

**AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE  
TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN  
POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE**

By

**JOHANNA KEDIBONE MONYAKE**

Submitted in fulfilment of the requirements

for the degree of

**MASTER OF ARTS**

in

**CRIMINOLOGY AND CRIMINAL JUSTICE**

in the

**FACULTY OF HUMANITIES**

**(School of Social Sciences)**

at the

**UNIVERSITY OF LIMPOPO**

**SUPERVISOR: DR F MANGANYI**

**CO-SUPERVISOR: PROF W MALULEKE**

2021

## DECLARATION AND COPYRIGHT

Student Number: XXXXXXXXXX

I, J K MONYAKE, declare that this study entitled: **“AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE”** is my work and has not been submitted to another institution of higher education. All sources that I used or quoted have been indicated and acknowledged through the means of complete list of references. I understand and adhere to the University of Limpopo (UL) codes of research ethics.

**Surname, Initials (tittle)**

**Date**

MONYAKE J K (Ms)

2021/11/03

## **DEDICATIONS**

This work is dedicated to my descendants Kgatla and Atlegang Monyake. “Thank you for the obedience, support, faith and belief you vested in me”

## ACKNOWLEDGEMENTS

I would like to thank the Almighty Lord for His unwavering guidance, wisdom and the strength proffered not only for the accomplishment of this study, but for life. My gratitude is also devoted to the following persons for their respective contributions to this research.

Many thanks to my **Supervisor Dr FM Manganyi** for the time, encouragement, support and guidance devoted to this study. You never stopped giving me support as well as your friendly and logical pieces of advice. Your constructive criticisms have allowed me to grow as a promising individual and as a potential academic. May the good Lord bless you in every possible way. Continue to do your best in every student under your sincere observance!

1. A special gratitude goes to my **Co-Supervisor Prof W Maluleke** for his assistance and valuable guidance throughout this project. Your kindness to us as your students allows us to approach you with ease.
2. **Mr Rakabe**, thank you so much for your support in so many memorable ways one could hardly forget.
3. **Prof Ramontja**, your humanitarian and emotional support has helped me to stay courageous and focused throughout this challenging, but rewarding exercise.
4. I would like to thank the South African Police Service (SAPS) and the Department of Justice and Constitutional Development (DoJ & CD) for giving me permission to interact with their staff members.
5. Finally, I would like to give special appreciation to every individual participant who, out of their hectic schedules, took time to share their views. Without you all, empirical information would have been impossible.
6. To the Polokwane Policing Cluster, a mere thank you could not satisfactorily signify my appreciation. Your contribution took me to another level of understanding.

## **ABSTRACT**

*The incidence of child sexual abuse is reaching new statistical highs in South Africa. Studies indicate that every second a child is raped in South Africa. Therefore, Child Sexual Abuse requires abstained approaches to be fastened, solid knowledge foundation and understanding. Failure to respond precisely and treat sexually abused children with sensitivity and professionalism (SAPS officials, healthcare practitioners and the judiciary) limit chances for a successful prosecution and victory to conquer psychological impairments on victims. Therefore, this research explored experiences in the Criminal Justice System (CJS) in the treatment of and response to child sexual abuse. The study was confined to Polokwane Policing Cluster (PPC) involving a sample from the South African Police Services (SAPS), the Department of Justice (DOJ) and the Department of Social Department (DSD). This qualitative study adopted non-probability purposive sampling. Initially, the researcher targeted a population of fifteen (15) officials within the PPC who work directly with cases of CSA. However, two officials were not willing to form part of the study.*

*This research was guided by the following objectives to:*

- 1. Determine responses of the CJS to children as victims of sexual offences within the PPC;*
- 2. Establish the protection of psychological well-being of children as victims of sexual offences in Polokwane Policing Cluster; and*
- 3. Review regulatory legislative frameworks addressing the treatment of children as victims of sexual offence in Polokwane Policing Cluster.*

*Moreover, this study examined causes and impacts associated with CSA. The study further reveals consequences of CSA and offer suggested mechanisms stemming from selected participants whom, among others include, but not limited to the following: using the legislative framework approach; the Constitution of the Republic of South Africa, 1996; protection of children's rights and broad statutory approaches for the treatment of sexual offence victims.*

**Keywords:** *Child sexual abuse; treatment and response, Criminal Justice System, underlying psychological factors; integrated approach.*



## TABLE OF CONTENTS

DECLARATION AND COPYRIGHT.....	i
DEDICATIONS .....	ii
ACKNOWLEDGEMENTS .....	iii
ABSTRACT.....	iv
TABLE OF CONTENTS.....	vi
LIST OF TABLES.....	xii
TABLES OF FIGURES .....	xii
LIST OF ACRONYMS AND DESCRIPTIONS .....	xiii
CHAPTER ONE .....	1
GENERAL ORIENTATION .....	1
1.1. INTRODUCTION AND BACKGROUND .....	1
1.2. CONCEPTUALISATION OF CHILD SEXUAL ASSAULT .....	2
1.2.1 Sexual offences per provincial distribution.....	4
1.2.2 Sexual offences by gender .....	5
1.3 PROBLEM STATEMENT.....	7
1.4. STUDY AIM AND OBJECTIVES.....	8
1.5. SUMMARISED THEORETICAL FRAMEWORK OF CHILD SEXUAL ABUSE: AN INDUCTION.....	9
1.6. PRELIMINARY RESEARCH DESIGN AND METHODOLOGY .....	9
1.6.1 Research design .....	10
1.6.2 Research methodology .....	10
1.7. DEFINITION OF KEY CONCEPTS.....	10
1.7.1 Sexual assault.....	11
1.7.2 Crime .....	11
1.7.3 Crime scene.....	11
1.7.4 Investigation.....	11
1.7.5 Child Sexual Abuse.....	12
1.7.6 Evidence .....	12
1.7.7 Problem .....	12
1.7.8. Problem-solving .....	12
1.7.9 Police .....	13
1.8. Study Significance .....	13
1.9. CHAPTERS PROGRESSIONS .....	14
1.10. SUMMARY.....	15

CHAPTER TWO .....	16
LITERATURE REVIEW ON CRIMINAL JUSTICE SYSTEM AND TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES.....	16
2.1. INTRODUCTION .....	16
2.2. THE DISTINCT ROLE PLAYED BY PERSONNEL WITHIN THE CRIMINAL JUSTICE SYSTEM.....	16
2.2.1 The South African Police Service roles.....	16
2.2.1.1 Crime scene investigations .....	18
2.2.1.1.1 <i>Primary crime scene</i> .....	18
2.2.1.1.2 <i>Secondary crime scene</i> .....	18
Figure 2: Secondary crime scene clarification .....	19
2.2.1.2 Recording of reported crime: Sexual offences .....	20
2.2.1.3 Investigation processing .....	22
2.2.1.3.1 <i>The importance of crime scene management</i> .....	23
2.2.1.3.2 <i>Body orientated crime scene</i> .....	23
2.2.1.3.4 <i>Crime scene search patterns clarification</i> .....	25
2.2.2 The roles of health practitioners.....	29
2.2.2.1 Possible contamination of diseases .....	29
2.2.2.2 The importance of Deoxyribonucleic Acid (DNA) profiling in Child Sexual Abuse (CSA) cases.....	30
2.2.3 The roles of the social worker .....	31
2.2.3.1 Roles of a forensic social worker .....	31
2.2.4 The roles of the National Prosecuting Authority.....	33
2.2.4.1 The application of the 'Cautionary Rule' in Child Sexual Abuse cases.....	34
2.2.4.2 The cross-questioning of child victims .....	35
2.3. THE IMPACTS OF CHILD SEXUAL ABUSE ON CHILD VICTIMS .....	36
2.3.1 Child Sexual abuse as a victim's health hazard.....	37
2.3.2 The Child Sexual Abuse on the victim's academic process.....	38
2.3.3 The school environment .....	39
2.3.4 Social and interpersonal functioning of learners .....	40
2.3.5 The impact on victim's health and violence perpetration .....	41
2.3.6 Patriarchal structure as an instigator of Child Sexual Abuse .....	42
2.4. FACTORS INSTIGATING CHILD SEXUAL ASSAULTS .....	43
2.4.1 Family factors .....	43
2.4.1.1 Substance Abuse .....	43
2.4.1.2 Family Structure .....	43



2.4.1.3	Poor family functioning.....	45
2.4.1.4	Separation of parents / Divorce .....	45
2.4.1.5	Poverty .....	46
2.5.	ASSOCIATIVE FACTORS EXPOSING CHILDREN TO SEXUAL ASSAULT .....	46
2.5.1	Environmental factors .....	47
2.5.2	History of abuse.....	47
2.6.	CULTURAL PRACTICES AND ITS EFFECT ON CHILDREN.....	48
2.6.1	Traditional perceptions as a contributing factor to Child Sexual Abuse .....	49
2.6.2	Cultural factors.....	49
2.6.3	The sexual abuse of virgins as Human Immunodeficiency Virus [HIV]/ Acquired Immune Deficiency Syndrome [AIDS] curing [Cultural] myth.....	50
2.6.4	Child Marriage/ <i>Ukuthwala</i> .....	51
2.6.5	Risk factors associated with <i>Ukuthwala</i> .....	52
2.6.6	Trauma .....	52
2.6.7	Abuse .....	53
2.6.8	Deprivation of educational opportunities .....	53
2.6.8.1	Post-Traumatic Stress Disorder.....	53
2.6.8.2	Sexually Transmitted Infections and Human immunodeficiency Virus [HIV]/ Acquired Immune Deficiency Syndrome [AIDS].....	54
2.6.8.3	Death and Injuries .....	55
2.6.8.4	Cognitive disruption and bodily defects.....	55
2.6.8.5	Traditional perceptions as a contributing factor to Child Sexual Abuse .....	56
2.6.8.6	Initiatives to condemn child sexual abuse strengthened by <i>Ukuthwala</i> .....	56
2.7.	INTER-DISCIPLINARY APPROACH TO THE INCIDENCES OF CHILD SEXUAL ABUSE.....	57
2.7.1	Traditional intervention in curbing violence against children .....	58
2.8.	SELECTIVE LEGISLATIVE FRAMEWORKS IN RESPONSE TO CHILD SEXUAL ABUSE.....	59
2.8.1	The Children’s Act (No. 38 of 2005).....	60
2.9.	ECONOMIC EMPOWERMENT AS A WAY OF CURBING CHILD SEXUAL ABUSE (CSA).....	60
2.9.1	Psychological and medical intervention in curbing Child Sexual Abuse.....	61
2.10.	SUMMARY.....	63
	CHAPTER THREE.....	64
	THEORETICAL FRAMEWORK ON CRIMINAL JUSTICE SYSTEM AND TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES .....	64
3.1.	INTRODUCTION .....	64

3.2. CONCEPTUALISATION OF THE ADOPTED THEORETICAL FRAMEWORKS....	64
3.3. THEORY OF JUSTICE .....	65
3.3.1 Fair justice practices on victim’s wellbeing.....	65
3.3.2 Protecting the offender’s rights.....	66
3.3.3 Equal liberty .....	67
3.3.4 The researcher’s justification and lasting value of the Theory of Justice in relation to Child Sexual Abuse .....	68
3.4. THE INTEGRATED THEORY OF SEXUAL OFFENDING.....	69
3.4.1 Factors that contribute to child sexual offending.....	70
3.4.2 Single factor psychological theories.....	71
3.4.3 Multi factor psychological theories.....	71
3.4.4 Micro level psychological theories.....	71
3.4.5 Characteristics of child sexual offenders .....	71
3.5. BIOLOGICAL, ECOLOGICAL AND NEUROPSYCHOLOGICAL FACTORS CONTRIBUTING TO CHILD SEXUAL ABUSE .....	72
RESEARCH DESIGN AND METHODOLOGY .....	73
3.6. BRIEF MEASURES APPLIED TO TREAT CHILD SEXUAL OFFENDERS.....	73
3.7. CONSTITUTIONAL FOUNDATIONS SUPPORTING THE APPLIED THEORETICAL ASSUMPTIONS.....	74
3.8. SUMMARY .....	74
CHAPTER FOUR.....	75
4.1. INTRODUCTION .....	75
4.2. RESEARCH DESIGN .....	76
4.3. RESEARCH METHODOLOGY.....	76
4.3.1 Study location .....	77
4.3.2 Population of the study.....	78
4.3.3 Sampling selection and procedures .....	78
4.3.4 Data collection methods .....	79
4.3.5 Data analysis .....	79
4.4. ETHICAL CONSIDERATIONS.....	80
4.4.1 Plagiarism .....	81
4.4.2 Quality of research.....	81
4.4.3 Ethics in analysis and reporting .....	81
4.4.4 Permission to conduct study and protection of harm .....	82
4.4.5 Informed consent and voluntary participation.....	82
4.4.6 Confidentiality and anonymity.....	82

4.4.7 Honesty with professional colleagues and data protection .....	82
4.4.8 Publication .....	83
4.5. SUMMARY .....	84
CHAPTER FIVE.....	85
DATA PRESENTATION, ANALYSIS AND INTERPRETATIONS.....	85
5.1. INTRODUCTION .....	85
5.2. STUDY FINDINGS.....	86
5.2.1 Findings relating to the study aim .....	86
5.2.1.1 Exploring the treatment of children as victims of sexual offences within the Polokwane Policing Cluster in the Limpopo Province.....	87
5.2.2 Findings based on study objectives .....	87
5.2.2.1 Objective 1: To determine the procedures provided to the victims of sexual offenses. ....	87
5.2.2.2 Objective 2: To assess <i>Modus Operandi</i> used in court processes to protect the psychological wellbeing of sexually abused children .....	88
5.2.2.3 Objective 3: To evaluate regulatory framework that addresses the treatment of sexual offence victims .....	89
5.3. THE IDENTIFIED THEMES AND CHALLENGES BASED ON STUDY AIM AND OBJECTIVES .....	90
5.3.1 Response to cases involving victims of sexual offenses .....	90
5.3.1.1 Interpretation and deductions .....	92
5.3.2 Protection and Detention of potential evidence .....	92
5.3.2.1 Interpretation and deductions .....	94
5.3.3 Interviewing .....	94
5.3.3.1 Interpretation and deductions .....	96
5.3.4 Police advocacy on the dissemination of information.....	96
5.3.4.1 Interpretation and deductions .....	98
5.3.5 Protection of medical and psychological well-being .....	98
5.3.5.1 Interpretation and deductions .....	100
5.3.6 Post-case communication.....	100
5.3.6.1 Interpretation and deduction.....	101
5.3.7 Understanding.....	102
5.3.8 The utilisation of hotlines .....	103

5.3.8.1 Interpretation and deduction.....	104
5.4. THE SOCIAL WORKERS EXPRESSIONS .....	104
5.4.1 Interpretation and deductions.....	105
5.5. THE JUDICIARY VIEWS .....	105
5.5.1 Judicial Approach to the cases of Child Sexual Abuse .....	106
5.5.1.1 Interpretations and deductions .....	106
5.5.2 Decision to proceed with sexual assault cases .....	107
5.5.2.1 Interpretations and deductions .....	107
5.5.3 The treatment of evidence proffered by child victims .....	107
5.5.3.1 <i>Interpretations and deductions</i> .....	108
5.5.4 The decision to struck cases off the roll.....	108
5.5.4.1 Interpretation and deduction.....	109
5.6. SUMMARY .....	109
CHAPTER SIX.....	110
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....	110
6.1. INTRODUCTION .....	110
6.2. STUDY OVERALL SUMMARY .....	111
6.3. STUDY CONCLUSIONS .....	113
6.4. RECOMMENDATIONS DERIVING FROM THE FINDINGS, STUDY AIM AND OBJECTIVES .....	114
6.4.1.1 Recommendations regarding cultural aspects towards Child Sexual Abuse .....	114
6.4.1.2 Recommendations regarding psychological challenges faced by victims .....	115
6.4.1.3 Recommendations regarding why victims keep silence about the Child Sexual Abuse .....	116
6.4.2 Study objective 1: Recommendations on how police officials respond to cases of Child Sexual Abuse .....	116
6.4.3 Study objective 2: Recommendations on <i>Modus Operandi</i> used in court processes to protect the psychological wellbeing of sexually abused children .....	117
6.4.4 Study objective 3: Recommendations on the effectiveness of the current policies .....	118
6.5. THE PROPOSED FUTURE RESEARCH STUDIES.....	118
LIST OF REFERENCES.....	120
ANNEXURE A: CONSENT LETTER .....	143

ANNEXURE B: CONSENT FORM.....	144
ANNEXTURE C: INFORMED CONSENT.....	145
ANNEXURE D: INTERVIEW SCHEDULE .....	146
ANNEXTURE E: FACULTY APPROVAL LETTER.....	149
ANNEXTURE F: TURFLOOP RESEARCH ETHICS COMMITTEE APPROVAL LETTER.....	150
ANNEXTURE G: SOUTH AFRICAN POLICE SERVICE NATIONAL PERMISSION...151	
ANNEXTURE H: SOUTH AFRICAN POLICE SERVICE PROVINCIAL PERMISSION155	
ANNEXURE I: TURNITIN REPORT .....	156

## LIST OF TABLES

<b>Table 1:</b> Distribution of Sexual offences per province .....	4
<b>Table 2:</b> Distribution of Sexual Offences by ender, 2017/18.....	5
<b>Table 3:</b> Biographical details of the KII1 .....	85
<b>Table 4:</b> Police Response after case activation.....	92
<b>Table 5:</b> Crime Scene Management.....	94
<b>Table 6:</b> Interviewing of child victims .....	96
<b>Table 7:</b> Communication between the police and Child Sexual Abuse victims.....	98
<b>Table 8:</b> The protection of medical and psychological well-being of victims.....	100
<b>Table 9:</b> Post-Case Communication with the Victim.....	101
<b>Table 10:</b> Police officers understanding on their roles in Child Sexual Abuse.....	102
<b>Table 11:</b> The utilisation of hotlines.....	104
<b>Table 12:</b> Biographical details of the KII3 .....	106

## TABLES OF FIGURES

<b>Figure 1:</b> Conceptualising Child Sexual Assault .....	4
<b>Figure 2:</b> Secondary crime scene clarification .....	19
<b>Figure 4:</b> Grid search Pattern.....	25
<b>Figure 5:</b> Spiral Search Pattern.....	26
<b>Figure 6:</b> Stripe search pattern .....	27
<b>Figure 7:</b> Child Sexual Abuse: Inter-Disciplinary Approach.....	63
<b>Figure 4.4:</b> Geographical setting.....	78

## LIST OF ACRONYMS AND DESCRIPTIONS

<b>AIDS:</b>	Acquired Immune Deficiency Syndrome
<b>ARV:</b>	Antiretroviral Drug
<b>CALD:</b>	Cambridge Advanced Learners Dictionary
<b>CSA:</b>	Child Sexual Abuse
<b>CSO:</b>	Child Sexual Offences
<b>CCTV:</b>	Close Circuit Television
<b>CIETA:</b>	Community Information Empowerment and Transparency Africa
<b>CSI:</b>	Crime Scene Investigation
<b>CJS:</b>	Criminal Justice System
<b>CPA:</b>	Criminal Procedure Act
<b>CPR:</b>	Child Protection Resources
<b>DNA:</b>	Deoxyribonucleic Acid
<b>DREC:</b>	Department for Round-Robin Review
<b>DOJ:</b>	Department of Justice
<b>DSD:</b>	Department of Social Development
<b>FST:</b>	Family support Trust
<b>FSC:</b>	Family Violence Child Protection and Sexual Offences
<b>FGM:</b>	Female Genital Mutilation
<b>GP:</b>	Gauteng Province
<b>GAGS:</b>	Global Access Control System
<b>HIV:</b>	Human Immunodeficiency Virus
<b>HSDD:</b>	Hypoactive Sexual Desire Disorder
<b>ITSO:</b>	Integrated Theory of Sexual Offending
<b>IT:</b>	Integrated Theory
<b>JCPS:</b>	Justice, Crime Prevention and Services Cluster
<b>LP:</b>	Limpopo Province
<b>MFIPV:</b>	Male-to-female intimate partner violence
<b>MO:</b>	<i>Modus Operandi</i>
<b>NIN:</b>	National Instruction number
<b>NPFVSO:</b>	National Policy Frameworks for Victims of Sexual Offences
<b>NPSAMFE:</b>	Sexual Assault Medical Forensic Examinations

<b>PPC:</b>	Polokwane Policing Cluster
<b>PTSD:</b>	Post Traumatic Stress Disorder
<b>PASLERSA:</b>	Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault
<b>PrEP:</b>	Pre-Exposure Pill
<b>PHRU:</b>	Public Health Resources Unit
<b>SSREC:</b>	School of Social Sciences Research Ethics Committee
<b>SOCA:</b>	Sexual Offences and Community Affairs
<b>STI's:</b>	Sexually Transmitted Infections
<b>SAHRC:</b>	South African Human Rights Commission
<b>SAPS:</b>	South African Police Services
<b>ICCPR:</b>	The International Convention on the Civil and Political Rights
<b>TA:</b>	Thematic Analysis
<b>ToJ:</b>	Theory of Justice
<b>TTCs:</b>	<i>Thuthuzela</i> Care Centres
<b>TREC:</b>	Turfloop Research Ethics Committee
<b>UNICEF:</b>	United Nations International Children's Emergency Fund
<b>VIS:</b>	Victim Impact Statement
<b>WHO:</b>	World Health Organisation

## CHAPTER ONE

### GENERAL ORIENTATION

#### 1.1. INTRODUCTION AND BACKGROUND

This chapter presents a general orientation and background of the phenomena under exploration. Children experience various challenges in their lifetime, which have effects on their well-being. These challenges may result in a permanent psychological impairment like Post Traumatic Stress Disorder [PTSD] (Schwarz, Galperin, & Masters, 1995). Richards and Marcum (2014) argue that the origination of child sexual assault came as a form of property crime where women and children were seen as owned property. Some of these deeds were committed through incest and the African act of child marriage known as “*Ukuthwala*”<sup>1</sup> practice in South Africa (Nkosi & Buthelezi, 2013). This study focuses on CJS experiences on the treatment of children as victims of sexual offences in PPC, Limpopo Province. Personnel who often interact with children as victims of sexual offences will form part of this study. (Mnguni & Muller, 2009) argue that a child is a person from the age of 12 years or older, but under the age of 16. Consequently, the age concerned might be deemed as the phase where a person can be considered to give informed consent for sexual activity.

---

<sup>1</sup> *Ukuthwala* (meaning “to carry”) is a traditional practice in particular in Xhosa-speaking communities that occur prior to some customary marriages, where a young man takes a young woman to his home by force. This is intended to force the woman’s family to enter into negotiations with the man and his family with regard to a customary marriage. Traditionally, the woman consented to this and the practice of *ukuthwala* served as a staged abduction by the couple to gain her parent’s permission to marry. However, the practice has recently been used to force young girls into marriage with older partners against the girl’s will (Mwambene & Sloth-Nielsen, 2011).



In consideration of the above authorities, the researcher deemed it imperative to highlight the severity and consequences of the sexual assault conduct as an important issue that needs to be addressed, including the provision of immediate care [from all the involved parties, such as SAPS officials, social workers, medical practitioners and the judiciary], referral to other services and practical advice to clinicians. Sexual assault can be a terrifying, humiliating and traumatic experience. It impacts children's physical and psychological health, and can have long-term consequences on their health needs and mental well-being. Children who have been victims of sexual assault need prompt and timely management in an acute setting.

Hence, in as depicted in **Figure 1.1**, it is imperative for integrated efforts and a focused approach when dealing with cases affecting children. Therefore, responsible parties within and outside the CJS should work collectively towards the realisation of victims' well-being. Clinicians need to be mindful of forensic evidence and its admissibility during legal proceedings. This study aimed at exploring the manner in which children as victims of sexual offences are treated within the CJS in PPC, Limpopo Province. The researcher provided further deliberations and summative assertions to provide an overview of the study.

## **1.2. CONCEPTUALISATION OF CHILD SEXUAL ASSAULT**

Maltz (2002) gives the following definition: "sexual abuse occurs whenever one person dominates and exploits another by means of sexual activity or suggestion" (Maltz, 2002, p. 321). Irrespective of how it is defined, childhood sexual abuse generally has significant negative and pervasive psychological impact on its victims. The majority of sexual abuse happens in childhood, with incest being the most common form (Maltz, 2002). Other variables that are found to increase levels of reported distress were abuse experiences that involved more extensive sexual abuse, a higher number of sexual abuse experiences and a younger age during the first sexual abuse experience (Hartman, Finn, & Leon, 1987). While the nature and severity of the sexual assault may cause a more serious impact, many other factors may influence the degree of damage experienced by victims.

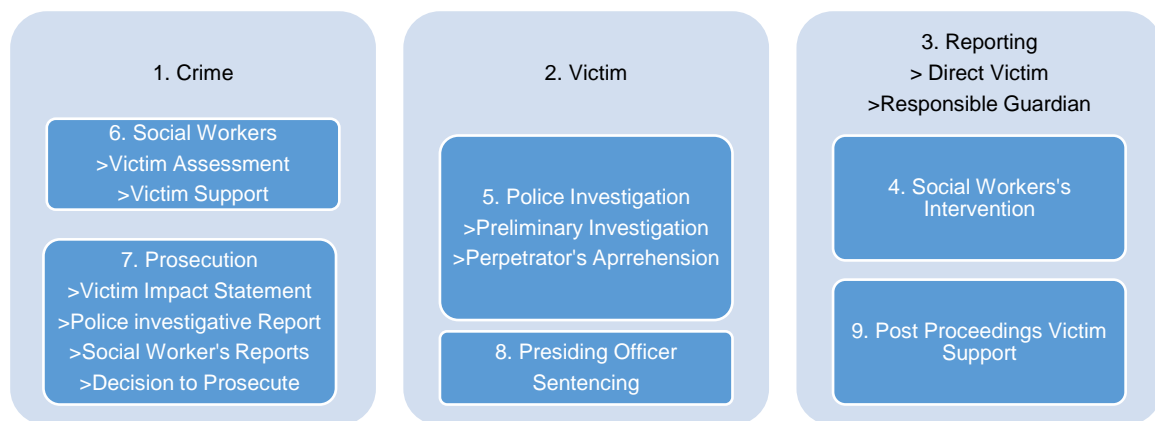
Other factors may include the individual, the individual's internal resources, and the individual's level of support (Ratican, 1992). Although not all forms of childhood sexual abuse include direct touch, it is important for therapists to understand that childhood sexual abuse can take many different forms that still exploit the victim sexually and cause harm. The perpetrator may exploit the child by introducing them to pornography prematurely, assaulting them through the internet, or manipulating them into taking pornographic photos. Childhood sexual abuse infringes the basic rights of human beings. Children should be able to have sexual experiences at the appropriate developmental time and within their control and choice. The nature and dynamics of sexual abuse and sexually abusive relationships are often traumatic. When sexual abuse occurs in childhood, it can hinder normal social growth and cause many different psychosocial problems (Maltz, 2002). The next section will review literature and research concerning long-term effects of childhood sexual abuse.

The CSA incidents require that focused attention be devoted to the CJS in terms of how it responds to such social ills. Children are terrorised at the hands of the state. The proper response should rather be for the CJS to become a more active role player in fighting for children's rights than suffering further victimisation from the people who are supposed to protect them such as the CJS officials. The championing of partnership policing between the police, social workers and the judiciary can uniformly show their responsibilities in terms of the equal and fair treatment to victims.

From *Figure 1.1*, one can deduce that joint "problem identification" requires a common goal from the police and all structures to effectively respond to child sexual offences as a matter of great concern. The police in charge of the matter and social workers need to collectively have meetings; this enables them to have a joint-problem-solving strategies. D'Arcy, Thomas and Wallace (2018) stresses that the establishment of an active partnership between the police and the social workers, through which CSA can be jointly analysed, investigation approved and just fairness applied.

Figure 1.1 shows information exchange as a product of joint-problem identification. The figure further depicts the strength resulting from joint-problem identification which enables both the police, social workers and the judiciary to jointly solve the problem of social disorder since it is their shared common responsibility.

**Figure 1:** Conceptualising Child Sexual Assault



Source: Researchers illustrations (2019-2020)

### 1.2.1 Sexual offences per provincial distribution

With the intention of showing the extent of sexual assault per province, the researcher deemed it imperative to present statistical evidence which shows provincial distribution of sexual offences. **Table1** depicts fluctuations of recorded sexual offence crimes over the years (2013-2018). The depiction of statistical presentation shown below indicates that Gauteng Province (GP) had the highest recorded statistics of sexual offences from the financial year 2013 to 2018. The researcher had noted that in terms of GP in the indicated financial years, the lowest recorded incidents were at 9 510 while its highest record sat at 10 264. The statistics below indicate that Limpopo Province is sitting at the third last compared to the remaining eight provincial distributions with the highest recorded prevalence of 4 423 cases of sexual offences in the financial year 2013/2014, while a decline is self-explanatory in the financial years 2017/2018. Northern Cape (NC) was the least of all the provinces with extremely low reported cases of sexual offences compared to its counter provinces during the 2014/2018 period. However, it cannot be proven as to how truthful the given statistics are due to blank if not unreported incidences. The above argument also received support from Denno (2011), who asserts that

although court statistics are compiled from records of crimes and people involved in crime, they only include cases where evidence was brought forward in court.

**Table 1:** Distribution of Sexual offences per province

Province	Number of reported cases						2019/20
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
Western Cape	7 760	7 369	7 130	7 115	7 075	7 043	7303
Eastern Cape	9 616	9 224	8 797	8 050	8 094	8 731	8 708
NC	1 731	1 578	1 719	1 587	1 538	1 578	1 590
Free State	4 584	4 094	3 928	3 488	3 284	3 457	3 746
KZN	9 889	9 079	8 947	8 484	8 759	9 308	9 809
North West	4 616	4 585	4 164	4 326	4 182	4,021	3,824
GP	10 264	9 902	9 510	9 566	10 116	10 752	10 810
Mpumalanga	3 797	3 474	3 331	3 216	3 198	3 470	3 513
LIM	4 423	4 312	4 369	3 828	3 862	3 990	4060
<b>SOUTH AFRICA</b>	<b>56 680</b>	<b>53 617</b>	<b>51 895</b>	<b>49 660</b>	<b>50 108</b>	<b>5 2420</b>	<b>53 293</b>

Source: SAPS (2013-2020)

### 1.2.2 Sexual offences by gender

**Table 2** shows that 28 596 individual women experienced sexual assault in 2017/18. The researcher deduced that the given figures do not regard genuine statistics as there is no indication from statistics below of male sexual assault victims. Moreover, the general statistics does not indicate the truthful depiction as there are no records for male sexual abuse within the CJS between the financial years 2013 and 2014.

**Table 2:** Distribution of Sexual Offences by gender - 2019/2020

Gender	Number	CV%	Percentage	CV%
Male	***	***	***	***
Female	28 596	35	0,11	33
<b>SOUTH AFRICA</b>	<b>28 596</b>	<b>35</b>	<b>0,06</b>	<b>33</b>
<b>Children</b>	<b>18,586</b>	<b>33</b>	<b>0,04</b>	<b>30</b>

Source: SAPS (2019/2020)

In line with the objectives set by the Justice, Crime Prevention and Services Cluster (JCPS) delivery agreement, the enhanced focus of the courts on serious crime resulted in an

improved conviction rate in serious crime. The conviction rate in sexual offences ended at an all-time high of 72.7%, reflecting a firm commitment to deliver justice to the most vulnerable groups (Victims of Sexual Offences and Gender-based Violence). The Sexual Offences and Community Affairs (SOCA) Unit exceeded its target during the year under review by achieving a conviction rate in the prosecution of sexual offences reported at the *Thuthuzela* Care Centres (TCCs) of 74.5%, which is significantly higher than the target of 68% and the performance of the previous financial year of 71.1% (DoJ & CD Annual Report 2017-2018). The general level of crime as estimated by Victims of Crime Survey (VOCS) has been declining during the past five years but increased in 2016/17 and 2017/18.

Based on the report provided by the Global Access Control System (GACS), the researcher deems it imperative to provide statistical data which shows provincial distribution of sexual offences over the 2017/2018 financial years. Within 9 provinces of South Africa, the statistical data indicate that GP had the highest rate of sexual offences from the financial year 2013 to 2018. The researcher notes that GP Province has the lowest child sexual assault incidents at 9 510 in the 2013/2018 financial year; while its highest record was at 10 264 in the 2017/2018 report. Furthermore, Limpopo Province sits at number six as compared to the remaining 8 Provinces, with its highest recorded prevalence of 4 423 cases of sexual offences in the financial year 2013/2014, and recently decreased to 3 862 during the 2017/2018. The NC was the least of all the provinces with extremely low reported sexual offence cases of 1 731-1538 during the 2014/2018 period. However, it cannot be proven as to how truthful the given statistics are because of many sexual offences that are not reported (Smythe, Artz, Combrinck, Doolan, & Martin, 2008, p. 175).

The above argument also received support from Gaudet and Marchant (2016), who asserts that, although statistics indicates a fluctuation of CSA, there has been a steady increase of criminal cases with evidence that indicates a steady increase of the problem. The researcher intends to emphasise and enlighten the CJS concerning major problems regarding the CSA. The victims should be provided with information concerning their cases and the consideration of crime scene management to ensure credibility of evidence submitted to the judiciary that will be influential during the prosecution process. The researcher further strives to emphasise the training of officials that directly deal with victims Child Sexual Abuse to ensure coherence with legal mandates and policy guidelines.

Although substantial research on CJS has been conducted, this study aims to establish treatment measures for child sexual assault at large: address the importance of proper investigations and the effects of CSA; and to bring awareness to all stakeholders involved in responding to this scourge in order to determine measures of administering well condoned treatment to victims of child sexual offences.

### **1.3 PROBLEM STATEMENT**

Children experience frustrating challenges within the CJS. As a result, this worsens their ordeal as victims of sexual assault. The unwelcoming court environment makes it difficult for children to cope with the situation in terms of facing the suspect and cross questioning (Smythe, Artz, Combrinck, Doolan, & Martin, 2008). While executing their duties, personnel in the CJS must bear in mind that crime victims have been given procedural rights to participate in matters affecting them (Miller & Hefner, 2015).

Douglas, Burgess, Burgess, and Ressler (2013) assert that law enforcement agencies should at all cost be observant of the needs of victims from the activation of the case until prosecution. This should be read together with the Constitutional foundations of crime investigations, coupled with the Criminal Procedure Act [CPA] (No. 51 of 1977). Additionally, children as victims of sexual assault must be taken for medical examination as soon as possible to be examined by the medical practitioner. Equally, the outcomes of such medical examination must be properly recorded in the SAPS J88 form, which shows the state of the victims after the perpetration of such crime (Daigle, 2013, p. 144).

Again, in support of the conducted 'Pilot Study' in Polokwane Provincial Offices (SAPS), the researcher realised that cases of sexual assault are either withdrawn or struck-off the court roll due to lack of concrete evidential clues that convince the judiciary; consequently, this collates the effectiveness of CJS operations. Nevertheless, this argument contradicts with the report that investigators are doing

their best. This requires experts to deal with cases of sexual offences involving children (Rumney, 2006).

This statement resonates with Winick (2008), who claims that victimisation and the emotional recovery of victims are dictated by how victims are treated in CJS processes. Moreover, Randall (2010) holds that “in aspects such as sexual assault myths, victims tend to be blamed by the society”. Such behaviour from the society or community often hampers successful prosecution. This leaves the CJS doubtful among members of the community (Martin, 1998). In the CJS, the Victim Impact Statement (VIS) serves as one of the mechanisms that ensure the formal participation of crime victims (Erez, 1990). Therefore, to have meaning, it must be accompanied by other mechanisms. Hence, it is upon the justice system to ensure that the rights of victims are strictly adhered to. The researcher’s concern about the CJS is the questioning of the credibility of information offered by young victims as they are deemed incapable of proffering a truthful account of what had transpired.

#### **1.4. STUDY AIM AND OBJECTIVES**

*The aim of this study was ‘to explore the treatment of children as victims of sexual offences within Polokwane Policing Cluster in Limpopo Province.’*

With this aim, the researcher also intends to provide critique inputs on the imperativeness of crime scene management on successful prosecution. This is specifically intended in cases of sexual offences perpetrated against children as the most vulnerable group within our societies.

Furthermore, the following objectives guided the study as designed in three-fold:

**Objective 1:** To determine procedures provided to victims of sexual offences;

**Objective 2:** To assess the *Modus Operandi (MO)* used in court processes to protect the psychological wellbeing of sexually abused children as victims; and

**Objective 3:** To evaluate the regulatory framework that addresses the treatment of children as sexual offence victims.

## **1.5. SUMMARISED THEORETICAL FRAMEWORK OF CHILD SEXUAL ABUSE: AN INDUCTION**

The researcher will provide a synthesised theoretical justification that was considered in this study. This will assist with insights into the applicable thinking in the manner in which children are treated within the CJS. Theory of Justice (ToJ) and the Integrated Theory (IT) were identified to provide clarifications. The researcher will also use South African Constitutional foundations as supporting legislative frameworks on this subject and other supportive international obligations. The TOJ is based on the idea that every individual must be treated with dignity and respect as imposed by the Constitution of the Republic of South Africa, 1996. ToJ further illustrates fairness between parties and the role of the victim in the CJS. Victims must also be given an opportunity to get involved in case proceedings in such a way that they will feel being satisfied (Wemmers, 2009).

