

**LEGAL SOCIETAL SYSTEM INTERVENTION TRAUMA TO  
CHILD SEXUAL ABUSE VICTIMS FOLLOWING  
DISCLOSURE IN LUSAKA URBAN DISTRICT, ZAMBIA**

**By**

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**A Dissertation submitted to the University of Zambia in Partial  
Fulfilment of the Requirements of the Degree of Master of Arts in  
Child and Adolescent Psychology**

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## DECLARATION

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## APPROVAL

This dissertation of Anselimo Boniface Mbuji has been approved as partial fulfilment of the requirements for the award of the degree of Master of Arts in Child and Adolescent Psychology by University of Zambia.

**Signed**

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## **ABSTRACT**

Although some experts have indicated system interventions as psychologically harmful, very few researchers have attempted to explore the impact of legal societal system interventions (Ryan, Perry, 1987). With the advent of increased cases of child sexual abuse in Zambia in which many perpetrators have been acquitted because of insufficient evidence given by the child, it is imperative to assess if the investigatory processes (court proceedings or legal service) interventions by the societal mandated authorities in intrafamilial child sexual abuse cases increase the level of trauma experienced in child victims following disclosure.

An in-depth study approach which followed a descriptive research design was used. This involved the use of both qualitative and quantitative research methods.

The present study indicates that certain types of legal societal system interventions such as subjecting a sexually abused child witness to multiple questioning, many interviews, regular courts used by adults, separating a child from her mother/caregiver, inadequate trust during the investigation further traumatized sexually abused children. Based on these of policies and procedures designed to reduce stress and to enhance improvement in children's ability to give their best evidence, results it is recommended that a link be strengthened between implementation

## **DEDICATION**

I am dedicating this work to my dear wife Elizabeth, the love of my life. She contributed significantly to the realization of this dream, both emotionally and financially. Without her this dream would not have come to fruition.

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## LIST OF ABBREVIATIONS AND ACRONYMS

<b>UNZA</b> .....	University of Zambia
<b>CSA</b> .....	Child Sexual Abuse
<b>NCPA</b> .....	National Child Protections Unit
<b>YWCA</b> .....	Young Women's Christian  <b>Association</b>
<b>LUD</b> .....	Lusaka Urban District
<b>TSC</b> .....	Trauma Systems Checklist
<b>NS</b> .....	Not significant
<b>&lt;</b> .....	Less than
<b>&gt;</b> .....	Greater than

## **Operational Definitions**

### **Variable**

- (a) Legal societal system Intervention
- (b) Trauma Systems

### **Definitions**

Court procedures and strategies

Any situation a child found to be too stressful

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

This study intended to explore if the investigatory processes, court proceedings, legal service interventions in intra family child sexual abuse cases increase the level of trauma experienced by child victims following disclosures. A conceptual framework of the background information pertaining to the legal societal factors that prevent full disclosure and instead induce additional trauma of child sexual abuse was discussed in terms of responses from various stakeholders such as magistrates, lawyers, policemen and child victims of sexual abuse and their caregivers. The chapter also presents the aim and objectives of the study. In this dissertation, the term societal intervention is used to refer to the court strategies and procedures that a sexually abused child is subjected to. In different parts of this dissertation, another term that has been taken to mean the same as trauma is the child's experience of distress. Situations which are too stressful for the child were thus used to refer to as additional trauma.

#### **1.1 Background**

Research on child sexual abuse has a long history because abuse of children is a very old problem of mankind to an extent that its awareness has had cycles of discovery and suppression. (National Guidelines for the multidisciplinary management of victims of sexual and gender based violence in Zambia, 2009). It is generally interesting to note that a perpetrator or child sexual abuser can be anyone, from anywhere with education or without, with a successful job or unemployed, married or single. Although child sexual abuse in Zambia was previously perceived as a domestic case, it is now regarded as a violation of human rights and personal liberties that undermine good governance. To execute this paradigm shift, several societal systems or structures to address the problem of child sexual

abuse (CSA) have been put in place in Zambia (National Guidelines for the multi-disciplinary management of victims of sexual and gender based violence in Zambia, 2009).

