult to speak about, like sexual things or the abuse and they have to do it in front of the perpetrator. I have had cases where this was very difficult for the adolescent. She was ready to go and testify and then when she was in court she experienced it as very difficult, ja, she said she got very angry and frustrated with the court and the way they questioned her. When I asked her about it I could see she meant while she was under cross-examination. (S3)*

From the above mentioned responses it is clear that the process of cross-examination was experienced as a negative process by the research participants.

Furthermore one adolescent research participant felt the procedure of the court process where the alleged perpetrator could speak to his lawyer and tell him what to ask in court was unfair. The research participant experienced this as unfair due to the fact that she could not speak to her prosecutor during the proceedings.

3.5.2.6 Sub-theme 6: The relationship with the prosecutor, including the possible change of prosecutors during the trial

The relationship some of the adolescent research participants had with their prosecutor was another sub-theme that was identified from the information gained from the research interviews. Various authors (Wise & Hubbard, 1998:12; Combrinck & Skepu, 2003:20) emphasise the importance of the prosecutor meeting with the adolescent witness before the trial, as this will enable the prosecutor to gain the adolescent's confidence.

Müller (2004:218) states various reasons why the relationship with the prosecutor and meeting him before the trial is important. The author mentions that the reason for consultations with the prosecutor is to find out what the witness and his parents know about the case so that the prosecutor knows what questions to ask in court. Furthermore the author states the importance of acquiring the following information from the family:

- Concerns the adolescent may have about going to court;
- The adolescent's ability to communicate and understand;
- To find out words the adolescent use for different body parts;
- Emotional or behavioural difficulties the adolescent may be experiencing;
- Family or personal problems that may be worrying to the adolescent.

Stanton and Lochrenberg (in Combrinck & Skepu, 2003:12) note that adolescent witnesses may experience stress and secondary victimisation when the prosecutor does not consult with them before the trial, when they are not prepared by their prosecutors for the trial and when they are not included in decision making processes relating to the trial. Wise and Hubbard (1998:12) continue to emphasise the importance of a meeting with the adolescent's prosecutor before a trial starts.

They advise that the prosecutor should meet the victim at least a week before he testifies. The reason for this meeting should be to establish rapport, to assess the cognitive and language ability of the witness and to get to know the victim in order to use age-appropriate language during the leading of evidence.

Wise and Hubbard (1998:11) refer to a study that was done where it was found that the attitude of children and adolescents who have to testify in court towards prosecutors was extremely negative. According to the researcher this negative perception may be linked to fears, concerns and misconceptions of adolescent victims who have to go and testify in court.

Two of the adolescent research participants that were interviewed for this study did not feel they had a trusting relationship with their prosecutor due to the change of prosecutor on their day of trial. One parent or caregiver who was interviewed agreed with the above. This created the belief in these research participants that the prosecutors who defended them did not know the facts of their case and may have resulted in the research participants believing that their prosecutor was not impartial, not on their side nor there to help them. One of the adolescent research participants also mentioned that she did not feel her prosecutor protected her while she was being cross-examined and linked this to the fact that she did not know the prosecutor and that she felt he did not know and understand what happened to her. Typical responses related to this sub-theme were as follows.

A. Feedback from adolescents who have testified in court

- *Umm... like my prosecutor. The questions that he asked didn't make me feel like he was trying to hear my story. And also his lawyer, because he asked me some inappropriate questions and my prosecutor didn't even say anything, the judge had to say something. Now that made me feel angry, as if he was not on my side. (A1)*
- *I didn't like the fact that they changed my prosecutor at the last minute and I felt I did not know him. Or he me... (A1)*

- *I was given a prosecutor at the beginning and then everything happened and then she had another case, they gave me, on the day that I had to go to court they gave me another one and I didn't like that because she knew my story and he just had a few hours to learn my story and I felt that he didn't help me as much as I wanted him to. (A1)*
- *Yes, the day she was, my real one was not there, so she took over and that, she said "ja", if she knew that I was not prepared they wouldn't let the court case go on then, but then I already started testifying and then they gave me a break, because I couldn't say anything, and I got tears and so the lady asked if I wanted a break and they let me out. And then she told my mom that I'm not prepared and that she can see that. (A4)*
- *Hmm, yes the same, horrible, because she didn't hear what happened to me from my mouth, she just read all the stuff which the other person just sketched down. It's not the full, long story. In a way it made me feel like dropping everything because I missed out on a lot of school work and my marks was low and that while the court case was busy. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *No, the perpetrator's lawyer, but you know, this was another thing. On the day she went to court they gave her another lawyer and she did not feel comfortable with this. It was a man and it was difficult for her to speak to him, you know? She just said that she did not feel he protected her in the court. (P1)*
- *Yes, she said he did not protect her, she said the man's lawyer asked questions and then the magistrate told him to stop, not her own lawyer. (P1)*
- *Well, I don't know what there was that was good. They just changed her lawyer and everything, just so at the last minute, and then she also saw him, it was very hard for her. (P1)*

C. Feedback from social workers who work with adolescents who testify in court

- *Yes, I have had adolescents who have hinted at this. That the magistrate protected them and not their own prosecutor because they did not stop the questioning or intervene with the type of questions that was being asked. But I do also think that at times the prosecutors do protect their clients. Like one example was that the adolescent had given her statement and she had her periods at the time and the defence attorney just went and stopped her and said “ok, genoeg oor jou periods nou”. She stopped her and said stop talking about your periods now, lets get down to the actual event and I think that some time should have been taken, or maybe the her prosecutor could have stopped that and just highlighted the fact that this was actually quite traumatic for her. (S1)*
- *Yes, I think it happens quite a lot that prosecutors change, especially because the cases take so long before the adolescent actually goes to court so they could go through at least two or three prosecutors. Hmm... and I do think that the family almost get comfortable with one prosecutor, especially if they go to the court a few times and when they see another prosecutor they almost have to build their trust in that prosecutor again. (S1)*
- *I think it could be quite scary for them, not, with this change in prosecutor and then also them not understanding what’s happening and then almost just loosing faith in the system, where they just merely get passed from one person to another and their case, nothing ever happens to the case. And then at the end if there’s also a not guilty verdict to be found I think the families base it onto being passed around from one prosecutor to the other. And I also think with the change of prosecutors, hmm... they might not know the case as well, since especially if the victim has testified in court then there’s again not that relationship between the prosecutor and the adolescent. (S1)*
- *Yes, I think they are not given time to respond and when they do respond someone will just start asking another question, things like that. And then also, sometimes they don’t have a relationship with their prosecutor, because*

their prosecutor was changed and they feel that the new person did not support them while under cross-examination. (S2)

- *Yes, this happen I think because the whole court process takes so long and the prosecutors are often coming and going and “ja”, so often I think there’s... a different prosecutor has the case. (S2)*
- *Well, I think it’s difficult because as it is they have to talk about something that’s so personal and so private and they’ve just started to maybe build a little bit of a relationship with the first person and then they have another person and they’ve got to go through the whole process again, and trust is already an issue. And I think it makes them feel, well, they loose faith in the process, and also their families. (S2)*
- *Yes, it does happen that prosecutors change through the trial. I’m thinking of a specific client who started with one prosecutor they went to see and later they had to change to another one. I think this affected them negatively in a way, because they had to start with the relationship building process from the beginning and also had to retell their story again to another person. I have heard that this happens quite often from other workers in the field. (S3)*

From the above responses of the research participants it is clear that two of the adolescent participants felt that their prosecutor did not protect them while they were being cross-examined by the defence attorney. Furthermore, the impact on the relationship with their prosecutor and their quality of testimony seemed to have been affected by the fact that their prosecutor was replaced on the day the adolescent testified in court. This seemed to have had a negative impact on the adolescents as they felt that the new prosecutor knew almost nothing about them, did not have a relationship with them and that they did not know their story, in other words what happened to them relating to the sexual abuse.

3.5.3 Theme 3: Feelings experienced towards the defence attorney, the perpetrator and the court during testifying

The researcher identified various feelings experienced by adolescent research participants towards the defence attorney, the perpetrator and the court process as theme number three. These feelings were divided in four sub-themes and included:

- Anger felt towards the defence attorney, the perpetrator and the court process;
- Fear of going to court;
- Relief after testifying in court;
- Sadness experienced due to the feeling of not being believed while testifying.

According to a journal article published by The American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health (1999:1145) all children and adolescents experience anxiousness in a court room. Wise and Hubbard (1998:15) agree by stating that it can be expected that adolescent witnesses who have to testify in court will be afraid and upset by this process.

Müller (2004:117) mentions that witnesses who have suffered trauma may in general be more withdrawn and stressed and their involvement in the court process may lead to their experiencing emotions such as fear and anger. According to Müller (2004:26) many professionals believe that involvement in court procedures may traumatise the victim. Prior (in Lynch, 2002:133) agrees by stating that adolescents find court proceedings stressful, even though provisions have been made to relieve their distress when testifying. Such provisions include the possibility of testifying in camera and the availability of separate waiting areas for witnesses and alleged perpetrators at some courts. Another factor that may lead to feelings of anxiousness, tension or fear may be the fact that the witness has to be in the presence of and testify in front of the accused, where the accused has often threatened the adolescent victim, sometimes with death, if he discloses that he was abused and the details of such abuse (Wise & Hubbard, 1998:15).

The feelings described by the adolescent research participants are an indication that they experienced this process as traumatic. Another aspect that was highlighted was the fact that some of them had misconceptions of what may happen at court or that they themselves may be in trouble and get sent to jail. These misconceptions

may have lead to further emotional reactions of fear. Both samples of research participants did however also mention that they felt relief after the court process was over. The following section of this chapter will focus on four sub-themes from theme three as identified from the research interviews.