The IT aims to critically examine influential factors of CSA. Psychological science involves both the detection of phenomena and the construction of theories to explain their occurrence. This theory intends to explain the onset of CSA and other forms of sexual deviances (Martellozzo, 2013). Furthermore, the Integrated Theory of Sexual Offending (ITSO) provides that sexual abuse occurs in the form of interrelating variables (Ward & Beech, 2006, pp. 44-63). The researcher opted for IT as it will assist in the explanation of behavioural characteristics of sexual offenders. It will also inform the parties concerned to deal with such cases during decision-making processes.

## **1.6. PRELIMINARY RESEARCH DESIGN AND METHODOLOGY**

Kolb (2012) asserts the importance of explaining the research approach as an effective strategy to increase the validity of social research. The major part of the following sections is to summarise the research approach adopted in the current study. A detailed discussion will be presented in chapter four.



### **1.6.1 Research design**

For the effectiveness of this study, the researcher used an exploratory study. According to Kolb (2012), this research design was adopted to increase existing knowledge on this subject and to better understand reality. For the researcher to achieve insights there should be a thorough analysis of relevant information. The researcher relied on the information obtained from SAPS members, resources in the UL library, the internet, published articles, law reports, journals, newspapers and government reports which have information related to the research problem. In evaluating and analysing data, the researcher took consideration of useful statutes such as the Domestic Violence Act (No. 116 of 1998), the Sexual Offence and Related Matters Amendment Act (No. 32 of 2007), the Child Justice Act (No. 75 of 2008) and the Criminal Procedure Act (No. 51 of 1977).

### **1.6.2 Research methodology**

Methodology is a term that means 'science of methods' and contains standards and principles employed to guide structures and processes; it is also explained as the use of methods as an underlying paradigm of a research (Sarantakos, 1998). There are two broad types of research methods, namely, qualitative and quantitative (Sandelowski, 2000). Rice (2003) states that methodology takes into consideration procedures for obtaining, organising data, and most importantly, consider the logic of using approaches and methods selected. The researcher opted to use the qualitative approach. Onwuegbuzie and Leech (2007) affirm that qualitative research is important to acquire insights into challenging experiences and the meaning attached to these understandings of chosen individuals and groups. This research approach was used to cater for the identified study locations, study population, sample size and procedure, applied methods of data collection, methods of data analysis, and definitions of key concepts as the following section refers.

## **1.7. DEFINITION OF KEY CONCEPTS**

Definitions are important vehicles of communication in research. The researcher provides a brief enlightenment of key concepts used in this study.

### **1.7.1 Sexual assault**

Involving or exposing a child to any sexual activity or pornographic material, even with the child's consent and/or request. This includes exposure and involvement via electronic or social media (Whitman, 2012). Long and Butler (2018) indicate that sexual assault covers offences from indecent exposure to rape. Henry and Powell, (2018) define sexual violence as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

### **1.7.2 Crime**

Joubert (2010) defines crime as "an unlawful act which under law is defined as an offence for which punishment is prescribed and is composed of four elements that need to exist, namely: legality, conduct, unlawfulness and culpability".

### **1.7.3 Crime scene**

Crime scene definitions are complex. However, authors such as Van Heerden (1986, p. 217) argue that "a scene of crime is some kind of "a field laboratory" where objects of dispute can be located for laboratory tests at a later stage". Marais and Van Rooyen (1990, p. 23) define a crime scene as a place or an area where clues that can lead to the clarification concerning the crime can be found. However, definitions provided by Van Heerden (1986, p. 217) and Marais and Van Rooyen (1990, p. 23) do not provide a clear definition. As a result, much information and many clues might possibly go undetected, since a crime scene also includes any locality or place where physical evidence concerning the crime could be found (Marais & Van Rooyen, 1990, p. 23).

### **1.7.4 Investigation**

According to Coetzee (2008) "investigate" derives from the Latin word "*investigare*", meaning to trace. According to Coetzee, "investigate" as a systematic approach is

used to reveal or discover the truth about a specific thing under investigation. In their studies, Van Rooyen (2001, p. 50) and Marais and Van Rooyen (1990) concur with the definition provided by CALD on the basis that “an investigation is a systematic procedure to search for the truth”.

They further elaborate their definition as a practical technique applied throughout the investigation process with the aim observing, questioning and collecting material or information which might be of help to reveal the truth at the end of the procedure. Investigation, according to McMillan (2008.), is a method that uses several procedures which require essential knowledge and understanding to discover, identify and collect reliable information to corroborate the alleged criminality beyond reasonable doubts.

#### **1.7.5 Child Sexual Abuse**

Ratican (1992) defines childhood sexual abuse as any sexual act, overt or covert, between a child and an adult (or older child), where the younger child’s participation is obtained through threats or manipulations.

#### **1.7.6 Evidence**

It is defined as any material which tends to persuade the court of the truth or probability of some fact alleged or asserted before it. There are four types of evidence, namely, oral testimony, documentary evidence, real evidence and circumstantial evidence.

#### **1.7.7 Problem**

In the context CSA is defined as a cluster of similar incidents of crime which raises substantive community concern (Zehr, 2015)

#### **1.7.8. Problem-solving**

It is a broad term that implies more than simply to eliminate and prevent crime. It is based on prevention of crime and the assumption that disorder can be reduced in

small geographical areas by studying characteristics of the problem and resources to solve these problems (Gill, Weisburd, Telep, Vitter, & Bennett, 2014).

### **1.7.9 Police**

This is a governmental department concerned primarily with the maintenance of public order, safety, health and enforcement of laws and possesses judicial as well as legislative powers (Strauss, 1984.). The police comprise the primary societal institution which has been entrusted the task of preventing crime and of launching crime-prevention programmes (Maseko, 2010). This is a profession whose work is to maintain order, prevent crime, detect crime and enforce a country's laws and regulations. It involves protecting people and property, making them to obey the law, detecting and solving crimes, keeping peace and regulating and controlling the community, especially in terms of the maintenance of public order, safety, health, morals and the like (Hess, Orthman, & Cho, 2014).

### **1.8. Study Significance**

The impact of sexual abuse is well documented, particularly in relation to how it can affect learning, social and emotional development and the general health and well-being of children. The enormity of these impacts on the education system not only has consequences for the classroom environment, but raises questions about school preparedness to manage to the impacts of sexual abuse within the learning context. Nienaber (2012) states that research must have a useful contribution to high priority fields in the public or private sector. To satisfy the views of (Denscombe, 2006), this study will be used as a future reference in the following areas:

- **Academic community:** This will add more required knowledge and spread more information to upcoming researchers as the study will be available to University of Limpopo (UL) libraries and the greater academic communities. The information will be used as referral sources and learning programs for students of all levels (primary, secondary and tertiary) and researchers for furthering their studies similar to the research problem. This study will encourage oncoming researchers to continue with enlightening the public about the deadly disease of CSA and how to react or to best address cases of such nature in their studies.

- **Society:** The South African Community will, by being educated about the sexual offence ordeal regarding this subject, empower themselves with knowledge and eliminate the fear of reporting such cases. This will enlighten the community with the importance of child rearing and protection. And again, it will help to guide the community with the reporting systems to the relevant stakeholders as well as removing the fear of reporting sexual cases. Children that can access this study will learn the about the right decisions to report threads, likelihoods and sexual offences that might occur to others. In actual fact this study will help children to have the best knowledge about sexual assaults, how to report it and protect one another from such culprits. This study will be available to public community libraries and it will also serve to educate the public about the Constitutional rights of the children.
- **The Criminal Justice System:** This study will benefit social workers, physicians, therapists, victim/witness service providers, prosecutors, judges, and law enforcement officers to use most effective problem-solving skills when approaching child maltreatment cases. This will be addressed holistically, with a shared concern of the wellbeing of the child and a goal to work with mutual respect.

This is proved to be best for the child, family, and all agencies involved. In terms of taking complainant's statement in cases involving child sexual offences, this research will contribute to a higher competency level when taking statements relating to sexual assaults as well as for future training to promote more professional investigators. This will also serve as a wakeup call to law enforcement officials in terms of playing a role as secondary perpetrators to victims. It will also help the justice system officials to work at their best in order to make sure that justice is served. This will be determined by following the right procedures after the cases are reported and the quality of investigations undertaken.

## 1.9. CHAPTERS PROGRESSIONS

**Chapter One:** General orientation of the study

**Chapter Two:** Literature review

- Chapter Three:** Theories of Child Sexual Abuse
- Chapter Four:** Methodological approach
- Chapter Five:** Data presentation, analysis and interpretations
- Chapter Six:** Summary, conclusions and recommendations

## **1.10. SUMMARY**

The researcher focused on the research problem that triggered her interest to undertake this study. The chapter also provided the research methodology, significance and research demarcations. The researcher realised that similar significant studies have been done in places such as GP concerning CSA but no such studies have been done on PPC. This serves as motivation to undertake a study on the treatment criteria used in the CJS to protect the psychological development of young sexually abused children. The review of seminal literature studies will form part of the following chapter (Two). This will serve as the framework of this research. This review enabled the researcher to be informed about the study phenomenon and to assist her in creating a new theory apart from the combination of this empirical research findings, grounded theory and writings by academics in the field.

## **CHAPTER TWO**

### **LITERATURE REVIEW ON CRIMINAL JUSTICE SYSTEM AND TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES**

#### **2.1. INTRODUCTION**

The previous chapter addressed the general introduction of the study. It outlined the background to the study. This chapter will focus on the review of literature. Accessible and reliable information related to CSA will be explored. Detailed perceptions will be specified and fully discussed. Special attention is devoted to victims of CSA, and how their needs are met within the CJS in a democratic South Africa. The researcher will also focus on international and national African legislative frameworks regarding the rights of children. In order for one to be able to understand the issue at hand which is CSA on an international and national perspective, it is imperative to give a comprehensive discussion of concepts such as police, social workers and judiciary.

#### **2.2. THE DISTINCT ROLE PLAYED BY PERSONNEL WITHIN THE CRIMINAL JUSTICE SYSTEM**

The CJS comprises of various stakeholders who continuously work together for the success of the system. In this instance, the researcher will, among other stakeholders, focus on SAPS officials, social workers and the judiciary. The following accusatorial system plays an important role when children present their testimonies.

##### **2.2.1 The South African Police Service roles**

A clearer description was provided by Dintwe and Snyman (2015), who state that the police are the primary role players in criminal investigation cases. Another point was raised by the South African Human Rights Commission, which argued that the first responder to CSA cases must have in-depth and operational skills and background of dealing with such victims (Musiwa, 2019.). The treatment provided by these

officials and their experiences when responding to such cases often display a high potential of weakening the person's confidence within the CJS (Brunson, 2007). Observations conducted by Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault [PASLERSA] indicate that this is most likely to happen in cases where a poor response is applied. Moreover, criticisms published by PASLERSA allude that an inadequate response can also indirectly apply secondary abuse to the victim (Salter, 1988)

However, Bellamy and Taylor (1996) critically outline roles and responsibilities of various management levels within government departments on how the CJS should handle sensitive cases of this nature. Moreover, another perspective was advanced by Jenny and Crawford-Jakubiak (2013), who affirm that response to reports of sexual abuse cases should be handled with empathy, patience, professionalism and sensitivity. The Criminal Procedure Act (No. 51 of 1977), the National Policy Frameworks for Victims of Sexual Offences, 2012 and the Children's Act (No. 38 of 2005) stipulate the role of the police, as well as the treatment protocol for victims of sexual assault (Dipa, 2012). The above mentioned frameworks state that "the role of the police in the sexual abuse reported cases includes accepting criminal grievances, investigating the criminal complaint and gathering relevant information, arresting the perpetrator, opposing bail and dispatching the case for prosecution process as well as informing the victim about the on-going of the case."

The police are assigned to receive complaints which require a thorough planning process on the relevant procedural matters. Thus, the first responder must have background knowledge of what to expect at the scene of the incident (Blandford & Wong, 2004). The personnel in charge should refer the reported sexual assault case to the Family Violence Child Protection and Sexual Offences (FCS). The FCS member would then follow relevant procedures to acquire information from the child in the most dignified manner as possible, thereby building a rapport (Masango, 2015). Thus, the police should take the statement in a private place and treat victims with care, patience, respect and empathy (Bandes, 1996). Children must be given enough time to be able to relate to the incident. Therefore, patience is highly recommended from the officer in charge (Cokin & Mallaumd, 1976). However, research conducted by Kadish, Schulhofer and Barkow (2016) indicates that police



officials are not following their mandates when attending to sexual assault cases to gather evidence, and because of insufficient evidence to prove the case, suspects are released at the courts. This statement is supported by (Malema, 2020) that police officials are not rendering quality service to the public.

### **2.2.1.1 Crime scene investigations**

For the purpose of this research only the primary, secondary and body orientated crime scenes will be discussed to synthesise and understand the possible sources of information during investigation.

#### **2.2.1.1.1 Primary crime scene**

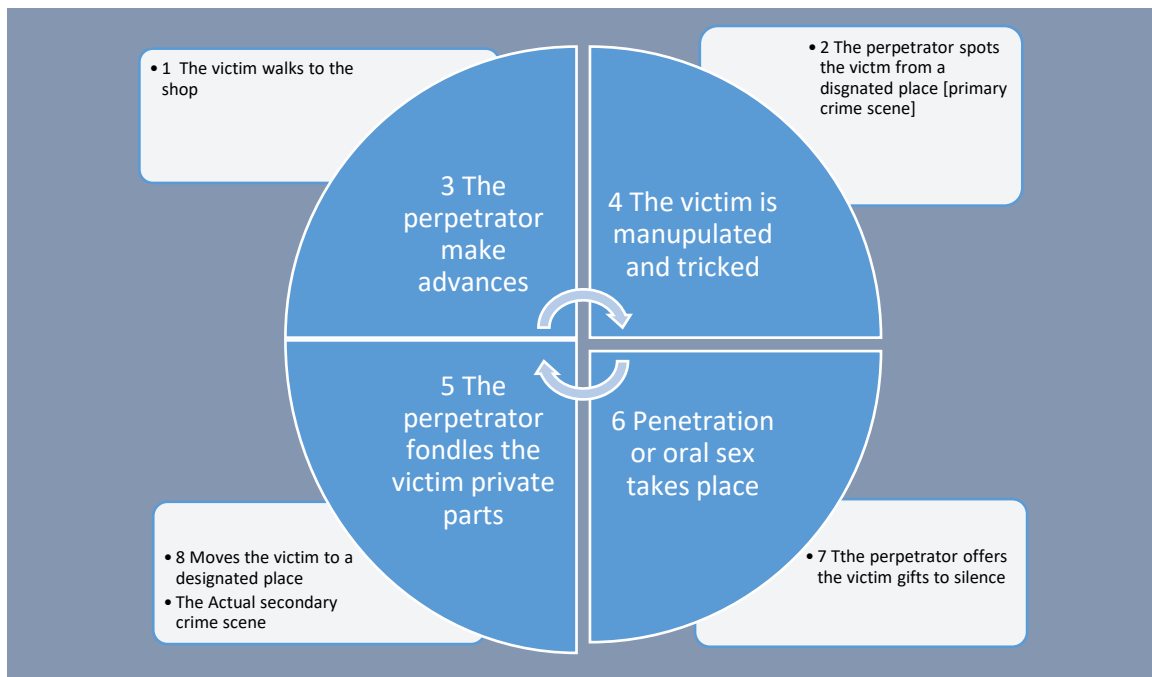
The primary crime scene provides valuable evidential clues if managed and processed with care. It is important for the researcher to provide a brief discussion of the same aspect in relation to child sexual assaults. Lee (2004) elucidates that the term 'primary scene' is often used to refer to the place where the original crime or incident actually occurred. The researcher learnt from the above arguments that the primary crime scene is considered as an exact place where the crime happened. Furthermore, Lee, Palmbach, and Miller (2001) are of the opinion that a primary crime scene is an area or place where the incident occurred or where the majority or a high concentration of physical evidence proving most of the elements of the crime are found. Since the central focus of this study is CSA, the researcher considers the body of the victim in child sexual abuse cases as one of the most valuable sources of tangible evidence. It is therefore important to ensure that such victims are treated and processed with a high sense of human dignity (Stinson, 2004).

#### **2.2.1.1.2 Secondary crime scene**

Lee, Palmbach and Miller (2001) refer to a secondary crime scene as any place that is similar to the primary scene. It is the site that is linked to the actual crime, but not the actual location where the crime occurred. Looking into these definitions, the secondary crime scene is perceived as a diverse location where physical evidence

related to the crime can be detected (Lee, 2004). Figure 2.2 below clarifies the secondary crime scene from perpetrators' interaction with the child victim. In relation to cases of sexual assault, the secondary crime scene can be explained by means of the following example:

**Figure 2: Secondary crime scene clarification**



Source: Researcher's illustration

Figure 2 refers to the researcher's schematic presentation of the secondary crime scene. It shows the perpetrator's interaction after spotting his/her potential victim until the victim is disposed after the ordeal. These secondary crime scenes should therefore also be processed in the same way as the primary crime scene in order to gather objective and other evidence (Carrier & Spafford, 2003). Therefore, it is imperative to follow logical investigative procedures while processing the secondary crime scene since valuable evidence might be detected. For instance, used toilet paper can be found on the scene and the shoe print that can link the suspect with the actual crime.

Crime Scene Investigation (CSI) is the first and most crucial step in any criminal investigation (Fisher & Fisher, 2012). Cfc and Dabcip (2009) agree on the basis that

crime scene investigation is an inherent task and duty of most criminal investigators that will provide the investigator with an initial plan to embark on the investigation process of the alleged crime.

### **2.2.1.2 Recording of reported crime: Sexual offences**

Research conducted by Baryamureeba and Tushabe (2004) indicates that a crime scene can be divided into two categories, identified as the primary and the secondary crime scene. Lee, Palmbach, and Miller (2001, pp. 2-3) support the notion that the foundations of the crime scenes are particularly constructed at the occurrence of the incident, and where tangible evidence originates.

In cases of sexual offences, research has shown that the police take long to make an arrest and the quality of detective work has generally been judged poor (Goldstein, 1959). Also, the police have been said to be largely inaccessible to victims of sexual offences (Walker & Louw, 2005). Some researchers argue that the police have little control over the gathering of evidence in this regard (Hoyano, 2015). In this study the researcher concentrated on first and primary crime scenes and the exact location of the incident. Furthermore, Lamb (2010) postulates that the crime scene serves as the centre of all the necessary evidence of the alleged crime. Therefore, it is important that the first responder ensures a well secured crime scene to protect the evidence (Carrier & Spafford, 2003). Section 252A of the Criminal Procedure Act (No. 51 of 1977) stipulates that the use of police traps also serves as another form of crime scene management.

The process of cordoning off an active scene must be administered in a professional and competent manner to avoid exposure of insufficient proficiency and control (Wilder, 1997). In his study, 'The significance of biological exhibits in investigation of child sexual assault cases', Dintwe, (2009, p. 1) states that in sexual assault incidents, crime scene management relies on evidence left behind by the offender, if not found on the scene. Therefore, it is important to secure the scene and to apply necessary measures to protect evidence for a successful prosecution. Securing and protecting the victim for medical examination often helps to build up evidence and necessitate the goal of a successful investigation. Cordoning off of the scene often helps to keep bystanders away from the scene and restrict them from tampering with evidence (Houck, Crispino, & McAdam, 2017). The responder must first, after

securing the crime scene, mark the visible evidence that portrays the nature of the crime scene (Engelbrecht, 2016). A thorough search for identification of hazard materials should also be prioritised in order to ensure safety of the victim and evidence, e.g. fire or explosive materials (Brough, Morgan & Ruddy, 2015). Forensic personnel and health care services must be available for the necessary evaluation of the victim, for example, emergency medical services (Campbell & Bybee, 1997).

The collection of evidence should be recorded in the J88 form from SAPS, and thereafter be kept in a safe place for further investigation (Kotzé, Brits, & Botes, 2014). The victim should be referred to social services such as the doctor and the social worker for necessary medical check-up where the Pre-Exposure Prophylaxis (PrEP) must be administered to the victim if necessary (Daigle, 2013, p. 144). The occurrence of CSA exposes victims to the unfortunate contraction of Human Immunodeficiency Virus (HIV) and unwanted pregnancy. (Köhn, Olivier, & Eloff, 2006) supported the contention that “forensic investigation should also be applied to process the collected evidence that will be used for court purposes”, wherein the accused can be fully associated with the crime under investigation. Coetzee (2008) inferred that “this position is aimed at establishing court proceedings where background knowledge is necessary to be applied to a legal problem”. The use of science in criminal investigation aims to detect the alleged perpetrator by providing logical proof of the suspect’s participation in the misconduct.

**Figure 3: Cordoning off the scene**



Source: Researcher’s Illustration

### **2.2.1.3 Investigation processing**

The police officer on duty must open a docket and the relevant investigator must be appointed to trace the perpetrator if not found at the crime scene, secure evidence and plan for the necessary conviction. Compilation of evidence of the crime is crucial (Braswell, Miller & Pollock, 2020). The activation of investigative phase often begins with the documentation and searching of the crime scene (Viero, Montisci, Pelletti, & Vanin, 2019). Hazelwood (2016) emphasises that in most instances, the duty to investigate can only be assigned to only one investigator to collect data. (Poelman, Akman, Lukosch and Jonker (2012) projected that crime scene documentation consists of key elements, namely:

- Notes and reports
- Photographs and sketches
- Videos

The investigation process is a very crucial stage which requires a well thought-out plan that will determine positive outcomes of a successful prosecution without any reasonable doubt (Frohmann, 1991). Ginsburg (1997) supported the inference that “statement taken from the child and the investigation process should be administered carefully to convince the judiciary”. Hazelwood (2016) asserts that oral evidence in a case where sexual assault crime was committed, and an investigator is assigned to investigate the case is vital. The investigator is obliged by the National Instruction 3/2008 (Sexual Offences) to collect a written statement from the victim and other witnesses (Vetten, 2011). The complainant is the greatest and most important witness in any criminal case proceeding (Gabora, Spanos, & Joab, 1993). Van Rooyen (2001) believes that successful investigation into any criminal matter greatly depends upon the effective questioning of the complainant which, in the case of children as victims of sexual offences, should be processed by the FCS personnel in the most crucial manner. Braswell, Miller and Pollock (2020) agree that the victim is seen as a master tool that can provide detailed information to be used as valuable evidence to compile facts of the case and identify possible witnesses and suspects. Hence, investigators should highly consider oral evidence during crime scene investigation processes (Coetzee, 2008). This simply means testimony should be

attained at the crime scene by cross questioning the accuser or other significant witnesses (Fisher & Fisher, 2012).

This also includes taking the child for forensic examination to obtain tangible evidence, and taking samples and evidence from the perpetrator if found earlier (Leclerc & Wortley, 2015). The physical examination of both the perpetrator and the victim will be taken for analysis at the laboratory as part of the investigation process as stated in the Criminal Law (Forensic Procedures) Amendment Act (No. 37 of 2013), and Sections 37(2), 222 (2) and 225 of the Criminal Procedure Act [No. 51 of 1977] (Knoetze & Meintjes-van der Walt, 2015). After the evidence has been analysed, the investigating officer will file the outcomes in the docket (Pipe, Orbach, Lamb, Abbott, & Stewart, 2013).

#### ***2.2.1.3.1 The importance of crime scene management***

- To collect all evidence.
- To protect, examine the crime scene and look for evidence.
- To gather materials for analysing processes.
- To visit the crime scene, to collect relevant exhibits and gather information through witnesses.

Evidence is provided by Lambert; Hogan Nerbonne, Barton, Watson, Buss and Lambert (2007) who strongly emphasise that crime scene investigation is not the only reliable source of collecting and detecting evidence. According to these authors, the relevance of CSI does not only rely on the documentation of the crime scene but goes beyond the collection of physical evidence.

#### ***2.2.1.3.2 Body orientated crime scene***

Du Mont and White (2007) are of the opinion that objective evidence in sexual assault investigation can be found at the crime scene or on the bodies of the victim and the perpetrator. Malema (2020) also include the location which is occupied by the perpetrator in his/her definition of the body of the perpetrator. According to Du Mont and White (2007), objective evidence that is most often found on the child sexual assault crime scene (including the body of the victim or suspect) during the

investigation of child sexual assault cases include semen, hairs, fibres, fingerprints and blood. It is considered as a principle source of objective evidence in child sexual assault cases. Lee, Palmbach and Miller (2001) state that the body of a victim is a crime scene, but do not classify this scene as a primary or secondary scene. They base their argument for the victim's body to be classified as a crime scene on the Locard principle, which considers child sexual assault as a contact crime. As explained by Badore (2018), it is clear that objective evidence will always be transferred from the perpetrator to the victim and to the crime scene. Participants were asked whether they consider the body of a child sexual assault victim to be a crime scene. They all responded positively to this question. They were unanimous on the fact that evidence will be found on the victim's body.

### **2.2.1.2.3 Searching of the crime scene**

The investigator in charge of searching should be focused and have less expectations about the outcomes. Evans (2015) stresses that "an investigator must not have a predetermined view of what could be found at the crime scene". This misconception often leads to the incomplete achievement of evidence. Thus, information might not be spotted. Hazelwood (2016) provided an important aspect to be considered during the sexual assault crime scene search known as collateral evidence. The term refers to any form of item that does not directly link the perpetrator to the crime. Hazelwood and Lanning (2008) further state that "it provides crucial information about the offender's sexual preferences, fantasies, interests and habits".

The results and the presentation of the findings play a major role during bail hearings, guilty plea and sentencing. Spies (2018, p. 235) postulates that information discovered during the collateral interview that needs clarification from the abused child should be addressed in a separate session. Fisher and Fisher (2012) also argue that "when the investigator has spotted evidence, pictures should be taken and recorded on the sketch according to the following principles":

- Time and date
- The precise location
- The name of the investigator who traced the evidence
- A description of the items found

- Identify marks, if available.

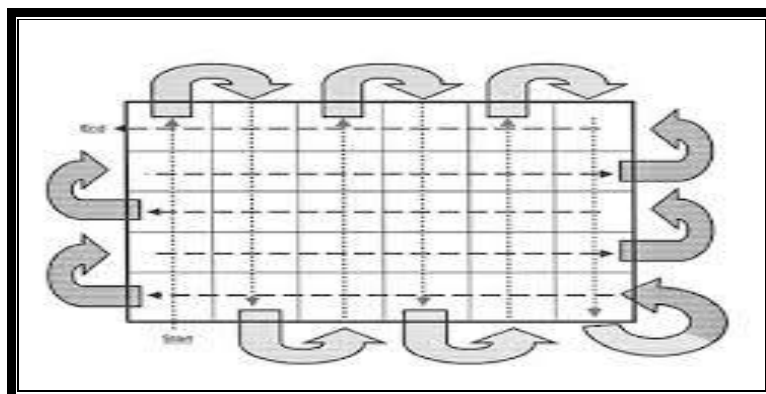
#### **2.2.1.3.4 Crime scene search patterns clarification**

Crime scene searches are considerable standards mainly used for the location of visible or invisible physical evidence on the scene. There are various types of search methods employed by investigating officers and forensic scientists at the scene of crime. The searching methods mainly depend on the nature of crime committed. Among the most commonly known different search patterns, the researcher opted for grid, spiral and strip search methods. The decision for such preferences was influenced by the phenomena under investigation.

- **Grid search method**

The Grid search pattern is best used on scenes with defined zones or areas. The researcher opted for this pattern as it is effective in houses or buildings. The investigation teams are assigned small zones for searching; combined with other methods; good for warrant searches (Miller & Massey, 2018). In relation to the phenomenon under investigation, this search method in CSA investigation is effective when investigating sexual offences that occurred in a small area such as a car.

**Figure 4:** Grid search Pattern



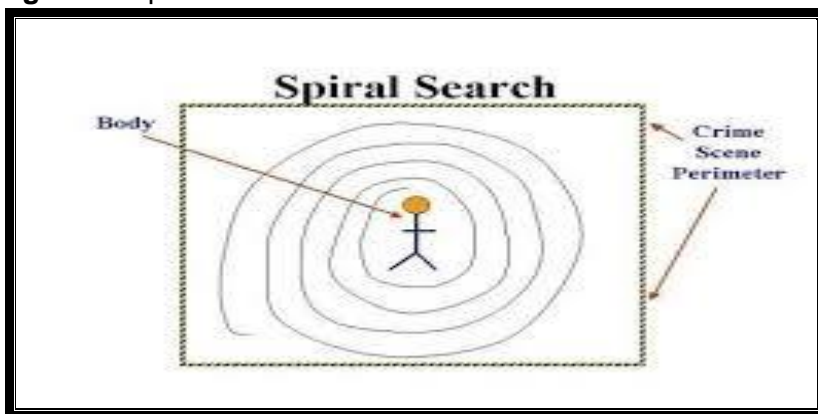
Source: Researcher's Illustration



- **Spiral search method**

This search method is mainly used for special situations; limited application; best used on small, circular crime scenes. In this problem under the study, the research has deemed it imperative to include the spiral search method as an inclusive pattern during child sexual offence investigation as such incidents do occur in the similar manner and again in small spaces. This method of investigation can also be used on the inward or outward method with no physical barriers (Bevel & Gardner, 2008).

**Figure 5:** Spiral Search Pattern

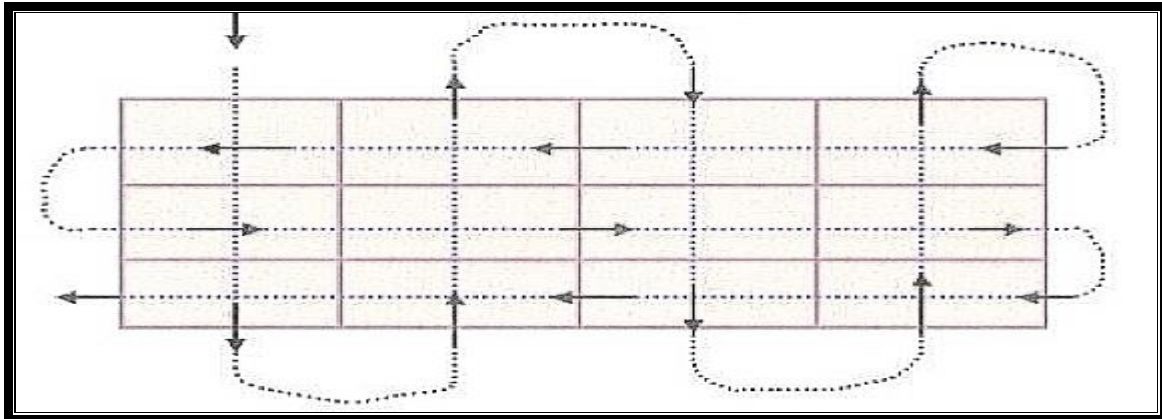


Source: Reseascher's Illustration

- **The strip method**

This crime scene method, according to (Gardner & Krouskup, 2018), can be used to link the theory of the crime scene perpetration. It is used to connect evidence that can be traced from different crime scenes. In relation to the problem under investigation, the strip search pattern in CSA cases can be used in two or more crime scenes that have a link to the crime. For instance, if the victim child was sexually abused in two different areas, then the strip pattern can be used to interlink evidence.

**Figure 6:** Strip search pattern



Source: Researcher's Illustration

#### ***2.2.1.3.5 The value of photographs and Sketches***

The word 'photography' derives from the Greek word 'photos' meaning light, and 'graphos' meaning drawing (Lorenzi & Francaviglia, 2007). Keightley and Pickering, (2014) argue that photography is a scientific way of expressing writing with light which involves creating an image in the form of light. Moreover, Gardner and Krouskup (2018) assert that in a situational crime scene, sketches come in handy, backing up the information showed on photographs. The use of photography is to confirm evidence as well as to present a detailed depiction of the crime scene in court (Lee, Palmbach, & Miller, 2001).

Photographs taken at the crime scene are used to help investigators to remember the exact appearance of the scene (Hill & Schwartz, 2015). They further state that photos are also used to assess witnesses' testimony in court. This statement is supported by Fish, Miller, Braswel and Wallace (2013), who argue that photographs also help the judiciary to have a clear view of exhibits and physical evidence of the crime scene. This will simplify the investigator's process of accomplishing goals of investigation by viewing pictures (Beebe & Clark, 2005). Photography serves as an investigative tool during the investigation process, which captures evidence and exhibits.

Sketches and photographs are used to mark associations and distances between things and clearly outline the precise information during court proceedings (Beebe & Clark, 2005). Hence, Walsh, Oxburgh, Redlich and Myklebust (2017) assert that “the objects that are included in the sketch must be carefully measured to have a sound explanation during trial”. Furthermore, sketches are mainly used to interrogate parties involved in the crime such as victims or witnesses for the purpose of writing investigatory reports.

Singh (2018) is of the view that the aim of taking photographs at a crime scene is to portray crucial evidence to the judge with image of the scene in question. The photographer must use the photo identifier to associate the images with the crime scene in court. The memory card must be kept safe (Carrier & Spafford, 2003). According to Fisher and Fisher (2012), photographs provide investigative leads and rebuild the crime scene. However, the images should not be taken without the victim’s consent. Robinson also argues that a semi-sex photographer should be appointed in order to put the victim at ease. Fisher and Fisher (2012) inferred that the positioning of a semi-sex photographer was the correct one because the taking of photographs might arouse the victim’s emotions. It was also recommended by Sgroi, Blick and Porter (1982) that a family member or staff member must be present during the photo shooting. However, the issue of having the same sex photographer might arouse the victim’s emotion if it is found that the perpetrator was not of the opposite sex. Skills are also required from the photographer in charge because unskilled photographers can produce ambiguous and unclear outcomes (Verdoliva, 2020).

Crime scene photography helps to refresh the investigator’s memories and to reflect injuries on the victim’s body as at times court proceedings prolongs and injuries might have healed (Robinson, 2012). Photographs will specify the exact spot where specific evidence was identified and collected (Carrier & Spafford, 2003). Fisher and Fisher (2012) inferred that the omission of evidence at the crime scene can seriously affect the results of the case. Photographs should be accompanied by rough sketches which will show the appearance of the scene. Sketches assist to record objects and the nature of the crime incident (Becker, 2004 ). The investigator must put in the notebook the state of the items discovered at the scene as well as the

entrances and exits to and from the scene so that they can merge with evidence portrayed in the photographs.

When drafting a rough sketch, the investigator must include the following factors:

- The official responsible for drafting the sketch
- The location
- Date and time
- Weather condition
- Visible marks

## **2.2.2 The roles of health practitioners**

Abel and Frohlich (2012) mention that the purpose of public health is to improve health and population wellbeing, prevent diseases and minimise its consequences, prolong valued life and reduce health inequalities. They further state that all these can be achieved by taking a population perspective, mobilising organised efforts of society and acting as an agent that aims to work holistically with the public to protect children from various forms of sexual assault. Saywitz, Goodman, Nicholas and Moan (1991) posit that the victim child should be referred to the doctor for physical examination. It is alleged that during the sexual victimisation, victims often suffer abrasions or cuts in their vaginas or anuses (World Health Organization [WHO], 2003). The outcomes of the report should be recorded in the J88 form which will be transferred to the investigator (Kotzé, Brits, & Botes, 2014). The report from the forensic social worker and the medical doctor will also add as evidence during court proceedings.

### **2.2.2.1 Possible contamination of diseases**

As indicated above, it should be noted that the total number of child sexual assault victims comprises children. Since many people nowadays live with HIV, it is therefore reasonable to conclude that most child sexual assault survivors could be infected with HIV/AIDS (Mabala, 2006). Sections 74, 75 and 76 of the Sexual Offences Act (No. 42 of 2003) address some of the measures required to assist victims of sexual assault survivors. Research provided by Sultan, Benn and Waters

(2014) and Daigle (2013, p. 144) concluded that victims must be provided with Post Exposure Prophylaxis (PEP) to eliminate the risk of contracting HIV.

A more critical clarity was provided by the National Protocol for Sexual Assault Medical Forensic Examinations [NPSAMFE], which underlined that medical examination should be done on the consent of the victim (Yadwad & Gouda, 2005). Act 32 of 2007 provides that health practitioners should advise survivors about the risks and be given treatment if required (Rupprecht, Willoughby, & Slate, 2006). However, lack of information on the existence of PEP victims in most cases prevent victims from acquiring external help (Abrahams & Jewkes, 2010).

### **2.2.2.2 The importance of Deoxyribonucleic Acid (DNA) profiling in Child Sexual Abuse (CSA) cases**

Deoxyribonucleic Acid (DNA) evidence is scientific evidence collected from hair, blood, skin cells and other bodily substances which can match the person who is linked to the crime (Sweet & Sweet, 1995). Rossmo (1999) states that profiling is one of the most reliable systems that investigators rely on during the collection of evidence to date. Pepper (2010) presented the concept as the greatest practical success as a crime scene investigation method from previous eras. This is because every individual has a unique DNA print, unless in the case of identical and monozygotic twins (Lazer, 2004).