These include the health department, police, judiciary and social support services which work together in responding to and tracking all cases of child sexual abuse (CSE). Each of these service providers is mandated to perform specific roles in responding to child sexual abuse (CSE).

In Zambia the health care providers are in unique position to identify and respond to cases of child sexual abuse by delivering medical services and collecting forensic evidence. They also offer counselling services. The police are responsible for investigating allegations of child sexual abuse to determine if reasonable grounds exist to lay charges. They also respond to the victim's needs through counselling, referral to health facilities and provision of emergency contraception pills, when applicable. The role of the judiciary is to hear all cases and deliver judgement to social services, provide emotional support and information to the abused children during their recovery and throughout the justice process. They assist in ensuring the victim's co-operation in the criminal justice system by providing information and referrals to available community services (National Guidelines for the multidisciplinary management of victims of sexual and gender based violence in Zambia, 2009).

Although there are several organisations that have been formed in Zambia to address the plight of children who have been sexually abused, many of their programmes and initiatives are applied in isolation thereby rendering them ineffective (YWCA, 2002). It was discovered that despite their efforts to reduce child sexual abuse cases in Zambia the levels of such incidents remain disturbingly high. Among many other factors, broken families, which have

become dysfunctional and irrational beliefs that exist in our culture, contribute the most to the problem of increased numbers of child sexual abuse cases in Zambia (YWCA, 2002).

The Times of Zambia newspaper dated 25<sup>th</sup> September, 2010 reported that pinpointing child sexual abuse was very difficult and so most parents resorted to guessing or depended on gut instincts since the child might not say what was going on. The only thing that the parents were able to notice with children who had been sexually abused was that all did not seem well with them. Research indicated that the problem of child sexual abuse was prominent in Zambia particularly in some parts of Lusaka district such as Chainta, Kamanga and Luangwa Bridge where 25.3% of the children who experienced sexual abuse did not tell anyone about the incident (Shinkanga, 1996).

## **1.2 Rationale**

The increase in the number of child sexual abuse cases being reported in Zambia has resulted in more and more children having to give evidence in court. It would be interesting to investigate whether or not adequate support in terms of disclosure and court preparation is rendered to children who having been sexually abused in order to determine if the court appearances are inherently traumatic for them. The kind of environment provided to a sexually abused child has far reaching implications on the extent to which the child discloses the sexual abuse fully. Kogan (2005) in his study argued that disclosure of sexual abuse by the child is by itself the first and most important step of addressing the problem because children who receive supportive responses following disclosures are more likely to have less traumatic symptoms. The implication of this finding is that children need support and stress-reducing strategies after disclosure of sexual abuse. Since negative social reactions to disclose can evidently be harmful to the victim's well-being it is therefore, important to find

out the extent to which Zambia's support system renders this support to children who are sexually abused.

The National Guidelines for the multidisciplinary management of victims of sexual and gender based violence in Zambia (2010) cites the suffering following the abuse which is the beginning of the children's challenges of disclosing and testifying in the court system. For many children who disclose, it is either they are not believed or if at all they are believed they may have waited for a long time before disclosing by which time medical evidence is destroyed. It is vital therefore, to investigate factors that inhibit child sexual disclosure and the trauma experienced and induced by the existing investigation systems. No research has been attempted in Zambia to explore the impact of societal system of child sexual abuse disclosure.

Therefore, the significance of the present study is to find out whether or not the social service interventions and the investigatory processes among family members regarding child sexual abuse cases increase the level of trauma experienced by child victims following disclosures. This assertion can be seen in terms of its focus on understanding what might facilitate children's disclosure without exerting more trauma on a child who has already been sexually abused.

The theory supporting this assertion is derived from Fenkehor's Traumagenic dynamic Model (Fenkehor and Brown 1985). This model argued that defected societal systems interventions are likely to reproduce sexually abused children's previous experience of powerlessness, stigmatization, betrayal and trauma which in turn activate previous sexual trauma or initiate a new one. Since most of what directs present practices is theoretical speculations and past

methods of interventions the Traumagenic Dynamic Model fits in well with the present study. Since children's knowledge of and perception's about the court have such an important effect on the quality of their evidence, the present study is very important as it attempts to investigate what children know and feel about the court process.