3.5.3.1 Sub-theme 1: Anger felt towards the defence attorney, the perpetrator and the court process

Three of the adolescent research participants mentioned that they felt anger while they testified in court. One parent stated that her child experienced anger and one social worker agreed that sexually abused adolescents may experience anger when they testify in court. Typical responses were as follows.

A. Feedback from adolescents who have testified in court

- *Angry, you know, he mentioned peoples names that I didn't even talk to that lives in my neighbourhood that, I don't associate with them, and then he would say I said that I did, and I said that I didn't. (A1)*
- *Very angry, at him and the woman, his lawyer, hmm... yes, and angry at the court. (A1)*
- *I got angry, because I did tell the truth and it felt as if he did not believe me. (A2)*
- *Umm, there's one thing, me and my gran and my pa and my mom... he was looking and he stared as we walked passed and I just felt like going at him and saying f**ck off. When I saw him I was so angry... (A4)*
- *They made me feel like just walking out of the room and thinking f***, I was so angry. Hmm, because when I get angry I can become a bitch and that. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Yes, I think so, she got angry she said when they asked her the same questions over and over, she said she felt as if they tried to trick her. (P1)*

C. Feedback from social workers who work with adolescents who testify in court

- *She said she got very angry and frustrated with the court and the way they questioned her. (S3)*
- *Well, I think what happens... this is maybe what makes them feel as if they are not being believed and supported. And they get angry, because they don't seem to feel that anyone is understanding what they are trying to say, about what happened to them. (S3)*

3.5.3.2 Sub-theme 2: Fear of going to court

Three adolescent research participants, two parents and one caregiver, as well as two social workers mentioned feelings of fearfulness when sexually abused adolescents testified in court. The following responses were the feedback of the research participants relating to this sub-theme.

A. Feedback from adolescents who have testified in court

- *Hmm... it's just, I was scared and you don't know what to expect and the way people treat you there isn't nice. "Ja", I wouldn't wish it upon anyone. (A1)*
- *I was nervous and a bit scared, but also happy. (A2)*
- *Yes, I was scared when I went to court that day. (A3)*
- *I was afraid that they will "skel" at me and that they'll hit me or something like that. (A3)*
- *I felt very nervous and scared. (A3)*
- *I was scared and worried, but there were also questions that was not so difficult. (A3)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Well she was scared about what they would ask her and if she would be able to answer the questions. I also think she was nervous about speaking in front of so many people about what happened. (P1)*
- *Well, I was sorry for my child. She was so scared. I felt very... uneasy about her going through this. I was kind of feeling that she did not have to go through all this. I could see it was very difficult for her and it was very upsetting. (P1)*
- *Well, you know, she was so scared at that time, she did not eat well and she was so quiet, it was almost as if it was not my child. (P1)*
- *Yes, I think she was also scared. (P2)*
- *And also, she was scared, because she asked me if she would be going to jail, so I said no. I had to explain to her that she was not in trouble and will not go to jail, the man that hurt her would go to jail, not her. (P2)*
- *Yes, you know and his family was also sitting there so she did not want us to sit there she was so scared, so I told her you just sit here, you did nothing wrong, you have nothing to be scared of, you just sit here. (P3)*
- *Yes, she was very scared, even for the family. You just look at them and you get this fear. So I just feel that the child should not see the perpetrator and his family, especially on the day that they have to appear in court. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *No doubt, probably even more so, because as an adult I don't like going there and I'm sure children or adolescents will find it a whole lot more scary. (S2)*
- *Hmm... extremely fearful, I remember the one client of mine was vomiting and hmm... the mom said she had a tummy bug, but she wasn't she was so, so anxious and she recanted and said it was not true and you know because she could see the whole family of the perpetrator was there and she could see them and she knew they were there. And then what also happens is the*

people that are supporting the perpetrator can also come over, you know, and can be intimidating towards the child, so... (S2)

- *Hmm... anxiety, fear, worry about what's going to happen afterwards. A lot of the time they ask me will he be put in jail, they kind of think that after testifying then he's going to go to jail. (S2)*
- *"Ja", they don't really understand what is going to happen so it's very scary and they only expect the worst. And then also the pressure depending on whom the perpetrator is and there's pressure that they have to do the right thing and they don't always know what the right thing is. One of my clients thought that she might go to jail or be in trouble with the police when she had to go to court and another asked me if she'll be hit if she did something wrong... (S2)*
- *I do think they often feel scared and nervous as well because, they don't really know what to expect. (S3)*

3.5.3.3 Sub-theme 3: Relief after testifying in court

Four of the adolescent research participants, one parent or caregiver of adolescents who have testified in court and two social workers who work with adolescents who testify in court, agreed that some form of relief were experienced after testifying and the court proceedings were over. The following feedback was gathered during the research interviews in this regard.

A. Feedback from adolescents who have testified in court

- *I did feel relief when it was over, because you know it's over now; you don't have to go back there. (A1)*
- *I felt happy because I could tell the truth and say what happened to me. (A2)*
- *I was so happy when the court was over, I was very glad I was done. (A3)*
- *Pleased that it was over, relief... like ah, but also angry as he did not go to jail. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *I think she was happy when it was over, but no, I would not say positive, it affected her a lot, at school, and she lost weight and so on. (P2)*

C. Feedback from social workers who work with adolescents who testify in court

- *Sometimes there may also be a little bit of relief, that, that its actually happening and there's maybe a expectation that it's now all going to be over. (S2)*
- *I think they often feel relief once the whole process of testifying and having to go to court is over. It's almost as if the whole family can then relax more and this also impacts on the client in a more positive way. (S3)*

3.5.3.4 Sub-theme 4: Sadness experienced due to the feeling of not being believed while testifying

One adolescent research participant mentioned that she felt sadness while testifying in court. The reason she experienced this feeling was due to her perception that she was not believed when she testified. The following feedback relating to this sub-theme was given by her.

A. Feedback from adolescents who have testified in court

- *I was feeling sad, because I was speaking the truth, so I didn't like it. I felt like giving up, but I didn't. (A2)*

From the above theme it is evident that sexually abused adolescents experience various negative feelings which may result in undue stress when they testify in court. In addition to this they experience relief once the court proceedings are over and

some of the anger, fear or sadness they may have been experiencing while testifying in court is reduced.

3.5.4 Theme 4: Delays and postponements and the effect of this on memory of the abuse

The social workers that were interviewed identified delays and postponements in court cases as aspects of the court process that may negatively impact on the sexually abused adolescents' ability to testify in court. They highlighted the impact of this on the memory the adolescent may have of the abuse when he eventually testifies in court.

Müller (2004:30) states that there is often a long delay between the actual event of sexual abuse and the court case where the victim has to testify. According to the author the reason for this delay is due to the fact that the victim has to give oral evidence at the trial. Due to long court rolls and the absence of witnesses, court procedures often get postponed to later dates. This may have an impact on the ability of the witness to remember details of the abuse and may as a result impact negatively on his testimony (Müller, 2004:31). Various authors (compare Müller, 2002a:12; Wise & Hubbard, 1998:3) agree that delays in court cases may affect the ability of the adolescent victim to remember the details of the abuse. Furthermore the witness is exposed to stress, feelings of intimidation and the judicial process each time he returns to the court to testify.

Müller (2003:2) continues by mentioning a case study where two brothers who were sexually abused were expected to testify two years after a charge was laid. Müller (2004:31) mentions another case where the delay between reporting the abuse and the actual trial was five years and states that delays in court cases are well documented in case law. The author continues to stress the problem of memory loss of the sexual abuse with such delays, and also mentions the possibility of memory being tainted by therapy which the abused adolescent may receive before the trial.

The feedback from the research participants confirms the fact that delays and postponements are often experienced in the course of a trial. This further brings more distress to the victim as psychological trauma is experienced every time he has to go back to court to testify. The social workers that were interviewed made the following comments in this regard.

A. Feedback from social workers who work with adolescents who testify in court

- *By that I mean, when you go to court, especially the sexual offences court it's not something that you go today and you know by this afternoon everything will be dealt with. You'll go in today and it will possibly be postponed and you know you might go through three postponement dates before the victim eventually testifies. (S1)*
- *I think delays and postponements, it tires them out and I think just with their ability to testify, I think they might start to forget about what they have to testify or they also can't seem to move on. There are times when I also think it might effect the family more, because if there is a family supporting the child the family also seems to get quite stressed about having to go to court so many times to testify. Adolescents also seem to think more about what happened to them, the abuse, while the court case is ongoing. (S1)*
- *No, most of the adolescents I've worked with become very stressed about having to testify, most of them umm... aren't able to tell their story exactly as it happened for various reasons, they may have forgotten or the court process just takes far too long. (S1)*
- *Well specifically on the day, but I have found that especially for adolescents, the process takes very long, sometimes up to two years before the court case is heard and this impacts negatively on them. (S2)*
- *Oh, and also, I think that the whole process is just difficult, because there is so much focus on what happened to them. And often it's long, the court case takes place long after they reported the abuse, sometimes even two years later, so they are kind of in the process or moving on and trying to forget about all that happened and now they have to remember again. I think that*

this causes a lot of disruption for them and they'll get nightmares again and have other symptoms like behaviour problems or flashbacks and so. (S3)

- *Yes, there's often delays and postponements. This is hard, because every time they have to go back to court they stress about it again. I think they have the perception that they will go on the day and it will all be over, but often witnesses don't show up and so on and then the case can't be heard on that day, or this is what the parents will tell me they have been told. (S3)*

From the above it is evident that long delays and postponements in court cases can have a detrimental effect on the testimony of adolescent victims of sexual abuse when they testify in court, as well as on their ability to remember the details of the abuse. This in turn can have a negative impact on the outcome of their court case.