Lee, Palmbach and Miller (2001,135) and Stiffelman (2019) agree that physical evidence such as blood, hair, fibres and semen are invaluable in providing a source of information about potential suspects. These types of evidence are meant to prove the alleged assault beyond any reasonable doubt. For example, if the offender is unknown. Butler (2005) states that "DNA typing has its main application in child sexual assault crimes, amongst others". Butler further elucidates on how fingerprint images are used to identify individuals. However, it cannot be proven that DNA profiling is used in CSA cases. The application of DNA profiling and the manner it applies as evidence is administered by the Criminal Procedure Act together with the

Criminal Law (Forensic Procedures) Amendment Act (No. 37 of 2013) (Williams & Johnson, 2013).

### **2.2.3 The roles of the social worker**

The court relies on the medical examination report to prove the alleged case (Lisak, Gardinier, Nicksa, & Cote, 2010). The process of cross questioning serves as a tool to acquire the truth from a victim. This process is regarded as the worst experience for victims during investigation proceedings (Doak, 2011). A forensic social worker participating in cases of sexually abused children use consistent procedures such as building rapport and using dolls or drawing pictures to get accurate information and to establish facts to prove the alleged assault in court (Faller, 2015). The observational interview will supplement the interview process and provide information on the impact of the abuse on the child (Ginsburg, 1997). Vogelsang (2001) states that "the social worker stands in to give testimony as expert witness in court". This includes investigating and playing as an intermediate in-between the law and victims by conducting assessments, court reports and giving testimony in court on his or her findings.

As a measure of safety, the Bill of Rights provides that the social worker must remove the child only as a last resort (Faller, 2015, pp. 34-65). This explains that in cases where the perpetrator is the child's family member, initial efforts should be made to remove the child or the perpetrator. Again, the Child Protection Resources (CPR) confirms that in cases where there is negligence from the family and the child's safety is not guaranteed, it is upon the court to make a ruling based on proper arrangements for possible adoption or placement of the child. It is therefore also liable for social workers to take initiatives to assist the abuser to seek effective treatment. Thus, TCC has been identified as one of the safety places that render shelter for such victims in South Africa (Bougard & Booyens, 2015).

#### **2.2.3.1 Roles of a forensic social worker**

Joubert and van Wyk (2014) argue that social workers gather evidence and give opinions through in-depth social work forensic assessments. This point was

supported by (Monteiro, 2003), who asserted that opinion is mostly the principle of inadmissibility in courts, as opinion is said to be untrustworthy. On the other hand, the relevance of the given opinion can be admissible and if need be, the professional expert can be summoned to testify in court. Saks and Spellman (2016) stressed that evidence from expert witnesses can be said to contain hear-say evidence, particularly if it is based on the literature and other resources to strengthen their testimony. According to Spencer (2014), hearsay evidence is a form of gathering information and is testified by someone who did not witness the incident.

According to The Law of Evidence Amendment Act (No. 45 of 1988), hearsay evidence as evidence is either oral or in writing. However, the probative value rests upon the credibility of any person than the person who is providing such evidence (Mujuzi, 2020). In general, this type of evidence is not allowed in a court of law, as it is unreliable. However, the court of law is given room to use its discretion to allow hearsay evidence if it is in the interest of justice (Cunningham, 2010). Joubert and van Wyk (2014) alluded that in order for the social work forensic report to adhere to the court personnel's expectations, in the report, the social worker needs to illustrate that the information therein will indeed assist the court in making a fair and just decision. Certain law cases can be used to assist social workers in this regard.

The principles applicable to the admissibility of opinion evidence by experts, including psychologists and social workers, have been set out in numerous authorities. Lawrence and van Rensburg (2006:140) refer to two cases, namely *Holtzhauzen v Roodt* and *Van Zijl v Hoogenhout*, where courts made use of expert witnesses. The *Holtzhauzen v Roodt* case is especially important, as it sets out requirements that need to be met before a person can testify as an expert witness. Therefore, the following are requirements from the witness:

- The matter in respect of which the witness is called to give evidence should require specialised skill and knowledge;
- The witness must be a person with experience or skill to render him an expert in a particular subject; the guidance offered by the expert should be

sufficiently relevant to the matter in the issue to be determined by the court of law;

- The expertise of any witness should not be elevated to such heights that the court of law's own capabilities and responsibilities are abrogated;
- The opinion offered to the court of law must be proved by admissible evidence, either facts within the personal knowledge of the expert or on the basis of facts proven by others; and
- An opinion of such a witness must not take over the function of the court of law (Lawrence & van Rensburg, 2006).

To conclude, it is evident that social workers must prove their expertise to the court of law, be experts on the matter they are called for, and testify only on matters concerning their specific field of knowledge. The duty of an expert witness is to educate a court of law about a matter, not to take over the court of law's function in any way. In order for social workers to render forensic reports that adhere to the basic legal requirements, they need to be able to write critically and analytically.

#### **2.2.4 The roles of the National Prosecuting Authority**

The National Prosecuting Authority (NPA) holds the flag of power in prosecution processes (Bourjaily, 2015). The key role of the prosecutor is to ensure justice to situations where an offence was committed (Uhlmann, 2012). A prosecutor is defined as someone who represents victims during the administration of justice in the prosecuting process of criminal offences (Mujuzi, 2019). The duties include assisting the court to achieve a just decision by being involved in the investigation process, prosecution process, addressing bail applications, present evidence in court, dispute criminal cases and assist the court in taking a just sentence during the conviction process (Kadish, Schulhofer, & Barkow, 2016).

During the trial process, the prosecutor is led by the National Policy Guidelines which sets procedures for the management of sexual offences and the National Policy Directives Uhlmann (2012), where standards for prosecuting are set. Matthews (2009) argues that the National Prosecuting Directives Part 3 and 4 A gives the



prosecutor authority to prosecute or not to prosecute based on the evidence provided in the docket presented to him or her.

When the investigation is complete and the evidence is sound, the prosecutor will decide on the suitable court for the matter to be placed and therefore prepare for the trial (Burke, 2009). In this instance, victims including children as victims of sexual assault also partake in the case proceedings and ought to be treated with caution as stated in the CPA (No 51 of 1977) (Clarke, Davis, & Booyens, 2003). In most cases, children are omitted to give evidence in court as it is claimed that their age and maturity are not enough to give clear information or evidence (Matthews, 2009). However, preliminary caution should be considered when assessing evidence provided by children (Browne & Finkelhor, 1986).

#### **2.2.4.1 The application of the ‘Cautionary Rule’ in Child Sexual Abuse cases**

With the continual growth of CSA awareness and reported abuse cases, most children appear in court as victim witnesses (Johnson., 2004). The establishment of the cautionary rule was developed as a major concern of warning the jury against complainants in sexual cases and young children. This was influenced by the notion that young children cannot be relied on without creating a corroboration confirming their honesty. The Criminal Law (Sexual Offences) Amendment Bill No. 75 of 2003 affords children with the right to be protected from any form of trauma when testifying in court (Reyneke & Kruger, 2006). Moreover, section 16(1) (b) of this amendment act states that sexually victimised child who gives evidence in court must be declared as a vulnerable witness (Reid & Jones, 2011). It further emphasises the consideration of the child’s psychological state (Anderson, Chinn, Chang, Waggoner, & Yi, 1997) and supports the contention that the integrity of the child should be maintained by not having doubt to the evidence he or she provides.

A more critical explanation was provided by Back, Gustafsson, Larsson and Berterö, (2011), who explain that “the rule outlines the importance of cautiously respecting the evidence from children in cases that involves CSA”. Thus, presiding officers

should not estimate untruthful evidence or judge the evidence provided by children by perhaps looking at the age or maturity of the child (Raeder, 2010). This is because children experience difficulties to distinguish between right and wrong in nature, which is deemed them unreliable in the court of law most often (Collin-Vézina, Daigneault, & Hébert, 2013). This dimension depends on the age and the psychological development of the child, which dictates the victim's ability to distinguish and to recall events (Whitaker & Tonkin, 2016; Matthews, 2009: 6-9).

To conclude, the starting point in any criminal matter is that the state must prove the guilt of the accused beyond any reasonable doubt. This must never be lost sight of even where a number of cautionary rules apply. The purpose of the cautionary rule is to assist the court in deciding whether or not the onus of the state has been discharged. It should accordingly be borne in mind that satisfying the rule does not in itself guarantee a conviction. The rule is merely an aid in establishing the truth. The final analysis is whether the court is satisfied beyond a reasonable doubt that all the evidence presented is essentially true. In terms of the cautionary rule, a court should not easily convict unless the evidence of the child has been treated with due caution. Where the child is also the sole witness, the evidence will be regarded with even more caution.

#### **2.2.4.2 The cross-questioning of child victims**

Palmiotto (2012) states that people are the major sources of direct information. They further state that "information" is an attained knowledge which the investigator collects from individuals. According to Fisher and Fisher (2012), investigators cannot rely on information gathered from the crime scene as full evidence. "Information" refers to knowledge that has been acquired through observation, experience or word of mouth, and which could be of assistance to the investigator.

Section 170A of the Criminal Procedure Act (No. 51 of 1977) states that "the court must provide an intermediary to question and cross-question the child on behalf of the legal teams to gather information" (Danet, 1980). This will reduce the excessive emotional pressure that a child can get when testifying. This becomes convenient for the child victim to testify separately from the perpetrator in a pleasant and acceptable

manner. While these cautions are being adhered to, Section (35) (3) of the Constitution of Republic of South Africa, 1996 also indicates that the accused's right for a fair trial should also be taken into consideration (Swanepoel, 2006).

In South Africa, the service charter for victims of crime was developed to eradicate secondary victimisation within the CJS (Reyneke & Kruger, 2006). Objects of the CPA 32 of 2007, among others, were implemented to provide legislative frameworks that are meant to protect victims and their families from secondary victimisation and trauma (Maluleke, Matshaba, Kgosimore, & Barkhuizen, 2020). According to (Minnaar, 2017), the implemented framework was achieved through the establishment of a helpful response from all government departments (Namely; SAPS, DoJ & CD) working together to accomplish effective, responsive and sensitive CJS in relation to sexual offences.

Zajac, O'Neill and Hayne (2012) are of the view that the child witness experience trauma when testifying in court; therefore the likelihood of the cross-examination process might interfere with the accuracy of the evidence. The Children's Act 38 of 2005 enforces the holistic purpose of the stable response that provides a child friendly environment for the judiciary to bring a balanced friendly atmosphere that will portray the serious nature of the court proceedings to the child (Tushnet, 2007). Children are deemed egocentric and somewhat unreliable. However, Tewksbury and Lees (2006) made a strong argument that victims of CSA require the necessary needs; and often the poor's experience within the CJS leads them to end up in situations that diminish the truth and poor outcomes such as lying might transpire.

### **2.3. THE IMPACTS OF CHILD SEXUAL ABUSE ON CHILD VICTIMS**

Any form of violence against children, including sexual abuse has serious health implications which may be passed into adulthood. These include cognitive instability, mental health such as depression, anxiety and Post-Traumatic Stress Disorder (PTSD), hurts, likelihood for HIV infection, and abnormal health behaviour (Campbell, Greeson, Bybee, & Raja, 2008). According to these authors, protection services for minors are broken and overburdened with possible incidence of associated problems such as HIV in South Africa. There is significant evidence that

CSA has a negative impact and a high possibility of short and long-term impairment on the child's physical and mental health (Richards & Marcum, 2014, p. 72). This social illness has potential to disrupt the victim's ability to learn and socialise. Furthermore, it has the potential to disturb the victim's conversion into adulthood coupled with major difficulties in their future life.

### **2.3.1 Child Sexual abuse as a victim's health hazard**

Frewen and Lanius (2015) attest that through significant neuro-scientific evidence collected globally, there is a clear indication that there are massive consequences for child sexual abuse survivors. Thus, there are high possibilities that children who had suffered sexual violence might encounter health problems and deviant sexual behaviour in future. Shonkoff, Richter, van der Gaag and Bhutta (2012:129) state that this blend shows that history of repeated exposure to sexual assault does not fade; however, the events are stored in the child's memory and become fully recalled in their adulthood.

These types of chronic stress and fear resulting from sexual assault have numerous impacts, including mental health and coping mechanisms, which can range from depression to alcohol and drug abuse (Horwitz, Widom, McLaughlin, & White, 2001, p. 42). This statement was supported by Schilling, Aseltine and Gore (2007), who agree that when victims have frequent review of their unforeseen outcomes, they are likely to have health consequences such as heart disease, anticipated suicide, as well as impaired learning, socialisation and productivity. Pao, Lyon, D'Angelo, Schuman, Tipnis and Mrazek (2000) agree that child sexual assault directly increases children's risk of contracting HIV because usually, it involves unprotected sex. Nevertheless, the exact number of infected children as a result of sexual violence is still not known. However, Mathews and Benvenuti (2014) are of the view that the nature of child sexual assault may result in genital injuries and an increase in risk of HIV infection which negatively compromises their rights to dignity.

Krug, Mercy, Dahlberg and Zwi (2002) argue that the broad function of CJS is in many ways to ensure that victims and society broadly are protected from violence and crime. It has also been suggested that the most immediate need that victims

have might be for medical treatment, which in cases of sexual assault, might include access to psychological help and antiretroviral drugs primarily to prevent HIV infection.

The criminal process often focuses on child sexual experiences in many instances where it does not consider the child's emotions (Goodman; Taub, Jones, England, Port, Rudy, Prado, Myers & Melton, 1992). The poor integrated services to provide psychological support and treatment effectively and sustainably for survivors at this stage often make victims to re-experience the aggression, threats, feeling of helpless as well as lack of faith in their statement (Matthews, 2009). Banyard, Plante and Moynihan (2004) argue that the broad function of the criminal justice system is in many ways to ensure that victims and society broadly are protected from violence and crime. It has also been suggested that the most immediate need that victims have is medical treatment which, in cases of sexual assault, might include access to antiretroviral (ARV) drugs primarily to prevent HIV.

### **2.3.2 The Child Sexual Abuse on the victim's academic process**

In South Africa, sexual harassment and abuse of children occurs even in schools by teachers among students and children amongst other children (Dussich, Dussich, & Maekoya, 2007). There are reports that children learn to be violent at an early stage, and that this is perpetuated by the media, including advertisements, television shows and movies (Escobar-Chaves & Anderson, 2008). For example, research indicates that teachers have witnessed several cases of violence among learners where child sexual assault was also reported. The Centre for Applied Legal Studies argues that nearly about 17 percent of victims miss school, and 13 percent lower grades because of the incident (Jaffe, Straatman, Harris, Georges, Vink, & Reif, 2013).

According to Fisher, Daigle, Cullen and Turner (2003), responses that have been taken to deal with sexual victimisation of learners have been highly inadequate. That is, the victimisation that children go through at school is often overblown by reactions from school officials. For instance, Bochenek and Brown (2001) state that "some learners who report sexual abuse by teachers face hostility from school officials". It

has been found that school officials often discourage victims from reporting such cases to authorities such as the police.

### **2.3.3 The school environment**

A report done by Nkirote (2019) states that CSA in some school settings involves sexual “favours” in exchange for good grades as well as transactional sex where the victim is coerced into sexual activity in favour of educational profits such as school fees and materials. Glover, Bannerman, Pence, Jones, Miller, Weiss, Nerquaye-Tetteh (2003) identified the practice as “notes sexuellement transmissible” (conversion of marks through sex) commonly used in secondary schools. Therefore, this burden as it escalates leaves children with no option but to abscond school. Additionally, another problem seems to rest on the fact that the sexual victimisation of learners is not addressed as a serious problem in educational law and policy. According to Coetzee (2012), educational laws and policy are not accurately in line with various acts such as the Criminal Law, Sexual Offences Amendment Act (No. 32 of 2007) and the Children Act (No. 38 of 2005). These conclude why some educators receive harsh punishment for less offence and others face less punishment for serious offences.

Child sexual abuse is a social problem with shocking effects on victims. The consequences of child sexual abuse vary on victims and their experiences (Spies, 2018, p. 62). Usually, all survivors of child sexual abuse will experience various difficulties and problems (Hlupo & Tsikira, 2012, pp. 44-49). The nature and severity of such difficulties and problems normally vary from individuals’ persecution, influenced by the developmental phase and context of upbringing (Family Support Trust [FST], 2013 as cited in (Mantula & Saloojee, 2016). Vavrus (2009: 383-390) posited that despite support and all the needs provided for sexual offence victims, being sexually abused, nevertheless, impacts the child’s educational, psychological and physical health stages.

The Convention against Torture (1987) legislature provides the duty for South Africa to ensure that every learner is protected from any form of torture and cruelty, inhuman or degrading treatment and from any violation of their right to security

(Greer, 2015). This means that it is the right and responsibility of educators to safeguard learners from sexual victimisation.

#### **2.3.4 Social and interpersonal functioning of learners**

However, despite the above mentioned frameworks developed to protect learners, Woolfolk (2010) states that in almost one of the classrooms, at least one learner has experienced sexual abuse. In the equal disposition, Bromberg and Johnson (2001) designate that unsatisfactory academic progression is extreme among those learners. This experience disrupts the child's intellectual performance and concentration in class. Paying attention in class, according to Wood and Smith (2004), is often replaced by the rethinking of the unforeseen sexual experience they had. Hall and Lloyd (1993) argue that it is not always the case that all children experience distorted memories; some excel well as they use their experience as a measure of focusing and defocusing from their experiences.

Chinyoka, Chingombe and Mugabe (2016:258) and Hlupo and Tsikira (2012:44-49) support the notion that the impact of sexual abuse often deteriorates performance of pupils in class such as being inattentive or forgetfulness, lack of confidence, failure to grasp concepts and slow class activity participation. Furthermore, (Lampert & Burnett, 2011) state that there are many sexually abused children who drop out of school as a result of CSA. Smyth (2006) claims that teachers often play a role in the issue of children dropping out of school. They state that one of the reasons is the labelling and shaming of the victim in class.

CSA is widely regarded as having a negative impact on social and interpersonal functioning of primary school learners (DiLillo, 2001). Children who have been sexually abused suffer psychological and behavioural problems ranging from mild to severe disorders in both the short and long term (Tai, 2017). These problems typically include depression, anxiety, guilt, post traumatic disorder, fear, and withdrawal as well as acting out. This is supported by research conducted by Mullen, MacKenzie, Ogloff, Pathe, McEwan and Purcell (2006), which affirms that there is a solid correlation between a history of CSA and intellectual fitness problems recurring in adult life.

### **2.3.5 The impact on victim's health and violence perpetration**

Matthews and Collin-Vézina (2016) attests that through significant neuro-scientific evidence collected globally, there is a clear indication that there are massive consequences for child sexual abuse survivors. Thus, a premature exposure to sexual violence as a result of CSA has foregoing health problems, health risk behaviours and successive execution of violence. Shonkoff, Richter, van der Gaag, & Bhutta (2012) state that this blend shows that history of the repeated exposure to sexual assault does not fade; however, the events are stored in the child's memory and become fully recalled in their adulthood. This results in children's violent and deviant sexual behaviour.

These types of chronic stress and fear resulting from sexual assault have numerous impacts, including mental health and coping mechanisms, which can range from depression to alcohol and drug abuse (Horwitz, Widom, McLaughlin, & White, 2001, p. 42). This statement was supported by Schilling, Aseltine and Gore (2007) who argue that re-experiencing outcomes has health consequences such as heart disease and suicide, as well as impaired learning, socialisation and productivity. Hlupo and Tsikira (2012:44-49) support the notion sexual abuse impacts often noticeable deteriorating performance of pupils in class such as inattentiveness or forgetfulness, lack of confidence, failure to grasp concepts and slow class activity participation.

Furthermore, Chinyoka (2013) states that there are many sexually abused children who drop out of school as a result of CSA. Haralambos and Holborn (2008) claim that teachers often play a role in the issue of children dropping out of school. They state that one of the reasons is the labelling and shaming of the victim in class. CSA is widely regarded as having a negative impact on the social and interpersonal functioning of primary school learners (Mugabe, Chigombe, & Chinyoka, 2016). Children and adolescents who have been sexually abused suffer psychological and behavioural problems ranging from mild to severe disorders in both the short and long terms (Mugabe, Chigombe, & Chinyoka, 2016). These problems typically include depression, anxiety, guilt, post traumatic disorder, fear, withdrawal and



acting out. Fergusson, McLeod and Horwood (2013) conducted a study on New Zealand women, and found a strong positive correlation between a history of CSA and mental health problems in adult life.

### **2.3.6 Patriarchal structure as an instigator of Child Sexual Abuse**

Whitaker, Le, Hanson, Baker, McMahon, Ryan, Klein and Rice (2008:529-548) are of the view that CSA results from the structural damage of patriarchy where women were obliged to be submissive to men with an inferior status. This is the result of the behaviour learned at home, depriving women the power to protect themselves and children from ill-treatment and exploitation, including sexual abuse by men (Snyder, 2000). The great proportion of child sexual abuse cases may perhaps develop from the supremacy of men and submission of women within families, whereby women could not protect their children from being sexually abused by their fathers.

This resonates with Whitaker et al.'s (2008: 529-548) analysis of CSA in contexts where children are compelled to sexual abuse based on patriarchy. CSA often occurs in the homes, families, schools, care and justice systems and communities across all contexts. Children are exposed to various forms of sexual abuse and exploitation, armed violence, trafficking and gender-based violence (Nordby, 2018). Sexual awareness about children's rights and child abuse prevention do not offer reduce the probability of CSA.

Despite the extent and magnitude of violence against children in South Africa, political and financial investments to prevent violence against children remain low (Hsiao, Fry, Ward, Ganz, Casey, Zheng and Fang (2018). A recent costing study investigating the social burden and economic impact of violence against children in South Africa found notable reductions in mental and physical health outcomes in the population if children were prevented from experiencing violence, neglect and witnessing family violence. Whitaker et al. (2008: 529-548) identify several factors that are associated with the origin of CSA, namely; history of abuse, poor family functioning, including harsh discipline and poverty.

## **2.4. FACTORS INSTIGATING CHILD SEXUAL ASSAULTS**

Stressful life events are in most associated with factors that potentially contribute to child maltreatment within family structures. The experiential life circumstances often play a role towards the causation of child sexual offending.

### **2.4.1 Family factors**

The approach of family factors directly ruminates the child's development in the setting of the comprehensive social environment in which the child functions, surrounded by family in a social structure that includes communities, neighbourhoods and cultures.

#### **2.4.1.1 Substance Abuse**

Another risk factor associated with CSA is the abuse of substances (Miller, Maguin, & Downs, 1997). Vogeltanz, Wilsnack and Harris (1999) also identified the heavy use of alcohol by parents as a risk factor for CSA. Concurrently, Miller, Maguin and Downs (1997) suggest that families that encounter parental alcohol abuse open opportunities for potential offenders to utilise the vulnerable exposure to sexually victimise children as care and protection are narrow. Fleming, Mullen and Bammer, (1997) also agree that parents that are less available to nurture and protect their children often put them at risk. For example, a mentally ill parent and lack of support in the family after the disclosure of CSA by the child exacerbate the chances of further victimisation of the victim.

#### **2.4.1.2 Family Structure**

Child molestation cases often occur in situations where the child is familiar or known to the perpetrator (Chinyoka, 2013). It is also well known that this practice is in most cases perpetuated by parents, family members, caretakers, teachers, employers, ruling authorities, state and non-state actors and other children (Spies, 2018). The nature of these cases is often not reported to the police.

This is supported by an analysis of the 2013 statistics which disclosed that in most reported CSA cases in Zimbabwe and other African countries, people that cause harm to children are often the trusted and well respected community (Chinyoka, 2013). Children experience harm, betrayal and their rights are violated by being robbed off their virginity. Mantula and Saloojee (2016) revealed that there are cases of parents who raped their own children. A higher number of these instances often occur in informal settlements and rural areas. In South Africa and other countries such as Zimbabwe, perpetrators and families agree on the reimbursement to the child's family to avoid court and exposure of the ordeal to the public (Chinyoka, Chingombe, & Mugabe, 2016, p. 256).

This is supported by (Mantula & Saloojee, 2016) that cases of this nature are often suppressed and a payment is made to conceal the gruesome ordeal. According to (Juby & Farrington, 2001), in some cases, the offenders would be breadwinners in the household. As a result, family members live with the abuse as they cannot risk losing the only source of income. The child abusers are often relatives of their victims and are at times their fathers or providers (Chinyoka, 2013). Greely, Riodan, Garison and Mountain (2006) state that most often, sexual offences reports to relevant authorities are delayed by family ties and when the family tries to resolve issues with the offender in the absence of the law.

This leaves many victims with lifetime feelings of confusion, resentment, distrust, sorrow, guiltiness and emotional deprivation (Lawrence & van Rensburg, 2006). The above mentioned statement indicates that sexually abused children live with fear and insecurities. Thus, children always think of when the next episode of sexual assault will occur again. Sexually abused children relive their child sexual assault ordeals daily (Chinyoka, Chingombe, & Mugabe, 2016).

Turner, Finkelhor and Ormrod (2006) alleges that children staying in single parents households are at a greater risk of being subjected to sexual abuse as compared to children staying with both parents. Single parenting has the likelihood of lower income, and children are often used by parents to source money through sex. South Africa is one of the countries with a high number of reported CSA cases (Laccino, 2014 ). UNICEF reported that complaints that were laid in court directly pointed to

traditional healers' practices perpetuated by the myth that having sex with virgins cures HIV and AIDS (Munro, 2015 ). This increased children's vulnerability and high risk of being child sexual assault victims. A significant contributing factor for the escalation in child abuse is the widespread myth on HIV curing myth that ravaged South Africa. This virgin cleansing myth exists in Zambia, Zimbabwe and Nigeria. Research also reveals that boys are almost as vulnerable to CSA as girls but the perpetrators are mostly people from outside their homes (Chinyoka, Chingombe, & Mugabe, 2016). According to research compiled by (Emily, Chinyoka, Hlupo, Denhere, & Kufakunesu, 2013), children of all gender suffer sexual violence perpetrated by male and female offenders.

#### **2.4.1.3 Poor family functioning**

Child molestation cases often occur in situations where the child is familiar or known to the perpetrator (Chinyoka, 2013). It is also well known that this practice is in most cases, perpetuated by parents, family members, caretakers, teachers, employers, ruling authorities, state and non-state actors and other children (Spies, 2018). The nature of these cases is often not reported to the police. This is supported by an analysis of the 2013 statistics which disclosed that in most reported CSA cases in Zimbabwe and other African countries, people that cause harm to children are often the trusted and well-respected community members (Chinyoka, 2013). Children experience harm, betrayal and being robbed off their virginity. Kyed (2019) revealed that there are cases of parents who raped their own children and a higher number of these often occur in informal settlements and rural areas. In South Africa and other countries such as Zimbabwe, perpetrators and families agree on the reimbursement to settle the matter out of court and avoid exposure of the ordeal to the public (Chinyoka, 2013).

#### **2.4.1.4 Separation of parents / Divorce**

The other issue that puts children at a risk of sexual abuse is divorce. The Daily Mail (4 October 2015) reported a story of a stepfather who had sexually abused three sisters in Botswana (Chinyoka, 2013). Chinyoka further states that the environmental changes that take place often affect children and influence abuse. (Whitaker, et al.,

2008) identify several factors that are associated with the origin of CSA, namely; history of abuse, poor family functioning, including harsh discipline and poverty.

#### **2.4.1.5 Poverty**

Rembe, Chabaya, Wadesango and Muhuro (2011) attest that many traditional backgrounds in most vulnerable families approve of sending off their daughters into early marriage. The use of early marriage is a strategic move to oppose poverty and improve their economic burdens, and an exchange to receive support from the husband's family. The impoverished conditions of families lead them to send children into obligatory weddings to compensate and resolve family debts (Walker, 2012) (Hanzi, 2006). The rewards outweigh the costs in a relationship characterised by social exchange theory (i.e. gifts for sex). This statement is supported by Van der Watt and Ovens (2016: 16) cited in (Kheswa & Hoho, 2014) in the interpretation that 'ukuthwala practise undermines community's development and plays a role in the cycle of poverty'. Poor families have few resources to support their girls' education, or even to feed and clothe them (Konchese, 2005). An exchange of bride wealth may act as further motivation for child marriage. These early marriages reinforce the family's social status and consolidate economic relationships. Consequently, the presented inference implicates that if it was not for these hostile environmental aspects, child abuse would not exist. Predominantly, (Mouzakitis, 1981) indicates that economic stress such as poverty is identified as an unfortunate situation that weakens most people's self-control and as an escalation to sexual abuse of children.

Duflo (2012) also claims that there is a detected causal relationship between poverty and child abuse. Duflo further confirms that the most fatal child abuse incidences often occur in families with disadvantaged backgrounds. It is mentioned by Gilbert, Widom, Browne, Fergusson, Webb and Janson (2009) that the increase in economic burdens contributes to CSA. Furthermore, these strains attribute to frustrations, low quality of life as well as possible addiction in drugs and alcoholism.

### **2.5. ASSOCIATIVE FACTORS EXPOSING CHILDREN TO SEXUAL ASSAULT**

The researcher has identified numerous associative risk factors that are directly linked to the exposure of child sexual abuse. These are outlined below.

### **2.5.1 Environmental factors**

Chinyoka (2014) and Sokol (2009) identify a theory that looks at a child's development within the context of the system of relationships that form the child's environment structures, namely; microsystems, mesosystem, exosystem, macro system and chronosystem. They present an argumentative conclusion that a combination of these structures involve roles, relationships and patterns outline various aspects of cognitive, social, emotional, moral and spiritual development of our daily activities and each part affect the other (Bronfenbrenner, 2005). The other issue that puts children at a risk of sexual abuse is separation of parents or divorce. The Daily Mail 4 October 2015 reported a case where three sisters were abused by their stepfather in Botswana (Chinyoka, Chingombe, & Mugabe, 2016: 257). Furthermore, Kendall-Tackett, Williams and Finkelhor (1993) state that environmental changes that take place often affect children and manipulate abuse on the child.

### **2.5.2 History of abuse**

The impending effect of CSA is devastating, particularly for all children. However, the foreseen impact may not be of a temporary burden. The chances of the effects might be rigid for years and possibly its erection might be a lifetime problem with the likelihood of transcending to the next generation. Some empirical evidence derived from studies about child sexual abuse appears consistent with the everyday lifestyle. For example, Wortley and Smallbone's (2006) research showed that most child sexual offenders are not fully initiated child-sex offenders and do not vigorously exploit children sexually. Instead, through observation and opportunities arising in the context of everyday lives, they often take advantage again in the context of child caregiver duties (Wortley & Smallbone, 2006). There is evidence that younger children tend to be at greater risk of familial abuse than older children of non-familial abuse. Snyder (2000) is consistent with expected changes in children's routine activities from within the home to outside the home as they grow older.

Leclerc and Felson (2014) and (Deslauriers-Varin and Beaugard, (2010) directly applied the routine activities approach in the investigation of adolescent perpetrated sexual abuse incidents, serial rapists, stranger sexual offending against both adults and children. Both of these studies demonstrated support for the routine activities approach, but this has not been researched further to date (McKillop, Brown, Wortley, & Smallbone, 2015). These studies, among others, examine the situational aspects of adult sex offenders' modus operandi (Kaufman, Holmberg, Orts, McCrady, Rotzien, & Daleiden, 1998); (Lang & Frenzel, 1988); (Leclerc, Proulx, & McKibben, 2005 & 2008) and specifically focused on how the perpetrator in the offence process utilises and manipulates routines, relationships and situations to groom and sexually prey on children ( (McKillop, Brown, Wortley, & Smallbone, 2015).

## **2.6. CULTURAL PRACTICES AND ITS EFFECT ON CHILDREN**

Whitaker et al. (2008: 529-548) are of the view that CSA results from the structural damage of patriarchy where women were obliged to be submissive to men with an inferior status. In South Africa, the high level of violence against children was exacerbated by patriarchal strength underpinned by Apartheid, which led to the suffering of the innocent (Wilson, 2001). This is the result of behaviour learned at home, depriving women of the power to protect themselves and children from ill-treatment and exploitation, including sexual abuse by men (Snyder, 2000). The greater part of CSA cases were instigated by male supremacy and severe abuse to women and children with less protection of children being sexually abused by their fathers.

The statement above resonates with Whitaker et al.'s (2008: 529-548) analysis of CSA in contexts where children are compelled to sexual abuse based on patriarchy. There is mounting evidence that indicates that CSA occurs in the immediate environment such as homes, families, schools, care, justice systems and communities across all contexts (Sigad & Tener, 2020). According to (Piane & Hansen, 2002), in many instances where CSA occurs, children who experience

sexual assault and adults who witness it do not report the occurrence to anyone due to the fear of shame and perceived rejection from the society.

### **2.6.1 Traditional perceptions as a contributing factor to Child Sexual Abuse**

Communities and families that are still firm to traditional norms and honour view boys that report sexual assault as weak and cowards, and girls are most likely to be blamed for their behaviour towards their sexual assault incidents (Mwambene, 2018). There are numerous reports that show that children are exposed to various forms of sexual abuse and exploitation, armed violence, trafficking and gender-based violence (Freedman, 2016). Female Genital Mutilation (FGM), child marriage, poverty, physical and emotional violent child discipline are some of the cultural factors that embrace violation of children's rights (Maja, 2016). Awareness about children's rights and child abuse prevention seem to have no place in African cultural practices (Chirawu-Mugomba, 2016).

### **2.6.2 Cultural factors**

Cultural factors can also be useful in explaining male-to-female intimate partner violence (MFIPV). Some cultures accept violence; others condemn it. Brazil and Arab culture promote husband's violence against an unfaithful wife as it is said to presumably give or restore the husband's dignity (Vandello & Cohen, 2003). Many authorities place partial blame for the widespread acceptance of violence in U.S. culture on the content of television programming as well as movies, sports, toys and video games (Anderson & Bushman, 2001).

Anderson and Bushman (2001) further state that violence as a contributing factor in some families is mostly perpetuated by crucial cultural elements of male dominance. Communities and families who honour social and cultural norms in most cases do not promote disclosure of sexual assault and if disclosed the exposure of such horrible incidents victim's life might be at risk. Sexually abused boys are labelled and found unmanly, whereas girls are often at a higher risk of being blamed or



responsible for being raped, often beaten, shamed and killed. Some of the contributing factors are listed below:

### **2.6.3 The sexual abuse of virgins as Human Immunodeficiency Virus [HIV]/ Acquired Immune Deficiency Syndrome [AIDS] curing [Cultural] myth**

When compared with other countries, South Africa is not excluded when issues of child sexual assault are addressed. Among other Sub-Saharan Africa, it is one of the countries known for its strong traditional beliefs among the societies. As part of what is perceived as a world-wide crisis, children are raped under the misconception of curing HIV/AIDS (Ankrah, 1991 ). The Children's Act (No. 38 of 2005) is solemnly against these beliefs and liberates children with the right to be protected from any harm, including sexual abuse. These mistaken beliefs were constructed under the cultural schemas and idioms behind the management of the illness (Edström & Khan, 2009).

Groce and Trasi (2004) are of the view that the theory of cleansing the virus through sex with virgins goes as far as adults sexually abusing infants, and escalates to physically impaired and mental health disabled children. The virgin cleansing myth is reported to be perpetuated by certain traditional healers who portray this disease as "body dirt", with perceptions of defusing the disease from the offender through sexual intercourse with a virgin child (Leclerc-Madlala, 2002). Dehart, Lynch, Belknap, Dass-Brailsford and Green (2014) state that most male offenders indicated that the sickness derives from the dirt they get when having sex with women. The researcher is of the view that this purification ritual by an adult man from HIV/ AIDS leads to direct and indirect infection with the virus. As a consequence, the cleansing ritual may also put the perpetrator at risk as the child might have already experienced sexual assault as a result of such cleansing.

#### **2.6.4 Child Marriage/ *Ukuthwala***

African culture has an implication on the increment of violation of children's rights perpetuated under the justification of an old-style myth known as "*Ukuthwala*, traditional practice". This *Ukuthwala* practise dates from centuries and it lost its power around 1994 after South Africa was decolonised (Nkosi & Wassermann, 2014). *Ukuthwala* is an abduction form of marriage proposal to young girls. It is tracked to be practised and more common in African countries such as South Africa, Rwanda, Zimbabwe, Kenya (Yesufu, 2020). In South Africa, particularly in KZN and Eastern Cape, research conducted by Finkelhor, Hammer and Sedlak (2008) alludes that a person sexually abuses a child when he or she exposes the child to sexual acts or behaviour. Therefore, based on Children's Act 32 of 2005, *Ukuthwala* has been identified as a form of trafficking and sexual abuse. Sections 30 and 31 of the Constitution of South Africa (1996) claims that customary act must be recognised in the South African law (Mubangizi, 2012). The Prevention and Combating of Trafficking in Persons Act (No. 7 2013) define Human trafficking as an act that usually involves the movement of people against their will for purposes of exploitation that is often of a sexual nature, but does not have to be (Maluleke & Mabaso, 2015). Furthermore, it claims that some traditional laws are not harmful and are not against the Constitution.

Initial marriage exposes girls to harmful health, disrupts their stages of development and violates their human rights privileges (Gunning, 1991). Child marriage violates young girls' rights to education; their future is often condemned to young wives with severe abuse (Kyari & Adoyele, 2014). The societal belief in the status of men and women manifest the prevalence of this cultural practice (Krieger, 2001). With regards to this terrible social practice that imposes burden on human rights, the Bills of Rights as well as the Children's Act, victims of *Ukuthwala* are most likely at risk of accumulating life-threatening diseases (Mesatywa, 2009). The consequences of this practice have an impact on health issues such as HIV, Sexually Transmitted Infections (STI's) and unwanted pregnancy (Maluleke, 2009). The physical, emotional and psychological consequences of the practice bring lasting and adverse effects on the well-being of mental problems such as suicidal attempts and psychosis (Prince, 2009).