### **1.3 Statement of the problem**

According to Berliner and Berbrerig (1984) certain system intervention for sexually abused children that are not child friendly can be psychologically harmful to children. It is believed that psychological damage is caused not only by the sexual abuse but by being forced to testify in an open court in the presence of the accused (Bjerrgaard 1989). Understanding the dynamics affecting child victims of sexual abuse would thus encourage the process of disclosure. Tedesco and Schnell, (1987) through their studies attested to the fact that an initial session between a service provider and a child witness, gives an impression that a sexually abused child appears to be the same as any other child confronted with a stressful experience. However, the differences between the two are that a sexually abused child comes with unpleasant experiences of sexual abuse which are made worse by additional distress or trauma arising from court strategies. This experience which can impact negatively on the child's behaviour and perception of her environment has been labelled by the professional world as traumatic. A point of enquiry is whether or not and to what extent, most legal professionals who deal with cases of child sexual abuse have knowledge of this underlying trauma. According to Lewis (1999), this knowledge base is not at all good because legal professionals need to have a better understanding of the psychological hindrance to disclosure of accurate details from sexually abused children. This is of crucial importance to the legal outcome of the investigative process in order to reduce the number of cases acquitted on grounds of insufficient and unreliable evidence. From this assertion it appears that a

significant gap still remains between the vision of legal societal intervention strategies and best evidence based practices. The present study examines the experience of additional trauma by sexually abused children as a result of legal societal systems.

#### **1.4 Research Questions**

The exploratory research questions for this emanated from the proposition that certain types of legal societal system interventions during the investigation, court procedures and legal services phases, further traumatize sexually abused children. Therefore, the research questions under investigations were:

- i. Does the interventions of more than one investigatory interview of a sexually abused child by system professionals elevate trauma in the child?
- ii. Does the interventions of testifying in regular criminal courts used by adults elevate trauma in sexually abused child witnesses?
- iii. Does being removed from the mother or primary caregiver by an action of the court elevate trauma in sexually abused child witnesses?
- iv. Does inability of professionals involved to establish trust as perceived by the child elevate trauma in sexually abused child witnesses?

The theory that prompted the researcher to come up with these research questions was derived from David Finkelhor's Traumatic Dynamics Model (Finkelhor & Browne, 1985). Using Finkelhor's model, it was proposed that legal societal system interventions are likely to reproduce sexually abused children's previous experiences of powerlessness, stigmatization and betrayal and thereby activate previous sexual abuse trauma or initiate new trauma.

## 1.5 Variables

### Independent variables

Legal societal systems interventions

### Dependent variables(Child behaviour)

Performance outcome results from interviews and trauma symptoms checklist.

## 1.6 Operational Definitions

Variable	Definitions
(a) Legal societal system Interventions	Court procedures and strategies
(b) Trauma symptoms	Any situation a child found to be too stressful

## 1.7 General Objectives

The main objective of this study was to identify and examine legal societal interventions which further traumatize sexually abused child witnesses.

## 1.8 Specific Objectives

- i. To examine if more than three (3) investigatory interviews of a child by any professional does increase trauma in sexually abused children.
- ii. To investigate if testifying in the regular courts used for adults induces increased trauma.
- iii. To investigate if being removed from the mother or primary caregivers by an action of the court increases trauma.
- iv. To investigate whether or not inability of professionals involved to establish trust as perceived by the child increases trauma.
- v. To determine the credibility of child witness in the regular courts used for adults.

## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW**

Presented here is a review of some studies that have previously been carried out in an attempt to investigate societal or court interventions which traumatize sexually abused child witnesses. These studies cited in here are sourced from various psychological books on child sexual abuse and court proceedings.