3.5.5 Theme 5: Aspects that assisted in the court process

The research participants identified some aspects that made testifying in court easier. The following sub-themes were identified:

- Court preparation;
- Feeling empowered through testifying;
- Having a support structure
- Testifying in camera versus testifying in open court.

The above mentioned sub-themes will be discussed in the following section of this chapter.

3.5.5.1 Sub-theme 1: Court preparation

Three of the adolescent research participants stated that court preparation helped them with testifying. One research participant did not receive court preparation and mentioned that after she started testifying her prosecutor informed her mother that she noticed this by the way she testified. The adolescent felt that the fact that she did not receive court preparation impacted negatively on the outcome of her case.

The social workers who were interviewed all seemed to recognise the importance of court preparation for adolescents before they testify.

Sadan (in Richter, *et al.* 2004:230) mentions the importance of court preparation for the sexually abused adolescent before testifying in court. Lynch (2002:133) supports this view and also stresses the importance of court preparation. The author suggests that during court preparation the adolescent should be shown the court room or camera room where he will testify and the procedures of the court process should also be explained to him. This should take place prior to testifying and should assist the adolescent in feeling more familiar and confident about going to court when he has to testify.

Research has proven that court preparation can assist witnesses to deal better with the emotional stress involved in testifying in court (Goodman, 1993:17). The American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health (1999:1148) further state the importance of court preparation before an adolescent testifies in court.

The research participants that were interviewed seemed to agree that court preparation was helpful to them. Two of the adolescent research participants stated that they benefited from court preparation prior to testifying in court. The social workers who were interviewed seemed to think this is an essential part of the court process in order to support the victim and to lessen the trauma that may be experienced through testifying in court. The adolescent research participant who did not receive court preparation seemed to struggle with answering questions under cross-examination. It was clear that she did not have an understanding of the process the courts follow and that this was the cause of her feeling more traumatised and victimised during this process. The following feedback was received from research participants in this regard.

A. Feedback from adolescents who have testified in court

- *Well, the preparation helped a bit. (A1)*

- *Yes the court preparation helped, they showed me the court and where I would be when they asked me the questions. (A2)*
- *Yes, the day she was, my real one was not there, so she took over and that, she said "ja", if she knew that I was not prepared they wouldn't let the court case go on then, but then I already started testifying and then they gave me a break, because I couldn't say anything, and I got tears and so the lady asked if I wanted a break and they let me out. And then she told my mom that I'm not prepared and that she can see that. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *No, never, but I think this would have helped her. If she would have been prepared... (P1)*
- *Yes, the prosecutor did prepare her, she was explaining to her about the questions and she could see the court and the room she had to testify in. It helped a lot. (P2)*
- *I won't say that she was really prepared for it. They did tell her that she was going to talk about what happened and that she would talk over the camera and that she needed to tell everything and not be afraid. Also that she must not guess the answers, that if she could not remember something she should just say so. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *I seem to think court preparation helps a lot, but I don't know how they actually testify because you never get feedback like that, but I do think it helps them to just know what to expect when they go to court. (S1)*
- *If they get shown what the court's all about before they testify so that they can see the court is actually there to help them, then it would lessen their anxiety. So preparation...and also court prep, that's important, and that they feel they are being believed. (S1)*

- *Well, I think most of the clients I have seen would have had some sort of court preparation and I think it's essential before they testify that they do. I think sometimes they may be too traumatised and scared and then court preparation is not enough, they first need some therapy. But not all of them gets this therapeutic support and I think this can influence the quality of their testimony. (S2)*
- *I think having court preparation is very important. I have seen clients who have even had some preparation at court, but this is sometimes not enough and they need more. I think they are so nervous at first that they don't really take in what is being told to them. When I do court preparation I always spend a few sessions on this until the client seems to really feel comfortable with the information. (S3)*

From the above it is evident that court preparation plays an important role in preparing the sexually abused adolescent witness for court and with familiarising him with the court procedures and surroundings. One adolescent research participant who had efficient court preparation experienced the process of testifying in a more positive light than the adolescent research participants who did not receive court preparation at all, as well as the adolescent research participants who viewed the preparation they received as insufficient. The social workers who formed part of this study all highlighted the importance of court preparation of the sexually abused adolescent before testifying in court.

3.5.5.2 Sub-theme 2: Feeling empowered through testifying

One of the adolescent research participants mentioned that she felt empowered through testifying in court. The three social workers who participated in this study stated that in their opinion it is possible for victims who testify in court to experience empowerment through the process of testifying and receiving the opportunity to tell the court what happened to them.

The American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health (1999:1146) state that some researchers believe that adolescent

witnesses who testify in court may benefit from facing their perpetrator and experience feelings of empowerment through this process. The journal article suggests that when the witness sees the perpetrator take responsibility for his actions his sense of personal safety and self-worth are improved.

Müller (2004:29) states the following reasons why the process of testifying may be experienced as empowering by a witness:

- The adolescent witness is identified as the individual that was wronged;
- The witness gets the opportunity to explain how he feels about what happened to him;
- The witness can see that powerful and competent adults are taking responsibility of dealing with the accused;
- It provides an outlet for the family of the witness to show their disapproval of what the accused has done.

Müller (2004:29) suggests that these advantages come into play if a victim has been treated well throughout the court process. The adolescent research participant that gave this feedback seemed to have experienced this process in a more positive way than the other participants. This participant was able to testify in the camera room, had a supportive family and was well prepared for testifying.

The other three adolescent research participants in this study did however not experience testifying as empowering. The social workers that were interviewed mentioned that under the right circumstances and if the adolescent is emotionally strong enough he may experience testifying as empowering. Another aspect that may lead to feelings of empowerment for the adolescent according to them is when a victim is supported and believed by his family. The following section will focus on the feedback of research participants in this regard.

A. Feedback from adolescents who have testified in court

- *It's a good experience to tell the truth about what happened. (A2)*

C. Feedback from social workers who work with adolescents who testify in court

- *Those in the community who knew also stood behind her and I think that helped with empowering her and made her feel stronger. She was also told that she could be cheeky in court and I think that almost helped her, knowing this. (S1)*
- *I think it can be empowering because they get the chance to tell their stories. On the other hand it can be... it depends on how strong they feel because if the cross-examination is really um... severe and difficult they and those kinds of things. But it could be a positive experience (S2)*
- *I think some adolescents can feel empowered by confronting the perpetrator in court. (S3)*

From the above it seems evident that under the right circumstances adolescent victims of sexual abuse who testifies in court may experience this process as empowering.

3.5.5.3 Sub-theme 3: Having a support structure

Various authors stress the importance for sexually abused adolescents of having a supportive parent with them while testifying in court (Gil, 1991:6; Spies, 2006:52; Finkelhor, 1981:106; Lynch, 2002:133). Berliner (2003:12) explores the positive implications for victims of sexual abuse who receive parental support. The amount of support an adolescent who testifies in court receives, impacts not only on the long-term effect of the journey towards recovery, but also on his perception of the criminal justice system (Hollely, 2002:14).

Goodman (1993:16) states that witnesses who lack maternal support are affected more negatively by testifying in court. The American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health (1999:1146) agree that maternal support through the court proceedings can lead to improvement of the

adolescent's emotional well-being. Furthermore, those adolescents who have a parent present are better able to respond to questions while testifying in court.

From the responses of both samples of the research participants of this study it is evident that parental support during the court process can be seen as having a positive impact on the victim and his ability to testify. However, parents are not allowed to act as a support person while a child or adolescent is testifying and as a result may not be present in court or in the camera room (Meyers in Müller, 2002b:293). The following information was gathered from research participants regarding support structures.

A. Feedback from adolescents who have testified in court

- *Yes, it helped a lot to have my aunt there. (A2)*
- *My ma also helped me and answered some questions I had before the time and she also went with me to the court. (A3)*
- *My gran and paps was very helpful and that helped a lot with everything at court, but my mom... she didn't know how to deal with it because it happened to her too and now I went through it and she didn't really know how to deal with me so we just pushed each other away. I wouldn't talk to her and I would get "mislik" and she would like if you don't want to talk about it... And she would force it out of you and then I would shout because you can't force me to do something... cause then I'm going to shout at you. And then I'd go into quiet mode and then I'd just sit there and be quiet. And normally, I'm normally loud and bouncing around. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *No, only I was there for her, but at least she had that, I supported her. None of my family were there to support her, it was only us, and you know this is not right... (P1)*

- *Yes, I think because I helped her and spoke a lot about the court before she went. I also had a pamphlet that I got at hospital that explained about the court and we would speak about this. (P2)*
- *Yes, I think what helped her... because her family supported her and even her father was coming to the court and supported her and told her that nothing would happen to her. (P2)*
- *Well, she was different and she asked me a lot of questions about going to court. But I supported her through it all. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *Well, I think those who are supported by their families just seem to testify better, well not necessarily testify better but they just come across as being more relaxed in the waiting room before they have to go and testify. And I think that the parents as resources are possibly more able to be in tune with the adolescent's needs, compared to a parent who's either trying to support another party, like the father who might be the perpetrator or where the mother's also a survivor. Like there was a mother I had who was extremely stressed out and she wasn't able to see to her child. (S1)*
- *I think if they've got a supportive family and I think their family support structures, that's really, really important. (S1)*
- *To have the backing of their families or someone supporting them, just saying that they believe them. (S2)*
- *The one who comes to mind is the one that I started talking about; where the two sisters alleged that their step father had sexually abused them. The one social worker and I did court prep with them and they were all ready and everything and they, on the day there was just so much pressure on them that they recanted and the fathers family was there and they were Muslim and it was all very like, they were all traditionally dressed and a whole lot of people there. And even if I think about it there were even more support for the perpetrator there, than them, because they kind of had granny and grandpa but the perpetrator had uncles and aunties and granny and grandpa. And*

mom, who was still married to him, but not seeing him, apparently not seeing him because of the sexual abuse was kind of split between the two, so she wasn't even fully supporting the children and then she, they just, the older sister just cracked and she said that no that it didn't happen and she cried and she was in a bad state, she was pale and "ja", it was a really, really, really horrible experience. (S2)

- *Like I said, if they feel they are being believed, if the family is supportive. (S3)*

From the responses of the research participants it is evident that the presence of a supportive adult while the sexually abused adolescent is going through the court process of testifying can have a positive effect on the emotional well-being of the adolescent and as a result assist in the reduction of trauma throughout this process.