### **2.6.5 Risk factors associated with *Ukuthwala***

*Ukuthwala* has various risk factors that are associated with health and development which, include physical, sexual and psychological violence. Young abducted girls are subjected to sexual abuse which may be physically forced because they will be afraid to be beaten (Ovens & Van der Watt, 2012).

### **2.6.6 Trauma**

Commission for Gender Equality labels cultural norms as a practice that gives men superior powers to compel young girls to traumatic sexual initiation (Morgan & Wieringa, 2005). Kopelman (2016) states that often forced marriages are not registered, and only few are reported to the law. The traditional form of *ukuthwala* adheres to the Bill of Rights where the act is consensual. Research shows that some men follow abduction and child sexual assault to avoid paying bride-price (*lobola*) (Kopelman, 2016). In most cases, it has been discovered that consent to marriage and to engage in sexual intimacy is not taken into consideration by the abductor (Mwambene & Sloth-Nielsen, 2011). The origin of *ukuthwala* as an act was designed as a form of portraying marriage interest to a young woman by snatching the chosen girl. Nonetheless, the parents of parties, the initiator and the chosen girl must agree and approve of the marriage. Surprisingly, this form of traditional practice has shifted to a traditional form of abuse and violation of human rights with harm consequences.

---

Lobola is a traditional law which requires a man (or his family on his behalf) to deliver to the father (or guardian) of the wife to be, stock, money or other property, in consideration of which the legal custody of the children born of the marriage is vested in their father (or his family) to the exclusion of any member of the mother's family (Kopelman, 2016). Lobola involves some payment by the husband or his family to the family of his wife.

### **2.6.7 Abuse**

Young married girls suffer physical and emotional distress from their spouses, which include pushing, shaking, slapping, punching, biting, kicking, dragging, strangling, burning and frightening or attacking with a weapon. Ntlokwana (2009) is of the view that South African Constitution portrays a contradiction among general human rights stated in the Bill of Rights as compared to the culturally cherished practice which violates the rights given to children in the Constitution.

### **2.6.8 Deprivation of educational opportunities**

Young girls who experience forced or arranged marriages are deprived of their right to the future, which perpetuates the 'feminization of poverty'. This practice destroys victims' opportunities and development, particularly in education, source of revenue and individual progression (Thomas, 2009). Abducted young wives are forced to leave school, forced to do hard labour such as farm work and take full responsibility of pleasing their husbands (Parrot & Cummings, 2008). This escalates to extreme cases wherein young girls are abducted to replace their sisters who cannot bear children, which compromises their opportunity to go to school ( (Hanzi, 2006).

The substitution burden and not being ready to be a parent as well as the deprivation of pursuing education could develop undesirable impact on the psychological well-being (Louw & Louw, 2007). Moreover, illustrating from Erik Erikson's psychosocial development, captured girls may lose their sense of identity (Berzoff, 2011). Consequently, the author further argues that this behaviour is often triggered by separation from family and friends, and denies them the opportunity to interrelate with peers and to take part in community deeds. In other words, young brides find a way of being independent, a sense of belonging and self-identity through the opposite sex (Brandth, 2002).

### **2.6.8 Psychological effects of *Ukuthwala* on abducted victims**

#### **2.6.8.1 Post-Traumatic Stress Disorder**

Swartz, de la Rey, Duncan and O'Neill (2011) are of the view that the psychological effects of kidnapping young girls for marriage purposes include Post Traumatic Stress Disorder (PTSD). After exposure to disturbing events, young girls develop anxiety due to the physical harm endured such as sexual abuse. However, Masimanyane Women's Support Centre (2008) cited in Kwesha and Hoho (2014) reports that physical and sexual abuses suffered by these young girls are often not reported to the police. When the girl is abducted, the abductors often punch and kick abductees to cause pain. Sikkema, et al., (2007) posit that the PTSD suffered by forced married girls also includes insomnia, dysphoria, suicidal ideation, irregular menstrual periods and eating disorders. As a coping mechanism, these girls develop deviant behaviours such as engaging in risky sexual behaviour to boost their image and distorted feelings (Kwesha & Hoho, 2014). Furthermore, the deviancy may lead to obsessive substance abuse which additionally situates the risk of being raped (Martin & Oliver, 2019).

#### **2.6.8.2 Sexually Transmitted Infections and Human immunodeficiency**

##### **Virus [HIV]/ Acquired Immune Deficiency Syndrome [AIDS]**

The Bill of Rights, chapter 2, Section 12 (2) emphasises that everyone is entitled to the right to bodily and psychological integrity, which liberates people to have a concern in every decision taken. Nonetheless, young abducted girls are subjected to massive trauma as they are forced to engage in sexual activities without their consent. The nature of this practise at times posits that child marriage can be a form of a protective mechanism from contaminating HIV/AIDS (Kheswa & Hoho, 2014). Tsai, Morrison and Singh (2004) state that they are unable to negotiate safe sex because they may be threatened, emotionally rejected and perceived as immoral. These girls are deprived their right to freedom of speech as they are at no place to negotiate their desires, such as to discuss the right time to be a parent (Rembe, Chabaya, Wadesango, & Muhuro, 2011). Parish, Simon, David, Giraldi, Goldstein, Goldstein, Kim, Kinsberg, Morgentaler, Nappi and Park (2021) support the statement by mentioning that when these girls are forced to engage in sexual activities, they

may develop Hypoactive Sexual Desire Disorder [HSDD] which is lack of sexual interest.

### **2.6.8.3 Death and Injuries**

A patriarchal right of parents over their children also plays a major role on child abuse as they give away their young girls to older men before they reach puberty stage. Jewit and Ryler (2014) describe this practice as maternal mortality and morbidity, which brings harmful consequences to young abducted girls. According to Louw and Louw (2007) and Weiten (2013), puberty is a developmental stage that is characterised by the development of adult features such as breast, pubic hair and menstruation, which gives a sign that those female adolescents are ovulating. This means that should a young adolescent engage in unprotected sex, chances of falling pregnant, experiencing physical damage and genital deformity are high.

Moreover, Obura (2018) states that due to underdeveloped features such as the pelvis, becoming pregnant before 18 years of age portrays risks of complications during pregnancy such as prolonged or obstructed labour. This can also result in the loss of the baby or the young girl (Kweshu & Hoho, 2014). Additionally, in a research study piloted in Zimbabwe, Dube (2012) found that the underlying aspect of infant death was caused by underdeveloped features of the young girl because their pelvic area was not fully ready to allow normal birth. Furthermore, Dube also mentioned that pregnant teenagers were not exposed enough to seek out medical care and were inexperienced to nurse new-born babies.

### **2.6.8.4 Cognitive disruption and bodily defects**

In countries such as Malawi, South Africa, Zambia and Tanzania, some communities still hold the thought that pregnant women are not supposed to indulge in certain foods such as eggs, liver, kidneys and certain vegetables (Rembe, Chabaya, Wadesango, & Muhuro, 2011). This notion also contributes to the health of the unborn children as these foods are nutritional. Because of the taboo, infants may be physically and mentally underdeveloped. In communities, there is a belief that these foods contribute to an increase in sexual libido; thus pregnant women are not

allowed to eat them (Kwesha & Hoho, 2014). Walker (2012) argues that these foods contain nutrition such as B- Complex vitamins, folic acid, selenium and proteins which are highly recommended especially during pregnancy. If these young underdeveloped pregnant girls are not allowed to eat them, their children may suffer mental retardation.

#### **2.6.8.5 Traditional perceptions as a contributing factor to Child Sexual**

##### **Abuse**

Communities and families that are still firm to traditional norms and honor, view boys that report sexual assault as weak and cowards, and girls are most likely to be blamed for their behavior towards their sexual assault incidents (Mwambene, 2018). There are numerous reports that shows that children are exposed to various forms of sexual abuse and exploitation, armed violence, trafficking, gender-based violence (Freedman, 2016). Female Genital Mutilation (FGM), child marriage, poverty, physically and emotional violent child discipline are some of the cultural factors that embraces violation of children's rights (Maja, 2016). Awareness about children's rights and child abuse prevention seem to have no place in the African cultural practices (Chirawu-Mugomba, 2016).

#### **2.6.8.6 Initiatives to condemn child sexual abuse strengthened by**

##### ***Ukuthwala***

Measures to condemn this African practice of snatching young girls have been classified as a crime. Due to its criminal tendencies, it is therefore described as "ihuman trafficking" (Maluleke, 2009: 16; (Ovens & Van der Watt, 2012). According to Hsiao, Fry, Ward, Ganz, Casey, Zheng and Fang (2018), "regardless of the efforts taken to prevent violence against children in South Africa, political and financial investments to put a stop to the prevailing inhumanity against children continue to be low". Ovens and Prinsloo (2010) are of the view that *ukuthwala* is an inhuman, traditional religious practice of Ubuntu which upholds respect that is somehow not practiced. A research report conducted by Reidy, Holland, Cortina, Ball, Ball and Rosenbluth (2017) claims that preventing children from witnessing various forms of

victimisation is a preventative tool that can bring the reduction of possible mental and physical health. Magwa (2015) indicates that women who were sexually abused during their childhood showed some withdrawing symptoms effects. This means that because of the trauma, such individuals often find it difficult to trust adults, and develop fear and anxiety toward opposite sex or even doubt ever having a happy romantic relationship.

## **2.7. INTER-DISCIPLINARY APPROACH TO THE INCIDENCES OF CHILD SEXUAL ABUSE**

According to Whitaker et al. (2008), the presence of comprehensive legislation on CSA has not led to any substantial reduction in the nature and incidence of violence perpetuated against children in South Africa. This is because without strong backing from other interdisciplinary approaches, policy and legislation on CSA cannot address the root causes of CSA (Letourneau, Eaton, Bass, Berlin, & Moore, 2014). The success of comprehensive legislation is dependent upon a change in the norms in society that justify and encourage CSA (Schneider & Hirsch, 2020). Notwithstanding the fact that the Domestic Violence Act [DVA] (No.116 of 1998) provides a comprehensive definition of CSA as well as brings forward strategies that are essential to curbing CSA, there is no consideration of various psychological, cultural, social and economic factors that are interrelated and interconnected to CSA (Mesatywa, 2008).

The aim of the DVA is to ensure that victims of CSA are afforded the “maximum protection from domestic abuse that the law can provide” (Fahmy, Williamson, & Pantazis, 2016). This could be achieved through the introduction of measures that oblige state organs and departments to ensure that the provisions of the DVA are given full effect. This statement is supported by Mathews (2017), who posits that the interrelated cooperation between state departments drives a sincere message to the general public with signs that indicate that the state is committed to curb CSA. There is, therefore, a need for cooperation between the SAPS, NPA, DoJ & CD and the DSD (Wakefield, 2011). Communities, NGO’s and faith-based organisations also need to play a fundamental role in curbing, amongst others, CSA and CSA (Bendell, 2017).



### **2.7.1 Traditional intervention in curbing violence against children**

Traditionally, children have always been disregarded and viewed as perpetual minors who are subject to the control of men (Sanday, 1981). This patriarchal practice is trite in various African cultures and practices (Karimakwenda, 2018). The treatment of children has a cultural basis; something the law usually disregards. Society is fast moving away from the philosophy of customary gender roles and relationships, yet ancient beliefs can still be found where men see the need to emphasise their masculinity over children. Majority of men perceive that children should be submissive towards men and use physical and sexual violence to symbolise the power men have over children. This is seen as teaching children 'their place'. Men enforce such authority by way of physical abuse and punishment (Karimakwenda, 2018). This is not regarded as violence but discipline, and parents can discipline their kids, and a man can discipline his wife. As a result, most incidences of CSA are not reported and or prosecuted.

Leeson (2013) argues that promulgating laws that are contrary to traditional practices and beliefs will often be met with resistance from the community. Berman further states that "instead of assisting the community that the law seeks to protect, the 'paper' will be highly opposed". This is usually viewed as the conflict between certain fundamental rights such as the right to equality, dignity, life and security of the person (all are against CSA) with the rights to freedom of religion and culture (Bagaric & Allan, 2006). However, it should be noted that the latter rights are never to be enjoyed in a manner that is inconsistent with any other right in the Bill of Rights (Constitution of the Republic of South Africa, 1996). There is therefore, a need to strike a balance between the rights, which requires an assessment by legislatures to ensure that the enjoyment of religious and cultural rights do not trample other rights (Goldberg, 2005).

Although tradition plays a huge role in CSA, there is no room for traditional courts to remedy CSA or issue protection orders in terms of the DVA. This is so notwithstanding the fact that South Africa has approximately 1500 traditional courts (Rakate, 1997). The lack of recognition of customary law and traditional courts in curbing violence against children and women (Morei, 2014) is an important omission

given that a large number of people are subject to customary law and, therefore, research on the legal response to CSA would be incomplete if it ignored access to justice in rural areas and under customary law.

## **2.8. SELECTIVE LEGISLATIVE FRAMEWORKS IN RESPONSE TO CHILD SEXUAL ABUSE**

The Criminal Law (Sexual Offences and Related Matters) Amendment Act [No. 32 of 2007] and the CSA Act (No. 116 of 1998) place an obligation to any person who has information of youngster abuse to report such conduct to a police official immediately. The Criminal Law (Sexual Offences and Related Matters) Amendment Act (No.32 of 2007) expands the definition of rape to include all forms of sexual penetration without consent irrespective of gender. Sexual assault is defined to refer to all forms of sexual violation without consent. This Act, along with the Films and Publications Act (No. 65 of 1996), deals with exposure, and distribution or creation of child pornography. It sets the age of consent to be 16 years of age. Children under the age of 12 years are automatically considered to be unable to give consent to such acts. The Act also includes provisions to avoid secondary trauma for vulnerable witnesses, including children during reporting, investigation and court proceedings. The Children's Act (No.38 of 2005) covers a range of violent behaviours, including physical, sexual, emotional, verbal, psychological and economic abuse. In cases of child abuse, family members of a child, children and youth under 21 years of age or any other individual who has a material interest in a child's well-being can apply for protection orders under this Act to prevent the abuser from inflicting harm on the child.

The DoJ & CD manages the National Policy Framework for the Management of Sexual Offences (2012). The Framework regulates the manner in which sexual offences and related matters must be dealt with (Brand, 2013). The emphasis is on the inter-sectoral and the multi-disciplinary approach. The Framework is intended to ensure that all government departments and other role players are collectively guided in the implementation, enforcement, administration, monitoring and evaluation of the Act. Underpinning the NPFMSOM are the Constitution of the

Republic of South Africa [Act No 108 of 1996], international and regional human rights instruments, related jurisprudence and indicators that have a bearing on the South African context in so far as they relate to the unlawful perpetration of sexual offences.

### **2.8.1 The Children's Act (No. 38 of 2005)**

The Children's Act [No. 38 of 2005], along with the Amendment Act [No. 41 of 2007], provides for the full continuum of services, from prevention and early intervention to tertiary protection services of different forms of violence against children. The preamble to the main Act states that one of the objectives is to set out "principles relating to the care and protection of children". One of the main principles underlying the Act is the best interests of the child (Children's, Act as Amended, 2007). The Act imposes a legal obligation on a wide range of professionals and officials as well as staff and volunteer workers involved in delivery of child-targeted service to report cases of abuse or neglect of children to the police, to social workers or to an agency designated in terms of the Act. This Act also receives support from the principles set out by the influential Sir Robert Peel (Manganyi, 2017). In a reasoned support, both Peel and Manganyi are of the view that crime cannot be prevented by a single structure within our communities. Hence integrated efforts of curbing CSA are sought and can possibly yield positive outcomes.

## **2.9. ECONOMIC EMPOWERMENT AS A WAY OF CURBING CHILD SEXUAL ABUSE (CSA)**

Corcoran, Stephenson, Perryman and Allen (2001) indicate that various studies have found that curbing CSA is met with controversies and complexities as the needs of CSA victims go beyond that tasks of law enforcement officials. As a result, there is a need for numerous interference tactics and approaches by police officials as well as external support systems like social workers and NGOs. Overlapping societal challenges lead to an increase in the susceptibility of children to CSA. There is a close relationship between economic repression and incidences of CSA as victims in most instances, depend on the perpetrators (McGuire & London, 2017). Though this is the case, the DVA does not recognise the effects and financial consequences of

CSA victims after the protection order has been issued. Accessing justice is important for victims of CSA. This requires that there be available affordable transportation to police stations.

There are other fundamental needs that victims of CSA ought to be afforded in order for the protection against CSA to be effective (Rittossa, 2020). Other forms of support are essential because, as van Bijleveld, de Vetten and Dedding posit, laws cannot function in isolation from the other essential social support required by abused children (van Bijleveld, de Vetten & Dedding, 2020). One of the characteristics of domestic violence is that in most cases, it involves people in a proximate relationship. This means that the perpetrator and the victim share feelings of affection and depend on each other. As such, victims and perpetrators share living spaces and other resources, thus making it difficult to curb CSA (Wurtele & Miller-Perrin, 1993). This places victims in a position where they have to choose between legal protection against CSA and the social and emotional aspects of their lives (Domhardt, Münzer, Fegert, & Goldbeck, 2015).

### **2.9.1 Psychological and medical intervention in curbing Child Sexual**

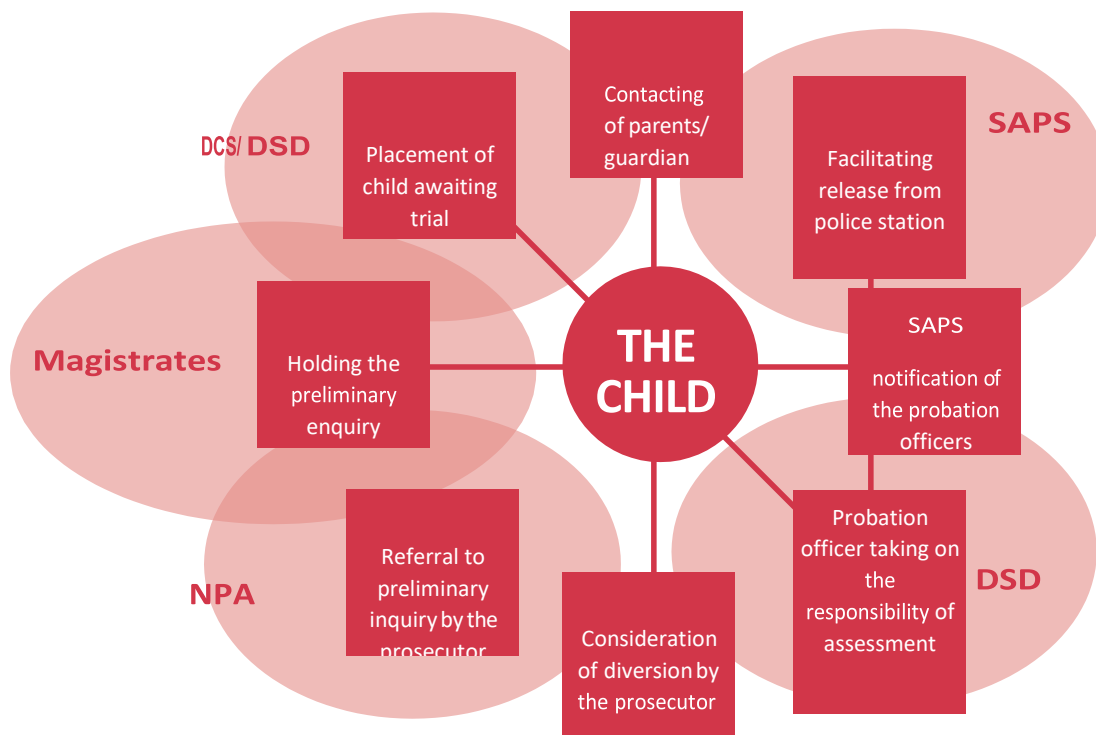
#### **Abuse**

There is lack of research on the psychological aspect of CSA. Most research is directed at the formal aspect, thereby neglecting the psychology underlying CSA. The lack of psychological research on CSA also leaves police officials without any adequate training in dealing with psychological damages caused by CSA. CSA may injure the victim physically and emotionally, and thus the victims may require medical treatment as well as other professional support such as counselling. In this regard, Kruger (2004) strongly affirms that “no legal remedy will combat violence effectively if abused family members are not provided with the necessary needs”. The lack of counselling facilities mainly in rural villages has left victims of CSA without effective protection and treatment (Mantula & Saloojee, 2016). There is therefore, a need for the law to impose an obligation on the perpetrator of CSA to pay towards the medical and psychological treatment of the victim (Meintjies-Van der Walt, 1998). In other words, the sentence imposed on the perpetrator should be imprisonment as well as

bearing all expenses for the professional support necessary in the treatment of the victim. In cases where it is not practicable for the offender to bear the costs, the state should bear the costs in line with its constitutional obligation to ensure access to medical treatment (Kruger, 2004). In certain instances, restitution and compensation should be preferred (Feldthusen, Hankivsky & Greaves, 2000).

Not only do victims of CSA need psychological treatment. This treatment can also prove effective on perpetrators. Initiatives such as the 16 Days of Activism for no Violence Women and Children seek to challenge men to change their behaviour towards children. Such campaigns should speak to the psychology of men, and call on men to help in eradicating CSA (Fulu, Kerr-Wilson, Lang, Gibbs, Jacobson & Jewkes, 2014). Information about institutions that assist victims of CSA is provided to lessen the effects of CSA (King, Wardecker & Edelstein, 2015). The alarming rate of CSA in South Africa makes it necessary to investigate the phenomenon using various perspectives. The interdisciplinary approach to the incidence of CSA requires that various methods are used in the prevention of CSA. The provision of essential services such as food and shelter should be the obligation of the Department of Social Development, which must be mandated by the DVA. The economic dependency of victims of CSA on perpetrators makes it hard to prevent and to prosecute CSA. Most cases are not reported to the police, while others are never prosecuted as cases are usually withdrawn. There is also no effective counselling for victims, and their medical and psychological needs are often overlooked. This is mainly because the DVA does not provision for perpetrators to fund the medical and psychological treatment of victims after the perpetrator has been found guilty.

**Figure 7: Child Sexual Abuse: Inter-Disciplinary Approach**



Source: Researcher's Illustration

## 2.10. SUMMARY

This chapter allowed the researcher to present the reviewed literature in an attempt to find secondary data relevant to the phenomena under exploration. The literature provides an overview of the roles played by various structures within the CJS. The said roles are in line with the research problem and objectives as they appear in chapter one. Furthermore, attention was also paid to various factors instigating CSA to enhance and to, among others, have a clear picture of what influences both offenders and victims. The chapter concluded with a thorough discussion of the inter-disciplinary approach, whose centrality is on integrated efforts when dealing with cases involving children.

## **CHAPTER THREE**

### **THEORETICAL FRAMEWORK ON CRIMINAL JUSTICE SYSTEM AND TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES**

#### **3.1. INTRODUCTION**

The previous chapter focused on literature review, specifically a South African perspective of CJS dispensation on CSA. Special attention is paid to victims of CSA, and how their needs are met within the CJS in the democratic South Africa. The researcher also focused on the international and national African legislative framework regarding the rights of children. The researcher has seen through a relatively link from the constitutional provision with the subject under investigation. In this chapter, the researcher used secondary data to address the theoretical framework influencing the chosen topic under investigation. This stems from the induction made in paragraph 1.5 of chapter one of this study.

#### **3.2. CONCEPTUALISATION OF THE ADOPTED THEORETICAL FRAMEWORKS**

It can be argued that a sound balance between these constituents in legislation, policy frameworks and in resourcing is essential for a society which wishes to protect its children effectively. It would appear from the overwhelming weight of information supplied to the Project Committee that in South Africa all these components are inadequate and in urgent need of strengthening. In an effort to reinforce them, optimum balance should be sought.

Section 10 of the Bill of Rights asserts that everyone has inherent dignity and the right to have their dignity respected and protected. Ideally, sexual offence victims should be provided with information about the service they have accessed, methods of contacting the treating practitioner if required and details of follow-up services. However, the same rights should be applied to the offender but the offender's right should not overshadow the victims'. The Constitution of the Republic of South Africa, 1996 also stipulates in Section 28(2) that everything should be done in the best interests of children. This section deals specifically with children. It is in line with the

provision of Section 6(2) (b) of the Children's Act, which provides that every decision or action concerning a child must respect the child's inherent dignity.

The above dictates fair and transparent treatment to both the victims and offenders. This does not necessarily mean that the rights entitled to offenders must be overlooked. The limitation clause (section 36) provides certain factors that must be taken into account by courts when determining if a limitation is reasonable and justifiable which, among others, includes the nature of the right, the importance of the limitation and the nature and extent of the limitation.

### **3.3. THEORY OF JUSTICE**

A Theory of Justice is a work compiled by John Rawls in 1971. The theory addresses the distributive justice within a social contract. It emphasises the equal treatment of persons by the law. The basic structure of the society is based upon principles of justice, which focus on the original agreement of the social co-operations (Rawls, 1971:334-335). It further provides that all citizens deserve to be treated upon the equal principle of liberty. Each person deserves equal rights, which involve the general total system of equal basic liberty for all that is reliable with a single system for all (Abrahams & Matthews, 2011). The theory of justice is based on the idea that every individual must be treated with dignity and respect as imposed by the Constitution of South Africa. It further illustrates fairness between parties and the role of the victim in the criminal justice system. Victims must also be given an opportunity to get involved in case proceedings such that they will feel satisfied (Kunst, Popelier & Varekamp, 2014:2).

#### **3.3.1 Fair justice practices on victim's wellbeing**

For the victims to be more satisfied, they must be given a chance to raise their views in the court process. Thus, in child sexual abuse cases, victim children who are under-age can testify through close circuit television (CCTV) as a way of protecting their psychological wellbeing (Jonker & Swanzen, 2007). It has also been provided that the involvement of the victim will bring results that are favourable or satisfactory



to the victim and for the final judgement in court (Van der Merwe and Müller, 2002:264). The theory alludes that the offender's rights must also be taken into consideration. However, they should not dominate the concerns of the victim. Prosecutors have a broad discretion in determining what case will be prosecuted. While dealing with the case, they rely on victims as they are crucial sources of information and may choose to use the victim's information in prosecuting decisions.

Prosecutors are required to consider the victim's interest in the prosecution of crime (Coughlan & Jarman, 2002:541). However, Rawls's aim was to present a generalised conception of justice in order to think of the object of the original agreement. According to Rawls, justice as fairness denotes free and rational concerns to be considered in the position of equality by looking at the central positions of the two parties, namely, the offender and the victim.

### **3.3.2 Protecting the offender's rights**

In essence, the offender deserves punishment. Regardless of the sexual offence committed to the minor, protocols for the offender's wrong doings, basic rights and duties must be practised to determine the division of social benefits. This means that a just and unjust decision of equal liberty will be ruled out on the conclusion known as the principles of justice (Rawls, 1971). A far stronger position declaring that the basic liberties, for Rawls, include "freedom of thought and liberty of integrity; the civil benefits and freedom of association, as well as the respect and basic human rights of the person all under an umbrella of law (Yuracko, 1995; Vickrey, 1961). The Children's Act 32 of 2005 and the Constitution of South Africa (1996) specifically prohibit child victimisation; and state that harsh punishment should be granted to those who trespass the law. Consequently, section 9 (1) indicates that everyone is equal before the law and is entitled to the right to equal protection and benefit of the law. Nevertheless, despite the fact that an offender is wrong, there are matters that should be taken into cognisance while ruling the offender's actions.

Rawls' theories provide well-ordered conceptualisation of the "fair value", which is equally given and encouraged for the equal chance of attaining rights as recognised in the Constitution of South Africa for both the perpetrator and the victim (Yuracko, 1995). Judging from Rawls' concept, the constitution indicates a thorough and just

right required of fair treatment. Moreover, it outlines reasonable arrangements that can draw a just and effective system of legislative case outcomes (Rawls, 1971). Thus the justice of the constitution is to be assessed under both headings in the light of what circumstances permit. These assessments are made from the standpoint of the constitutional convention.

### **3.3.3 Equal liberty**

The principle of equal liberty, in the case of CSA, can be driven upon the procedures stated by the constitution referred to as “equal participation”. This only requires that both the victim and the offender be awarded an opportunity to partake in the constitutional procedure established, which compels authority holders to comply. This could be done through the use of Closed Circuit Television [CCTV] for the young victim to share with the court what had transpired. However, this should be administered under firm precautions (Jonker & Swanzen, 2007). Again, Sub-Section (2) of Section 9 of the Bill of Rights alludes that the offender has the right to be represented by the state attorney at his or her best interest. Justice as fairness, according to Rawls, implies that necessary values must be beneficial to both parties by defining equality in which both parties are fairly represented.

Vickrey (1961) argues that “ethics of participation transfers the perception of equality from its original fact to the constitution as the significant system of making rules”. For instance, in the case of *Maemu v S* (147/11), “the appellant was declined an opportunity to address the court below on his application to lead new and further *court a quo* failed to apply the cautionary rule as the complainant was a single witness”. Thus, theory of justice is mainly based on the issue that when the offender is found guilty by the state and prosecuted for his or her ill deeds, the government should apply the notion of the constitution on basis of equal rights. In reference to the sexual assault case in *Maema versus State*(147/11), the predisposition of this case indicates that important facts were omitted due to premature conclusions on sexual assault cases.

In “*Maema versus State* ([2011] ZASCA 175 (Unreported case 147/, 2011, 29/09/2011) at par 14), the Supreme Court of Appeal per Shongwe JA, uncritically accepted the application of the cautionary rule to the evidence of children. However,

the social worker's report indicates that "the rape complained about was not reported to the police by the parents of M. It only emerged when a police officer from the Child Protection Unit visited the school which M attended. How he came about the information of the alleged rape and the request to investigate further is unclear. A social worker was also engaged and requested to prepare a report which did not take this matter further, save to reveal that M did display some odd behaviour in or around June 2001, long before the alleged rape. Such odd behaviour cannot by any stretch of imagination be attributed to the alleged rape".

A critical study of the problem was the subject of research by (Rawls, 1958:164) who claims that constitutional democracy should be maintained to satisfy the equal participation with intense and honest observation on the case. However, this principle should be overlooked under favourable circumstances. These requirements are, of course, familiar, comprising what Constant called the liberty of the ancients in contrast to the liberty of the moderns. In reference to Rawls' claims, this is supported by an exercise described in "S v Chabalala (2003), where it was said that:

*'The correct approach is to weigh up all the elements which points towards the guilt of the accused against all those which are indicative of his innocence, taking proper account of inherent strengths and weaknesses, probabilities and improbabilities on both sides and, having done so, to decide whether the balance weighs so heavily in favour of the State as to exclude any reasonable doubt about the accused's guilt. The result may prove that one scrap of evidence or one defect in the case for either party (such as a failure to call a material witness concerning an identity parade) was decisive but that can only be an ex post facto determination and a trial court (and counsel) should avoid the temptation to latch on to one (apparently) obvious aspect without assessing it in the context of the full picture presented in evidence.'*

### **3.3.4 The researcher's justification and lasting value of the Theory of Justice in relation to Child Sexual Abuse**

The researcher is of the view that Rawls provides a theory of justice that appeals to fair trials on both the victim and the offender. This theory is mainly on the principle of

a just decision within a broad society. The *Audi alteram partem*<sup>3</sup> rule posits that lawmakers should at least consider the alleged offender's basic rights before being charged guilty. It does not justify the wrongs that the offender might have done. However, it recognises the respect of both the victim and offenders' human rights and dignity. When prosecuting child sexual matters, presiding officers should look into guidelines that protect and provide fair justice to both parties. It is therefore advisable to apply the foremost values to ensure that the law takes its course. This will free the child from many observed consequences. The cautionary rule that is used to determine the true value of the evidence provided by the victim must not be overlooked as this procedure can destroy many lives. Looking into the age differences, cases regarding CSA must be treated in a way that does not degrade either one of the participants; namely the victim and the perpetrator. Regardless of how these liberties fall under the principle of participation and just equal rights, the adjustments that the authority need to make to existing conditions as determined by basic social policies reside in representative body selected for limited terms is ultimately accountable to the electorate. This representative body has more than a purely advisory capacity.

### **3.4. THE INTEGRATED THEORY OF SEXUAL OFFENDING**

This section will outline the Integrated Theory and its relation to CSA. The researcher discussed relevant conceptions regarding various factors that exacerbate the on-going growth of the problem under this study. Additional supporting theories and characteristics of child sexual offenders are included in this chapter. The rate of sexual offence inclinations in South Africa does not differ from other countries (Laaksonen, Sariola, Johansson, Jern, Varjonen, Von Der Pahlen, Sandhabba &

---

<sup>3</sup> *Audi alteram partem* is a Latin phrase meaning "listen to the other side", or "let the other side be heard as well". This principle indicates that no person should be judged before both parties' matters are heard. Both the accused and the victim must be awarded an opportunity to raise their voice against the evidence provided (Mumtaz, 2016).

Santtila, 2011). Moreover, in most of cases, young sexually abused children suffer severe psychological distress afterwards (Filipas & Ullman, 2006). The researcher referred to the case of “R versus Manda 1951 (3) SA 158 (A) in which one is left with the say-so of the complainant against the bare denial of the appellant. It is well settled that caution should be exercised when considering the evidence of a child. In this case the trial court failed to properly evaluate the evidence of the child.

This is supported by international studies such as Hlupo and Tsikira (2012:44-49), Krishnan, Syahirah, Syahirah and Amira (2017), Mugabe *et.al* (2016:255-263) and Miller and Hefner (2015), who strongly argue that children suffer various forms of sexual victimisation in the hands of the most trusted individuals who are supposed to care and protect them. The integrated theory aims to critically examine the influential factors of Child Sexual Abuse. Psychological science involves both the detection of phenomena and the construction of theories to explain their occurrence. This theory intends to explain the onset of CSA and other forms of sexual deviances. According to the ITSO, sexual abuse occurs in the form of interrelating variables (Ward & Beech, 2006). These are number of factors that affect biological and social developments in an individual (Ward & Siegert, 2002). The consequences, therefore, influence the nature of offending. There are various aspects of sexual offending that are associated with personal traits. These are psychological, biological and socio-cultural factors when analysing the description of sexual offending such as rape and child sexual abuse (Thakker & Ward, 2012). The ITSO then explains review symptoms that arise from the interaction between these neurological systems and ecological factors (Ward & Beech, 2016).

### **3.4.1 Factors that contribute to child sexual offending**

The researcher identified numerous theories in support of the ITSO. Among others, the researcher discussed the following theories to support the main theory of the study: single factor psychological theories; multi factor psychological theories; micro level psychological theories; and the characteristics of child sexual offenders. Based on research, theories of sexual violence specifically on psychological factors differ based on how they recognise other theoretical positions. For instance, the biological and societal factors vary on the overall explanation of sexual offences. Ward and

Hudson (1998) supported the position by dividing theories of sexual offending into three classifications, namely: single factor, multi factor, and micro level as follows:

#### **3.4.2 Single factor psychological theories**

The single factor theory looks only at a single component in association with sexual abuse such as intimacy deficits.

#### **3.4.3 Multi factor psychological theories**

This theory looks at various single factors and provides a comprehensive explanation based on push factors of sexual offending. Although the focus of the theory is on psychological aspects, they also incorporate explanations that are not psychologically influenced.

#### **3.4.4 Micro level psychological theories**

The micro level theories concentrate on classifying the relation between cognitive, emotional, behavioural, and background factors that may have influence on the single occurrence of sexual violence. Different from the single and multi-factors of sexual offending, micro level theories does not look much into the causal factor behind the offence but rather focus more on how the sexual offence transpired than on why it happened. (Gannon, Ciardha, Doley, & Alleyne, 2012) were of the view that nevertheless, these theories focus on psychological background, their association combined, can help to identify the perpetrator's modus operandi as well as formulate a theory without the existence of any existing theories.

#### **3.4.5 Characteristics of child sexual offenders**

A controversial stance was taken by Ward, Polaschek and Beech (2006) on their research conducted on characteristic study of the connection between sexual offending and behaviour. The study concludes that "single factors such as intimacy problems, inappropriate sexual deviance, emotional control, and corrupt cognitive thinking are psychological factors in relation to the commission of sexual assault against adult or children. In support of this statement, Osbourne and Christensen (2020) state that several psychological theories confirm that these factors, together

with non-psychological mechanisms, are a great combination for the perpetuation of sexual offending.

The ITSO theory is constructed to give a clear explanation of factors behind the molestation of children. According to Gannon and Ciardha (2012), Ward's theory combined an association of former theories to explain five specific methods of child sexual molestation by the use of the relationship between learning, biological and cultural factors (Ward & Hudson, 1998). This means that five subtypes of child molesters and each is foreseen to have a distinctive pattern and prominence of single psychological factors. These subtypes, according to Ward and Hudson (1998), are categorised as psychological factors that are assumed as most dysfunctional subtype known as emotional regulation, sexual scripts, intimacy, antisocial thinking and multiple dysfunction. For example, an intimacy subtype discusses a person who lacks the ability to confront psychological vulnerability as perpetuating their sexual interest in children. These types of offenders are reported to have multiple dysfunction problems on all four psychological factors.