In a long-term follow-up study of children, Ovas et al, (2005) found that there were no significant differences in behavioural adjustment and trauma-related psychology between children who had testified once and those who had not testified in a court room or courts of law. However, when they compared sexually abused child victims who were involved in the legal system to a group of non-sexually abused children who were never involved in the legal system, the study revealed that there were considerable differences in mental health and adjustment. It was found that sexually abused child victims who were involved in the legal system had a greater level of emotional disturbance.

Studies conducted by Ceci and Bruck (1995) indicate that the procedure used in the criminal system require that the complainant goes through a system of multiple interviews before he or she can finally testify in court. Ben-Ariec and Windman, (2007) conducted a study to investigate the implications of negative attitudes and multiple interviews on a child witness who was sexually abused. They found out that the intervention of long multiple interviews is detrimental in the case of children who have had sexual abuse. Ceci and Bruck (1995) argue that subjecting a child who has been sexually abused to multiple interviews has far numerous negative effects because the child is compelled to repeat details of very personal and

shameful experiences to strangers again and again. This consequently increases the distress that she might already be experiencing as a sexual abuse victim.

The problem with most judicial systems could be said to be inability to focus on an in-depth understanding of how children perceive the legal process. Yet it is imperative to do so in order to establish from children themselves what aspects of the judicial process they experience as traumatic.

According to a study conducted by Troxel et al (2009) to investigate the levels of trauma that child witnesses suffer in criminal courts after witnessing or experiencing unlawful events of being sexually abused. This study indicated that child witnesses suffer a great deal of distress and trauma if child friendly procedures were not put in place. This explains why Cashmore and Bussey (1990) attested to the fact that there is need to come up with a number of reforms in relation to child witnesses experiences in courtrooms in order to alleviate the distress they go through when they give evidence. Furthermore, Mally et (2003) carried out a study to investigate the magnitude of distress that children experience in criminal prosecutions. This study led to the creation of interventions to reduce secondary trauma. This finding was further supported by studies by Hall and Sales (2008) who stated and emphasized the importance of legal interventions and protective measures that alleviate children's emotional distress throughout a trial service to promote the well-being of child victims and also enable children to provide more reliable testimony.

It is therefore, necessary to investigate further what children find more stressful and whether or not the creation or introduction of child friendly courts by governments would address child witness stresses in criminal courts.

Lamb et al (2004) in their study focussing on yet another societal dimensions in the legal system and the argument that testifying live facing the accused can contribute to children's accuracy needs to be balanced by consideration of the adverse effects of intimidation on children's testimony and the long delays to trial which can weaken children's memory, increase their suggestibility and delay emotional recovery from the crime.

Goodman et al (1988) conducted a study to investigate the effects of having children appear in court many times and being cross-examined. They found that this experience was very stressful for child victims of sexual abuse and this gives rise to long-term effects. To illustrate this Myres (1987) in his study asked young children to describe a court room and got the response from most of them that it was a scary place. This anxiety might perhaps have been caused by a lack of understanding of the trial proceedings and the child's role as witness. He further argued that the discomfort might have partly been induced by the children's inability to understand what the court process was all about or how it related to their family and also by their lack of knowledge about who all the players were. This finding is in agreement with another study by Ghetti et al, (2002).

Jones (2003) pointed out that because direct examination typically involves describing the crime, discussing highly personal or traumatic events which may cause embarrassment and discomfort and may force children to relive traumatic events in a re-traumatizing context focusing on their reactions to the defendant's presence in the courtroom like facing the defendant indicated that this was one of the primary causes of fear and anxiety to child witnesses. Consequently, it was found that most children because of the aforementioned factors were to large extent non-participants in a process that was designed to make decisions about their lives.

In a separate study conducted by Dziech and Schudson (1989) which study indicated that some sexually abused child witnesses thought the court was a police station and that the robed judge was a karate expert. This finding shows that ignorance of the courts of law and their functions as well as the inability to understand the language employed prevent children from being an effective witness and from taking part effectively in the judicial process.

In a separate study Sywitz (1995) agrees with the findings of Goodman (1988) when his study revealed that generalized anxiety which is most often associated with fear of the unknown could lead to avoidance. This would reduce the child's motivation and effort to remember details to such an extent that the event might not even be mentioned in spontaneous free recall, thus causing the child to "forget" essential information. This causes children to recall things incorrectly to confuse events and details and has a dramatic effect upon their credibility.