3.5.5.4 Sub-theme 4: Testifying in camera versus testifying in open court

If a prosecutor feels that a child or adolescent should testify in camera an application needs to be made in terms of Section 170A of the Criminal Procedures Act and the magistrate has the power to grant or refuse this application (Sadan in Richter, *et al.* 2004:233). According to the author the camera facility is usually available for children under the age of twelve years. There seems to be a bias towards older children and adolescents, as a prosecutor would often have to lead expert testimony in order to secure the camera room for adolescent victims in order to prove that testifying in open court would cause them undue stress.

Goodman (1993:16) mentions a study that was done where witnesses testified via closed-circuit television. The finding of this study was that the mock jurors who were involved in the study found the testimony of the witnesses to be less believable, less accurate, more likely to have been made up and less intelligent compared to those of witnesses who testified in open court. The author continues to state that legal professionals felt that the testimony of witnesses who testify via camera had less of an impact than those who testified in open court (Goodman, 1993:16).

Libai (in Martin, 1992:330) disagrees by stating that testifying in a special court room may be experienced as less threatening and can lead to providing more reliable and

competent evidence. Müller (2004:31) agrees by stating that research has shown that children or adolescents give better and more accurate evidence out of the court room.

The adolescent who testifies in camera is more protected from suffering undue mental distress. (Compare Müller, 2004:22; Wise & Hubbard, 1998:24.) However, a number of adolescents are still testifying in open court in front of the accused due to the fact that some courts are not equipped with special camera rooms (Müller, 2004:21). The author continues to state that testifying in open court may be experienced as traumatic by the sexually abused adolescent witness due to the fact that he would have to reveal embarrassing and intimate details about the abuse in front of the accused, while by testifying in camera the adolescent would be more protected from this.

While there seems to be an assumption that sexually abused adolescents would cope better while testifying in open court, this does not seem to be the experience of the sexually abused adolescents interviewed in this research study. The adolescents that did testify in the camera room seemed to view this as a more positive experience than testifying in open court and seemed to feel more protected while testifying.

Testifying in camera was seen by all the adolescent research participants as a much more positive way of testifying, than testifying in open court. It seemed to have a more relaxing effect on the participants and it seemed as if they felt more supported and less vulnerable. Testifying in open court was experienced as extremely negative and related with feelings of fear and discomfort about having the perpetrator in their presence while they were testifying. The following responses were gathered from research participants that relate to this sub-theme.

A. Feedback from adolescents who have testified in court

- *Yes, then I would not have to face him the whole time. (A1)*

- *It was easy in the camera room because there was a lady who helped me. (A2)*
- *The room was so much better than the court because I did not have to talk about the things that happened in front of him and the other people. (A3)*
- *It was very difficult talking about it in front of everybody in court and telling what happened in front of them. I just know they know and what if they go talk to the people there, then they go, look there, it's her. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *No, I think it was much better for her to testify in the room. He did not speak in the court, only his lawyer asked the questions, but he was also present in court and she did not want to see him there. And you know, I think just to look at him would have scared her and would have made it more difficult for her to talk about what happened. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *No, it's made by; it's made by other people. It, it's usually made by other professionals. If the adolescent is in counselling then you question them and then you almost become their force of motivating to the prosecutor why you want them to testify in camera. So I think they usually just take it via age, but many adolescents aren't able to testify in open court due to emotional distress, but they still do. So I think often the prosecutor decides, but there have been incidences where an adolescent client of mine has requested to testify in the camera room and then the prosecutor just declined it. (S1)*
- *I think testifying in camera makes the whole process so much easier and it's so much less traumatic for the adolescent. But I think they go on age and then I have heard that the prosecutors sometimes almost, how can I say this, they want them to testify in open court so that the magistrate can truly see the clients reaction when testifying, I understand this then has a bigger impact or*

so, but I don't know if this is really the truth, but I have heard this to be the case. (S3)

From the above it seems evident that testifying in open court is experienced as a negative and traumatic experience, whereas testifying in camera is perceived as more positive by the adolescent research participants who participated in this study. However, according to literature the psychological impact on the victim as a result of testifying in front of the accused does not seem to impact greatly on this decision made by the courts. Some prosecutors seem to still believe a case will be stronger if the adolescent testifies in front of the magistrate in open court and does not seem to have an understanding of the emotional stress that can be caused to the adolescent victim.

3.5.6 Theme 6: The psychological impact of the court process on the adolescent

Three of the adolescent research participants and two of the parents that were interviewed identified aspects of the court process that impacted on them psychologically. Two of the social workers also identified factors that had an impact on sexually abused adolescents when they testify in court. The following two sub-themes were identified:

- Flashbacks experienced during the court process;
- Impact of testifying on the behaviour of the adolescents who testified in court.

Court procedures may lead to secondary traumatisation of the victim due to the procedures being followed during this process. Hollely (2002:14) mentions that children and adolescents who testify in court “*experience some form of trauma related to stress caused by the formality of the court proceedings*”. The trauma experienced by the adolescent witness can be heightened when he has to face the accused in the court room and may lead to feelings of stress and intimidation (Hollely & Müller in Hollely, 2002:14).

According to Sadan (in Richter, *et al.* 2004:239) secondary trauma can be caused by “*anything that revokes the initial trauma in an uncontained way or an uncaring and unprotected way*”. The courts seem to recognise the secondary traumatisation involved for victims who testify in the sexual offences court and have attempted to put measures in place to relieve some of this trauma, such as the possibility to testify in the camera room via an intermediary.

Various authors (Bjerregaard in Müller, 2004:26; Murray & Gough, 1991:252; Müller, 2002a:3) are of the opinion that psychological trauma is caused when the abused adolescent is forced to testify in front of the accused in open court. Müller (2004:25) states that research has indicated that adolescents who testify in open court showed greater emotional disturbance than those who were not exposed to an open court hearing. Avery (in Murray & Gough, 1991:122) agrees with the above and mentions that a court case can lead to re-victimisation of the adolescent.

Murray and Gough (1991:124) state the following reasons why adolescent witnesses may be traumatised by testifying in open court, namely as seeing, identifying and standing close to the accused and having to speak in front of the accused and other adults. According to Skepu (in Combrinck & Skepu, 2003:10) trauma experienced by a victim while testifying in court may lead to physical, psychological and behavioural problems. Victims may have various complaints including insomnia, nausea and nightmares as a result of stress being experienced while testifying. (Compare Combrinck & Skepu, 2003:10; Wastell, 2005:21; Herman, 2001:96.)

According to Lee (1995:13) flashbacks can be described as a memory that is experienced so strongly that the individual who has it feels as if he is actually back in the time, place and situation he is remembering. Three of the adolescent research participants mentioned during the research interviews that they experienced flashbacks of the abuse while testifying in court, while the parents or caregivers that were interviewed mentioned changes in the behaviour of their child while the court case was ongoing and they had to testify.

It is clear from the feedback of the adolescent research participants that were interviewed that they suffered from anxiety symptoms such as nightmares, the

inability to concentrate at school and even aggressive feelings while their court cases were ongoing. It can be deduced from the research interviews that the trauma involved in the court process led to the adolescent research participants' anxiety symptoms, as all of them stated that the symptoms they experienced reduced after the court proceedings were finalised. The following section will focus on the information gained during the interviews that relate to the two mentioned sub-themes.

3.5.6.1 Sub-theme 1: Flashbacks experienced during the court process

Three of the adolescent research participants mentioned during the interviews that were conducted that flashbacks of the abuse were experienced while they testified in court. Two of the parents or caregivers agreed with the above findings and two of the social workers stated that adolescents may experience flashbacks while testifying in court. The following was mentioned in this regard.