Another position was proposed by Malamuth (1996), who constructed research on a particularly prominent multi factor theory specifically to explain rape. This theory indicates the amalgamation of sociocultural feminist and evolutionary perspectives. According to Malamuth, these are the main psychological factors joined to explain male sexual aggression based on ultimate and proximate effects. This further explains that factors that push the commission of rape are motivated by disinhibit and therefore contribute to the overall causes of sexual offending (e.g. antisocial character and aggressive masculinity). One of the reasons why male sexual perpetrators have the propensity to rape is based on the assumptions that they are naturally born to prefer objective sex, which leads to coercive sex.

### **3.5. BIOLOGICAL, ECOLOGICAL AND NEUROPSYCHOLOGICAL FACTORS CONTRIBUTING TO CHILD SEXUAL ABUSE**

Rabiner, Coie, Miller-Johnson, Boykin and Lochman (2005) and Reitzel and Carbonel (2006) hold the position that biological factors, ecological factors, and

neuropsychological factors are the main explanation of sexual violence and abuse. In their research, while trying to explain factors behind sexual deviance Ryan, Levers and Lane (2011), predicted that during the adolescence stage, hormonal activity increases and aggressive impulses grow, which poses risks of sexual offending.

However, Borduin, Henggeler, Blaske and Stein, 1990) are of the view that most offenders manage to control and overpower the likelihood of sexual aggression. Reitzel and Carbonell (2006) supported the contention that young sexual offenders are less likely to re-offend in their older ages as compared to those who never engaged in sexual offences. Miner, Bourdin; Prescott, Bovensmann, Schepker, Du Bois, Schladale, Eher, Eher, Schmeck, Langfedt and Smit (2006) hold the position that men who perpetrate child molestation are assumed to have various multi factor psychological behaviours such as frotteurism, exhibitionism, voyeurism, and online offending. However, in female sexual offending, it is alleged that existing multi factor theories hold no differences to gender on the account of sexual offences (Miner. et al., 2006).

## **RESEARCH DESIGN AND METHODOLOGY**

### **3.6. BRIEF MEASURES APPLIED TO TREAT CHILD SEXUAL OFFENDERS**

Ward and Keenan (1999) argued that child offenders are influenced by the cognitive distortion and maladaptive implicit of victims, the offender and the world. Wortley and Smallbone (2006) support this statement by claiming that environments can influence individual behaviour, and social pressure can be perpetuated by particular environments. According to these authors, evidence derives from developmental, social, cognitive and personality, psychology supports the inference. Conclusions drawn by Ward and Keenan (1999) indicate that in order to implement effective treatment of sexual offenders, there should be a review of core theories of sexual offending. Laws and O'Donohue (2008) critically analysed the problem and found that it is possible to develop an integrated account of child molesters' cognitive distortions by focusing on the role of implicit theories in offence-related behaviour. This will come as an attempt to create a common framework to find association between cognition and behaviour.



### **3.7. CONSTITUTIONAL FOUNDATIONS SUPPORTING THE APPLIED THEORETICAL ASSUMPTIONS**

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The above is to say that sexual offence victims may not be discriminated against as a result of country of their origin and other mentioned issues. Therefore, the CJS departments (Especially SAPS and the Courts) are obliged by law to agree on fair and transparent actions while handling cases involving child victims.

Section 10 of the Bill of Rights asserts that everyone has an inherent dignity and the right to have their dignity respected and protected. Ideally, sexual offence victims should be provided with information about the service they have accessed, methods of contacting the treating practitioner if required and details of follow-up services. These brochures should supplement any verbal information that the victim has been provided with. In addition to reinforce important information that the victim may forget, brochures may provide information to other potential service users. The constitution also stipulates in Section 28(2) that everything must be done in the best interest of the children. This study deals with children. It is in line with the provision of Section 6(2) (b) of the Children's Act (No.38 of 2005), which provides that every decision or action concerning a child must adhere to the child's inherent dignity.

### **3.8. SUMMARY**

This chapter presented theories that informed the study. Theories are an important component of researches of this nature since they accord the researcher an opportunity to question and analyse. The researcher found two theories applicable to this study. The theory of Justice and ITSO were used in the study. The ToJ focused on the expected fairness within the justice system, and the ITSO was intended to explain behavioural characteristics of sexual offenders.

## CHAPTER FOUR

### 4.1. INTRODUCTION

Emanating from paragraph 1.6 of chapter one of this study, this chapter provides details of the applied research design and methodology. Consequently, research objectives have been explained. Rice (2003) asserts that research methodology is a process of planning a research, that is, how to conduct a research. This conveys further to the importance of explaining the research strategy, data collection methods and techniques for data analysis selected in the study, finding proper method to a solution and choosing numerous aids and techniques of research (Orodho & Kombo, 2006). Kothari (2008) highlights that research methodology involves various steps such as formulating the research problem and looking for methods to solve the research problem.

Research design and methodology is not only about methods that are used to collect data or analyse the collected data, but it also discusses reasons for choosing those methods and how they were chosen. Data collection methods and the analysis of data will be clarified. The grounded theory is also given attention. Also the researcher will outline the ethical considerations that were adhered to during the research process. Since it is known that research can be duplicated and repeated for reliability, attention will also focus on methods to ensure trustworthiness of the study. All information related to the research problem should be made available in addition to existing literature.

This chapter clarifies research methodology, research design, procedures, sample selection, data collection, data analysis and ethical considerations. The major aim of this study was to explore experiences of distinct personnel within the CJS on the treatment of children as victims of sexual offences within Polokwane Policing Cluster in Limpopo Province. This aimed at exhaustive study of knowledge, experiences and management strategies on the treatment of victims and activities used by respondents. The study also explores the effect of the criminal justice system and health care personnel on the basis of legislation.

## **4.2. RESEARCH DESIGN**

This study adopted the exploratory research design in an attempt to address the research problem. According to Wahyuni (2012: 69-80), the purpose of the research design is to increase knowledge and to better understand reality. Bhattacharjee (2012) is of the view that exploratory research is also applicable in the field of criminal justice, especially when dealing with perpetrated violence.

For the researcher to achieve insight, there should be a thorough analysis of relevant information. The researcher will rely on the information obtained from SAPS members, resources in the UL library, the internet, published articles, law reports, journals, newspapers and government reports. In evaluating and analysing data, the researcher will take into consideration useful statutes such as the Domestic Violence Act (No. 116 of 1998), the Sexual Offence and Related Matters Amendment Act (No. 32 of 2007), the Child Justice Act (No. 75 of 2008) and the Criminal Procedure Act (No. 51 of 1977). Investigations of phenomena are common in social sciences. Social scientists often make use of exploratory research to arrive at conclusions. In the academic domain, exploratory studies are undertaken for various purposes. The first intention is to improve the researcher's understanding regarding the phenomenon being studied. The second intention is to make it a point that the feasibility of the study is tested. The last intention is to create methods that have a potential.

## **4.3. RESEARCH METHODOLOGY**

In this study, the researcher used the qualitative research approach. Research methodology is an approach used to outline how the study is accomplished. Rice (2003) states that "methodology is more concerned about the processes taken for obtaining, organising data and takes more into consideration the logic of using approaches and methods selected". This relates to the importance of explaining the research strategy, data collection methods and techniques for data analysis in the study (Orodho & Kombo, 2006). Onwuegbuzie and Leech (2007) affirm that qualitative research is important in order to acquire insights into challenging

experiences and the meaning attached to these understandings of chosen individuals and groups.

According to Babbie (2010), the process of undertaking research requires the researcher to select the appropriate research approach. Selection is usually based on qualitative and quantitative research. Other researchers prefer to combine both methods depending on the research problem. Therefore, this particular study was guided by the qualitative research approach. In a definition provided by Mohajan (2018), qualitative research is clarified as a research method that seeks to offer detailed explanations that can be used to understand social life. Methods of qualitative research depend on words rather than numbers. Additionally, to Harrison, Birks, Franklin and Mills (2017), qualitative research is explanatory in nature and requires the researcher to apply reasoning.

Moreover, the qualitative research approach is selected for specific reasons. Qualitative research offers numerous advantages during the research process. The first benefit is that it exposes researchers to interesting and fascinating information. The second benefit is that qualitative research offers a researcher an opportunity to study complex issues. The third reason is that it investigates problems or issues that could have not been studied using other methods. The fourth reason is that qualitative research informs us reasons behind an individual's behaviour (Tracy, 2013).

#### **4.3.1 Study location**

The study was conducted with Eight (8) police stations and four local magistrate courts within the PPC and the Capricorn District judiciary.

**Figure 4.4:** Geographical setting



Limpopo Municipality (2021)

### 4.3.2 Population of the study

The ideal population of this study will comprise elements of the CJS, which are the police, the judiciary and other stakeholders, including social workers who work with cases regarding Child Sexual Abuse (CSA). The data will be collected in the form of interviews and documentary proof obtained from the SAPS and other relevant participants within the CJS. The researcher will conduct the study at Polokwane, Apel, Magatle, Jane Furse, Westernburg, Lebowakgomo, Malipsdrift and Magatle police stations and four local magistrate courts within the PPC.

### 4.3.3 Sampling selection and procedures

Sampling is defined as a statistical process which the researcher chooses for the type of the sample that will be adopted in the study (Fink, 2003:1). Therefore, this study adopted the non-probability purposive sampling. The crucial point here is to choose a good sample. In simple words, probability sampling, also known as random sampling, uses random sampling techniques and principles to create a sample. The researcher is of the view that police officers and other supporting staff members (The CJS members) at this establishment are in the best position to supply rich data regarding CSA as they are mostly exposed to such incidents. Furthermore, the researcher finds that members of the CJS who are directly involved in sexual assault

cases explain their experiences on the treatment received by the children as victims of sexual assault.

The sampling consists of 15 main participants who will be sampled purposively within the PPC. The sampling will include one police officer from each eight police station, two social workers, one from the DSD and one a forensic social worker from the SAPS FCS unit within the PPC, and also four prosecutors and the judiciary from the magisterial district court using non-probability sampling to obtain inputs on their experiences on CSA.

#### **4.3.4 Data collection methods**

The researcher used documentary studies and interviews as methods of data collection. The procedures of interviewing took place by means of face-to-face interviews using open-ended questions. Face-to-face interview is a data collection method used when the interviewer directly communicates with the respondent in accordance with the prepared interview schedule (Brynard & Hanekom, 2006: 1-89). This method allows the researcher to acquire factual information, attitudes, and other information coming out during the conversation with the respondent. Thus, the face-to-face interview method ensures the quality of the obtained data and increases the response rate. Face-to-face interview is a qualitative research tool. The purpose of applying face-to-face interview is to understand experiences and attitudes of other people and their interpretations of those experiences.

#### **4.3.5 Data analysis**

Through the examination of data, Thematic Analysis (TA) was applied. However, Guest and McQueen (2008) claim that the researcher should elaborate words and expressions in a way that will not build uncertainty; and that researchers should be careful when administering thematic analysis as the data analysis method anticipates an interpretation of raw data before applying codes. To Boyatzis (1998), a proper application of thematic analysis can be in qualitative studies than in quantitative studies. Thematic analysis requires appropriate descriptions of the raw data, and patterns are imperative when linking data to the study. It allows the

researcher to define the association between concepts under study with the collected data (Ibrahim, 2012).

TA was also implemented during the research process. This method of data analysis is often used when a research is qualitative in nature. It can be easily explained as a way of clarifying the content of what the message states. It is therefore expected of the researcher to thoroughly study the portrayed message with a sense of obtaining meanings. Therefore, researchers are advised to constantly remember that coding implementation is vital in content analysis (Maxfield & Babbie, 2011). The TA is characterised by different sorts of coding which includes theoretical coding, open coding, axial coding, selective coding and thematic coding (Strauss & Cobin, 1990).

#### **4.4. ETHICAL CONSIDERATIONS**

In the midst of conducting a study, researchers are given mandatory rules to abide by legal and professional requirements on the subject of ethical considerations. Researchers should display commitment, reliability and trustworthiness in order to acquire a fruitful completion of the study. This study pledged to ethical concerns associated with documentary analysis. The avoidance of plagiarism, the compilation of research report of high quality, application of ethics during analysis and reporting, and publication are such ethical concerns.

To make this study possible, the researcher adhered to internal processes such as submission of the proposal to the Department for Round-Robin Review (DREC) in preparation for the School of Social Sciences Research Ethics Committee (SSREC) proposal defence. Furthermore, after the approval from the SSSREC, the proposal was submitted to the Faculty of Humanities Higher Degrees and Ethics Committee (FHDEC). The favourable decision of the FHDEC promoted the document to be submitted to the Turfloop Research Ethics Committee (TREC) for the issuing of ethical clearance certificate. Thereafter, the researcher made application for permission to access participants from the SAPS as mandated by the National Instructional 1 of 2006. The researcher also applied to the NPA for permission, which was granted. The DSD application was also granted for the purpose of interviewing social workers. Furthermore, the researcher excluded the use of participants' identity

by replacing their names with numbers, for example, K111. Lastly, the researcher followed the criteria that did not interfere with the participants' work responsibilities. This was achieved through flexibility to accommodate their personal and work responsibilities.

#### **4.4.1 Plagiarism**

According to (Macdonald & Carroll, 2006), plagiarism continues to be a challenge for institutions of higher learning. The researcher acknowledged the original authors as equivalent to avoid academic theft. In this study, the researcher fully acknowledged original sources for all the work cited in the compilation of the research report. Proper referencing style was also followed during the research process.

#### **4.4.2 Quality of research**

In the broad and challenging field of research, researchers are guided by ethical obligations. One of these obligations is to formulate a research report of high quality. A research report of high quality was of greater value to the scientific community. The scientific community discourages researchers from compiling poor research reports (Macdonald & Carroll, 2006). In this study, the investigator implemented the principles of quality assurance. Mistakes were always avoided.

#### **4.4.3 Ethics in analysis and reporting**

Ethics review committees and research organisations are liberated to punish practices that are in transgression with its law such as modification of obtained data. The forbidden practices of modifying obtained data negatively affect researchers' reputation, and the outcomes of the study will be highly questionable. The researchers in this instance outlined the findings of the study, mentioned technical challenges, restrictions of the study, negative findings, and methodological challenges (Macdonald & Carroll, 2006). For the purpose of this study, the researcher followed relevant ethics in analysis and reporting.



#### **4.4.4 Permission to conduct study and protection of harm**

Before the researcher can collect data in relation to the study, the authorities and other relevant people were communicated to for permission. To make this study possible, permission was requested from the principal of UL and the CJS within PPC to collect data. This informs authority from the ethical committee of the UL and T-REC. Therefore, the researcher must ensure that participants are protected from the physical, social and psychological well-being. Honesty and integrity will be put in line with the rights, interests, compassion, integrity and privacy of participants.

#### **4.4.5 Informed consent and voluntary participation**

Through a thorough explanation, participants must be clearly informed that “engaging in research study is voluntary, and participants can withdraw from the study should they not feel comfortable at any-time”. The researcher must explain the purpose and procedure of the study to participants and inform them that their consent is required. Written consent is voluntarily requested from officials within the concerned CJS departments (SAPS, social workers and judiciary) before interviews are conducted.

#### **4.4.6 Confidentiality and anonymity**

The dialogue between participants and the researcher and the assurance of confidential and protection of their identity was sustained. Therefore, anonymity of protecting any information linked to participants dealing with sexually abused children was granted. In order not to compromise confidentiality and anonymity, recorded data was stored by replacing participants’ names with numbers. Participants were being treated with human dignity and were acknowledged based on human rights ethics.

#### **4.4.7 Honesty with professional colleagues and data protection**

To accomplish honesty with professional colleagues, the research did the following while conducting this study:

- The researchers reported her findings completely and honestly.

- The researcher did not fabricate, falsify, or misrepresent research data to promote and support a specific finding.
- The researcher did not commit plagiarism, as it is academic fraud. Any use of another person's ideas or words was fully acknowledged.

Based on Flick (2015:35), the researcher ensured data protection in that she:

- Took appropriate measures relating to the storage and security of records during and after fieldwork and was used where appropriate such means as the removal of identities and the use of false name and other technical solutions to the problems of privacy in field records and in oral and written forms of data dissemination.
- The interview schedule was completed anonymously to protect the confidentiality of the participants and will be assigned untraceable number.
- The interview schedule, transcribed information and tape recorder was be stored in a digital coded safe accessed only by the researcher.
- The researcher ensured that people who have access to the data should be made aware of their obligations, likewise; participants were informed that it is rarely, if at all, legally possible to ensure total confidentiality or to protect the privacy of records.
- When this study is completed, the data gathered will be used for research purposes and destroy in terms of UL [research] policy.

#### **4.4.8 Publication**

It is empirical for researchers to share the findings of the study with the public. This is mainly advocated to promote awareness, advance knowledge and educate people about the study. The researcher foresees future sharing of the research findings through seminars, symposiums and workshops (Bless et al, 2006).

#### **4.5. SUMMARY**

The focal point of this chapter was on research methodology. This study used the qualitative research approach and was exploratory in nature. The researcher conducted her empirical studies at the PPC where data was obtained through interviews. The study opted for non-probability sampling and the purposive sampling method. This was influenced by the nature of the study and its sensitivities. The researcher followed thematic analysis as presented in the following chapter (Five).

## CHAPTER FIVE

### DATA PRESENTATION, ANALYSIS AND INTERPRETATIONS

#### 5.1. INTRODUCTION

In this chapter, the researcher will present the relevant data for interpretation (Leedy & Ormrod, 2013) in terms of steps recommended by O'Connor and Gibson (2003). These steps are organising data, finding and organising ideas and concepts, building themes based on the data and writing a report. In organising data, the researcher captured all the responses given by participants in the interview as part of Annexure D. The researcher sifted through the responses given for one specific question to find particular words or ideas that emerged during the conversation with the interviewees. These words and ideas were treated under their main themes derived from question statements. Such words and ideas were written down as different responses given by participants.

The researcher organised the main ideas and concepts generated by these words and phrases into categories and sub-categories. In building themes, the researcher collapsed responses that have one or more associated themes into one main overarching theme. The main themes constitute the overall views of the sampled participants. The researcher's interest was solely on their experiences of CJS personnel within PPC, Limpopo Province.

**Table 3:** Biographical details of the KII 1

Participants	Responses on biographical details of the participants				
	Age	Gender	Race	Rank	Number of years in the organisation
A	45	Male	African	Colonel	18
B	32	Male	African	Sergeant	12
C	54	Male	African	Captain	29
D	30	Male	African	Sergeant	12
E	34	Female	Coloured	Sergeant	12
F	33	Female	African	Sergeant	13
G	42	Male	African	Sergeant	15
H	50	Male	African	Warrant Officer	26

Source: Researcher's Illustration

The researcher presents the biographical details of participants in this section. The researcher asked them about their biographical details in order to draw inferences in

relation to their experiences. The age of the respondents ranged from thirty (30) up to fifty-four (54) years. This age range was considered relevant for the purpose of this study as it enables the researcher to obtain empirical information from experienced participants who had served between 12-29 years in the police organisation. The table below (Table 5.1) shows gender representation as it shows that six participants were male and two were female. The table constructed below show that eight participants were Africans and one was Coloured. The researcher noted from the obtained data that the ranks of the sampled persons ranged from Warrant Officer to the level of Colonel.

The following section focuses on the manner in which police officers handle child sexual abuse cases from their initial response to the call or reporting from the Community Service Centre. The researcher presents an empirical data obtained from the participants below and substantiated with the categorisation of responses.

## **5.2. STUDY FINDINGS**

### **5.2.1 Findings relating to the study aim**

The study findings established that there is high rate of CSA and most often victims suffer again in the hands of those that should be protecting them. Employing more and new recommended strategies to fill in the gaps within the CJS, proper coordinated communication, reviewing of the strategic plan and providing adequate support from the top management teams were fundamental to cease this problem. In this instance, the top management provided their long term expertise and experience in matters of change in all-inclusive to the stakeholders engaged addressing the issue of constant consultation and frequent communication in regard to change in the process of formulating new strategies.

### **5.2.1.1 Exploring the treatment of children as victims of sexual offences within the Polokwane Policing Cluster in the Limpopo Province**

As shown in table 1, Limpopo Province is still experiencing a high volume of CSA and Table 5.6 indicates that there is not much done for victims as there is poor communication between members of the CJS and victim children. For example, this study confirmed that the top management in all the departments directly dealing with CSA should carry out their roles and responsibilities on handling sensitive cases of such nature. The sexual abuse cases should be handled with empathy, patience, professionalism and sensitivity. The roles and responsibilities of those that are assigned to take part in assuring a just and fair treatment to victims of this problem are clearly defined in this sections, namely, Criminal Procedure Act (No. 51 of 1977), National Policy Frameworks for Victims of Sexual Offences, 2012 and Children Act (No. 38 of 2005). This sections clearly stipulates the role of the SAPS, as well as the treatment protocol for victims of sexual assault.

### **5.2.2 Findings based on study objectives**

5.2.2.1 Objective 1: To determine the procedures provided to the victims of sexual offenses.

The first responder must have the background information of the situation at the crime scene. A reflection of what will transpire when the incident scene is referred to an investigating officer is paramount important. The manner in which the first responder takes decisions and actions, will determine the success of the investigation process. When commencing the crime scene, background knowledge of an investigation process will help the first responder to perform the duties in a more vigilant way, with sequence, administering a good investigating foundation.

This study revealed that a display of a well cordoned-off scene on arrival at the scene plays a significant role in the procedural manner of undertaking a successful investigation, most importantly, securing evidence on an active scene. The process of cordoning an active scene must be administered in a professional and competent

manner to avoid the exposure of insufficient proficiency and control. In his study, entitled "The significance of biological exhibits in investigation of rape cases. It is stated that in sexual assault incidents, crime scene management relies on the evidence left behind by the offender, if not found on the scene. It is therefore, paramount important to secure the scene and to apply necessary measures to protect the evidence for a successful prosecution. Securing and protecting the victim for medical examination often necessitate the goal of a successful investigation.

The first responder must ensure that the extent in which the cordoning is aligned covers the internal and external areas of the incident. The capacity of limitations must also be taken in consideration with an input from the witness, victim or the bystanders on the scene. A good identification of evidence when spotted, hazards and the victim must be clearly marked by the responder in case there is need for an ambulance, forensic services and other services may be required for emergency treatment of the victim, suppose there were any injuries enquired during the commission of the unlawful act. Any sample found at the scene will be collected in a sample kit for further investigations.

Sexually assaulted victims may encounter the need to be at the health medical centres for the collection of samples and physical examination of inspecting the body for possible injuries and to have the prophylactic medications for the prevention of sexually transmitted diseases and where possible PrEP must be provided. Unforeseen circumstances such as natural causes and poor crime scene management are the main dictators of how the investigation will unfold.

5.2.2.2 Objective 2: To assess *Modus Operandi* used in court processes to protect the psychological wellbeing of sexually abused children

Clearly, child rape dramatically increases risk for the development of psychological problems that child victims of abuse often find themselves dealing with serious psychological and physical consequences of having been abused. It is also affirmed that there are various forms of counselling, psychotherapy, medical and self-help resources available for people who have been abused and want assistance and

support for managing problems. Sexual assault victims also have the right to bodily and psychological integrity goes beyond protection afforded by bodily integrity and means protecting the victims of sexual assault from undue stress and shock.

5.2.2.3 Objective 3: To evaluate regulatory framework that addresses the treatment of sexual offence victims

South Africa under a legislative framework has an inclusive constitution. The framework is made up of various of the elements of the international policies that are meant for guidance and protection of children from various offences. These policies award children with the rights provided within the national and international context of the rights of the children. The Constitution of the Republic of South Africa, 1996 provided in the Bill of Rights which enshrines the rights of all people in the Republic of South Africa including right to equality, right to dignity, right to privacy, right to freedom and security also incorporates the right to be free from all forms of violence including sexual assault which is under discussion in this study.

A criminal prosecution at the instance of the state is, in essence a contest between the state and the accused and the role of the victim is in principle confined to that of an ordinary witness who is called upon to testify on the question concerning guilt or innocence. Section 105A (1) (b) (iii) of the Criminal Procedure Act (No. 51 of 1977) provide the promotion of victim participation in the criminal process. In sexual offences the investigating officer is obliged to obtain an impact statements from the victim before the latter testifies in court.

There is also an infringement of the victims' rights to dignity as protected by Section 10 of the Constitution, 1996. This is in situations where the defence lawyers are granted an opportunity to ask the victims question based on the previous sexual history which in the case children may include aspect such as early sexual debut. This also brings the issue several approach which courts adopt based traditional formulation among community. These are grounds such as the belief that girls may lay false charges because they refuse to admit to having consented to the sexual consent which they are ashamed.



Additionally, are also other legislations which deals with similar aspect such as Domestic Violence Act (No. 116 of 1998), the Sexual Offences Act and Related Matters Amendment Act (No. 32 of 2007) and the Child Justice Act (No. 75 of 2008). It is the duty of all service providers to ensure the effective functioning of the frameworks and policies to ensure that victim's rights are adhered to. The Constitution of South Africa protects the fundamental human rights of all South Africans. However, it does not specifically mention victims' rights in general, but they are included in the general rights of South Africans. From this perspective we can say that sexual assault victims have the right which are protected by the Constitution, 1996.

### **5.3. THE IDENTIFIED THEMES AND CHALLENGES BASED ON STUDY AIM AND OBJECTIVES**

#### **5.3.1 Response to cases involving victims of sexual offenses**

The researcher obtained experiential information by interviewing Eight (08) police officers. The researcher was interested on the role played by Police Officers since they are mostly first persons to respond and assist the victim. Participants were asked to share their general experiences, knowledge and understanding on their experiences within the CJS in relation to Child Sexual Abuse. The researcher followed the interview schedule to ask questions. Question 1 in the interview schedule [Annexure D] (*How do police officers initiate their response after a case of child sexual assault?*).

The acquired responses are encompassed in the raw data (see Annexure D). The following subheadings were identified during the analysis of responses: Victim Empowerment Rooms; Client Service Centre and Gender Roles. Through the use of the interviews, the researcher's findings were supported by the participant's comments, as they indicated that:

*"Officers at the frontline will take the child to the victim empowerment room and ask questions as he or she will be taking a statement and opening a case of sexual assault. If the victim phoned, the officer will visit the victim wherever he or she is and open a case."* **(Participant 1)**

*“Police officers on duty take along a docket to the scene or open a case at the Community service centre (CSC). The victim will be moved to the victim empowerment room or be interviewed in a private place if it is at home.” (Participant 2)*

Predominantly, participants shared similar sentiments as some articulate that:

*“The police official on duty will be identified and the officer of the same gender with the victim will be identified to attend to the case.” (Participant 4)*

*A police officer of the same gender as the victim is dispatched to the scene or home of the victim. The police officer must have in mind the questions and a proper approach to the child and the family (Participant 7)*

With regard to the psychological wellbeing of the victim during the case management approach, participants showed sensitivity as a form of a responsive responsibility. This statement is supported by the following participants, who said:

*“The child will be taken to a private place for interview. The officer on duty will briefly ask questions, thereby introducing him or herself to the victim. The officer will try to build a rapport in order to get the child to feel speak and feel confident. If the child is able to talk, the officer must avoid lead questions.” (Participant 3)*

*“In most cases or usually victims walk in at the Community Service Center (CSC). Police official undertake an interview, capture on the Case Administration System (CAS) at a private place and take the statement with to the hospital as they accompany the victim” (Participant 5)*

*The victim will be taken to a private room for privacy, where a statement will be conducted. A call will be dispatched from 10111 and Visible Policing (VISPOL) to attend to the victim (Participant 6)*

*‘The officer on duty will open a docket and take a statement from the victim in a sincere and respectful manner. A victim empowerment room or a private room will be utilised to conduct such a statement in order to maintain privacy and respect to the victim” (Participant 8)*

The findings indicate that participants have a background understanding on the concept child sexual abuse. Through their experiences, the researcher found among others that participants use their best efforts by following the right procedures when attending victims.

**Table 4:** Police Response after case activation

Participants	Frequency	The Reaction Phase				DID NOT ANSWER
		Victim Empowerment Rooms	Client Service Centre	Gender Roles		
Number of participants	8	4	2	2	None	

### 5.3.1.1 Interpretation and deductions

Paragraph 2.2.1 of chapter two of this study confirm this finding as stated by (Masango, 2015) by indicating that with the evidence provided through collected data, for apparent reasons, the CJS in accordance with the collected information give their best interest and efforts to treat cases of CSA in the most apparent manner.

However, this expressed views by the participants reads with paragraph 2.3.1 of chapter two of this study, when (Matthews, 2009) reveals that the researcher holds the thought that community and victims has lost faith in CJS and due to thin police on how some officials responds to sexual abuse cases, unjust decisions taken by court to cross question and also apply cautionary rule.

In favor of the child victim, Corcoran, Stephenson, Perryman and Allen (2001) as indicated in paragraph 2.9 of this study allude that the only option to guardians and community is to join hands in the fight against of CSA with a little knowledge of administering justice. Through information obtained from literature, for example in chapter 2.2.1 (Jenny & Crawford-Jakubiak, 2013) outlined that acts of child sexual offences can be associated to the ignorance and failure of police to adhere to their tasks. From an analysis of the obtained information as depicted in table 4, a deduction can be made that Victim Empowerment Rooms are considered as favorable during case engagement with the victim. Notably, some participants indicated that persons of the same gender must attend to child victims.

### 5.3.2 Protection and Detention of potential evidence

Braswell, Miller and Pollock (2020) as presented in paragraph 2.2.1.3 the researcher noted the importance of protection and detention of valuable evidence on the scene.

Through thorough engagement with the participants during focus group interviews, the researcher established that crime scene management and protection is an important component on the police role given for instance, (Frohmann, 1991) indicated that the activation of a crime scene investigation and protection of evidence is the most crucial step that requires thorough skills. The second question in the interview schedule [Annexure D] (Which steps are taken into cognisance at the crime scene to ensure proper detection and protection of evidence?) was asked to get information from participants to establish on how the steps taken into consideration to ensure that evidence is well detected and protected.

The responses to the second interview question required participants to share their experiences in relation to crime scene management. The findings of this study revealed that crime scene barricading is one of the steps that ensures detection and protection of evidence. Table 5 also shows that medical examination forms part of such detection.

Through the use of the interviews, the researcher's findings were supported by the participant's comments, as they indicated that:

*Officers when arriving at the scene must protect the crime scene by surrounding the crime area with a barrier tape to protect evidence. When the officers had identified evidence, it will be collected and placed in a crime scene kit (Participant 1)*

*The officer on duty will on the arrival at the crime scene, use the cordoning off tape to protect the identified place of the crime scene. The officer will remove bystanders if available then identify and collect evidence. Evidence found will be collected and placed in a crime scene (Participant 2)*

*The geographical disturbance must be checked first and body of the victim and of the suspect as well. The victim must instantly be taken for the medical examination. The place of the scene must first be barricaded. A crime scene kit will be used to collect evidence, and then later be sent to the station. A P13 kit will be kept safe for further investigation. Biological block and the LCRC will be available to collect unseen evidence (Participant 3)*

*Crime scene is protected and secured. The victim docket will be used to open a case. Statement will be written on a handbook and evidence will be collected by members of the LCRC (Participant 5)*

*The officer will have to secure the place of the scene with a crime scene tape, collect data and put it safe in a crime scene kit (Participant 6)*

*The police officer at their arrival must secure the crime scene or the child. From the secured area, the police officer will identify any evidence and put it in a crime scene kit. The officer will use a crime scene tape to secure evidence (Participant 7)*

*Firstly, bystander control scene is applied using a cordoning off ribbon to protect contamination of evidence. Special Unit Case are called to collect evidence using a crime scene kit (Participant 8)*

A child will be advised not to bath or change clothes if the incident had just happened. A doctor will be contacted or the child will be taken to hospital for medical examination after a member of the SAPS FCS was informed (**Participant 4**)

The findings indicate that participants support and advocate the importance of cordoning off scene to protect evidence. During the interviews the researcher also found that SAPS officials do advise the victim not to change their or take a bath since it might destroy valuable evidence.

**Table 5:** Crime Scene Management

Participants	Frequency	Detention of Valuable information/evidence		
		Medical Examination	Crime Scene Barricading	ANSWER DID NOT
Number of participants	8	1	7	None

### 5.3.2.1 Interpretation and deductions

The researcher learnt the importance of cordoning off the crime scene as one of the important component.

### 5.3.3 Interviewing

Through the interview process the researcher established that during statement taking, it should be taken into account that victims had already suffered. Views by the participants reads with paragraph 2.2.3 of chapter two of this study, when (Doak, 2011) stated that the cross questioning of children victims in order to obtain evidence is the most traumatizing experience as they experience as the process of recalling the incidents is triggered.

The third question in the interview schedule [Annexure D] (How do police officers obtain statements from children who suffered any conduct of sexual assault?) was asked to get information from participants on how officers take statements form the victims. The responses to the third interview question became a body of knowledge to be analysed by the researcher for patterns, themes and biasness.

For the most part, participants' responses were more or less similar as some expressed that:

*The child will be placed in a private room and an official of the same gender will approach the victim and ask questions. The officer will build a relationship with the child and thereafter try to ask questions related to the incident. The officer must not ask lead questions in order to find out the truth* **(Participant 1)**

*The official at the crime scene will take the child to a private place, try to win the child's trust, ask a question that does not lead directly to the incidents. If the child starts crying, the officer must stop asking lead questions and if the child cannot speak, the officer must try to give the child some toys or a book and a pen to draw or write anything. The child will must be given chance to rest or write anything. The child must be given chance to rest until the child can is comfortable to continue with the interview or the questioning must be stopped and it will continue either the following day or later when the child is ready* **(Participant 2)**

*A child or victims in most cases are traumatised by the incident. It then requires psychological and emotional state to do so. Children of these cases will be taken to an interview room. Officers must build rapport and make sure that the child is interviewed with their preferred language. The officer must then ask but not lead victims to answer questions* **(Participant 3)**

*The officer use interview rooms where the child feels safe and a friendship and trust must be built before the officer can ask question regarding the incident. The use of drawings and dolls are common tools to get information. The officer must be really patient with child and also observe every move that the child makes. As the child plays with toys or drawings, the officer will use those to draw evidence* **(Participant 4)**

*A child is often taken to a private place or an interview room in order to obtain a successful interview. The officer will not ask lead questions and in between he or she will be identifying and collecting evidence through facial expression and body language* **(Participant 7)**

Some of the participants had a different perspective on the question as one mentioned that:

*Through the assessment, followed by led questions. Put the child at ease so that the child can relax and also in the middle of a friendly conversation, through some hints before asking about the assault. When asking questions, the officer must observe facial expressions to avoid triggering emotions* **(Participant 5)**

Another participant made a submission on the building of a good rapport as such lead to gaining trust from the victim:

*The police officers build a rapport to gain the victims trust. Lead questions will not be asked by the officer in charge and apply measures to protect the child's psychological well-being* **(Participant 6)**

*Police attending the scene must ensure comfort and safety to the victim in order to be able to speak to the victims* **(Participant 8)**

The findings indicate that private rooms are the most convenient places to interview the victims of CSA. This view by the participants reads with paragraph 2.2.1 of chapter two of this study, when Bandes (1996) indicates that the official taking statement must ensure that the child is interviewed in a private space to ensure care, patience, respect and empathy. The researcher, also noted that building a good rapport is important while dealing with cases involving child victims. Participants support and advocate the importance of cordoning off scene to protect evidence. During the interviews the researcher also found that Police Officers do advise the victim not to change their or take a bath since it might destroy valuable evidence.

**Table 6:** Interviewing of Child Victims

Participants	Frequency	Obtaining information from CSA victims				DID NOT ANSWER
		Building Rapport	Follow-up Questions	Private Rooms		
Number of participants	8	2	1	5	None	

### 5.3.3.1 Interpretation and deductions

The table above (5.4) indicates that private rooms are much accommodative for children who suffered sexual victimisation. The researcher found that building rapport with victims is important hence follow-up questions are necessary. Masango, (2015) as indicated in paragraph 2.2.1 of this study supported the notion that private rooms are essential to build trust and to build rapport. It can be deduced that FSWs need to devote proper attention while dealing with sensitive cases involving children.

### 5.3.4 Police advocacy on the dissemination of information

Through the interview process the researcher established that police officers should keep the victim informed on any case involving them. The fourth question in the interview schedule [Annexure D] (How do the police keep the victim informed about cases of sexual assault involving them?) was asked to get information from participants on the manner in which they communicate with victims. The responses to the fourth interview question became a body of knowledge to be analysed by the

researcher for patterns, themes and biasness. The views of participants are supported by Gromet and Darley (2006) when both agreed that victims must be informed about the ongoing case processes. The following subthemes were identified in relation to communication: Through Intermediary (Social Workers); Personal visits or through Phone and Parent or Guardian.