Yates (1987) found similar findings when he reported that one five year old witness thought that the judge would put her in prison for being "bad" because she was not able to answer all the questions. This fear is sometimes compounded by confusion and misconceptions regarding the process and the people involved. What this shows is that, there could be many children who think and believe that they may be punished if they tell the truth but are disbelieved. These findings were supported by studies conducted by Warren-Leubecker et al (1988) who also concluded that the majority of young children had very little knowledge of the role of court personnel and procedure. In addition to this the perception of children with regard to the court was found to be very negative with the majority of children believing that the court was a bad place for bad people.

Dziech and Schudson (1989) attested through observations from their study that giving evidence in court is a stressful experience for a witness because he or she will have to give evidence in the presence of a group of people, previously unknown to him or her, often about embarrassing and intimate details. If he or she is the complainant in the matter, he or she has the further arduous task of having to give evidence in the presence of the accused himself. He or she is then cross-examined which is often hostile used as a tool to trip up the witness, even confuse him at times, and is finally employed to suggest to the court that the witness has some other motive to implicate the accused falsely. The settling of the courtroom is in itself alien with the key figures wearing long black gowns. A procedure is followed that is not understood by children and the language used is formalistic, at times archaic and very specialized. The position is adequately described by Dziech and Schudson (1989) when they advocated for the position that for children, the courtroom should do more than just encourage civic responsibility.

Cavenagh (1959) in his study highlighted the fact that at a trial, children may be subjected to language which they do not understand. Stevens and Berliner (1980) agree with Cavenagh (1959) in their study and it was observed that children in the legal system are regularly subjected to legal jargon and terminology that even their parents do not comprehend.

Bjerrgaard (1989) in his study found that there was a growing concern about the effects on children of giving evidence in an adversarial environment. Many attorneys, mental health professionals and legal commentators claimed that court involvement traumatizes a child victim. To this effect Adler (1987) described through findings of his works the incident of a girl of eleven years of age who was asked to point out the man who had attacked her. She

was unable to return to court and the following day the court was informed that psychiatric treatment had to be arranged for her.

In yet another study, Bjerregaard (1989) used a between group design comparing a sample of children who were not sexually abused but had testified in court and compared them with a random sample of sexually abused victims. It was found that 73 percent of the court victims had behavioural problems compared with only 57 percent of the random sample who had not testified in court.

The researchers attributed these differences to the trauma of testifying in court. This result should not however, be misinterpreted to mean that children should not testify in court because studies by Ovas et al..., (2005) indicated that if children are not permitted to testify they may feel disenfranchised or helpless, especially if the defendant is not convicted. The same effect is true if the defendant received a lenient sentence as this would no doubt increase in a child a feeling of victimization.

Flin et Al., (1989) made an interesting observation that children have very little comprehension of the legal vocabulary and court procedures and also their own role within the process and that of the various professionals involved. Therefore, it means that children can have misconceptions which can lead to unrealistic fears.

Stevens and Berliner (1980) who did a study assessing the legal knowledge of juvenile defendants in English courts found that they were regularly subjected to legal jargon and terminology that they could not understand the meaning of words such as “charge”. This observation is supported by findings of another similar study by Flin et al., (1989) when they

argued that the oath's test competency to give evidence since children did not have knowledge of the terms employed in the examination. This argument makes a lot of sense if ever one has to focus on a child's understanding of words such as "truth" and "God". This is so because children who are less than seven years of age do not have sufficient knowledge of these concepts to answer questions relating to the competency examination.

The aforementioned limitations that children have in understanding the court procedures and purposes explains why researchers such as Perry (1991) found that testifying in court after a traumatic sexual incident can be upsetting and the child might suffer fear and anxiety before he/she has to testify in court. To augment this argument Don Wanchope (2000) in his study pointed out that what this means is that testifying in court is challenging for children who have been sexually abused and can lead to traumatization if not done effectively and with care. As such it can be argued that if testifying before a court is frightening and confusing for anyone of any age it is even more so for a child already bearing the stress and psychological repercussions of the sexual abuse. There is no doubt that for a child a court appearance which lacks sensitivity in cognitive abilities can be traumatizing (Keeney, 1992).