A. Feedback from adolescents who have testified in court

- *Yes, then at school, at home, wherever I went it was on my mind. I was thinking about what he did to me all the time while the court was still on. (A1)*
- *Well, it was hard that time when I went to court, you know... I was thinking about him, what he did to me so much that time... (A3)*
- *It did, because you're bringing everything up that happened to you in court and that and you have to talk about it and that and I'm not comfortable with that you know, I don't talk. My mother doesn't even know, I have never told her, they just know it happened. I can't say what happened, I can't even say the r word, I think it would still be a couple of years before I can say it and that, so I can't say it or anything that's got to do with it. So when court was on I was just thinking about what happened all the time. (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Well, yes, I think she was depressed, she was not eating and sleeping well at the time, it took too long and she did not have support. I think she was thinking about what happened all the time. The people in the road were saying that she looked for it, the rape and so, so everyone knew and she felt ashamed. (P1)*
- *It's very difficult for the kids. Because every time they would have to go to the court the child would be nervous. She could not stop thinking about what had happened to her, when P started going to the court she started to lose weight she was nervous and she had nightmares. (P2)*
- *Yes, the court case, I think it reminded her a lot about what happened to her, also because she had to speak about it and tell the people about what happened to her. And she had a lot of nightmares about what happened to her at this time. (P2)*

C. Feedback from social workers who work with adolescents who testify in court

- *I do think they have flashbacks, I think they are constantly reminded of what happened and can't... because if they have to forget all the details then they can't testify properly. And even if they do go to court they have to look at their statement again and they have to try and remember the things that happened. (S1)*
- *I think that this causes a lot of disruption for them and they'll get nightmares again and have other symptoms like behaviour problems or flashbacks and so. (S3)*

It is evident from the above responses that the sexually abused adolescents who were interviewed experienced some type of trauma and stress while they were testifying in court and the court proceedings were still ongoing. This trauma resulted in flashbacks of the abuse.

3.5.6.2 Sub-theme 2: Impact of testifying on the behaviour of adolescents who testified in court

One adolescent research participant mentioned that she experienced changes in her behaviour while she was involved with testifying in court. Two parents or caregivers of adolescents who testified in court also noted changes in behaviour of their child while the court case was still ongoing. The following feedback was noted in this regard.

A. Feedback from adolescents who have testified in court

- *Well, I used to be a, what do you call it, hmmm, you know one of those people they are loud and I wouldn't be like that I would be quiet, I would be... I would just want everything to be closed up and that, and there was a time that I did not look after my body and that. And my clothes that I put on, I just wanted to make sure that everything's closed up and the part that I did not look after my body and that, everything went wrong, until my teacher spoke to me and helped me get back on track. (A4)*
- *I think it increased when I was in court because when I brought it up I got nightmares and that, because he was threatening us and I was getting nightmares and he is that type of person who will come and he'll do stuff to you. And the court case was also on and the first couple of days that I went through I had nightmares about what it will be like and he'll be there and so on... (A4)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *Well, yes, I think she was depressed, she was not eating and sleeping well at the time, it took too long and she did not have support. (P1)*
- *Yes, she did not do well in school and missed a lot of work. She was also afraid to go outside, but this is much better now. She was also very tired, but I would just leave her when she was like this because I was sure that she was*

thinking about what was going on and worrying about it. She would then just sleep a lot of the time. (P2)

- *Well, there were changes, when she did not want to go to school and when she did badly in her school work. I think she was traumatised. (P3)*

From the above it is evident that the adolescent research participants' behaviour was affected negatively by having to testify in court. They mentioned that they experienced eating problems, feelings of depression and nightmares while the court process was still ongoing.

3.5.7 Theme 7: The sharing of information about the progress of the court case

One of the adolescent research participants, all the social workers and one of the parent or caregiver of a sexually abused adolescent who have testified in court who were interviewed, identified the fact that adolescents and their families who testify in court do not have access to information and are not informed about details of what is happening in the court case. This phenomenon did not feature strongly in any of the literature the researcher studied for the purpose of this research. However, according to Combrinck and Skepu (2003:8) victims may experience a sense of alienation and exclusion from the court proceedings. The researcher decided to add this theme as additional information due to the strong feelings and responses gathered from research participants in this regard. The following section will focus on feedback from the research participants regarding this theme.

A. Feedback from adolescents who have testified in court

- *No, I found out on the day when I got there. (A1)*

B. Feedback from parents or caregivers of adolescents who have testified in court

- *And you know afterwards, before I got a letter from the police station saying he was found not guilty I had to go to court myself to find out what was going*

on with the case, because I did not hear anything from them. Because I wanted to know what was going on, because that Friday I went home and I did not know what happened to the case. And then I went back to the lawyer, no, not the lawyer the... (P3)

- *Yes, prosecutor, I went to ask her what was going on and she said to me that he was found not guilty and also about the witnesses' testimony that did not correspond with each other. And I asked her what she was talking about, because none of us really saw what happened. And she just said, well, this is what the court found. I mean you can think for yourself, I said to her I don't understand, the system fails you in each and every way. (P3)*
- *Yes, and that's why I went to the court. And no one let me know what was happening, but a week or two later I did get a letter from the police station where they said he was found not guilty, but that was only after we saw him at home again, you know, and that did not help. No one informed me about him not being guilty. And you know, the day at the court I asked the policeman if the case would be over on that day and he said he did not think so, so we went home, because I was still very angry with that lawyer who made us wait for so long. (P3)*
- *So when I went to the court the prosecutor told me. So she asked me also if no one told me what happened and I told her no, so she said but I could have waited on that day to hear what happened, so I told her that I did ask the policeman if the case would finish on that day and he said no. Because after I did go into the court, but then I had to come out because his lawyer said I cannot be there and then the magistrate said I must go out. This is also something I couldn't understand, why I could not be in the court. You know, as mother you have a right to know what's going on, but they sent me out to wait outside. I did not understand it. (P3)*

C. Feedback from social workers who work with adolescents who testify in court

- *“Ja”, and I think this is part of the problem, that information doesn’t filter through to the family of the victim. And in a lot of cases they don’t actually know what happens to the case. (S1)*
- *Yes, they won’t be notified that the case has just been taken off the roll and that the child must first go for counselling. They might have merrily referred the child for counselling and then you phone the parents up and then it’s a surprise to them um... they just don’t know what’s happening to the case and then it just gets left and they try phoning, but other families are not as empowered to follow up and find out actually what’s happening. (S1)*
- *Yes, often I would see clients who would want me to follow up about what’s going on with a case because they don’t get information or feedback. Sometimes the case has been withdrawn and they don’t understand what’s going on or what this means. There has been clients of mine who saw the perpetrator in their neighbourhood, without anyone informing them that he got bail or was found not guilty, so yes, it happens. (S2)*
- *This is a very big problem. Parents would often come to me and ask me to find out what is going on in the court case. I don’t know if they just don’t understand what is told to them or if they are not told about verdicts or if the perpetrator gets bail and so on. I don’t know whose responsibility it is to inform them either, but it’s very traumatic for them if they just see the perpetrator walking in the streets again without them knowing why and what’s going on. I think there’s almost a problem with the whole system in this regard. And also, I have had so many clients who would know that they have to go to court and then a day or two before the actual court date the police would only come and tell them this is the date they have to go. Then it means that you have two days to prepare the child and the parents would phone you in a frantic about the short notice and so on. (S3)*

From the above it is evident that families of adolescent victims of sexual abuse experience that they are not being informed by the prosecutor regarding the

proceedings of the court case. This leads to further stress, anxiety and uncertainty experienced by the victim and his family with regard to the progress of the court case.

3.5.8 Theme 8: Testifying in the future

The researcher asked the question whether the research participants would ever testify in court again or if they would recommend testifying in court to others. Due to the value of the information gathered by asking this question the researcher decided to add this as a theme to the study, as additional information.

All of the sexually abused adolescents that were interviewed stated that they would not go through this process again, or encourage someone else to do so. The social workers that were interviewed were asked if they would ever let their own child go through the process of testifying in court and all of them replied negatively to this question. Typical responses to the above mentioned questions were as follows.

A. Feedback from adolescents who have testified in court

- *Definitely not. (A1)*
- *No. (A1)*
- *No, it's not nice to have to do that. (A2)*
- *No, No... (A4)*

C. Feedback from social workers who work with adolescents who testify in court

- *No, no I don't think I would. (S1)*
- *This is difficult, but no. Just the trauma related to it and then often it takes so long and then at the end the verdict is not guilty... (S2)*
- *I have to say no, I would never put my child through this. I would rather just send them for therapy, but I think, and this is just my opinion, but I think this going to court can do more harm than good and you never know what the*

outcome will be before the time. I mean, if you go through it all and the verdict is not guilty. I have seen how this influences the adolescents and families I have worked with, I will just not take this chance with my own child.
(S3)

From the above it is evident that the adolescent research participants did not experience testifying in court as a positive and empowering experience as all of them stated that they would not go through this process again and would not recommend it to others to testify in court. The social workers also mentioned that they would not motivate or encourage their own child or adolescent to testify in court. From the above responses it can be gathered that those who have been part of the legal system as witnesses and those who work within the social work profession where sexually abused adolescents are seen who have testified in court do not have a positive belief in the court system.

3.6 CONCLUSION

The goal of this chapter was to present the information gained from the research participants during the research interviews and to support the information with existing literature. In the course of the research interviews eight themes were identified relating to difficulties experienced by sexually abused adolescents who have testified in court, as well as support structures needed while they were in the process of testifying. The eight themes that were identified included fears of going to court and confronting the perpetrator; the experience of the court process; feelings experienced towards the defence attorney, the perpetrator and the court process during testifying; delays and postponements and the effect of this on the memory of the abuse; aspects that assisted in the court process; the psychological impact of the court process on the adolescent; the sharing of information about the progress of the court case and whether the research participants would testify in court again in the future.

In conclusion the researcher is of the opinion that sexually abused adolescents find it traumatic to testify in court. It is evident from the interviews that were conducted with

the research participants that they experienced various difficulties with testifying in court, as well as with the court proceedings.