Mostly, shared similar sentiments on the communication criteria followed to update victims on the progress of the case involving them, some said that:

*In most cases, children staying with parents will take the responsibility of keeping up the contact with the investigating officer. The officer will update the family with the case status (Participant 1)*

*The official will contact the guardian or the parents of the victim. If the child victim is over 16 years to 18 years and has a cell phone, the investigator will contact the victim directly (Participant 2)*

*A guardian or a parent will be the one who is informed about any information regarding the case (Participant 5)*

*The FCS member handling the case of child sexual assault will inform the parent or guardian about the information pertaining the cases (Participant 6)*

*The police communicate with the guardian or parent of the alleged victim, if need be. However, the police will inform the family of the victim (Participant 7)*

*The victim will be phoned. If the victim is underage the official will communicate with the parents or the guardian to share the information (Participant 8)*

However, some participant had different sentiment as articulate that:

*Officers will either phone or the victim or they can visit them. The officers follow the National Instruction 3 of 2008 that states that there should be two or more visits to the victim then the officer will inform the victims (Participant 3)*

Another participant shared similar views while articulating that:

*The police officers will communicate with the social workers in-charge of the case and the social workers are the ones who communicate with the family, guardian or the victim regarding the case proceedings (Participant 4)*

The study revealed that parents or guardian play a crucial role on disseminating information between them (Parents) and the police in situations where children had been victimised. The results of the study further show that Social Workers also have a role to play in terms of communicating any information affecting child. The Children's Act also imposes a legal obligation on a wide range of professionals and



officials as well as staff and volunteer workers involved in delivery of child-targeted service to report cases of abuse or neglect of children to the police, to social workers or to an agency designated in terms of the Children’s Act [No. 38 of 2005]. This is views reads with paragraph 2.2.1 when Faller (2015) when stating that social workers also play a role during the process of an activated child sexual abuse case. The Act also receives support from the principles set out by the influential Sir Robert (Manganyi, 2017). In a reasoned support, both Peel and Manganyi are of the view that crime cannot be prevented by a single structure within our communities. Hence integrated efforts in curbing CSA are sought and can possible yield positive outcomes.

**Table 7:** Communication between the police and Child Sexual Abuse victims

Participants	Frequency	Channels of communication				DID NOT ANSWER
		(Social Workers)	Through Intermediary	Phone or through Personal visits	Parent or Guardian	
Number of participants	8	1		1	6	None

#### 5.3.4.1 Interpretation and deductions

The findings of this study in terms of communication between the police and children concerned, is evident as shown in table 5.5 above that guardians or parents must take full responsibility.

#### 5.3.5 Protection of medical and psychological well-being

Following the interviews schedule based on the sensitivity of the victims’ wellbeing, the researcher’s findings were supported by the participant’s comments, as they indicated that:

*The child must be examined by a medical doctor for medical treatment if required. A social worker will speak to the child in many instances to ensure that they are psychologically stable. If necessary, the child will be referred to a psychologist if he or she cannot cope (Participant 1)*

*The child will be taken to a medical doctor. If there are medical issues such as abrasions, the child will be admitted for further treatment. A psychologist will be identified and assigned to attend to a case if the victim child does not cope with the sexual assault. A social worker is also essential for the case in case the child cannot cope (Participant 2)*

*After the relevant procedure, the child will be taken to see the social worker and if the child is mentally challenged, the child will be referred to the psychologist. Medical attention will be forwarded to the medical centre for further examination (Participant 3)*

*To ensure the protection of medical and psychological wellbeing the child will be taken to a doctor for medical treatment including HIV testing, pregnancy and other medical treatments such as cuts. The child will be referred to a psychologist (Participant 4)*

The researcher looked into some of the participants' comments through the use of the interviews, the findings were in line with the researcher's findings, as they indicated that:

*Firstly, the child will check if the victim is in shock or bleeding. Attend to the victim by giving them water and put the victim in a private place (Participant 5)*

Some participants had said:

*The police official will contact the FSW to ensure that the child is well taken of psychologically (Participant 6)*

*The FSW or the social worker from the Department of Social Development will ensure proper arrangements for the child's necessary needs. Proper arrangements will be made by social workers to provide counselling for the child (Participant 7)*

Another respondent has to say the following in relation to the question asked:

*FCS is summoned to take care of the psychological and medical treatment due to the case from the police who responded to the scene (Participant 8)*

The findings of this study advocate the utilisation and the proffering of medical attention to the victim. To ensure that victims are well catered for and their dignity respected must be treated by a trained personnel who understand the importance of creating comfortability. Section 10 in the Bill of Rights asserts that everyone has inherent dignity and the right to have their dignity respected and protected. Ideally the sexual offences victims should be provided with information about the service they have accessed, methods of contacting the treating practitioner if required and details of follow-up services. However, the same rights should be applied to the offender but the offender's right should not overshadow the victims'. This views are

in line with Meintjies-Van der Walt, (1998) when alluding that not only victims seek medical attention.

**Table 8:** The protection of medical and psychological well-being of victims

Participants	Frequency	Victim's Well-Being				
		Summon FSC	FSW /Psychologist	Creating comfortability	Medical Attention	DID NOT ANSWER
Number of participants	8	1	2	1	4	None

### 5.3.5.1 Interpretation and deductions

The researcher's justification above suffices to accept and advocating the respect of victims of sexual assault.

### 5.3.6 Post-case communication

Through the interview process the researcher established that post-case communication was a factor that deserves an attentive investigator. Post-case communication with the victim is important, especially during a follow-up investigation and victim support.

The researcher asked a question in the interview schedule [Annexure D] (How do the police keep the victim informed about cases of sexual assault involving them? The responses to the interview question became a body of knowledge to be analysed by the researcher for patterns, themes and biasness. The majority of participants shared the same sentiment and indicated that:

*Yes: It will be in the hands of the special unit services (Participant 1)*

*Yes: If the case needs further investigation then the police officer will call the child for further interview (Participant 2)*

*Yes: When they attend courts however, it is not necessary. If not, why? The police official will only speak to the judiciary when giving a statement (Participant 3)*

Yes: It can only be possible when the case is at the court level. If not, why? **(Participant 4)**

The first responder must be the one who can communicate with the victim only during court proceedings, if necessary **(Participant 4)**

Yes: If there are further investigations to be undertaken, the officers will visit the victim for interview purpose. If no, why? **(Participant 4)**

No, the victim's family or the victim will communicate with the FSW or the social worker who will inform them about the process of the case **(Participant 5)**

Yes: If the victim can have any challenge, the victim is allowed to contact the investigating officers in charge of the case. The officer must also check or visit the victim to check the progress **(Participant 6)**

Yes: The investigating officer will contact or pay the victim a visit just to check how he or she is coping **(Participant 7)**

If not, why? It depends on how the investigating officer handles the case. However, it is advisable to continuously check on the victim because some offenders reside with the victim **(Participant 4)**

Yes: The investigating officer will keep in touch with the family of the victim and the officer will visit the child to check on their process of healing **(Participant 8)**

**Table 9:** Post-case communication with the Victim

Participants	Frequency	Police-Victim(s) post-case communication	
		Post-case communication exist between the police and the victim	ANSWER DID NOT
Number of participants	8	8	None

### 5.3.6.1 Interpretation and deduction

Communication is also imperative in engaging citizen support the victims and mobilizing neighbourhoods' around crime prevention. Community crime prevention is premised on the belief that for neighbourhoods to promote community safety, action must be pursued through a collective effort. Thus, the efficacy of a police department in advancing its communication to different structures apart from the direct victim's is dependent upon their ability to promote collective action. Table 5.8 above provide a self-explanatory evidence in relation to the existence of post-case communication between the police and the victim.

### 5.3.7 Understanding

The researcher intended to have an insight on the preparedness of police officers responding to cases of CSA. Therefore, the researcher asked her participants the following question: Do police officers understand their role to the victims? If yes, how? If no, why?

Below are the participant’s sentiments in response to the question asked;

*Yes: Officers are obliged to support, protect and apply safety measures to the public. A police officer must be a source of safety to people (Participant 1)*

*Yes: The police officers are bound by the law to protect to the public. Officials must be the lasting hope for people as they can provide safety (Participant 2)*

*Yes: Any police officer was given training to deal with victims. The officer must avoid the emotions and psychological transference [Counter transference] (Participant 3)*

*Yes: It is the police duty to protect victims from forms of harm and to reassure them that they are safer from their offenders (Participant 4)*

*Yes: To provide the best support and to avoid secondary victimisation as understanding their situation towards their ordeal. Some officials treat victims unfairly; they respond to victims without ensuring or thinking for their psychological need. Secondary victimisation through verbal instigates more pain and hurt to victims (Participant 5)*

*Yes: They know and understand the needs of the victim. If no, why? Some victims suffer psychological distress under the watch of the police officials (Participant 6)*

*Yes: Police officers are trained to work efficiently with victims thereby respecting their rights, protecting them from further harm and ensuring that law takes its cause (Participant 7)*

*Yes: Quality service is rendered to victims and the community at large. Victims are given the best services. It is the police duty to ensure best the service to victims (Participant 8)*

Notably, the findings as shown in the below table it lead to the conclusion that Police Officers are familiar and understand their role.

**Table 10:** Police officers understanding on their roles in Child Sexual Abuse

Participants	Frequency	Police-Victim(s) post-case communication		
		Police Officers role misunderstanding	Police Officers familiarity and understanding their role	DID NOT ANSWER
Number of participants	8	1	7	None

### 5.3.8 The utilisation of hotlines

Through the interview process the researcher established that the utilisation of anonymous hotlines to report crime help the victims to quickly get help. As it is of common knowledge that there are some people staying far away from police stations. That makes it much easier to get help. The last question in the interview schedule that was directed to the police [Annexure D] (Do the police encourage members of the community to use the hotlines to report cases of CSA?) was asked to get information from participants on how hotlines help victims to report crime.

*Yes. Some victims stay far from the police stations and finance is often a problem (Participant 1)*

*Yes: Police officers acknowledge the use of hotlines by victims because some victims are ashamed to disclose to their families and some are threatened to be killed if they spoke about the incidents (Participant 2)*

*Yes: Due to responses of some officials, it is advisable for victims to use hotlines to report such incidents. Children are advised to use child line or 10111 (Participant 5)*

*Yes: Officers encourage victims to use child line or identified means to report cases. This is influenced by perpetrated secondary victimisation. District officers will identify the caller and the victim will be assisted (Participant 6)*

*Yes: some victims or family members are ashamed to speak out in front of people, therefore, it is advisable for victims to use hotlines provided by the government such as child hotline or 10111 (Participant 7)*

*Yes: in cases where there is an encounter in transportation like when the victim stays far from the police station, the victim is advised to call hotlines to report cases and the officer on duty will be dispatched to attend the victim (Participant 8)*

*if the victim does not want to be in an open space or go to the police station, they can and be attended to at the comfort of their own preferences (Participant 3)*

Through the use of the schedule, the researcher found that some participants shared similar perceptions as they mentioned that:

*Some victims after the ordeal, does not want to be with people or see people. It is advisable for the victims or family members of the victims to call and be attended to. By so doing, evidence can be traced if it is a recent incident (Participant 7)*

*At some point victims will be traumatised and the frontline officers might be the same gender that sexually assaulted the victim. that will make the victim uncomfortable to talk in-front of the gender. It is advisable that victims make calls at their own comfort and a relevant gender will be dispatched to attend to such cases telephonically (Participant 4)*

**Table 11:** The utilisation of hotlines

Participants	Frequency	Police-community empowerment (Hotlines)		
		Unwillingness to report the ordeal	Police Officials encourage the community on the use of hotlines	DID NOT ANSWER
Number of participants	8	1	7	None

### 5.3.8.1 Interpretation and deduction

Table 11 clearly sums it up. Majority of the participants submitted that Police Officials encourage the community to use hotlines while reporting crime.

## 5.4. THE SOCIAL WORKERS EXPRESSIONS

The researcher presents data collected from the FSW from the PPC within the FCS unit. Biographical details were obtained from one participant to establish their background knowledge and experience in dealing with cases of children who suffered sexual assault. The age of the participant was 43 at the time of interviews and an African female. The obtain information reveals that she poses a Bachelor of Arts (BA) Social Work and Masters of Arts (MA) in Forensic Social Work qualifications which the researcher deem them relevant on the study of this nature. In an endeavour to obtain information relevant to the study in question. The researcher asked her a first question: Are victims kept informed about the process of their cases? The following response was provided: Yes; we explain the process from contract to the report compilation on our side. It was further elaborated that they have conversation on first contact to explain what we are going to do and where it will end. In this regard, the researcher concludes that victim’s entitlements are satisfactorily met. Furthermore, the researcher asked the second question: Do you have a conversation office where victims of sexual offences are assisted? If so, how do you ensure the confidentiality of the information? And why?

In response to the second question, the participant indicated that they have consultation office in every SAPS FCS unit. Every child is assessed in a private

space and their files are kept in lockable stakeholders and information is shared only for cases consultations and supervisions. With sound knowledge and understanding of applicable acceptable ethical standards, it can be deduced that the information that can reveal the identity of the participants is well respected. Moreover, the researcher was interested in finding out the challenges experienced by FSW while effecting their duties. The study reveals that challenges are there. However, as a resolution to those challenges they hold meetings with the commanders of SAPS FCS whenever there is challenges and communications is regular and constant between FSW and investigating officers and commanders.

#### **5.4.1 Interpretation and deductions**

The researcher's interest on the inputs to be provided by the FSW was encouraged by the role in cases involving children. The responses provided on the role played by the FSW enriched the researcher with a clear understanding. The concerns which were noted at the beginning that led the researcher to thought about the psychological well-being of the victims was properly covered. Regardless of the challenges experienced while dealing with cases involving children. It can be deduced that the FSW commit themselves to ensure that victims are kept informed and protected from any identified harm.

#### **5.5. THE JUDICIARY VIEWS**

The researcher presents the biographical details of the KII3 in this section. The researcher asked the participants about their biographical details in order to establish their background which can have an influence on the study topic. The age group of the respondents ranged from Thirty-five (35) up to Forty-five (54) years; this age range was considered very relevant for this study as it enabled the researcher to obtain information from a sound legal minded personnel. All the participants possess a well required LLB qualification. both the youth and the adults. The majority of the research participants three were Africans and one Coloured. The researcher deemed the numbers for each of the racial group to be representative considering the research area which is predominately an African-populated rural environment.



**Table 12:** Biographical details of the KII3

Participants	Responses on biographical details of the participants					
	Age	Gender	Race	Educational background	Occupation/Position	Years in service
A	40	Female	African	LLB	Prosecutor	5
B	35	Female	African	LLB	Prosecutor	3
C	43	Male	African	LLB	Public Prosecutor	-
D	45	Female	Coloured	LLB	Central Prosecutor	6

### 5.5.1 Judicial Approach to the cases of Child Sexual Abuse

The researcher explored information deemed vital to answer the question posed to the participants in relation to their views on the criminal justice system and health care practitioners responsible for child sexual victimisation cases. Each participant was asked “How do you approach cases involving children who suffered sexual assault?” The research study exposed the fact that most of the participants were of the view that attending to a child sexual abuse case requires a solid knowledge foundation and understanding of phenomenon of child sexual abuse.

The researcher’s findings are supported by the comments from some of the participants with reference to CSA, as they said:

*Always with a great amount of sensitivity urgency and professionalism because it involves children and because it is extremely serious matter (Participant 1)*

*Cases of CSA are approached with a manner of great concern considering the professional urgency as stated in the constitution of South Africa, 1996 (Participant 2)*

*The emotional and psychological state should always be stable in order to administer the professional required assistance to the victims (Participant 3)*

*With the utmost truth, sensitivity and respectful manner that portrays respect and the protection of the victim’s dignity (Participant 4)*

#### 5.5.1.1 Interpretations and deductions

With the obtained information, it can be concluded that the CJS personnel, government and law enforcement agencies are always at the forefront to attend to cases of CSA in encouraging family members to the victims to adhere to reporting

child sexual cases plea and same applies to officials to adhere to the expected procedural law when responding to this crime.

### **5.5.2 Decision to proceed with sexual assault cases**

The researcher was interested on finding out from the judiciary as to what informs their personnel to consider the decision to proceed with the cases of sexual assault involving child victims. Hence the question; What informs the decision to proceed with sexual assault cases where children were victims? Was asked.

The researcher's findings are supported by the comments from the participants with reference to CSA, as they said:

*The strength of the state's case and the ability of the child to testify. The seriousness of the allegations levelled against the accused (Participant 1)*

*The strength of the child victim's evidence. If the state foresees genuine evidence through corroboration and cautionary rule, then the decision to rule or prosecute will be granted (Participant 2)*

*The evidence provided and collected during the investigation process ad-hoc to consider accusation to be an informed case (Participant 3)*

*The quality in the evidence provided. To provide genuine response for the state requirements considering the professional urgency as stated in the constitution of South Africa, 1996 (Participant 4)*

#### **5.5.2.1 Interpretations and deductions**

The responses from the participants shows that the strength of the case is what informs the decision to prosecute or not. Furthermore, it is clear from the responses that cautionary rule is important while dealing with cases involving children. To show relevancy, one of the participant indicated that the evidence provided and collected during the investigation process ad-hoc to consider accusation to be an informed case. This is also in line with the revelation of the literature which showed the researcher about the importance of integrated efforts in cases of this nature.

### **5.5.3 The treatment of evidence proffered by child victims**

The above theme seeks to determine how legislative frameworks respond to the CSA impact on victims. Some participants reported stress as the aftermath of the

ordeal affects their emotional state when interviewing the sexually abused victims. According to them, the fact that children suffer more psychological distress as they give statements through the cross questioning and the application of the cautionary rule, makes it difficult for children to elaborate the process of the sexual offence occurrence. The age concerned, is deemed as the phase where a person can be considered to might had given informed consent to sexual activity or the acts of sexual nature. The researcher's findings are supported by the comments of some of the participants in relation to the treatment provided by young victims, as they indicated that:

*The emotional and psychological state should always be stable in order to administer the professional required assistant to the victims (Participant 1)*

*Yes, after cross examination there is always more value to be added to the evidence of any victims. You can always argue that the child was subjected to (often) fierce. Cross exam but remained consistent in his or her occurrence of the events as it transpired. It strengthens the credibility of the witness. (Participant 2)*

*In order for the case to be ruled, cross examination has to be applied. The value of evidence is embedded in the cross examination for the purpose of sound evidence (Participant 3)*

*The value of the case relies on the cross examination in order to detect consistency in the number of testimony given by the victim. From the response of the victim post the cross examination, the likelihood of a profound evidence is of the greatest value to the case (Participant 4)*

### 5.5.3.1 Interpretations and deductions

The researcher is fond to outline that the collected information was limited with regards to the knowledge of good approach to cautionary rule of law in CSA cases. However, the law should look into the cautionary rule before it can take its cause. The criminal justice system role-players should conduct awareness programs focusing on the rule of law. Again, the consulted information posits that the Criminal justice system personnel including health workers and the Judiciaries, especially those who work directly with these cases, to be more equipped particularly on the newly amended legislative procedures guiding the response processes. Finally, the consulted information puts a strong focus on the need for government to strengthen initiated efforts aimed at educating community members about the importance of protecting and reporting cases of this nature.

### 5.5.4 The decision to struck cases off the roll

The researcher noted during preliminary investigation that cases involving child victims are often struck off the roll. She had to asked the following question to the judiciary: What informs the decision to struck cases off the roll? In their response the participants submitted the following:

*Lack of evidence, delays in the investigating the witness of the matter (i.e) DNA / Forensic, reports, among others (Participant 1)*

*The state will not find proof to convince the judiciary to rule over the case or the victim will drop charges against the offender and or the victim or the parent would have lied about the incident. There is in most cases no sound evidences to rule therefore such cases they are struck off for further investigations (Participant 2)*

*In most cases the court will identify inconsistency in the evidence provided. Either from the foundation of the investigation or through not so sound evidence from witnesses (Participant 3)*

*Lack of determination from the investigators often leads to cases without sound evidence to prosecute. Loss of evidence or docket (Participant 4)*

#### 5.5.4.1 Interpretation and deduction

The study findings reveal that any person dealing with cases involving child and collected the information from them, the value of evidence provided must be examined.

## 5.6. SUMMARY

This chapter presented the empirical evidence obtained through the use of interview with both the SAPS; FSW and the Judiciary. Regardless of the pandemic challenges, the researcher had face-to-face interviews with the participants and all proper protocols were observed. This chapter was thematically presented and interpretations of the responses were duly provided. This enabled the researcher to interpret the information obtained. The interpreted data accorded the researcher with an opportunity to present the self-explanatory findings and ensured that her opinions were voiced through deductions. The following chapter will present the summary, conclusions and recommendations.

## **CHAPTER SIX**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **6.1. INTRODUCTION**

This chapter outlines the overall summary of this study and conclusions that were drawn concerning the overall treatment of sexually abused children from the CJS personnel. Additionally, the findings, recommendations are made in respect of how the assigned personnel respond to factors leading to CSA and helping on how the push factors can be addressed. The recommendations are in line with all aspects gathered from the experiential study. The researcher conducted in-depth interviews with local SAPS officials, local prosecutors and social workers.

This study aimed to explore the treatment of children as victims of sexual offences within the PPC in the LIM Province. This study further elaborates on how the CJS respond to the cases and needs of the victims; what they distinguish as causes of CSA; experiences of the assigned personnel; strategies that service providers can use when working with victims of child sexual abuse and establishing new means on how the research findings can effect policy change. Additionally, the chapter presents how the aligned personnel manage crime scene for a successful prosecution. Recommendations are drawn from the analysis conducted in the previous chapter.

In the previous chapter, the researcher provided insight into the findings assembled during the analysis of data. The emerging themes and challenges to evidently specify trends and patterns produced during the data analysis procedures were also discussed. Existing theories in relation to the study enlarged the given information from which the researcher came about with the creation of an informative analysis. This study is important because there is an increase of child sexual abuse incidents in South Africa; and therefore, this study will enlighten service providers and policy makers on this valid issue. Hopefully, this study will further provide them with new strategies and information on how best to address the issue at hand. Conclusions

and recommendations will be made for each theme and conclusions and recommendations from data analysed from the eleven participants within the PPC of with be addressed.

## **6.2. STUDY OVERALL SUMMARY**

**Chapter one** begins with the overall introduction and background of the rationale behind for this study, namely; the exploration within the criminal justice system on the treatment of children as victims of sexual offences. The problem to be researched was clearly presented on the problem statement, clearly showing the main focus of the study. The research aims, and the objectives of this study followed and explained the intentions of this study. The aim of this study was to explore the experiences of distinct personnel within the CJS on the treatment of children as victims of sexual offences within the PPC in the LIM Province.

Additionally, the value of this study and its envisioned results were presented, provisioned by a clarification of the demarcation of this study. Subsequently, fundamental key theoretical concepts of study were clearly elaborated to deliver an in-depth understanding of the study at hand. Successively, I order to clarify specific steps that were applied to elaborate the research problem, research methodology was presented and discussed under the research topic. The relevant methods of ensuring the obliged ethical considerations of this study are also presented in this chapter.

**Chapter two** presented an overview of the research problem and factors contributing to CSA. This overview included a brief background of factors that are challenging for victims of CSA, the contributing effects and the nature of approaching cases of child sexual abuse, including types of perpetuated secondary abuse and their impact on victims. Reasons why victims or parents keep silent about the ordeal were also discussed. Challenges faced when responding to cases of child sexual abuse, faced by officials (CJS and health practitioners) and victims were also presented. This also included how the psychological wellbeing of victims are attended to thereafter. Lastly, this chapter concluded with an overview of the

effectiveness of current policies dealing with the issue of child sexual abuse in South Africa, including legislation such as Children's Act (No. 38 of 2005), CPA (No. 51 of 1977) as well as the Constitution of South Africa Act (No. 106 of 1998).

**Chapter three** lied of a summary of the theoretical framework. This overview included a brief background of special attention is devoted to victims of CSA, how their needs are met within the CJS in the democratic South Africa. The chapter also focused on the perspective of the International and national African Legislative framework regarding the rights of children. In this chapter, secondary data to address the theoretical framework influenced the chosen topic under. In addition, the importance and criticisms of the both parties' needs were discussed.

In **chapter four**, the aim of the data analysis was clearly outlined for the understanding of the data obtained. Data obtained from SAPS officials; NPA and social workers were demonstrated and defined. The emerged theme was commenced with an explanation. This aim was realised by means of analysis of the relationship between concepts, constructs and variables, the identification and isolation of patterns and trends, as well as the establishment of emergent themes and subthemes. This chapter concluded with a critical reflection of each theme and subtheme.

In **chapter five**, the interpretation of the analysed results were interpreted and measured in line with the inclusive body of literature, as presented and discussed in Chapters 2. The discussion of each theme presented was substantiated by the inclusion of various objectives, as described in chapter one of this study.

Furthermore, in this **chapter [Six]** an inclusion of participants' perspectives incorporated to form a complete interpretation of all the findings in the form of summary, conclusions and recommendations are discussed.

### **6.3. STUDY CONCLUSIONS**

This study firmly looked into the remote factors contributing to CSA within the PPC in the LIM Province. It is safe to conclude that most of the complaints are dealt with by the SAPS officials followed by the health practitioners and lastly by the judiciary. However, most participants largely claim that they support and provide proper care and treatment. The paramount discourse from the participants' view culture, poverty and patriarchy, plays a major role in the sexual abuse of children. However, other factors such as alcohol abuse, financial dependency and exposure to vulnerability contribute to CSA. The research contributes literature by providing insight into push factors towards the violation of the children's rights. The efficiency of the legislature forms part of the equation because of its effectiveness of the application of the Children's Act (No. 38 of 2005). This study also approached service providers to inquire about their perspectives on this issue and the type of services they offer in dealing with CSA. Consistently, it is paramount important to keep in mind that service providers should collaborate in the fight against CSA.

This chapter is composed of summarised chapter One to Five, followed by recommendations as to how best can the CJS put more effort into this illness and how educational programmes for perpetrators can be implemented. This study is important because it explores on the treatment of the sexually abused children and factors contributing to the abuse in the PPC, LIM Province, South Africa. Consequently, this study also indicates that there is an existence of several areas of incompetency between policy and practice. Additionally, this study indicates that victims experience various types of psychological impairment in their lifetime: PTSD, sexual deviance, economic and psychological abuse.

Exposure to abuse in childhood may result in adult child sexual molesting, insecurities of which victims are left with lifetime wounds such as mistrust, bullying, aggression and low self-esteem. Culture, alcohol abuse, financial dependency, lack of resources and information are regarded as major causes of CSA. The researcher has found that in most disclosed cases of CSA, there is a relationship between victims and perpetrators.



This study has found that victims withdraw or keep secrets about their abuse mainly because officials and the society blame them for their unforeseen circumstances. However, some perpetrators are most feared people and community or family resides under their shadows. Victims are continuously abused because their families are financially dependent on perpetrators and hoping that things will change for the better. Most participants revealed that the CJS personnel are effectively responsive to cases of this nature. Arguably, one participant argued that sometimes police officials are not prone to their assigned duties hence most victims lose hope in the CJS and moreover, cases are struck off the roll mainly because of poor investigation.

#### **6.4. RECOMMENDATIONS DERIVING FROM THE FINDINGS, STUDY AIM AND OBJECTIVES**

Based on the outcomes of the findings, this study requires recommendations on how the implementation of proper educational programmes regarding the problem under investigation could be improved and how adequate training could be pervasive on the officials dealing with cases of child sexual abuse. Therefore, the general recommendations of the study focus on assumed aspects from this study. The challenges and shortcomings in the implementation of the better approach toward such incidents and educational programme in responding to CSA are identified; moreover, the recommendations were deducted, proposed and evoked from the overall findings. Each theme proposed is composed of vital recommendations. Recommendations will be drawn from data analysed on all selected participants and will be addressed.

##### ***6.4.1 Study aim: Exploring the treatment of children as victims of sexual offences within the Polokwane Policing Cluster in the Limpopo Province***

###### **6.4.1.1 Recommendations regarding cultural aspects towards Child Sexual Abuse**

- Educational programmes that are led by men should be prioritised, putting focus on giving information on factors contributing to patriarchal domination and its effect on affected communities. Programs to deconstruct the patriarchal grounds should be encouraged to local communities, schools and other relevant places where young people are found.

- Educational programmes on patriarchal deconstruction should be enforced to assist possible perpetrators to have knowledge on the damages they cause to children and to realise the seriousness of actions that can be taken against their actions. This will also help victims to be aware of different steps that they can take to avoid foreseen actions of sexual abuse and after abuse.
- Educational programmes should be implemented to address power issues in most African culture and will challenge the negative impact of customs such as *Ukuthwala* and at the same time preserve their positive parts.
- There is an urgent need for job creation to increase more employment opportunities for both men and women so that they will be able to provide for their families. The creation of job opportunities will reduce the possibility of non-reported cases as in most cases bread winners and community leaders perpetuate child sexual violence because there is a high rate of unemployment in the country.

#### 6.4.1.2 Recommendations regarding psychological challenges faced by victims

- Educational programmes for officials who deal with sexual abuse of children cases and further educational programs and training are required to equip and empower them with modern strategies, knowledge and skills to respond to these cases.
- There is a need for the implementation of further consultation with victims regarding the provision such as continuous psychological sessions with victims that can increase chances of improving in their lives and to lessen future deviant behaviour as a result of the ordeal.
- There is a need for outreach campaigns to educate victims about their rights to protection, safety, health needs and its impact on their families, partners, and the community at large. These campaign should address the possibilities of the CSA occurrence, silence about such experiences and how to reach for help. These should be implemented in schools, communities and in public and private sectors where everyone including victims can access them.
- Recommendation on the removal of the child victim in the presence of the offender should be highly considered. Safe houses such as *Thuthuzela Care*

Centre must be financed by government so that many victims who need to stay in safe houses can be best provided with necessary needs.

#### 6.4.1.3 Recommendations regarding why victims keep silence about the Child Sexual Abuse

- The CSA legislations should be enforced to inform perpetrators to realise the seriousness of actions that can be taken against them and to help victims to be aware of different steps that they can take after abuse. Offenders must be made aware of the damages they cause to children and how they destroy the future of their victims.
- Educational programs should be emphasised on women and children to acquire skills so that they cannot be financially dependent on men.
- The policy that deals with implementation of provisions such as protection orders should be aware of the effects it has on institutions such as marriage and the consequences it has on the future of the marriage institution.
- The initiation of forums that emphasise supporting and empowering women on challenges that they face when responding to domestic violence and include men in the fight against domestic violence.

#### 6.4.2 Study objective 1: Recommendations on how police officials respond to cases of Child Sexual Abuse

- Educational and skills programmes on sexual offences particularly of child victims should be highly enforced to assist police official to have an in-depth understanding and knowledge on how to best handle such cases and the victims.
- Police officials must impose the *Batho Pele* principle in order to serve and acknowledge their responsibility. These include behavioural, social and communication skills, self-esteem improvement and alternative coping skills. The researcher finds it more important that these personal skills will decrease the possibility of secondary victimisation on vulnerable victims. Consequently, this will help improve the number of reported cases as victims can trust and rely on them for best response.

- There is need to initiate compulsory counselling for police officials as every individual face personal problem. This could lessen the overall claim that police officials do apply secondary victimisation and facing that aim to include police officers in the truest vision to fight against CSA.
- The school curriculum should include the programmes in which police officials should address young children at the primary level on CSA to enlighten and encourage young ones to take steps in protecting and reporting the possibility of sexual offence occurrence on them. If this issue could be tackled at a young age, the fight against child sexual offences could be avoided.

#### **6.4.3 Study objective 2: Recommendations on *Modus Operandi* used in court processes to protect the psychological wellbeing of sexually abused children**

- There is a need for educational programmes for social workers, health professionals and police officers on how to deal with child sexual offence cases. Moreover, public service providers must give their best interest during the investigation process in order to make the law effective. This will also allow the court proceedings to be quick and allow the law to make just decisions when prosecuting.
- When prosecuting, officials should be more sensitive when aligning questions. Cautionary rule must be reviewed as this process often causes more confusion in children and exacerbate the chances of feeling of fear. Officials must assist victims to best recall thereby not applying leading questions, given the fact all proper investigation and proof of the accused is presented. The judiciary must realise the seriousness of their actions as this action might help or further harm.
- There is a need for educational programmes that are led by men that focus on the dissemination of information on domestic violence and its effects to sensitise communities on this issue. Men should have a particular role to play in educating other men about the nature of abuse and how men can change. The programmes should also extend to schools and other places where young people are so as to deconstruct patriarchal breeding grounds.

#### **6.4.4 Study objective 3: Recommendations on the effectiveness of the current policies**

- Educational programs on Children's Act [No. 38 of 2005] and other legislations should be publicly addressed to the public. These strategies can assist perpetrators to realise the seriousness of actions that can be taken against them and to help victims to be aware of different steps they can take after abuse.
- Community members should be given the responsibilities to implement forums and educate the society about the policies in the fight against CSA in order to instill knowledge to perpetrators about the danger of CSA on both the offender and the victim.
- The policy that deals with the implementation of provisions, such as child protection services should be widely address the effects it has on victims and the consequences it has on the future of the victims.
- There need to educate child predators on the definition of CSA as stated in the Sexual Offence and Related Matters Amendment [Act No.32 of 2007] with the inclusion of non-consensual anal penetration of a person. The South African Constitution, 1996 as most of them defines violence from a physical dimension.
- Offenders should get harsh punishment as lighter sentences increase the chances of recidivism. Offenders must be held accountable for their wrong doings thereby being liable for the psychological expenses of their victims if they are financially advantaged.

#### **6.5. THE PROPOSED FUTURE RESEARCH STUDIES**

The need for further research studies on CSA and factors that lead to sexual violence domestic is highly vital in order to prevent and combat future sexual offences against children. The main aim of future researchers should focus on the implementation of open access services that could help survivors of child sexual offences. There is a need for on-going educational programs and skill development for women and children in PPC areas. The studies should focus on how causes of child sexual abuse can be addressed at a primary level. The studies should focus on how the SAPS, the DSD, Department of Health (DoH) and other organisations involved in the fight against children sexual abuse can collaborate to fight and

address this issue. Studies on the cooperation of these stakeholders will contribute to the achievement of the following outcomes:

- Understanding factors that contribute to sexual abuse against children;
- Educating children about possible sexual abuse and how to report such crimes;
- Establishing a joint-venture domestic violence-combating framework with all stakeholders in the fight sexual abuse against children; and
- Establishment of job opportunities and skills development programs for both offenders and victims.

There is a need for the government in LIM Province to work closely with other relevant stakeholders NGOs such as *Thuthuzela* centre to combat child sexual abuse. The government (SAPS, Department of Social Development and health) should foster this cooperation to address factors contributing to sexual abuse of children. SAPS, the DSD and DoH should work closely with all agencies such as (*Thuthuzela*) in the fight against domestic violence provincially and nationally to ensure that there is a collaboration to address causes of CSA.

## LIST OF REFERENCES

- Abel, T., & Frohlich, K. L. (2012). *Capitals and capabilities: Linking structure and agency to reduce health inequalities*.
- Abel, T., & Frohlich, K. L. (2012). *Capitals and capabilities: Linking structure and agency to reduce health inequalities*. Social science & medicine.
- Abrahams, N., & Jewkes, R. (2010). *Barriers to post exposure prophylaxis (PEP) completion after rape: a South African qualitative study*. *Culture, Health & Sexuality*.
- Africa, S. (2007). Criminal Law Sexual Offences and Related Matters and Related Matters Amendments. *Act 32 of 2007*, 1.
- Anderson, C., & Bushman, B. (2001). Effects of violent video games on aggressive behavior, aggressive cognition, aggressive affect, physiological arousal, and prosocial behavior: A meta-analytic review of the scientific literature. *Psychological science*.
- Anderson, R., Chinn, C., Chang, J., Waggoner, M., & Yi, H. (1997). *On the logical integrity of children's arguments*. *Cognition and Instruction*.
- Ankrah, E. (1991 ). *AIDS and the social side of health*. Social Science & Medicine.
- Babbie, E. (2010). *Research design. The practice of social research*.
- Back, C., Gustafsson, P., Larsson, I., & Berterö, C. (2011). *Managing the legal proceedings: An interpretative phenomenological analysis of sexually abused children's experience with the legal process*. *Child abuse & neglect*.
- Badore, F. (2018). *Evaluation of modus operandi as a perpetrator identification technique in the investigation of rape cases (Doctoral dissertation)*.
- Bagaric, M., & Allan, J. (2006). The vacuous concept of dignity. *Journal of Human Rights*, 5(2), 257-270.
- Bandes, S. (1996). *Empathy, narrative, and victim impact statements*. The University of Chicago Law Review.
- Banyard, V., Plante, E., & Moynihan, M. (2004). Bystander education: Bringing a broader community perspective to sexual violence prevention. , 32(1), pp.. *Journal of community psychology*, 32(1), 61-79.
- Baryamureeba, V., & Tushabe, F. (2004). *The enhanced digital investigation process model*. *Digital Investigation*.
- Becker, R. (2004 ). *Criminal investigation*. Jones & Bartlett Learning.