Measures to put in place to ensure sensitivity in cognitive abilities of a child were studied by Plotnikoff and Woolfson (1994). They argued that there is need for preparations in order to encourage children to reveal the fears they have to help them understand the legal procedures involved. Preparations are essential because they indicate what role the child will play. In this way, the children's confidence is increased which without any doubt would equip them to give better evidence in court. Preparations can thus be said to be effective in ensuring not only improvement in the quality of a child's evidence, but it also can contribute to better post-trial adjustment. The implication of these studies for Zambia and other under developed

countries is that there is need for a number of reforms in the legal system to facilitate the giving of evidence by children. Davies and Westcott (1995) have categorized these reforms into two main streams which they refer to as the protection school and the empowerment tradition. The protection school seeks to amend legal procedures to grant protection to children when they testify. One such recommendation to grant protection to children when they testify was illustrated in a study conducted by Campbell (2006), when he argued that there is need for additional research to examine the impact of victim advocates on both short and long-term outcomes for children who testify in criminal cases. He further attests to the fact that other studies of children with and without victim advocates may elucidate which factors increase the well-being of children in the courtroom and decrease their experience of additional trauma.

The empowerment tradition on the other hand seeks to strengthen the child's ability to cope with the task of giving evidence. By reducing anxiety through preparation and improvement strategies, the quality of the child's evidence is empowered. This in turn contributes to better [post-trial adjustment Sas et al., (1993).

In order for the child to testify, he/she must be legally competent to do so. Competence in this context includes the capacity to observe an even event to recall the information completely and accurately and to communicate effectively. In addition the child must be aware of the distinction between truth and falsehood and the obligation to speak the truth Myres (1987). Spencer and Flin (1993) took a step further and argued that to be truly competent, a child must be able to understand the questions posed to him or her and be able to resist leading questions. This was highlighted in a study, which was conducted by Müller and Tarit (1997) where children described a prosecutor as a bad guy and someone who chops

off heads. The fears associated with this misconception must cause untold stress when a child who has to testify is told to meet with the prosecutor.

The chances of the child giving effective testimony in this situation are considerably reduced. Cashmore and Bussey (1990) conducted a study on the fears of children about going to court. One of the main concerns was that they were afraid that they would have to prove their own innocence in court, and that the defence would try to implicate them in the crime. The younger children especially equated going to court with getting punished. Another related fear was the belief that they would be punished if they made a mistake.

## **CHAPTER THREE**

### **3.0 METHODOLOGY**

#### **3.1 STUDY DESIGN**

In order to collect data on societal system intervention trauma from key informants or gate keepers, an in-depth study approach which followed a descriptive research design was used. This involved the use of both qualitative and quantitative research method. However, to a larger extent, this dissertation presents a phenomenological study. This design is ideal for collecting qualitative data as regards information surrounding a particular occurrence which sexually abused children witnesses perceived to be stressful.

A total of 54 participants, girl children aged between 9 and 16 were included in the study. Four (4) participants were engaged in phase 1 (one) case studies and 50 participants in phase II (Two). Both phases involved children reported to have been sexually abused and had come out in public and whose cases went through the police, hospital/clinics, courts of law in Lusaka. However, focus was more on those involved in court proceedings.

The measurements of independent variables as against dependent variables were both studied using phenomenological study design. To meet the objective, the study was conducted in two phases. However, before this, a pilot study was conducted to check on the applicability of the instrument and strategy to be used, their relevance to the study and their feasibility.

In phase 1, four (4) in-depth case studies of children who were sexually abused were carried out using the qualitative method. Interviews were conducted with any other persons who were directly involved in any of the four (4) cases of sexually abused children, for example, parents/guardians, friends, police officers, nurses at the hospital/clinic where the case(s) were

reported, magistrates who presided over the case in the court and counsellors at the child protection centre, for example, Young Women Christian Association (YWCA). Data were obtained from case records at magistrates and High Courts, hospitals/clinic victim police units, counselling centres in order to validate what the interviewees had reported on child sexual abuse cases.