The research participants seemed to view testifying as a negative experience which led to secondary traumatisation and stress. Various psychological impacts on the sexually abused adolescent were noted due to being exposed to testifying in court, such as nightmares, eating disorders, flashbacks, as well as emotions such as anger, fear, anxiety and sadness.

Feedback from adolescent participants also identified a positive experience of the court process. This seemed to relate to the conclusion of the court proceedings where they were able to experience relief once the process was over. One adolescent research participant also mentioned that she experienced empowerment through testifying in court, but when asked if she would go through this process again she said she would not do so.

The aspects that seemed to assist sexually abused adolescents when testifying in court were the support of a parent who believed them and being prepared before they testified in court. The fear of seeing the perpetrator at court and the fact that the adolescent research participants all saw the alleged perpetrator before they testified seemed to impact negatively on their emotional state and the quality of their testimony.

The following chapter will focus on the evaluation of the research process and the strengths and weaknesses that were identified throughout this process. The researcher will also draw conclusions and formulate recommendations in the form of guidelines to support sexually abused adolescents when they testify in court

CHAPTER FOUR

CONCLUSIONS AND RECOMMENDATIONS

4.1 INTRODUCTION

This chapter will focus on the evaluation of the research process, including the research question, goal and objectives of this study. The themes as identified through the research interviews will be discussed and conclusions will be made accordingly. Recommendations will be proposed in the form of guidelines for each theme that was identified through the research interviews and will focus on how to support sexually abused adolescents who have to testify in court with this process.

4.2 EVALUATION OF THE RESEARCH PROCESS

Within the context of this study the researcher utilised a qualitative research approach. Research participants were interviewed to determine their experience of the court process in order to develop guidelines as to how this process could be made less traumatic and more supportive for sexually abused adolescents who have to testify in court.

The problem that was formulated in chapter one was that testifying in court is an emotional experience for sexually abused adolescents and they need support in the process of testifying in court. A research question, a goal and objectives were formulated. The paradigm that the researcher worked from in this study was that of ethnomethodology. The study was identified to be applied research with an exploratory and descriptive nature to better understand the research participants' experiences of the court process in order to formulate guidelines to assist sexually abused adolescents who have to testify in court in the future.

The universe for this study consisted out of all adolescents in the Western Cape who have been sexually abused and have had experience of testifying in court. A second universe was identified as parents or caregivers of sexually abused adolescents who have testified in court, as well as social workers who work with sexually abused

adolescents who testify in court, in the Western Cape. The population was identified as all the sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court. The second population included parents or caregivers of sexually abused adolescents who have testified in the past six months in the Wynberg Magistrates Court, as well as social workers from Childline working with sexually abused adolescents who testify in court.

A purposive sampling method was utilised to select a sample of adolescents from the population. The sample for the purpose of this study consisted of four sexually abused female adolescents between the ages of eleven to sixteen years who have testified in the Wynberg Magistrates Court in the past six months. The second sample consisted out of two parents and one caregiver of sexually abused adolescents who have testified in the Wynberg Magistrates Court in the past six months and three social workers from Childline working with sexually abused adolescents who testify in court.

The researcher utilised applied research with an exploratory and descriptive nature to better understand the research participants' experiences of the court process and semi-structured interviews were conducted for this purpose. Consent forms were signed by all the research participants who participated in this study after confidentiality issues were discussed with them. The researcher conducted all the interviews herself. After the completion of each interview the research participants were informed of the possibility of coming to Childline for therapy if they were interested in doing so. Two of the adolescent research participants were interested in coming for counselling at Childline and were referred to another social worker for this purpose. One of the adolescent research participants were already receiving counselling at school and one was not interested in coming for counselling at Childline, although her mother wanted her to do so.

Tape recordings were made of all interviews with research participants, whereafter data analysis took place. The researcher listened to the tape recordings after the interviews and transcribed all the interviews herself. Thereafter the researcher organised the information collected into themes and sub-themes from the data that emerged from the interviews.

4.2.1 Research question and conclusions regarding the research question

The research question for the purpose of this study was: What guidelines can be formulated in order to support the emotional experience of sexually abused adolescents who testify in court?

The researcher is of the opinion that the research question has been answered during the course of this study. It was found that testifying in court was experienced as a negative process by sexually abused adolescents and that it negatively impacted on them, emotionally and psychologically. Through semi-structured interviews the researcher identified eight themes from which guidelines were compiled in order to assist sexually abused adolescents who have to testify in court with this process.

4.2.2 The goal of the study

The goal of this study was to develop guidelines to support the emotional experience of sexually abused adolescents who have to testify in court. In chapter three the researcher presented the various problems as identified by the research participants as they experienced it while testifying in court. These problems were divided into eight themes. It was found that sexually abused adolescents experience the process of testifying in court as negative and stressful. Areas of support throughout the process were also identified. The researcher continued to make recommendations in the form of guidelines relating to each of these themes in this chapter. The researcher thus holds the opinion that the goal of this research study was achieved.

4.2.3 The objectives of the study

The above mentioned goal was achieved through the following four objectives. Objective one was achieved by presenting a literature review in chapter two. The focus was on the dynamics of sexual abuse and the traumatic effect this has on the adolescent who has been abused. An overview of the court process was given and specific reference was made to how this process can impact negatively on sexually abused adolescents and be the cause of secondary trauma and victimisation. The

goal of this chapter was to form a background for the empirical study that was to be conducted by interviewing research participants in order to enable the researcher to formulate guidelines to assist adolescents who have to testify in court. From the literature it was derived that sexual abuse has a detrimental effect on adolescents.

The second objective was achieved through gathering data by conducting semi-structured interviews with four female adolescents with ages ranging from eleven to sixteen years, two parents and one caregiver of adolescents who have testified in court, as well as three social workers from Childline. The third objective focused on the analysis of the data obtained through these research interviews. This objective was achieved by reading through the transcribed interviews and making notes in the margins. Hereafter the researcher identified eight themes that came forth from the research interviews. Four of the themes were further divided into sub-themes. Quotes that were derived from the research participants were utilised to present the themes that were identified from the research interviews. The themes were then tested and verified by describing it at the hand of existing literature in chapter three.

The final objective was achieved by formulating recommendations to assist sexually abused adolescents who have to testify in court, in the form of guidelines made in chapter four. In this chapter the research process, research goal and the objectives of this study were assessed. Following this the researcher stated the findings of each of the eight themes that were identified during the semi-structured research interviews that were conducted. Conclusions were made and recommendations in the form of guidelines were suggested in order to meet the fourth objective of this study.

4.3 CONCLUSIONS AND RECOMMENDATIONS REGARDING THEMES THAT WERE IDENTIFIED DURING RESEARCH INTERVIEWS

The researcher identified eight themes from the research interviews. Four of the themes that were identified were further divided into sub-themes. Semi-structured interviews were conducted with the research participants with the goal of accumulating information about the experience of sexually abused adolescents who

testified in court. This was done in order to formulate guidelines to assist other adolescents who still have to testify in court.

Ten female research participants participated in this study. The research participants consisted out of four adolescents who have testified in the Wynberg Magistrates Court in the past six months, two parents and one caregiver of adolescents who have testified in the Wynberg Magistrates Court in the past six months, as well as three social workers from Childline who work with adolescents who testify in court.

The conclusions that were drawn from the research interviews were divided into the following themes:

- Theme 1: Fear of going to court and confronting the perpetrator;
- Theme 2: Experience of the court process;
- Theme 3: Feelings experienced towards the defence attorney, the perpetrator and the court during testifying;
- Theme 4: Delays and postponements and the effect of this on memory of the abuse;
- Theme 5: Aspects that assisted in the court process;
- Theme 6: The psychological impact of the court process on the adolescent;
- Theme 7: The sharing of information about the progress of the court case;
- Theme 8: Testifying in the future.

The conclusions made from the above mentioned themes will be discussed in the following section of this chapter. Conclusions will be made about each of the themes and sub-themes that were identified. Recommendations will follow in the form of guidelines relating to each theme in order to support sexually abused adolescents who still have to testify in court. In all instances where the researcher refers to adolescents in the following part of this research report, the researcher is referring to sexually abused adolescents.

4.3.1 Theme 1: Fear of going to court and confronting the perpetrator

During the research interviews it was identified that the research participants had a fear of seeing the perpetrator before testifying in court. The research participants mentioned that when they went to testify and they saw the alleged perpetrator it had a negative impact on them. The researcher concluded that seeing the alleged perpetrator before testifying in court can have a detrimental effect on sexually abused adolescents and may cause secondary traumatisation and stress while they testify in court.

The following guidelines are recommended based on the conclusions for this theme:

- The researcher recommends that courts put measures into place to protect sexually abused adolescents who come to testify from having any contact with the alleged perpetrator or his family. This should be done to ensure that no harassing and intimidation of adolescents take place before testifying. Some courts have put measures in place where the family of the victim and the victim himself can wait in a separate waiting area before he testifies. These facilities should be made available in all courts where adolescents have to testify as it is of major importance to keep the involved parties separate.
- Prosecutors and other court staff need to be trained with regard to the impact that seeing the perpetrator before testifying may have on sexually abused adolescents, in order to create sensitivity and awareness. The above may benefit adolescent victims as it may ensure that the court staff protects them from having to see the alleged perpetrator before testifying.
- Parents or caregivers need to be shown before the day of testifying where the perpetrator and his family will be waiting. They also need to be made aware of the impact of seeing or having contact with the alleged perpetrator before testifying, may have on the testimony of sexually abused adolescents.
- The prosecutor or other staff at the court responsible for court preparation should give advice to the family on how to deal with a situation where they see the perpetrator before testifying. They should be informed of how to deal with adolescents should a situation like this arise and how to offer support and relevant advice.