- Beebe, N. L., & Clark, J. G. (2005). *A hierarchical, objectives-based framework for the digital investigations process*. Digital Investigation.
- Bellamy & Taylor. (1996). *New information and communications technologies and institutional change: The case of the UK criminal justice system*. UK: International Journal of Public Sector Management.
- Bendell, J. e. (2017). *Terms for endearment: Business, NGOs and sustainable development*. Routledge.
- Berzoff, J. (2011). *Psychosocial ego development: The theory of Erik Erikson. Inside out and outside in: Psychodynamic clinical theory and psychopathology in contemporary multicultural contexts*.
- Bevel, T., & Gardner, R. M. (2008). *Bloodstain pattern analysis with an introduction to crime scene reconstruction*. CRC press.
- Bhattacharjee, A. (2012). *Social science research: Principles, methods, and practices*.
- Blandford, A., & Wong, B. (2004). Situation awareness in emergency medical dispatch. *International journal of human-computer studies*, 61(4), 421-452.
- Bochenek, M., & Brown, A. (2001). *Hatred in the hallways: Violence and discrimination against lesbian, gay, bisexual, and transgender students in US schools*. Human Rights Watch.
- Borduin, C. M., Henggeler, S. W., Blaske, D. M., & Stein, R. J. (1990). Multisystemic treatment of adolescent sexual offenders. *International journal of offender therapy and comparative criminology*, 34(2), 105-113.
- Bougard, N. B., & Booyens, K. (2015). Adult female rape victims' views about the Thuthuzela Care Centres: a South African multi-disciplinary service delivery model. *Acta Criminologica: African Journal of Criminology & Victimology*, 19-33.
- Bourjaily, G. (2015). *DPA DOA: How and why Congress should bar the use of deferred and non-prosecution agreements in corporate criminal prosecutions*. Bourjaily, G., 2015. DPA DOA: How and why Congress should bar the use of Harv. J. on Legis.
- Boyatzis, R. (1998). *Transforming qualitative information: Thematic analysis and code development*. sage.
- Brand, D. (2013). Sugar, spice and criminalised consent: A feminist perspective of the legal framework regulating teenage sexuality in South Africa. *South African Journal on Human Rights*, 29(2), 193-218.
- Brandth, B. (2002). *Gender identity in European family farming: A literature review*. *Sociologia ruralis*, 42(3).
- Braswell, Miller & Pollock. (2020). *Case studies in criminal justice ethics*. Waveland Press.



- Bromberg, D., & Johnson, B. (2001 ). *Sexual interest in children, child sexual abuse, and psychological sequelae for children. Psychology in the Schools.*
- Bronfenbrenner, U. (2005). *Making human beings human: Bioecological perspectives on human development.* Sage.
- Brough, Morgan & Ruddy. (2015). The basics of disaster victim identification. *Journal of Forensic Radiology and Imaging*, 29-37.
- Browne, A., & Finkelhor, D. (1986). *Impact of child sexual abuse: A review of the research. (Psychological bulletin).*
- Brunson, R. (2007). "Police don't like black people": African-American young men's accumulated police experiences.
- Brynard, P., & Hanekom, S. X. (2006). *Introduction to research in management-related fields.* Van Schaik.
- Burke, A. (2009). *Revisiting Prosecutorial Disclosure.* Ind: LJ.
- Butler, J. (2005). *Forensic DNA typing: biology, technology, and genetics of STR markers.* Elsevier.
- Campbell & Bybee,. (1997). *Emergency medical services for rape victims.*
- Campbell, R., Greeson, M., Bybee, D., & Raja, S. (2008). The co-occurrence of childhood sexual abuse, adult sexual assault, intimate partner violence, and sexual harassment: A mediational model of posttraumatic stress disorder and physical health outcomes. *Journal of consulting and clinical psychology*, 76(2), 194.
- Carrier, B., & Spafford, E. (2003). Getting physical with the digital investigation process. *International Journal of digital evidence*, 2(2), 1-20.
- Carrier, B., & Spafford, E. (2003). Getting physical with the digital investigation process. *International Journal of digital evidence*, 2(2), 1-20.
- Carrier, B., & Spafford, E. H. (2003). Getting physical with the digital investigation process. *International Journal of digital evidence*, 1-20.
- Cfc, C., & Dabcip, D. (2009). Principles and Approaches to Criminal Investigation, Part 3. *Forensic Examiner*, 18(4), 10.
- Chen, M. H., Shao, Q. M., & Ibrahim, J. G. (2012). *Monte Carlo methods in Bayesian computation.* . Springer Science & Business Media.
- Chinyoka, K. (2013). Psychosocial effects of poverty on the academic performance of the girl child in Zimbabwe (Doctoral dissertation).
- Chinyoka, K. (2014). Impact of poor nutrition on the academic performance of grade seven learners: a case of Zimbabwe. *International Journal of Learning & Development.*

- Chinyoka, K., Chingombe, S., & Mugabe, M. (2016). Psychosocial effects of child sexual abuse on the academic performance of Grade Seven learners in Gweru Urban, Zimbabwe. *Journal of Emerging Trends in Educational Research and Policy Studies*, 7(4), 255-266.
- Chinyoka, K., Chingombe, S., & Mugabe, M. (2016). Psychosocial effects of child sexual abuse on the academic performance of Grade Seven learners in Gweru Urban, Zimbabwe. *Journal of Emerging Trends in Educational Research and Policy Studies*, 7(4), 255-263.
- Chirawu-Mugomba, S. (2016). *A reflection on the Domestic Violence Act [Chapter 5: 16] and harmful cultural practices in Zimbabwe.*
- Clarke, D., Davis, L., & Booyens, K. (2003). A silver era for victims of crime: reassessing the role that victim impact statements can play in improving victim involvement in criminal justice procedures. *Acta Criminologica. African Journal of Criminology & Victimology*, 16(2), 43-56.
- Coetzee. (2008). *The evidential value of crime scene investigation in child rape cases (Doctoral dissertation).*
- Coetzee, S. (2012). Law and policy regulating the management of learner-on-learner sexual misconduct in South African public schools. *Child Abuse Research in South Africa*, 13(1), 27-39.
- Cokin & Mallaumd. (1976). *Hearing Officers in Pennsylvania.* Pennsylvania: DuQ. L. REv.
- Collin-Vézina, D., Daigneault, I., & Hébert, M. (2013). Lessons learned from child sexual abuse research: Prevalence, outcomes, and preventive strategies. *Child and adolescent psychiatry and mental health*, 7(1), 1-9.
- Corcoran, J., Stephenson, M., Perryman, D., & Allen, S. (2001). Perceptions and utilization of a police–social work crisis intervention approach to domestic violence. *Families in Society*, 82(4), 393-398.
- Cunningham, L. (2010). *Appellate Review of Unpreserved Questions in Criminal Cases.* J. App. Prac. & Process.
- D’Arcy, K., Thomas, R., & Wallace, C. (2018). *Youth and community approaches to preventing child sexual exploitation: South African and UK project experiences.* *The SAGE Handbook of Youth Work Practice.*
- Daigle, L. E. (2013). *Victimology: The essentials*. Georgia State University.
- Danet, B. (1980). *Language in the legal process.* Law and society review.
- Dehart, D., Lynch, S., Belknap, J., Dass-Brailsford, P., & Green, B. (2014). *Life history models of female offending: The roles of serious mental illness and trauma in women’s pathways to jail.* *Psychology of Women Quarterly.*
- Denno. (2011). *Courts' increasing consideration of behavioral genetics evidence in criminal cases.*

- Denno, D. (2011). *Genetics evidence in criminal cases*. Mich. St. L. Rev.
- Denscombe, M. (2006). *Web-based questionnaires and the mode effect: An evaluation based on completion rates and data contents of near-identical questionnaires delivered in different modes*. Social Science Computer Review.
- Deslauriers-Varin, N., & Beaugard, E. (2010). Victims' routine activities and sex offenders' target selection scripts: . *A latent class analysis*. *Sexual Abuse*, 22(3), 315-342.
- DiLillo, D. (2001). *Interpersonal functioning among women reporting a history of childhood sexual abuse: Empirical findings and methodological issues*. DiLillo, D., 2001. Interpersonal functioning among women reporting a history of childhoodClinical psychology review.
- Dintwe & Snyman. (2015). Demystifying the meaning of forensic investigation: a qualitative case of South Africa. *Acta Criminologica: African Journal of Criminology & Victimology*, 77-91.
- Dintwe, S. (2009). *The significance of biological exhibits in investigation of rape cases (Doctoral dissertation)*. University of South Africa.
- Dipa, A. (2012). *The Recognition of Victims Rights of Sexual Offences (Doctoral dissertation)*. Nelson Mandela Metropolitan University.
- Doak, J. (2011). The therapeutic dimension of transitional justice: Emotional repair and victim satisfaction in international trials and truth commissions. *International Criminal Law Review*.
- Douglas, J., Burgess, A., Burgess, A., & Ressler, R. (2013). *Crime classification manual: A standard system for investigating and classifying violent crime*. . John Wiley & Sons.
- Du Mont, J., & White, D. (2007). *World Health Organization & Sexual Violence Research Initiative. The uses and impacts of medico-legal evidence in sexual assault cases: A global review*. Geneva: World Health Organization.
- Dube, Z. (2012). *The relationship between mothers' maternal age and infant mortality in Zimbabwe (Doctoral dissertation, University of the Witwatersrand, Faculty of Humanities, School of Social Sciences)*. University of the Witwatersrand, Faculty of Humanities, School of Social Sciences.
- Duflo, E. (2012). Women empowerment and economic development. *Journal of Economic literature*, 1051-79.
- Dussich, J. a., Dussich, J. P., & Maekoya, C. (2007). Physical child harm and bullying-related behaviors: A comparative study in Japan, South Africa, and the United States. *Dussich, J.P. and Maekoya, C., 2007. Physical child harm and bullying-related behaviors: A comparative study in Japan, South Africa, and the International journal of offender therapy and comparative criminology*, 495-509.

- Edström, J., & Khan, N. (2009). *Protection and Care for Children faced with HIV and AIDS in East Asia and the Pacific: Issues, priorities and responses in the region. Report: UNICEF and IDS April*. IDS and UNICEF. Bangkok: UNICEF EAPRO.
- Emily, G., Chinyoka, K., Hlupo, T., Denhere, C., & Kufakunesu, M. (2013). Exploring the Performance of Zimbabwean Children on Piagetian Formal Operations Tests.
- Engelbrecht, M. (2016). *The perceptions of private security officer behaviour on the preliminary investigation of housebreaking crime scenes in Berea (Doctoral dissertation)*. Durban.
- Erez, E. (1990). Victim participation in sentencing: Rhetoric and reality. *Journal of Criminal Justice*, 18(1), 19-31.
- Escobar-Chaves, S. a. (2008). *Media and risky behaviors*.
- Escobar-Chaves, S. L., & Anderson, C. A. (2008). *Media and risky behaviors*. The future of children.
- Evans, D. (2015). *Risk intelligence: How to live with uncertainty*. Simon and Schuster.
- Fahmy, E., Williamson, E., & Pantazis, C. (2016). *Evidence and policy review: Domestic violence and poverty*. . York: Joseph Rowntree Foundation.
- Faller, K. (2015). Forty years of forensic interviewing of children suspected of sexual abuse, 1974–2014: Historical benchmarks. *Social Sciences*.
- Feldthusen, B., Hankivsky, O., & Greaves, L. (2000). *Therapeutic consequences of civil actions for damages and compensation claims by victims of sexual abuse*. *Can. J. Women & L.*, 12,.
- Fergusson, D., McLeod, G., & Horwood, L. (2013). Childhood sexual abuse and adult developmental outcomes: Findings from a 30-year longitudinal study in New Zealand. *Child abuse & neglect*.
- Filipas, H. H., & Ullman, S. E. (2006). Child sexual abuse, coping responses, self-blame, posttraumatic stress disorder, and adult sexual revictimization. *Journal of Interpersonal Violence*, 21(5), 652-672.
- Fink, A. (2003). *The survey handbook*. sage.
- Finkelhor, D. (1985). The victimisation of children. *A developmental perspective*, *British Journal of Medical Psychology*, 379-397.
- Finkelhor, D. (1995). The victimization of children: A developmental perspective. *American journal of Orthopsychiatry*, 65(2), 177-193.
- Finkelhor, D., Hammer, H., & Sedlak, A. (2008). *Sexually assaulted children: National estimates and characteristics*. US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

- Fish, J. T., Miller, L. S., Braswel, M. C., & Wallace, E. W. (2013). *Crime scene investigation*. Routledge.
- Fisher, B., & Fisher, D. (2012). *Techniques of crime scene investigation*. crc Press.
- Fisher, B., & Fisher, D. (2012). *Techniques of crime scene investigation*. CRC Press.
- Fisher, B., Daigle, L., Cullen, F., & Turner, M. (2003). *Reporting sexual victimization to the police and others: Results from a national-level study of college women*. *Criminal justice and behaviour*.
- Fleming, J., Mullen, P., & Bammer, G. (1997). A study of potential risk factors for sexual abuse in childhood. *Child abuse & neglect*, 21(1), 49-58.
- Freedman, J. (2016). *Sexual and gender-based violence against refugee women: a hidden aspect of the refugee" crisis*. Reproductive health matters.
- Frewen, P., & Lanius, R. (2015). *Healing the traumatized self: consciousness, neuroscience, treatment (Norton series on interpersonal neurobiology)*. WW Norton & Company.
- Frohmann, L. (1991). *Discrediting victims' allegations of sexual assault: Prosecutorial accounts of case rejections*. *Social problems*.
- Fulu, E., Kerr-Wilson, A., Lang, J., Gibbs, A., Jacobson, J., & Jewkes, R. (2014). *What works to prevent violence against women and girls. Evidence Review of interventions to prevent violence against women and girls Pretoria*. Medical Research Council.
- Gabora, N., Spanos, N., & Joab, A. (1993). *The effects of complainant age and expert psychological testimony in a simulated child sexual abuse trial*. *Law and Human Behavior*.
- Gannon, T. A., Ciardha, C. Ó., Doley, R. M., & Alleyne, E. (2012). *The multi-trajectory theory of adult firesetting (M-TTAF)*. *Aggression and Violent Behavior*, 17(2).
- Gardner, R., & Krouskup, D. (2018). *Practical crime scene processing and investigation*. CRC Press.
- Gaudet & Marchant. (2016). *Under the radar*.
- Gilbert, R., Widom, C., Browne, K., Fergusson, D., Webb, E., & Janson, S. (2009). *Burden and consequences of child maltreatment in high-income countries*. The lancet.
- Gilbert, T. L. (2004). *A phenomenological theory of damping in ferromagnetic materials*. *IEEE transactions on magnetics*, 40(6).
- Gill, Weisburd, Telep, Vitter, & Bennett. (2014.). Gill, C., Weisburd, D., Telep, C.W., Vit Community-oriented policing to reduce crime, disorder and fear and increase satisfaction and legitimacy among citizens: A systematic review. *Journal of experimental criminology*.

- Ginsburg, H. (1997). *Entering the child's mind: The clinical interview in psychological research and practice*. Cambridge University Press.
- Glover, E.K; Bannerman, A; Pence, B.W; Jones, H; Miller, R; Weiss, E; Nerquaye-Tetteh, J. (2003). *Sexual health experiences of adolescents in three Ghanaian towns. International family planning perspectives*.
- Goldberg, J. (2005). *The constitutional status of tort law: Due process and the right to a law for the redress of wrongs* (Vol. 115). Yale LJ.
- Goodman, G.S; Taub, E.P; Jones, D.P; England, P; Port, L.K; Rudy, L; Prado, L; Myers, J.E; Melton, G.B. (1992). *Testifying in criminal court: Emotional effects on child sexual assault victims. Monographs of the Society for Research in Child Development*.
- Greely, H. T., Riodan, D. P., Garison, N. A., & Mountain, J. L. (2006). Family ties: the use of DNA offender databases to catch offenders' kin. *The Journal of Law, Medicine & Ethics*, 248-262.
- Greer, S. (2015). *Is the prohibition against torture, cruel, inhuman and degrading treatment really 'absolute' in international human rights law?. Human Rights Law Review*.
- Groce, N., & Trasi, R. (2004). *Rape of Individuals with Disability in the Age of AIDS: The Folk Belief of "Virgin Cleansing". Americas*.
- Gromet, D. M., & Darley, J. M. (2006). *Restoration and retribution: How including retributive components affects the acceptability of restorative justice procedures*. Social justice research.
- Gunning, I. (1991). *Arrogant perception, world-travelling and multicultural feminism: The case of female genital surgeries*. Colum. Hum. Rts. L. Rev.
- Hall, L., & Lloyd, S. (1993). *Surviving child sexual abuse: A handbook for helping women challenge their past*. Psychology Press.
- Hanzi, R. (2006). *Sexual abuse and exploitation of the girl child through cultural practices in Zimbabwe: A human rights perspective* (Doctoral dissertation, University of Pretoria).
- Haralambos, M., & Holborn, M. (2008). *Sociology: Themes and perspectives*. Haralambos and Holborn.
- Harrison, H., Birks, M., Franklin, R., & Mills, J. (2017, January). Foundations and methodological orientations. In *Forum Qualitative Sozialforschung/Forum: . In Forum Qualitative Sozialforschung/Forum*. Qualitative Social Research (Vol. 18, No. 1).
- Hartman, M., Finn, S., & Leon, G. (1987). *Sexual-abuse experiences in a clinical population: Comparisons of familial and nonfamilial abuse. Psychotherapy: Theory, Research, Practice, Training*.

- Hazelwood, R. (2016). *Practical aspects of rape investigation: A multidisciplinary approach*. (A. Burgess, Ed.) CRC Press.
- Hazelwood, R., & Lanning, K. (2008). *Hazelwood, R.R. and Lanning, K.V., 2008. Collateral Materials in Sexual Crimes. In Practical Aspects of Rape Investigation*. CRC Press.
- Henry & Powell. (2018). *Technology-facilitated sexual violence: A literature review of empirical research*.
- Hess, Orthmann & Cho. (2014). *Introduction to law enforcement and criminal justice*. Cengage Learning.
- Hill, J., & Schwartz, V. R. (2015). *Getting the Picture: The Visual Culture of the News*. Bloomsbury Publishing.
- Hlupo, T., & Tsikira, J. (2012). Still caught-up in the cultural abyss: The plight of the girl child. *Journal of Emerging Trends in Educational Research and Policy Studies*, 3(3), 234-240.
- Horwitz, A., Widom, C., McLaughlin, J., & White, H. (2001). The impact of childhood abuse and neglect on adult mental health: A prospective study. *Journal of health and social behavior*, 184-201.
- Houck, M., Crispino, F., & McAdam, T. (2017). *The science of crime scenes*. Academic Press.
- Hoyano, L. (2015). *Reforming the adversarial trial for vulnerable witnesses and defendants*. Criminal Law Review.
- Hsiao, C; Fry, D; Ward, C.L; Ganz, G; Casey, T; Zheng, X; Fang, X. (2018). Violence against children in South Africa: the cost of inaction to society and the economy. *BMJ global health*, 3(1).
- Jaffe, P., Straatman, A., Harris, B., Georges, A., Vink, K., & Reif, K. (2013). Emerging trends in teacher sexual misconduct in Ontario 2007-2012. *Education & Law Journal*, 23(1), 19.
- Jenny, C & Crawford-Jakubiak, JE. (2013). The evaluation of children in the primary care setting when sexual abuse is suspected. *Pediatrics*.
- Jewit, S., & Ryler, H. (2014). *It's a girl thing: Menstruation, school attendance, spatial mobility and wider gender inequalities in Kenya*. Geoforum.
- Johnson, C. (2004). *Child sexual abuse*. The Lancet.
- Johnson, L. (2013). *Computer incident response and forensics team management: Conducting a successful incident response*. Newnes.
- Joubert, C. (2010). *Applied law for police officials*. Juta and Company Ltd.
- Joubert, M., & van Wyk, C. (2014). Social work forensic reports in South African criminal courts: Inevitability in the quest for justice. *Social Work*.

- Juby, H., & Farrington, D. P. (2001). From victims to survivors to offenders: Women's routes of entry and immersion into street crime. *British Journal of Criminology*, 22-40.
- Kadish, S., Schulhofer, S., & Barkow, R. (2016). *Criminal law and its processes: Cases and materials*. Wolters Kluwer Law & Business.
- Karimakwenda, N. (2018). *Where rape does not exist: tracing the unsettled position of marital rape in South Africa through women's recourse-seeking journeys*.
- Kaufman, K. L., Holmberg, J. K., Orts, K. A., McCrady, F. E., Rotzien, A. L., & Daleiden, E. L. (1998). *Factors influencing sexual offenders' modus operandi: an examination of victim-offender relatedness and age*. *Child Maltreatment*.
- Keightley, E., & Pickering, M. (2014). *Technologies of memory: Practices of remembering in analogue and digital photography*. *new media & society*.
- Kendall-Tackett, K. A., Williams, L. M., & Finkelhor, D. (1993). *Impact of sexual abuse on children: a review and synthesis of recent empirical studies*. *Psychological bulletin*.
- Kheswa, J., & Hoho, V. (2014). "Ukuthwala" the sexual-cultural practice with negative effects on the personality of adolescent females in Africa. *Mediterranean Journal of Social Sciences*, 5(20), 2808-2808.
- King, A., Wardecker, B. M., & Edelstein, R. S. (2015). Personal mastery buffers the effects of childhood sexual abuse on women's health and family functioning. *Journal of Family Violence*, 30(7), 887-897.
- Knoetze, I., & Meintjes-van der Walt, L. (2015). The Criminal Law (Forensic Procedures) Amendment Act 37 of 2013: a critical analysis. *South African Journal of Criminal Justice*, 28(2), 131-162.
- Köhn, M., Olivier, M., & Eloff, J. (2006, July). Framework for a Digital Forensic Investigation. In ISSA.
- Kolb, S. (2012). Grounded theory and the constant comparative method. *Journal of emerging trends in educational research and policy studies*, 83-86.
- Kolb, S. (2012). Grounded theory and the constant comparative method: Valid research strategies for educators. *Journal of emerging trends in educational research and policy studies*, 83-86.
- Konchese, P. (2005). *Health Problems among Zimbabwe women: Harmful cultural practices*. Harare.
- Kopelman, L. (2016). The forced marriage of minors: A neglected form of child abuse. . *The Journal of Law, Medicine & Ethics*, 44(1), 173-181.
- Kothari, A., & Sagar, V. (2008). Antibiotic resistance in pathogens causing community-acquired urinary tract infections in India: a multicenter study. *The Journal of Infection in Developing Countries*, 2(05), 354-358.



- Kotzé, J., Brits, H., & Botes, B. (2014). *Part 1: Medico-legal documentation South African Police Services forms, Department of Justice forms and patient information*. South African Family Practice.
- Krieger, N. (2001). A glossary for social epidemiology. *Journal of Epidemiology & Community Health* 55(10), 693-700.
- Krishnan, S., Syahirah, N.F., Syahirah, N. and Amira, N.,. (2017). *Study on child sexual abuse*. Human Resource Management Research, 7(1).
- Krug, E., Mercy, J., Dahlberg, L., & Zwi, A. (2002). *The world report on violence and health*. The lancet.
- Kweshwa, J., & Hoho, V. (2014). "Ukuthwala" The Sexual- Cultural Practice with Negative Effects on the Personality of Adolescent Females in Africa ISS 2039-2117. *Mediterranean Journal of Social Sciences*, 5.
- Kyari, G. V., & Adoyele, J. (2014). The socio-economic effect of early marriage in North Western Nigeria. *Mediterranean Journal of Social Sciences*, 582.
- Kyed, H. (2019). *Informal settlements and migrant challenges in yangon*. Moussons.: Recherche en sciences humaines sur l'Asie du Sud-Est.
- Laccino, L. (2014 ). Child sexual abuse: Top 5 countries with the highest rates. 16, 12. International Business Times.
- Lamb, S. (2010). *Toward a sexual ethics curriculum: Bringing philosophy and society to bear on individual development*. Harvard Educational Review.
- Lambert, E.G; Hogan, N.L; Nerbonne, T; Barton, S.M; Watson, P.L; Buss, J; Lambert, J. (2007). Differences in forensic science views and needs of law enforcement: a survey of Michigan law enforcement agencies. *Police Practice and Research*.
- Lampert, J., & Burnett, B. (2011). Exceptional teachers for disadvantaged schools. *Curriculum Leadership*, 9(17), 1-5.
- Lang, R. A., & Frenzel, R. R. (1988). How sexual offenders lure children. *Annals of Sex Research*, 1, 303–317.
- Lawrence, B., & van Rensburg, J. K. (2006). *Forms of sexual abuse and the practical implications of applying South African law to sexual offences cases*. *Sexual abuse: dynamics, assessment and healing*. Pretoria: Van Schaik Publishers.
- Laws, D. R., & O'Donohue, W. T. (2008). *Sexual deviance: Theory, assessment, and treatment*. Guilford Press.
- Lazer, D. (2004). *DNA and the criminal justice system: The technology of justice*. MIT Press.
- Leclerc, B., & Felson, M. (2014). Routine activities preceding adolescent sexual abuse of younger children. *Sexual Abuse: . A Journal of Research and Treatment*.

- Leclerc, B., & Wortley, R. (2015). *Predictors of victim disclosure in child sexual abuse: Additional evidence from a sample of incarcerated adult sex offenders. Child abuse & neglect.*
- Leclerc, B., Proulx, J., & McKibben, A. (2005 & 2008). Modus operandi of sexual offenders working or doing voluntary work with children and adolescents. *Journal of Sexual Aggression, 2*, 187–195.
- Leclerc-Madlala, S. (2002). On the virgin cleansing myth: gendered bodies, AIDS and ethnomedicine. *African Journal of AIDS Research, 1*(2), 87-95.
- Lee, H., Palmbach, T., & Miller, M. (2001). *Henry Lee's crime scene handbook.* Academic Press.
- Lee, K. (2004). *The role of the pathologist at the crime scene. The Practice Of Crime Scene Investigation.*
- Leeson, P. (2013). *Gypsy law.* Public Choice, 155(3-4).
- Letourneau, E., Eaton, W., Bass, J., Berlin, F., & Moore, S. (2014). *The need for a comprehensive public health approach to preventing child sexual abuse.*
- Lisak, D., Gardinier, L., Nicksa, S., & Cote, A. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence against women, 16*(12).
- Long, L., & Butler, B. (2018). Sexual assault. *The Obstetrician & Gynaecologist, 20*(2).
- Lorenzi, M., & Francaviglia, M. (2007, December). Painting with light: generative artworks or “setting in motion” the fourth dimension. *In Proceedings of the “10th Generative Art Conference, GA2007.* Milano.
- Louw, D., & Louw, A. (2007). *Child and adolescent development.* Psychology publications.
- Mabala, R. (2006). From HIV prevention to HIV protection: addressing the vulnerability of girls and young women in urban areas. *Environment and Urbanization.*
- Macdonald, R., & Carroll, J. (2006). *Plagiarism—a complex issue requiring a holistic institutional approach. Assessment & Evaluation in Higher Education, 31*(2).
- Magwa, S. (2015). *Child sexual abuse by teachers in secondary schools in the Masvingo district, Zimbabwe: perceptions of selected stakeholders (Doctoral dissertation).*
- Maja, I. (2016). The Zimbabwe Electronic Law Journal Commentary on Contemporary Legal Issues.
- Malamuth, N. (1996). Sexually explicit media, gender differences and evolutionary theory. *Journal of communication, 46*(3).

- Malema, S. (2020). Investigating the impact of Sexual Assault Evidence Collection Kits (SAECKs) as evidence in rape cases prosecuted in the Western Cape High Court between 2012 and 2016 (Master's thesis, Faculty of Health Sciences).
- Maltz, W. (2002). Treating the sexual intimacy concerns of sexual abuse survivors. *Sexual and Relationship Therapy*, 17(4), 321-327.
- Maluleke, J. (2009). Ukuthwala: Let's protect our children. *Justice Today*, 5.
- Maluleke, W. S., & Mabaso, M. (2015). *Integrated Perceptions On Trafficking Of Children Reality: A Lifeless Life Practice*. Pretoria: Unisa.
- Maluleke, W., Matshaba, T., Kgosimore, L., & Barkhuizen, J. (2020). Analysis of Victim Offender Dialogue as a form of Restorative Justice in South Africa: Cases of Yobeseason One [1] documentary. , 48(4). *Journal of the Social Sciences*, 48(4).
- Manganyi, F. (2017). Community Policing and Partnership Policing: A Case Study of Shared Responsibilities Between the Police and Alice Community (Doctoral dissertation, University of Fort Hare). University of Fort Hare.
- Mantula, F., & Saloojee, H. (2016). Child sexual abuse in Zimbabwe. *Journal of child sexual abuse*, 25(8), 866-880.
- Marais, C., & Van Rooyen, H. (1990). *Misdaadondersoek*. Silverton.
- Martellozzo, E. (2013). *Online child sexual abuse: Grooming, policing and child protection in a multi-media world*. Routledge.
- Martin, D. (1998). *Retribution revisited: A reconsideration of feminist criminal law reform strategies*. Osgoode Hall LJ.
- Martin, F., & Oliver, T. (2019). *Behavioral activation for children and adolescents: a systematic review of progress and promise*. *European child & adolescent psychiatry*.
- Masango, K. (2015). Interviewing child victims: improve communication and understand child behaviour (Doctoral dissertation).
- Maseko, B. (2010.). *The management of performance in crime prevention at Esikhawini police station: a critical evaluation* . North-West University.
- Mathews, B. (2017). Optimising implementation of reforms to better prevent and respond to child sexual abuse in institutions: Insights from public health, regulatory theory, and Australia's Royal Commission. *Child abuse & neglect*, 74.
- Mathews, S., & Benvenuti, P. (2014 ). *Violence against children in South Africa: Developing a prevention agenda*. *South African Child Gauge*.

- Matthews, B., & Collin-Vézina, D. (2016). Child sexual abuse: Raising awareness and empathy is essential to promote new public health responses. *Journal of public health policy*, 304-314.
- Matthews, I. (2009). *The National Prosecuting Authority. Criminal (in) justice in South Africa*. Pretoria: ISS.
- Maxfield, M. G., & Babbie, E. R. (2011). *Research methods for criminal justice and criminology (the 6th ed.)*. Belmont: Wadsworth. McDermott, MJ (1979). Rape victimization in, 26.
- McKillop, N., Brown, S., Wortley, R., & Smallbone, S. (2015). *How victim age affects the context and timing of child sexual abuse: Applying the routine activities approach to the first sexual abuse incident*. *Crime science*.
- McMillan, J. (2008.). *Assessment essentials for standards-based education..* Corwin Press.
- Meintjies-Van Der Walt, L. (1998). *Towards victims' empowerment strategies in the criminal justice process*. S. Afr. J. Crim. Jus.
- Mesatywa, N. (2008). *The implementation of domestic violence act no 116 of 1998 in south Africa: a case study of two townships in Nkonkobe municipality District, Eastern Cape province (Doctoral dissertation, University of Fort Hare)*. University of Fort Hare.
- Mesatywa, N. (2009). The perceptions and experiences of African women in violent partner relationships. *An exploratory study (Doctoral dissertation, Stellenbosch: University of Stellenbosch)*.
- Miller, B., Maguin, E., & Downs, W. (1997). *Alcohol, drugs, and violence in children's lives*. In: *Recent Developments in Alcoholism: Alcoholism and Violence* (Vol. 13). (M. Galanter, Ed.) New York: Plenum Press.
- Miller, M., & Massey, P. (2018). *The crime scene: A visual guide*. Academic Press.
- Miller, S., & Hefner, M. (2015). Procedural justice for victims and offenders?: Exploring restorative justice processes in Australia and the US. .
- Miner, M., Borduin, C., Prescott, D., Bovensmann, H., Schepker, R., Du Bois, R., Schladale, J., Eher, R., Schmeck, K., Langfedt, T. and Smit, A.,; Miner, M; Bourdin, C; Prescott, D; Bovensmann, H; Schepker, R; Du Bois, R; Schladale, J; Eher, R; Eher, R; Schmeck, K; Langfedt, T; Smit, A;. (2006). *Standards of care for juvenile sexual offenders of the International Association for the Treatment of Sexual Offender Treatment*, 1(3).
- Minnaar, A. (2017). *The implementation and impact of crime prevention/crime control open street Closed-Circuit Television surveillance in South African Central Business Districts*. *Surveillance & Society*.

- Mnguni, L., & Muller, J. (2009). The principle of legality in constitutional matter with reference to *Masiya v Director of Public Prosecutions and Others* 2007 (5) SA 30 (CC). *Law, Democracy & Development*.
- Mohajan, H. (2018). Qualitative research methodology in social sciences and related subjects. *Journal of Economic Development, Environment and People*, 7(1), 23-48.
- Monteiro, C. (2003). Principles of Evidence. *South African Law Journal*, 120(4), 895-897.
- Morei, N. (2014). Domestic violence in South Africa: women and children under siege? *Mediterranean journal of social sciences*, 5(20), 928-928.
- Morgan, R., & Wieringa, S. (2005). *Tommy boys, lesbian men, and ancestral wives: Female same-sex practices in Africa*. Jacana Media.
- Mouzakitis, C. (1981). *An inquiry into the problem of child abuse and juvenile delinquency. Exploring the relationship between child abuse and delinquency*.
- Mubangizi, J. (2012). A South African perspective on the clash between culture and human rights, with particular reference to gender-related cultural practices and traditions. *Journal of International Women's Studies*, 33-48.
- Mugabe, M., Chigombe, S., & Chinyoka, K. (2016). Psychosocial effects of child sexual abuse on the academic performance of Grade Seven learners in Gweru Urban, Zimbabwe. *Journal of Emerging Trends in Educational Research and Policy Studies*, 255.
- Mujuzi, J. (2019). *The history and nature of the right to institute a private prosecution in South Africa*. Fundamina.
- Mujuzi, J. (2020). Hearsay evidence in Uganda: Understanding its meaning, admissibility and probative value. *The International Journal of Evidence & Proof*, 24(4), 418-439.
- Mullen, P., MacKenzie, R., Ogloff, J., Pathe, M., McEwan, T., & Purcell, R. (2006). Assessing and managing the risks in the stalking situation. *Journal of the American Academy of Psychiatry and Law*, 34, 439-450.
- Mumtaz, O. (2016). *FCR: A Foolish Crimes Regulations Act*. Available at SSRN 3152177.
- Munro, L. (2015). Children in Zimbabwe after the long crisis: Situation analysis and policy issues. *Development Southern Africa*.
- Musiwa, A. (2019). Intrafamilial child sexual abuse: a unique silent epidemic. Perspectives of victim-friendly court professionals in Marondera District, Zimbabwe. *Journal of child sexual abuse*, 860-884.
- Mwambene, L. (2018). Recent legal responses to child marriage in Southern Africa: The case of Zimbabwe, South Africa and Malawi. *African human rights law journal*, 18(2), 527-550.

- Mwambene, L., & Sloth-Nielsen, J. (2011). Benign accommodation? Ukuthwala, 'forced marriage' and the South African Children's Act. *African Human Rights Law Journal*, 11(1), 1-22.
- Nienaber, H. (2012). Research note: an author's worst nightmare or a reviewer's lamentations?. *Management Dynamics. Journal of the Southern African Institute for Management Scientists*, 21(3), 48-52.
- Nkirote, L. (2019). *Adolescents' Experiences Of Sexual Exploitation And Abuse In Public Mixed Day Secondary Schools In Nairobi City County*. Nairobi.
- Nkosi, M., & Buthelezi, T. (2013). The nature and causes of bride abduction cases in KwaZulu-Natal, South Africa. *Studies of Tribes and Tribals*, 11(2).
- Nkosi, M., & Wassermann, J. (2014). *A history of the practice of ukuthwala in the Natal/KwaZulu-Natal region up to 1994*.
- Nordby, L. (2018). *Gender-based violence in the refugee camps in Cox Bazar:-A case study of Rohingya women's and girls' exposure to gender-based violence*.
- Ntlokwana, N. (2009). *Submissions to the SA Law commission on ukuthwala custom*. Retrieved from Centre for Constitutional Rights: <http://www.cfcr.org.za/index.php/document-library/submissions>
- Obura, P. (2018). *Determinants of Obstetric Fistulas occurrence among Kenyan women (Doctoral dissertation, university of nairobi)*. Kenya.
- Onwuegbuzie, A., & Leech, N. (2007). *Validity and qualitative research: An oxymoron?. Quality & quantity*.
- Organisation, W. H. (2003). *Guidelines for medico-legal care of victims of sexual violence*.
- Orodho, K. D., & Tromp, D. L. (2006). *Proposal Writing Thesis proposal: An Introduction Paulines Publications*.
- Osbourne, M. G., & Christensen, L. S. (2020). *Pathways to Child Sexual Offending: Applying Ward and Siegert's Pathways Model on Offenders Convicted of Penetrative Offenses on Children. Sexuality & Culture*.
- Ovens, M., & Prinsloo, J. (2010). An exploration of a traditional African paradigm in a postmodern world with specific reference to criminology. *Acta Criminologica. African Journal of Criminology & Victimology, (Special Edition 2)*.
- Ovens, M., & Van der Watt, M. (2012). *Contextualizing the practice of Ukuthwala within South Africa. Child Abuse Research in South Africa*.
- Palmiotto, M. (2012). *Criminal investigation*. CRC Press.
- Pao, M., Lyon, M., D'Angelo, L., Schuman, W., Tipnis, T., & Mrazek, D. (2000). *Psychiatric diagnoses in adolescents seropositive for the human immunodeficiency virus. Archives of pediatrics & adolescent medicine*.