Phase II employed a proscriptive survey which involved an investigation into the relationship between societal interventions or court procedures and trauma levels in 50 sexually abused children. This phase involved administration of the Trauma Symptoms checklist for children. It was assumed that their responses would help to determine the societal interventions which induced additional trauma in the children.

The study design used in this phase was the between group design comparing a sample of children who were not sexually abused but had testified in court and compared them with a random sample of sexually abused victims. It was envisaged that if the trauma percentage of the child witness who had been sexually abused was greater than that for child witness children who were not sexually abused, then it would be concluded that the differences in levels of trauma were due to the trauma of testifying in court.

### **3.2 Sample and its demographic details**

Sampling technique: the sampling technique which was used in the research was stratified sampling because the population was categorized on the basis of diagnosis (sexually abused girl child witnesses). The criteria used to select the institutions Young Women Christian Association (YWCA) and National Child Protection Unit depended on the availability of the required participants in these institutions. Simple random and purposive sampling procedures were used to select the sample.

The sample consisted of 54 girl child witnesses aged between 9 and 16 who had been sexually abused. All of these girls came from Lusaka Urban in Zambia. Their educational background/status was between grade 4 and grade 10. All those selected had the ability to read, write and speak English. Those selected should have been sexually abused over the last six months. Lastly the abuse case should have gone through the police, the hospital, counselling centre and the court of law.

### **Inclusive Criteria**

The criteria for inclusion in the study were:

- i. Sexually abused by an adult household member
- ii. The abuse took place within the past six months.
- iii. Age at time of abuse disclosure had to be between 8 and 16 years.
- iv. Ability to speak, write and read English.
- v. The child had to be from Lusaka Urban.

### **3.3 Procedure**

Pilot Study: Prior to the main study, a pilot study was undertaken with four (4) participants selected as per the inclusion criteria adapted for the main study. The Pilot study was done in order to evaluate and finalise the choice of the tools to be used for the study and to determine the ease of administration of the tools and its relevance to the population under study.

### **3.4 Criteria for the selection of the tools**

- i. Standardization: as far as possible standardized tools were used.
- ii. Reaction of respondents during the pilot study, whether with enthusiasm and interest or not.

- iii. Use of simple; language or clarity of question items.
- iv. Relevance to the objectives of the study.
- v. Validity and reliability of the instruments.

Outcome of the pilot study: Based on the results, the Trauma Symptoms Checklist developed by John Biere (1989) was selected while the symptoms Questionnaire which was developed by Kellner was eliminated due to financial and syntax problems. It was originally planned to select both male and female participants, but due to the scarcity of male sexually abused child witnesses, it was decided that only female participants would be selected.

### **3.6 Ethical Considerations**

Before data collection was done for the main study, the research proposal was reviewed and approved by the University of Zambia Ethics Committee. Full explanations about the purpose of the study were made to participants and informed consent was obtained from those who agreed to participate in the study. Therefore, all the necessary guidelines were considered in this research.

The purpose of the research was explained to would-be participating individuals and institutions and formal consent was obtained before the study commenced. For all the participants who were enrolled in the study, informed consent was obtained from them as well as from their significant others, for example parents/guardians and authorities of the organisations involved. Preparations for meetings and interviews with participants were conducted prior to the meetings and interviews. Before the commencement of meetings and interviews participants were inducted thoroughly in order to solicit for their favourable support and co-operation.

All the court records of the participants in Lusaka Urban were reviewed by the researcher. The total population of sexually abused children who met the criteria within Lusaka Urban were sent letters requesting their participation in the study. Letters were also sent to the parents/guardians. Where there was no response received to the initial letter, this was followed up with a second letter and a personal contact was attempted. Upon completion of the interview the child was thanked for her time. Approximately 82% of the children that were sent letters were interviewed for the study. All the interviews were done by the researcher.