- Furthermore the family of sexually abused adolescents who has to testify could be encouraged to arrive at court as early as possible to try and avoid a physical confrontation with the perpetrator or his family.
- In instances where adolescents would have to testify in front of the perpetrator they should be able to wait in a separate room before testifying and all of the above recommendations should also apply in such cases. Adolescents should however be prepared well in advance to realise that it can not be avoided totally that they would see the perpetrator in court. They should be able to view the court where they are going to testify in advance and should be shown where the perpetrator would be sitting in court and where they would be sitting. They should be made aware of their rights in court and it should be ascertained that they have a good understanding of these rights. Adolescents should be encouraged to make use of their rights.

4.3.2 Theme 2: Experience of the court process

Various problems as experienced by research participants during the court process were identified during the research interviews. It included:

- Questions asked in court;
- The feeling of not being believed when testifying in court;
- Feelings of research participants that they were not given the opportunity to tell their story in court while testifying;
- Time it took to testify;
- The experience of cross-examination;
- The relationship with the prosecutor, including the possible change of prosecutors during the trial.

The researcher concluded that the questions that were asked to the sexually abused adolescents while testifying seemed to have a negative impact on the research participants. Often the questions being asked were not understood and personal questions were asked which had no relevance to their case. Some of the research participants felt they did not receive the opportunity to tell what happened to them in the way they would have preferred to do. Other difficulties relating to the questioning

in court was the fact that the same question was asked repeatedly and that research participants felt they did not receive adequate time to think about and respond to questions.

In sub-theme two the researcher concluded that sexually abused adolescents sometimes experience that they are not believed while giving testimony and that defence attorneys may even state in court that they are lying, which can be experienced as traumatic by the adolescents who testify in court. From sub-theme three the researcher concluded that there is a possibility that adolescents who testify in court may experience the court process as negative due to the fact that they may feel they were not granted the opportunity to express their feelings nor the opportunity to tell the court what had really happened to them.

From sub-theme four the researcher concluded that the long time it took for the actual testimony to be completed was an obstacle for adolescents during testifying and cross-examination. Furthermore the research participants mentioned that they became tired and frustrated during the process of testifying. The researcher concluded that cross-examination may lead to adolescents who testify in court feeling victimised and can often be experienced as difficult and traumatic, as was also identified by sub-theme five.

In sub-theme six the researcher concluded that adolescents may at times not experience the relationship with their prosecutor as a trusting relationship. This may be caused by various factors such as the change of prosecutor on the day of trial or when the adolescents do not feel their prosecutor protects them while being under cross-examination.

The following guidelines based on the conclusions for this theme are recommended:

- The researcher would recommend that all sexually abused adolescents who testify in court should receive thorough court preparation, explaining the reasons for the repetition of certain questions in court, as well as the reason why certain questions (which may not seem to be related to the specific court case) would be asked.

- The importance of answering all questions, even if they feel it does not have relevance to their case, must be explained to adolescents.
- Relaxation techniques to utilise when they get angry or irritated with the questioning in court, should be taught to adolescents as part of their court preparation program.
- Prosecutors, defence attorneys and magistrates should receive training in the dynamics of developmental phases of adolescents in order to understand why adolescents may experience repeated questions frustrating and as a result may not answer these questions. This should be done in order to gain sensitivity and understanding for the specific developmental needs of adolescents.
- The researcher recommends that when sexually abused adolescents receive court preparation they should be prepared for the possibility that they may experience that they are not believed while they are under cross-examination. Thought should be given to how this would make adolescents feel and how to deal with this situation should it arise. The court process and the process of cross-examination should be explained to them and they should be prepared for the reasons why the defence attorney may attempt to discredit their testimony in court, and the techniques that may be utilised for this purpose.
- The researcher recommends that prosecutors should be trained and made aware of the possibility that adolescents may experience the questioning in court as frustrating. By being aware of this they may structure their questioning in such a manner that adolescents do experience that they are given an opportunity to voice in court what has happened to them, where possible. To be able to do this, prosecutors should meet with their clients before the trial and explain the procedures of the court and the reason for the way questions are structured. They should discuss the case and assess each adolescent's case individually and be aware of the victim's specific needs.
- All sexually abused adolescents should receive court preparation. Part of this preparation should focus on the fact that prosecutors may change during the course of their trial.

- Sexually abused adolescents should receive counselling in order to provide them with the opportunity and space to discuss and express their feelings about and experience of the abuse.
- Furthermore the researcher suggests preparing adolescents and their families that testifying may take a long time and that they may be busy with this for a whole day, or might have to go back to court to testify again. The adolescents should also be prepared during court preparation that they may experience testifying as frustrating and tiring. Relaxation techniques should be taught and practiced to use when such situations arise in court. Adolescents should also be made aware of their rights in court, such as to ask for a break when they get tired. During court preparation this should be role played in order to give the adolescents the opportunity to practice how they would address this when they are in court and such a need arises.
- Prosecutors should also be trained and made aware that sexually abused adolescents may experience the long period of time spent on testifying as tiring and frustrating. They should be sensitive to each adolescent's specific needs and allow breaks for the adolescents who testify, should they testify for an extended period of time.
- The researcher recommends that all sexually abused adolescents who testify in court receive ample opportunity to prepare for the process of cross-examination when they are going to testify. All adolescents should be provided with a support person, especially if a family member is not available to support them on the day that they testify in court. Counselling should be provided where adolescents can have the opportunity to debrief after they have testified and were cross-examined in court.
- The researcher recommends that all prosecutors should meet with adolescents before the day that they testify in court. This meeting should have the function of preparing adolescents for certain aspects of the court process and procedures that will be followed in court. It should also function as an opportunity for building a trusting relationship with the prosecutor. Adolescents should feel that the prosecutor understand them, are on their side, knows what happened to them and should be given the opportunity to

ask questions about any uncertainties relating to their case and testifying in court.

- In instances where the prosecutor would change, the family should be notified of this in advance in order to prepare adolescents for this scenario. In such cases the prosecutor should meet with sexually abused adolescents at least an hour before they start to testify. Ideally adolescent victims of sexual abuse should have one prosecutor throughout the course of their trial.

4.3.3 Theme 3: Feelings experienced towards the defence attorney, the perpetrator and the court during testifying

The researcher identified various feelings experienced by the research participants while testifying in court during the research interviews. The researcher concluded that the feelings described by the research participants indicated how sexually abused adolescents may experience the court process as traumatic. Some of the participants had misconceptions of what may happen at court or that they themselves may be in trouble and get sent to jail. These misconceptions may have lead to further emotional reactions such as fear. The research participants also mentioned that they felt relief after the court process was dealt with.

It can be concluded that adolescents experience various negative feelings which may result in undue stress when they testify in court. In addition to this they experience relief once the court proceedings are over and some of the anger, fear or sadness they may have been experiencing before and while testifying in court may be reduced.

The following guidelines are recommended based on the conclusions for this theme:

- It is recommended that all sexually abused adolescents who testify in court have access to counselling services to support them while they are in the process of testifying in court. The goal of counselling should be supportive and should function as an opportunity to express and relieve some of the above mentioned feelings. Normalisation of these feelings should take place in the counselling process, as experiencing fear, anger or sadness is an

expected part of the healing process and should be allowed to be expressed in a contained environment. Counsellors who work with sexually abused adolescents should teach the adolescents relaxation techniques and prepare them that these feelings may surface when they testify in court.

4.3.4 Theme 4: Delays and postponements and the effect of this on memory of the abuse

During the research interviews the researcher concluded that delays and postponements are often experienced in the course of a trial and that it can have a detrimental effect on the testimony of sexually abused adolescents when they testify in court, as well on their ability to remember the details of the abuse. This in turn can have a negative impact on the outcome of their court case.

The following guidelines based on the conclusions for this theme are recommended:

- The researcher would suggest that the adolescents as well as their families are prepared and informed about the possibility of delays and postponements during a court case. Prosecutors should be aware of the effect of delays and postponements on the memory of the adolescent about the abuse. This can be achieved by training prosecutors in this regard. As far as possible, courts should make provision for the speedy completion of a trial. Prosecutors should meet with adolescents in advance, before testifying in court, and should thoroughly prepare them for testifying. The adolescents should always have the opportunity to revise their statement before they testify, especially if there has been a long time lapse between giving the statement and the actual testimony in court.

4.3.5 Theme 5: Aspects that assisted in the court process

During the research interviews the researcher found that there were aspects that made it easier for sexually abused adolescents to testify in court. The researcher concluded that court preparation before testifying assist adolescents with testifying in court and is essential in order to support adolescents and to lessen the trauma that may be experienced through testifying in court. Furthermore it can be concluded

that under the right circumstances adolescent victims of sexual abuse who testify in court may experience this process as empowering. It can also be concluded that adolescents often do not experience testifying as empowering, as only one of the adolescents that were interviewed mentioned that he experienced testifying in court as empowering.

The researcher further concluded that a support system and a family member who believes the adolescents may assist them with testifying in court and can have a positive effect on their emotional well-being. Lastly, it can be concluded that testifying in camera is less traumatic for adolescents who have been sexually abused than testifying in open court.