- Parish, S J; Simon, J A; David, S R; Giraldi, A; Goldstein, I; Goldstein, S W; Kim, N N; Kinsberg, S A; Morgentaler, A; Nappi, R E; Park, K. (2021). International Society for the Study of Women's Sexual Health Clinical Practice Guideline for the Use of Systemic Testosterone for Hypoactive Sexual Desire Disorder in Women. *Journal of Women's Health*.
- Parrot, A., & Cummings, A. (2008). *Sexual enslavement of girls and women worldwide*. Greenwood Publishing Group.
- Pepper, I. (2010). *Crime Scene Investigation: Methods And Procedures: Methods and Procedures*. UK: McGraw-Hill Education .
- Piane, M. L., & Hansen, D. J. (2002). *Factors influencing children to self-disclose sexual abuse*. *Clinical psychology review*.
- Pipe, M., Orbach, Y., Lamb, M., Abbott, C., & Stewart, H. (2013). Do case outcomes change when investigative interviewing practices change?. *Psychology, Public Policy, and Law*.
- Poelman, R., Akman, O., Lukosch, S., & Jonker, P. (2012, February). As if being there: mediated reality for crime scene investigation. In Proceedings of the ACM 2012 conference on computer supported cooperative work.
- Prince, C. (2009). *Parents sell girls as child brides*. . Sunday Times.
- Rabiner, D.L., Coie, J.D., Miller-Johnson, S., Boykin, A.S.M. and Lochman, J.E.,. (2005). Predicting the persistence of aggressive offending of African American males from adolescence into young adulthood: The importance of peer relations, aggressive behavior, and ADHD symptoms. *Journal of Emotional and Behavioral Disorders*, 13(3), 131-140.
- Raeder, M. (2010). *Distrusting young children who allege sexual abuse: Why stereotypes don't die and ways to facilitate child testimony*. Widener L. Rev.
- Rakate, P. (1997). The status of traditional courts under the final constitution. *Comparative and International Law Journal of Southern Africa*, 30(2), 175-189.
- Randall, M. (2010). Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming. *Canadian Journal of Women and the Law*, 22(2), 397-433.
- Ratican, K. (1992). Sexual abuse survivors: Identifying symptoms and special treatment considerations. *Journal of Counseling & Development*.
- Ratican, K. (1992). Sexual abuse survivors: Identifying symptoms and special treatment considerations. *Journal of Counseling & Development*.
- Reid, J., & Jones, S. (2011). *Exploited vulnerability: Legal and psychological perspectives on child sex trafficking victims*. *Victims and Offenders*.

- Reidy, D. E., Holland, K. M., Cortina, k., Ball, B., Ball, B., & Rosenbluth, B. (2017). Evaluation of the expect respect support group program: A violence prevention strategy for youth exposed to violence. *Preventive medicine*.
- Reitzel, L. R., & Carbonel, J. L. (2006). The effectiveness of sexual offender treatment for juveniles as measured by recidivism: A meta-analysis. *Sexual abuse. a journal of research and treatment*, 18(4), 401-421.
- Rembe, S., Chabaya, O., Wadesango, N., & Muhuro, P. (2011). Child and forced marriage as violation of women's rights, and responses by member states in Southern African Development Community. *Agenda*.
- Reyneke, J., & Kruger, H. (2006). Sexual Offences Courts: better justice for children? *Journal for Juridical Science*, 31(2), 73-107.
- Rice, S. (2003). *The new national security strategy: Focus on failed states*. Brooking Policy Brief.
- Richards, T., & Marcum, C. (2014). *Sexual victimization: Then and now*. (C. Marcum, Ed.) SAGE Publications.
- Robinson, E. (2012). *Robinson, E.M., 2012. Introduction to Crime Scene Photography*. Academic Press.
- Rossmo, D. (1999). *Geographic profiling*. CRC press.
- Rumney, P. (2006). *False allegations of rape*. Cambridge LJ.
- Rupprecht, C., Willoughby, R., & Slate, D. (2006). *Current and future trends in the prevention, treatment and control of rabies. Expert review of anti-infective therapy*.
- Ryan, G., Lerversee, T. F., & Lane, S. (2011). *Juvenile sexual offending: Causes, consequences, and correction*. John Wiley & Sons.
- Saks, M., & Spellman, B. (2016). *The psychological foundations of evidence law* (Vol. 1). NYU Press.
- Salter, A. (1988). *Treating child sex offenders and victims*. Sage.
- Sanday, P. (1981). *Female power and male dominance: On the origins of sexual inequality*. Cambridge University Press.
- Sandelowski, M. (2000). *Whatever happened to qualitative description?*
- Sarantakos, S. (1998). *Varieties of social research*. In *Social Research*. Palgrave, London.
- Sarker, S. L., Sanker, S., Lau, F., & Sahay, S. (2000). *Using an adapted grounded theory approach for inductive theory building about virtual team development*. *ACM SIGMIS Database: The DATABASE for Advances in Information Systems*, 32(1).



- Saywitz, K., Goodman, G., Nicholas, E., & Moan, S. (1991). Children's memories of a physical examination involving genital touch: Implications for reports of child sexual abuse. *Journal of Consulting and Clinical Psychology*, 59(5), 682.
- Schilling, E., Aseltine, R., & Gore, S. (2007). *Adverse childhood experiences and mental health in young adults: a longitudinal survey*. BMC public health.
- Schneider, M., & Hirsch, J. (2020). *Comprehensive sexuality education as a primary prevention strategy for sexual violence perpetration*. *Trauma, Violence, & Abuse* (Vol. 21).
- Schwarz, M., Galperin, L., & Masters, L. (1995). *Post Traumatic stress, sexual trauma and dissociative disorder: Issues related to intimacy and sexuality*. Co-Directors: Masters and Johnson Sexual Trauma, Compulsivity and Dissociative Disorders Program.
- Sgroi, S. M., Blick, L. C., & Porter, F. S. (1982). *A conceptual framework for child sexual abuse*. *Handbook of clinical intervention in child sexual abuse*.
- Shonkoff, J., Richter, L., van der Gaag, J., & Bhutta, Z. (2012). *An integrated scientific framework for child survival and early childhood development*. Pediatrics.
- Sigad, L. I., & Tener, D. (2020). Trapped in a maze: Arab teachers in Israel facing child sexual abuse among their pupils. *Journal of interpersonal violence*, 0886260520983278.
- Sikkema, K., Hansen, N., Kochman, A., Tarakeshwar, N., Neufeld, S., Meade, C., et al. (2007). *Outcomes from a group intervention for coping with HIV/AIDS and childhood sexual abuse: reductions in traumatic stress*. *AIDS and Behavior*.
- Singh, S. (2018). *An evaluation of the role of forensic science in crime scene reconstruction* (Doctoral dissertation).
- Smyth, J. (2006). 'When students have power': Student engagement, student voice, and the possibilities for school reform around 'dropping out' of school. *International Journal of Leadership in education*, 285-298.
- Smythe, D., Artz, L., Combrinck, H., Doolan, K., & Martin, L. (2008). Caught between policy and practice: health and justice responses to gender-based violence. 175. Tygerberg: MRC-UNISA.
- Snyder, H. (2000). *Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics: A statistical report using data from the national incident-based reporting system*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Sokol, J. (2009). Identity development throughout the lifetime: An examination of Eriksonian theory. *Graduate journal of counseling psychology*, 1(2), 14.
- Solidariteit. (2009). Een kind elke 3 minute in SA verkrag. *Helpende Hand*, 1.

- Sotshangane, N. (2015). *Working Towards Improved Facilitation of Research Capacity Development at Walter Sisulu University (WSU) Using Action Research (AR) Methodology*.
- Spencer, J. (2014). *Hearsay evidence in criminal proceedings*. Bloomsbury Publishing.
- Spies, G. M. (2018). *Sexual abuse: Dynamics, assessment and healing*. Pretoria: Van Schaik.
- Stiffelman, B. (2019). *No longer the gold standard: Probabilistic Genotyping is changing the nature of DNA evidence in criminal trials*. Berkeley J. Crim.
- Stinson, J. (2004). *A systems approach to the development of a model of sexuality for adults with developmental disabilities*. Los Angeles: Alliant International University.
- Strauss, P. (1984.). *The place of agencies in government: Separation of powers and the fourth branch*. . Columbia: Columbia Law Review.
- Sultan, B., Benn, P., & Waters, L. (2014). Current perspectives in HIV post-exposure prophylaxis. HIV/AIDS. Auckland, NZ.
- Swanepoel, P. (2006). Pre-trial publicity: Freedom of the press versus fair trial rights in South Africa? *Ecquid Novi*, 27(1), 3-27.
- Swartz, L., de la Rey, C., Duncan, N. T., & O'Neill. (2011). *Psychology: An introduction* (3rd ed.). Cape Town: Oxford University Press.
- Sweet, D., & Sweet, C. (1995). DNA analysis of dental pulp to link incinerated remains of homicide victim to crime scene. *Journal of forensic science*, 40(2), 310-314.
- Tai, S. (2017). *Investment-prevention strategies to alleviate juvenile delinquency in Malaysia/Tai Soo Shong*.
- Tewksbury, R., & Lees, M. (2006). Perceptions of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26(3), 309-334.
- Thakker, J., & Ward, T. (2012). *An integrated theory of sexual reoffending*. *Psychiatry, psychology and law*, 19(2).
- Thomas, C. (2009). *Forced and Early Marriage: A focus on Central and Eastern Europe and Former Soviet Union countries with selected laws from other countries*. USA: United Nations.
- Thomplinson & Philpot. (2008). Assessment and planning with traumatised children. *A child's journey to recover*, 277.
- Tracy, K., & Robles, J. S. (2013). *Everyday talk: Building and reflecting identities*. Guilford Press.

- Tsai, L., Morrison, C., & Singh, T. (2004). *The Vagina Monologues: A Theorised Understanding of its present and future role in the EE context.*
- Turner, H., Finkelhor, D., & Ormrod, R. (2006). The effect of lifetime victimization on the mental health of children and adolescents. *Social science & medicine.*
- Tushnet, R. (2007). *Gone in sixty milliseconds: Trademark law and cognitive science.* *Tex. L. Rev.*
- Uhlmann, D. (2012). *Deferred prosecution and non-prosecution agreements and the erosion of corporate criminal liability.* *Md. L. Rev.*
- Uhlmann, D. (2012). *Deferred prosecution and non-prosecution agreements and the erosion of corporate criminal liability.* *Md. L. Rev.*
- Van Camp, T. a., Van Camp, T., & Wemmers, J. A. (2013). *Victim satisfaction with restorative justice: More than simply procedural justice.* *International Review of Victimology, 19(2).*
- Van Heerden, T. (1986). *Inleiding tot die Polisiekunde.* Pretoria: Unisa.
- Van Rooyen, H. (2001). *Practical guide for private investigators.* Henmar Publishers.
- Vandello, J., & Cohen, D. (2003). Male honor and female fidelity: Implicit cultural scripts that perpetuate domestic violence. *Journal of personality and social psychology, 84(5), 997.*
- Vavrus, M. (2009). *Sexuality, schooling, and teacher identity formation: A critical pedagogy for teacher education.* *Teaching and Teacher Education.*
- Verdoliva, L. (2020). Media forensics and deepfakes: an overview. *IEEE Journal of Selected Topics in Signal Processing, 910-932.*
- Vetten, L. (2011). *Paradox and policy: Addressing rape in post-apartheid South Africa.* *International approaches to rape.*
- Viero, A., Montisci, M., Pelletti, G., & Vanin, S. (2019). Crime scene and body alterations caused by arthropods: implications in death investigation. , . *International journal of legal medicine, 133(1).*
- Vogelsang, J. (2001). *The witness stand: A guide for clinical social workers in the courtroom.* Psychology Press.
- Vogeltanz, N., Wilsnack, S., & Harris, T. (1999). *Prevalence And Risk Factors For Childhood Sexual Abuse In Women: National survey findings.* *Child Abuse & Neglect.*
- Wahyuni, D. (2012). The research design maze: Understanding paradigms, cases, methods and methodologies. *Journal of applied management accounting research, 10(1), 69-80.*
- Wakefield, L. (2011). *Is the act working for children: The first year of implementation of the Child Justice Act. 38.* South African Crime Quarterly.

- Walker & Louw. (2005). The court for sexual offences: Perceptions of the victims of sexual offences. *International journal of law and psychiatry*, 231-245.
- Walker, J. A. (2012). Early Marriage in Africa—Trends, Harmful Effects and Interventions. *African journal of reproductive health*.
- Walsh, D., Oxburgh, G., Redlich, A., & Myklebust, T. (2017). International developments and practices in investigative interviewing and interrogation: Volume 1: Victims and witnesses. Routledge.
- Ward, T., & Beech, A. (2006). *An integrated theory of sexual offending. Aggression and violent behavior*.
- Ward, T., & Casey, A. (2010). *Extending the mind into the world: A new theory of cognitive distortions in sex offenders*. Aggression and Violent Behavior.
- Ward, T., & Keenan, T. (1999). Child molesters' implicit theories. *Journal of interpersonal violence*, 14(8), 821-838.
- Ward, T., & Siegert, R. J. (2002). *Toward a comprehensive theory of child sexual abuse: A theory knitting perspective*. Psychology, crime and law, 8(4).
- Weiten, W. (2013). *Psychology. Themes and variations. South African Edition*.
- Wemmers, J. (2009). *Where do they belong? Giving victims a place in the criminal justice process*. In *Criminal Law Forum* . Springer Netherlands.
- Whitaker, D., Le, B., Hanson, R., Baker, C., McMahon, P., Ryan, G., et al. (2008). *Risk factors for the perpetration of child sexual abuse: A review and meta-analysis*. *Child abuse & neglect*.
- Whitaker, J., & Tonkin, A. (2016). *Lifespan Development. Play in Healthcare for Adults: Using play to promote health and wellbeing across the adult lifespan*.
- Whitman, S. (2012). *Child Combatants and Peace Processes. Vulnerable Children and the Law: International Evidence for Improving Child Welfare, Child Protection and Children's Rights*.
- Wilder, S. (1997). *Risk management in the fire service*. PennWell Books.
- Williams, R., & Johnson, P. (2013). *Genetic policing: The uses of DNA in police investigations*. Willan.
- Wilson, R. (2001). *The politics of truth and reconciliation in South Africa: Legitimizing the post-apartheid state*. Cambridge University Press.
- Winick, B. (2008). *Foreword: Therapeutic jurisprudence perspectives on dealing with victims of crime*. Nova L. Rev.
- Wood, A., & Smith, M. (2004 ). *Online communication: Linking technology, identity, & culture*. Routledge.
- Woolfolk, A. (2010). *Educational Psychology* (11th ed.). London: Pearson Education International.

- Wortley, R., & Smallbone, S. (2006). *Applying situational principles to sexual offenses against children. Crime prevention studies.*
- Wrad, T., & Hudson, S. M. (1998). *The construction and development of theory in the sexual offending area: A metatheoretical framework. Sexual Abuse, 10(1).*
- Yadwad, B., & Gouda, H. (2005). Consent-its medicolegal aspects. JAPI.
- Yesufu, S. ( 2020). *HUMAN TRAFFICKING: A SOUTH AFRICAN PERSPECTIVE.*
- Zajac, R., O'Neill, S., & Hayne, H. (2012). *Disorder in the courtroom? Child witnesses under cross-examination. Developmental Review.*
- Zehr, H. (2015). *The little book of restorative justice: Revised and updated. .* Simon and Schuster.

## ANNEXURE A: CONSENT LETTER

**Research topic:** An exploration within the Criminal Justice System on treatment of children as victims of sexual offences in Polokwane Policing Cluster, Limpopo Province.

Dear participant

My name is Johanna Kedibone Monyake; I am conducting research on the above-mentioned study in partial fulfilment of Master's Degree in Criminology (University of Limpopo - UL). I am requesting your participation in this study. The aim of the envisaged study is to explore Criminal Justice System personnel experiences on treatment of children as victims of sexual offences in the Polokwane Policing Cluster (PPC), Limpopo (LIM) Province. The study deals with the sensitivity of exploring the treatment administered to Child Sexual Offences (CSO) victims within the Criminal Justice System (CJS) in terms of the protection of the victim's psychological wellbeing, the proper collection of evidence and investigation process to prove the validity of cases during court. Therefore, consent should be verbally granted to ensure anonymity of participants and data to be collected will be treated confidential. No participant's name or identity will be linked to this study.

**For your participation in the study, please note the following:**

- There are no wrong answers, all answers are correct;
- Your participation is voluntary; you can withdraw from the study without penalties at any time if you do not wish to continue; and
- The information that you will provide will be treated as confidential and your name will not be recorded anywhere.

You are free to ask any question regarding the study, about being a participant and you may call me (Johanna Kedibone Monyake) Cell: (+27) 72 140 1114 or Email at: [monyakeek@gmail.com](mailto:monyakeek@gmail.com) or my supervisor (Dr F.M Manganyi) and my co-supervisor Dr W Maluleke on 015 268 4881 or e-mail him at [witness.maluleke@ul.ac.za](mailto:witness.maluleke@ul.ac.za).

My supervisor at:



Thank you for your anticipation and co-operation.

Yours sincerely

Monyake J K

Signature\_\_\_\_\_

## ANNEXURE B: CONSENT FORM

**PROJECT TITLE:** An exploration within the Criminal Justice System on the treatment of children as victims of sexual offences in Polokwane Policing Cluster, Limpopo Province.

**PROJECT LEADER:** MONYAKE JOHANNA KEDIBONE.

I realise that:

1. The study deals with the sensitivity of exploring the treatment administered to Child Sexual Offences (CSO) victims within the Criminal Justice System (CJS) in terms of the protection of the victim's psychological wellbeing, a proper collection of evidence and investigation process to prove the validity of cases during court. Therefore, consent should be verbally granted to ensure anonymity of participants. No participant's name or identity will be linked to this study.
2. The Ethics Committee has approved that individuals may be approached to participate in the study.
3. The research project, i.e. the extent, aims and methods of the research, has been explained to me.
4. I will be informed of any new information that may become available during the research that may influence my willingness to continue my participation.
5. Access to the records pertaining to my participation in the study will be restricted to persons indirectly involved in the research.
6. Any questions that I may have regarding the research, or related matters, will be answered by the researcher.
7. If I have any questions about, or problems regarding the study, or experience any undesirable effects, I may contact my supervisor (Dr F M Manganyi) on (+27) 15 268 3195, [foster.manganyi@ul.ac.za](mailto:foster.manganyi@ul.ac.za), my co-supervisor Dr W Maluleke on 015 268 4881 or e-mail him at [witness.maluleke@ul.ac.za](mailto:witness.maluleke@ul.ac.za) and the Head of Department, Prof Jaco Barkhuizen on (+27) 15 268 2563 or email at [jaco.barkhuizen@ul.ac.za](mailto:jaco.barkhuizen@ul.ac.za).
8. Participation in this research is voluntary and I can withdraw my participation at any stage.
9. I indemnify the University of Limpopo (UL) and all persons involved with the above project from any liability that may arise from my participation in the above project or that may be related to it, for whatever reasons, including negligence on the part of the mentioned persons.

## ANNEXTURE C: INFORMED CONSENT

I hereby agree to participate in this study entitled: "An exploration of Criminal Justice System personnel experiences on the treatment of children as victims of sexual offence in Polokwane Policing Cluster". I understand that I am participating freely and without being forced in any way to do so. I also understand that I can stop participating at any point should I not want to continue, and that this decision will not, in any way affect me negatively.

I understand that this is a research study which does not necessarily aim to benefit me personally. I have received the telephone number of a person to contact should I need to speak about any issues which may arise in this interview. I understand that this consent form will not be linked to the questionnaire, and that my answers will remain confidential. I understand that if possible, feedback will be given to my superior on the results of the completed research.

.....  
**Signature of participant**

**Date:** .....



## **ANNEXURE D: INTERVIEW SCHEDULE**

### **KII1: THE POLICE (SAPS)**

#### **Biographical details of the participants**

1. What is your age?
2. What is your gender?
3. What is your race?
4. What is your rank?
5. How long have you been in the police organisation?

#### **Police's response to incidents of Child Sexual Assault within (SAPS) Polokwane Policing Cluster (PPC)**

6. How do police officers initiate their response after a case of child sexual assault?
7. Which steps are taken into cognisance at the crime scene to ensure proper detection and protection of evidence?
8. How do police officers obtain statements from children who suffered any conduct of sexual assault?

#### **Victim empowerment**

9. How do the police keep the victim informed about cases of sexual assault involving them?
10. Which steps that are considered for the protection of medical and psychological well-being of the victim?
11. Do police officers have any communication with the victims afterwards?  
If yes, how?  
If not, why?
12. Do police officers understand their role to the victims?  
If yes, how?  
If no, why?
13. Do the police encourage members of the community to use the hotline to report cases of CSA?  
If yes, how?

If no, why?

## **KII2: THE SOCIAL WORKER(S)**

### **Biographical details of the respondents**

1. What is your age?
2. What is your gender?
3. What is your race?
4. What is your educational background?
5. What is your occupation?

### **Victim empowerment**

6. Are victims kept informed about the process of their cases?

If not, why?

If yes, how?

7. Do you have a consultation office where victims of sexual offences are assisted?

If so, how do you ensure the confidentiality of the information? And why?

8. Are there any challenges experienced by social workers while effecting their duties?

If so, how are those concerned challenges addressed to ensure that the needs of children are properly met?

## **KII3: THE JUDICIARY**

### **The biographic details of the respondent**

1. What is your age?
2. What is your gender?
3. What is your race?
4. What is your educational background?
5. What is your occupation?
6. How long had you been serving in the position?

### **The dissemination and exchange of information**

7. How do you approach cases involving children who suffered sexual assault?

8. What informs the decision to proceed with sexual assault cases where children were victims?
9. Is there any difference on how the courts treat evidence proffered by child victims?  
and adult victims?  
If so, how so?  
If not, why?
10. Do you see any value of cross-examination in cases involving children who had been sexual abused?
11. What informs the decision to struck cases off the roll?

## ANNEXTURE E: FACULTY APPROVAL LETTER



**University of Limpopo**  
Faculty of Humanities  
Executive Dean

Private Bag X1106, Sovenga, 0727, South Africa  
Tel: (015) 268 4895, Fax: (015) 268 3425, Email: Satsope.maoto@ul.ac.za

DATE: 21 July 2020

NAME OF STUDENT: MONYAKE, JK  
STUDENT NUMBER: [201403223]  
DEPARTMENT: MA – Criminology  
SCHOOL: Social Sciences

Dear Student

### FACULTY APPROVAL OF PROPOSAL (PROPOSAL NO. FHDC2020/03/10)

I have pleasure in informing you that your MA proposal served at the Faculty Higher Degrees Meeting on 25 March 2020 and your title was approved as follows:

TITLE: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENT OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE

Note the following:

Ethical Clearance	Tick One
In principle the study requires no ethical clearance, but will need a TREC permission letter before proceeding with the study	
Requires ethical clearance (Human) (TREC) (apply online) Proceed with the study only after receipt of ethical clearance certificate	√
Requires ethical clearance (Animal) (AREC) Proceed with the study only after receipt of ethical clearance certificate	

Yours faithfully

**Prof RS Maoto,**  
Executive Dean: Faculty of Humanities  
Director: Prof SL Sithole  
Supervisor: Dr FM Manganyi  
Co-supervisor: Dr W Maluleke

Finding solutions for Africa

**ANNEXTURE F: TURFLOOP RESEARCH ETHICS COMMITTEE APPROVAL LETTER**



**University of Limpopo**  
Department of Research Administration and Development  
Private Bag X1106, ~~Sovenga~~, 0727, South Africa  
Tel: (015) 268 3935, Fax: (015) 268 2306, Email: anastasia.ngobe@ul.ac.za

**TURFLOOP RESEARCH ETHICS COMMITTEE**  
**ETHICS CLEARANCE CERTIFICATE**

**MEETING:** 21 October 2020

**PROJECT NUMBER:** TREC/306/2020: PG

**PROJECT:**

**Title:** An Exploration Within the Criminal Justice System ~~On~~ the Treatment of Children as Victims of Sexual Offences in Polokwane Policing Cluster, Limpopo Province

**Researcher:** JK ~~Monyake~~

**Supervisor:** Dr FM ~~Manganyi~~

**Co-Supervisor/s:** Dr W Maluleke

**School:** Social Sciences

**Degree:** Master of Arts in Criminology

**PROF P MASOKO**

**CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE**


The ~~Justicia~~ Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number **REC-0310111031**

**Note:**

- i) This Ethics Clearance Certificate will be valid for one(1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must resubmit the protocol to the committee, together with the Application for Amendment form.
- iii) PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

*Finding solutions for Africa*

# ANNEXTURE G: SOUTH AFRICAN POLICE SERVICE NATIONAL PERMISSION

<b>SUID-AFRIKAANSE POLISIEDIENS</b>  <b>SOUTH AFRICAN POLICE SERVICE</b>	
<b>Privaatsak/Private Bag X 94</b>	
Verwysing/Reference: 3/34/2	<b>THE HEAD: RESEARCH SOUTH AFRICAN POLICE SERVICE PRETORIA 0001</b>
Navrae/Enquiries: Lt Col Joubert AC Thenga	
Telefoon/Telephone: (012) 393 3118	
Email Address: JoubertG@saps.gov.za	
<b>A. The Provincial Commissioner LIMPOPO</b>	
<b>B. The Divisional Commissioner DETECTIVE SERVICE</b>	
<b>PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENTS OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE: MASTERS DEGREE: UNIVERSITY OF LIMPOPO: RESEARCHER: JK MONYAKE</b>	
<b>A.</b>	<ol style="list-style-type: none"><li>1. The above subject matter refers.</li><li>2. The researcher, Ms TMA Mposwa, is conducting a study titled: An Exploration within the Criminal Justice System on the treatment of children as victims of sexual offences in Polokwane Policing Cluster, with the <i>aim to explore CJS personnel experiences on treatment of children as victims of sexual offences within the Polokwane Policing Cluster in Limpopo Province.</i></li><li>3. The researcher is requesting permission to interview eight (8) police officials from the Polokwane Policing Cluster and one (1) Forensic Social Worker from Family Violence, Child Protection and Sexual Offences (FCS).</li><li>4. The proposal was perused according to National Instruction 1 of 2006. This office recommends that permission be granted for the research study, subject to the final approval and further arrangements by the offices of the Provincial Commissioner: Limpopo.</li><li>5. We hereby request the final approval by your office if you concur with our recommendation. Your office is also at liberty to set terms and conditions to the researcher to ensure that compliance standards are adhered to</li></ol>

**PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENTS OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE: MASTERS DEGREE: UNIVERSITY OF LIMPOPO: RESEARCHER: JK MONYAKE**

during the research process and that research has impact to the organisation.

6. If approval is granted by your office, this office will obtain a signed undertaking from researcher prior to the commencement of the research which will include your terms and conditions if there are any and the following:
  - 6.1. The research will be conducted at his/her exclusive cost.
  - 6.2. The researcher will conduct the research without the disruption of the duties of members of the Service and where it is necessary for the research goals, research procedures or research instruments to disrupt the duties of a member, prior arrangements must be made with the commander of such member.
  - 6.3. The researcher should bear in mind that participation in the interviews must be on a voluntary basis.
  - 6.4. The information will at all times be treated as strictly confidential.
  - 6.5. The researcher will provide an annotated copy of the research work to the Service.
  - 6.6. The researcher will ensure that research report / publication complies with all conditions for the approval of research.
7. If approval is granted by your office, for smooth coordination of research process between your office and the researcher, the following information is kindly requested to be forwarded to our office:
  - **Contact person:** Rank, Initials and Surname.
  - **Contact details:** Office telephone number and email address.
8. A copy of the approval (if granted) and signed undertaking as per paragraph 6 supra to be provided to this office within 21 days after receipt of this letter.

*South African Police Service*



*Suid-Afrikaanse Polisie*

Privaatsak Private Bag X94	Pretoria 0001	Faks No. Fax No.	(012) 334 3518
-------------------------------	------------------	---------------------	----------------

Your reference/U verwysing:

My reference/My verwysing: 3/34/2

THE HEAD: RESEARCH  
SOUTH AFRICAN POLICE SERVICE  
PRETORIA  
0001

Enquiries/Navrae: Lt Col Joubert  
AC Thenga  
Tel: (012) 393 3118  
Email: JoubertG@saps.gov.za

**APPROVED**

Ms JK Monyake  
UNIVERSITY OF LIMPOPO

**PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENTS OF CHILDREN AS VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER, LIMPOPO PROVINCE: MASTERS DEGREE: UNIVERSITY OF LIMPOPO: RESEARCHER: JK MONYAKE**

The above subject matter refers.

You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following office:

The Provincial Commissioner: Limpopo:

- Contact Person: Lt Col Montjane
- Contact Details: (015) 290 6300/6090

Kindly adhere to paragraph 6 of our attached letter signed on the 2020-10-07 with the same above reference number.

MAJOR GENERAL  
THE HEAD: RESEARCH  
DR PR VUMA

DATE: 2020-12-01



PERMISSION TO CONDUCT RESEARCH IN SAPS: AN EXPLORATION WITHIN  
THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENTS OF CHILDREN AS  
VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER,  
LIMPOPO PROVINCE: MASTERS DEGREE: UNIVERSITY OF LIMPOPO:  
RESEARCHER: JK MONYAKE

9. Your cooperation will be highly appreciated.

B. 1. Copy for your information.

  
MAJOR GENERAL  
THE HEAD: RESEARCH  
DR PR VUMA

DATE: 2020-10-07

ANNEXTURE H: SOUTH AFRICAN POLICE SERVICE PROVINCIAL  
PERMISSION

G.P.-S. 002-0222

SAP 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaat Sak/Private Baai: X9428, POLOKWANE, 0700

Verwysing  
Reference : 2/1/2/1 (28/2020)  
Navrae  
Enquiries : Col Tau  
                  : Lt Col Montjane  
Telefoon  
Telephone : 015 290 6093/6300  
Faksnommer  
Fax number : 015 230 1023  
E-pos  
Email : LIM:Prov-Head Strategic Management

THE PROVINCIAL COMMISSIONER  
SOUTH AFRICAN POLICE SERVICE  
LIMPOPO

Monyake JK  
Stand No 140  
Doornspruit  
0759

**AUTHORITY TO CONDUCT RESEARCH IN SAPS: AN EXPLORATION WITHIN  
THE CRIMINAL JUSTICE SYSTEM ON THE TREATMENTS OF CHILDREN AS  
VICTIMS OF SEXUAL OFFENCES IN POLOKWANE POLICING CLUSTER,  
LIMPOPO PROVINCE: MASTERS DEGREE: UNIVERSITY OF LIMPOPO:  
RESEARCHER: JK MONYAKE**

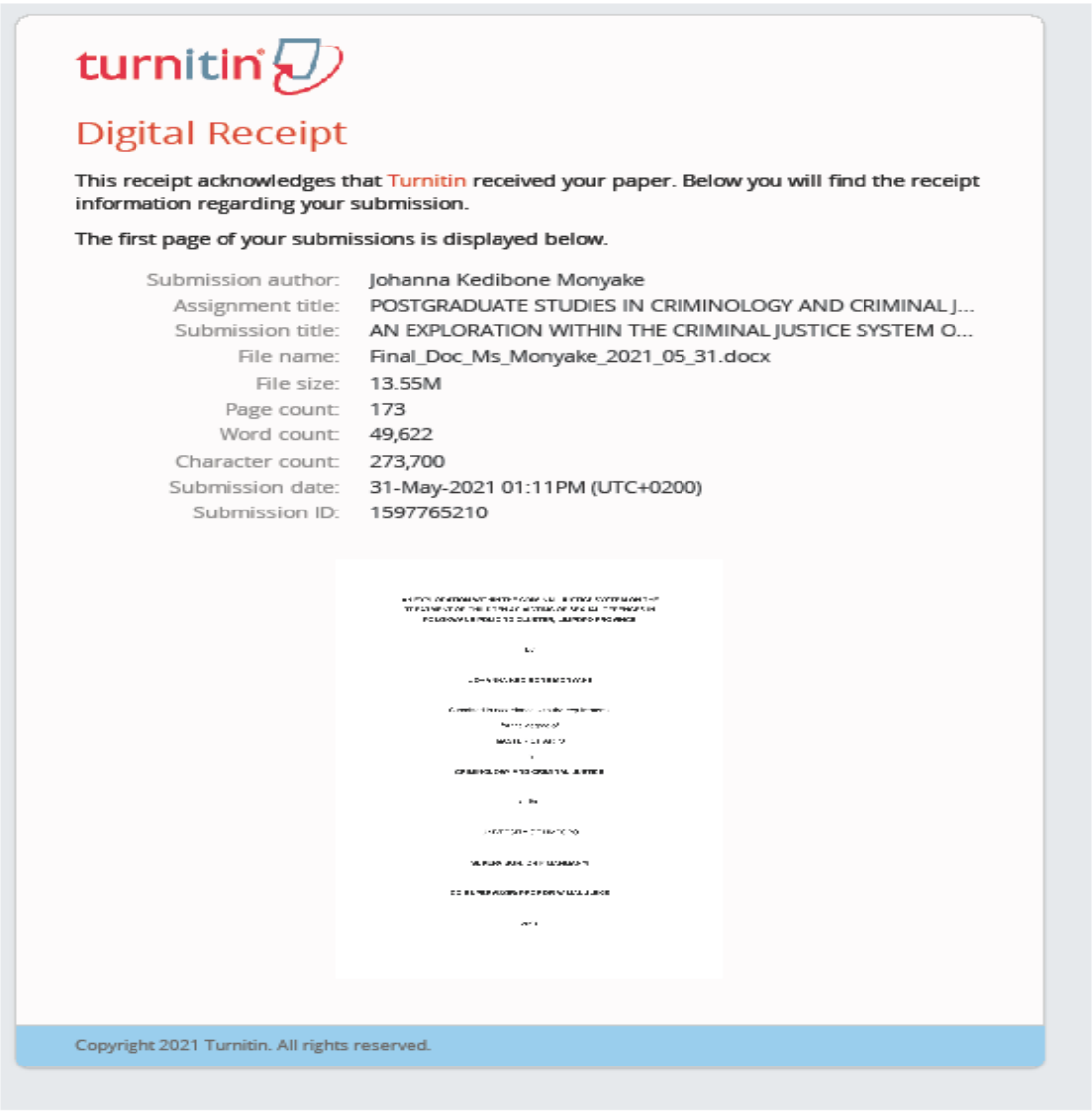
1. Authority to conduct the above research is granted.
2. Things to consider during the research process:
  - The research will be done at your own cost;
  - The research will be conducted without any disruption of official duties;
  - The information provided to the researcher by the SAPS to be strictly confidential as possible;
  - Participation in the interviews to be done voluntarily;
  - SAPS is expecting you to donate an annotated copy of the research done for service improvement.
3. Hoping you will find this in order.

  
LIEUTENANT GENERAL  
PROVINCIAL COMMISSIONER: LIMPOPO PROVINCE  
NJ LEDWABA

Date: 2020-11-23

8

## ANNEXURE I: TURNITIN REPORT



The image shows a Turnitin Digital Receipt. At the top left is the Turnitin logo. Below it is the title "Digital Receipt". A paragraph states: "This receipt acknowledges that Turnitin received your paper. Below you will find the receipt information regarding your submission." Another paragraph says: "The first page of your submissions is displayed below." A list of submission details follows: Submission author: Johanna Kedibone Monyake; Assignment title: POSTGRADUATE STUDIES IN CRIMINOLOGY AND CRIMINAL J...; Submission title: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM O...; File name: Final\_Doc\_Ms\_Monyake\_2021\_05\_31.docx; File size: 13.55M; Page count: 173; Word count: 49,622; Character count: 273,700; Submission date: 31-May-2021 01:11PM (UTC+0200); Submission ID: 1597765210. In the center, a small thumbnail of the first page of the document is shown, containing mostly illegible text. At the bottom of the receipt area, a blue bar contains the text: "Copyright 2021 Turnitin. All rights reserved."

**turnitin**

### Digital Receipt

This receipt acknowledges that **Turnitin** received your paper. Below you will find the receipt information regarding your submission.

The first page of your submissions is displayed below.

Submission author: Johanna Kedibone Monyake  
Assignment title: POSTGRADUATE STUDIES IN CRIMINOLOGY AND CRIMINAL J...  
Submission title: AN EXPLORATION WITHIN THE CRIMINAL JUSTICE SYSTEM O...  
File name: Final\_Doc\_Ms\_Monyake\_2021\_05\_31.docx  
File size: 13.55M  
Page count: 173  
Word count: 49,622  
Character count: 273,700  
Submission date: 31-May-2021 01:11PM (UTC+0200)  
Submission ID: 1597765210

Copyright 2021 Turnitin. All rights reserved.

MONYAKE TURNITIN REPORT.pdf - Adobe Acrobat Reader DC (32-bit)

File Edit View Sign Window Help

Home Tools MONYAKE TURNITIN... x

175 / 198 107%

Sign In

15% SIMILARITY INDEX 12% INTERNET SOURCES 3% PUBLICATIONS 8% STUDENT PAPERS

PRIMARY SOURCES

1	www.cjcp.org.za	1%
2	Submitted to Southern Business School	1%
3	www.counseling.org	1%
4	apps.ufs.ac.za	<1%

Export PDF

Adobe Export PDF

Convert PDF Files to Word or Excel Online

Select PDF File

MONYAKE T...EPORT.pdf

Convert to

Microsoft Word (\*.docx)

Document Language: English (U.S.) Change

Convert, edit and e-sign PDF forms & agreements

Free 7-Day Trial

14:31 2021/05/31