The following guidelines are recommended based on the conclusions for this theme:

- As a recommendation the researcher is of the opinion that all sexually abused adolescents should receive court preparation before they testify in court. Court preparation should include a visit to the court so that they can familiarise themselves with the courtroom. This visit should take place before the court date and not on the actual day of the trial. Courts should give adolescents opportunity for more than one session of court preparation or should refer them to individuals working in this field for court preparation before the start of the trial.
- The researcher recommends that courts give sexually abused adolescents more choices when they have to testify in court in order to allow them a sense of control which may further lead to feelings of empowerment. The courts should be sensitive towards adolescents' needs and not force them to testify in open court if this would traumatise them or lead to secondary traumatisation. Parents should be empowered to support adolescents emotionally through the court process and should receive support themselves in order to do so. Adolescents should experience that prosecutors believe them when they tell what had happened to them and it should be explained to them that a not guilty verdict does not mean that they were not believed. The above should be done in order to facilitate the process of testifying in such a

way that adolescents who testify may experience empowerment during the process.

- The researcher recommends that parents of sexually abused adolescents who testify in court should receive support themselves and be educated with regard to the emotional effects of sexual abuse and testifying in court for adolescents. By doing this they would be empowered to support adolescents appropriately through this process. In instances where parent support is not available a support person should be identified for adolescents to assist them through this process. This can be done by referring adolescents for counselling.
- The researcher suggests that all sexually abused adolescents should be considered as possible candidates for testifying in camera and that they should have a well-informed choice between testifying in open court or in camera.

4.3.6 Theme 6: The psychological impact of the court process on the adolescent

The researcher concluded that the process of testifying may impact negatively on the emotional well-being of sexually abused adolescents. The court process may be experienced as traumatic and stressful and may result in flashbacks for the adolescents of the abuse. Behaviour of adolescents may be affected while the court process is still ongoing and they may experience eating disorders, feelings of depression and nightmares.

The following guideline based on the conclusions for this theme is recommended:

- It is recommended that all sexually abused adolescents who testify in court would be referred for counselling in order to provide them with the much needed emotional support they would require during this process.

4.3.7 Theme 7: The sharing of information about the progress of the court case

It was found during the research interviews that information is often not shared with the family of the sexually abused victim with regard to the process of the court case. It can be concluded that families of adolescent victims of sexual abuse do not experience that they are being informed well enough by the prosecutor regarding the proceedings of the court case.

The following guideline based on the conclusions for this theme is recommended:

- In recommendation the researcher would suggest that prosecutors have regular contact with the families of sexual abuse adolescent victims who have to testify in court and inform them of all developments of the case. By doing this the family and the adolescent may also feel more in control and included in the process, which may lead to a sense of empowerment.

4.3.8 Theme 8: Testifying in the future

It can be concluded that sexually abused adolescents generally do not experience testifying in court as a positive and empowering process. Adolescents do not seem to be prepared for the stress relating to testifying in court and do not experience support from the court personnel and court system. Furthermore it can be concluded that those who have been part of the legal system as either witnesses, including sexually abused adolescents who testified in court, or professionals does not really have a belief in this system.

The following guidelines are recommended based on the conclusion for this theme:

- In order to make testifying in court a more positive and supportive experience for adolescents who have been sexually abused they would have to receive appropriate court preparation.
- Prosecutors and parents should be trained and empowered to assist and support them through this difficult process.
- Courts and the legal system should be aware of the stressors related to testifying in court and should put measures in place to speed up the process

of testifying so that closure can be reached for adolescents who have been sexually abused.

4.4 SHORTCOMINGS AND RECOMMENDATIONS OF THE STUDY

The researcher is of the opinion that the lack of researching the perceptions of individuals who form part of the legal system, such as prosecutors, magistrates and defence attorneys regarding their views on the effect of the court process on sexually abused adolescents who testify in court, is a shortcoming of this study. The researcher recommends that the above group of possible research participants be interviewed in further studies in order to obtain a more detailed picture of the problems adolescents experience while testifying in court, as perceived by individuals in the legal field. Through such a study the problems which have been identified in this study could be understood better as seen from a legal perspective. Due to this shortcoming the researcher did not have the understanding of why certain policies are accepted in the legal system. A clearer understanding of the law would benefit and add to this study and its findings.

Furthermore the researcher is of the opinion that this was a valuable study and can be regarded as a pilot study for a doctoral study where the above mentioned group of professionals could be included.

4.5 FURTHER RESEARCH

The researcher is of the opinion that further research should be done in order to develop a training manual for legal professionals including prosecutors, defence attorneys, magistrates and judges who work within the court system with adolescents who testify after they have been sexually abused. A specific training manual could be designed for this purpose. This training should include problem areas within the court process and also the issues adolescents experience while testifying in court. Special attention should be given to developmental phases of adolescents and reasons why they experience testifying in court as negative and traumatic. Furthermore training should address and include ways in which the negative impact testifying in court may have on adolescents could be reduced in

order to make the process of testifying more supportive and empowering for sexually abused adolescents.

4.6 CONCLUDING STATEMENT

The researcher identified various problems that sexually abused adolescents experience with the court process while working at Childline with adolescents who testify in court. Therefore the researcher decided to scientifically research this problem by interviewing sexually abused adolescents who have testified in court so as to attain information about how they experienced this process. To scientifically strengthen this study the researcher decided to include another sample of research participants, including parents or caregivers of adolescents who have testified in court, as well as social workers who work with adolescents who testify in court.

For the purpose of this study the researcher attempted to assess the specific problems, as well as support structures sexually abused adolescents perceived as helpful or detrimental in their process of testifying in court and to compile guidelines as to how to address these shortfalls in order to empower adolescents and support them throughout this process. The researcher found that sexually abused adolescents who testify in court experience it as a negative experience. They also experienced the court and their prosecutors as unsupportive and unhelpful. The researcher made conclusions as to why this may be the experience of adolescents and proposed recommendations in the form of guidelines in order to facilitate a more positive experience for adolescents who have to testify in court.

In conclusion the researcher is of the opinion that sexually abused adolescents experience testifying in court as difficult, negative and traumatic. In the researcher's opinion all sexually abused adolescents should receive court preparation in advance of testifying in court, in order to minimise the negative effect testifying may have on them.

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APPENDIX 1
 CONSENT FORM FOR ADOLESCENT RESEARCH PARTICIPANTS



Childline Counselling Centre, 38 Fleming Road, Wynberg, 7800
 Tel: 021-762 8198 Fax: 021-762 7467 email: childline@lifelinewc.org.za

Letter of Consent (Research Participants):

I agree to participate in an interview about my experience in court. The interview is part of a research study which looks at the court experiences of adolescents who have been sexually abused. Questions in the interview will only be related to the court process and will not include any questions about the abuse itself.

I have been informed about the following aspects regarding confidentiality:

- A pseudonym will be utilised by the researcher to ensure confidentiality;
- Debriefing will be provided after the research interview has been conducted (if needed) to allow me to work through the experience of participating in the research and to give me the opportunity to clarify any misperceptions;
- I will have the opportunity to receive further counselling from a Childline counsellor if need be;
- All tape recordings and documents will be stored in a filing cabinet and only the researcher will have access to them;
- The audio-cassettes will be destroyed after the completion of the research.

Signature:

Date:



Affiliated to Life Line Western Cape
 Life Line /Childline Western Cape 56 Roeland Street Cape Town 8001, Tel 021-461 1113
 Non Profit Organization no 002 837 NPO Fundraising registration no 08 8000019 000 4

APPENDIX 2
 CONSENT FORM FOR PARENTS OR CAREGIVERS OF ADOLESCENTS



Childline Counselling Centre, 38 Fleming Road, Wynberg, 7800
 Tel: 021-762 8198 Fax: 021-762 7467 email: childline@lifelinewc.org.za

Letter of Consent to Parents or caregivers of adolescents:

I (parent/guardian) of give permission that my son/daughter may participate in an interview about his/her experience of testifying in court. The interview is part of a research study which looks at the court experiences of adolescents who have been sexually abused. Questions in the interview will only be related to the court process and will not include any questions about the abuse itself.

I have been informed about the following aspects regarding confidentiality:

- A pseudonym will be utilised by the researcher to ensure confidentiality;
- Debriefing will be provided after the research interview has been conducted to allow my child to work through the experience of participating in the research and to give him/her the opportunity to clarify any misperceptions;
- My child will have the opportunity to receive further counselling from a Childline counsellor if need be;
- All tape recordings and documents will be stored in a filing cabinet and only the researcher will have access to them;
- The audio-cassettes will be destroyed after the completion of the research.

Signature:

Date:



Affiliated to Life Line Western Cape

Life Line /Childline Western Cape 56 Roeland Street Cape Town 8001, Tel 021-461 1113
 Non Profit Organization no 002 837 NPO Fundraising registration no 08 8000019 000 4

APPENDIX 3
 CONSENT FORM FOR SOCIAL WORKERS



Childline Counselling Centre, 38 Fleming Road, Wynberg, 7800
 Tel: 021-762 8198 Fax: 021-762 7467 email: childline@lifelinewc.org.za

Letter of Consent for Social Workers at Childline:

I agree to participate in an interview about adolescents' experience in court. The interview is part of a research study which looks at the court experiences of adolescents who have been sexually abused. Questions in the interview will only be related to the court experience of adolescents whom I have worked with.

I have been informed about the following aspects regarding confidentiality:

- A pseudonym will be utilised by the researcher to ensure confidentiality;
- All tape recordings and documents will be stored in a filing cabinet and only the researcher will have access to them;
- The audio-cassettes will be destroyed after the completion of the research.

Signature:

Date:



Affiliated to Life Line Western Cape

Life Line /Childline Western Cape 56 Roeland Street Cape Town 8001, Tel 021-461 1113
 Non Profit Organization no 002 837 NPO Fundraising registration no 08 8000019 000 4