### **3.7 Instruments**

The researcher also designed an instrument that was an open ended self-report of what children recalled about the specific legal societal system intervention and their effects following disclosure. Further, it served to obtain information regarding the child's experience during the legal societal interventions.

### **3.8 Assessment Tools**

The demographic details of each participant were collected using the personal data sheet. All together three questionnaires were used to collect data. The details of the questionnaires are given below:

#### **i. Consent form (Appendix A)**

A consent form was developed for the present study. This is a written consent form which elicited information that participants have agreed to be part of the study. Prior to the administration of all parameters the willingness of the participants through their primary caregivers was ascertained and the primary caregivers were made to sign consent form. It also explained the purpose of the study.

## **ii. Personal Data Sheet (Appendix B)**

A personal data sheet was developed for the present study. The information schedule elicited information regarding social-demographic details relevant for the study such as diagnosis, age and education.

## **iii. The Trauma Symptoms Checklist:**

Two testing instruments were administered during a semi-structured interview in order to measure the level of trauma and to determine the amount of societal system intervention stress experienced by each child. The Trauma symptom checklist for children (Briere, 1992) was administered to establish a trauma score for each child. Its purpose is to assess childhood trauma and is especially sensitive to sexual abuse (Biere, 1992). However to measure the probable level of stress that the investigatory legal, and social service interventions produced an interview schedule was developed by the researcher for the purpose of the present study. Its purpose was to establish relative weights for the different experiences likely to be encountered by children in the process of intervention following report of child sexual abuse.

## **3.9 Data Analysis**

The qualitative data collected during phase I of the main study was analysed by processing transcriptions of material which were recorded. This material was further analysed using a strategy of coding and recursive observation. Emerging issues were then grouped into common themes and analysed thereafter so that divergent views were sought and reported.

The analysis of qualitative data was concentrated on meanings expressed through words and the analysis conducted through the use of conceptualization. As Saunders, et al., (2000: 381)

observed that the nature of qualitative data has implications for both its collection and analysis. Hussey and Hussey (1997: 248) suggest that there are three (3) related elements in the analysis of qualitative data.

These are:

- (a) Reducing the data and condensing the material in some systematic manner so as to make it more manageable.
- (b) Structuring the data in terms of themes, patterns and interrelationships.
- (c) De-textualizing the data by converting extended texts into more manageable forms, such as summaries, charts, diagrams and illustrations.

In the case of qualitative data, the research questions that certain system intervention strategies exacerbates trauma and stress in child sexual abuse was analysed in terms of personal correlation levels of trauma and societal strategies.

## CHAPTER FOUR

### 4.0 FINDINGS OF THE STUDY

The results have been presented according to the following themes:

- i. Multiple interview/multifaceted questioning
- ii. Testifying in adult magistrate courts
- iii. Removal or separated from mother or primary caregiver
- iv. Trust between sexually abused children and professionals attending to them
- v. Credibility of child witness in regular adult courts.

**Table 1: Corrections of levels of trauma and the societal interventions strategies.**

Mean Number of Interviews in all the societal intervention phases	Mode of Number of Interviews	Percentage	Correlation between No of Interviews and trauma scores
3	4	61%	P value 0.013

**The level of association being 0.29**

SI NO	Factors Correlated to Trauma Symptoms	Correlation coefficient
A.	Multiple interviews	.878**
B.	Testifying in adult magistrate courts	.831**
C.	Testifying in juvenile courts	0.071 NS
D.	Removal or being separated from primary caregiver who is a perpetrator	.061 NS
E.	Being subjected to more than three (3) interviews	.878 **
F.	10% of children subjected to less than three (3) interviews	0.081 NS

G.	Multiple Questioning	.813**
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xx P < 0.01 Significant; P < 0.05,

NS Not significant

### **A. Multiple Interviews**

The mean number of investigatory interviews per child was 3. The mode was four interviews with Thirty (30) children (55%). Correlations were used to analyse the data for a number of interviews and trauma score. The correlation between the number of interviews and trauma scores yielded a P Value of .013 with the level of association being 0.29 which was significant.

Regarding multiple interviews, the present study revealed that being subjected to more than four (4) interviews led to an experience of additional trauma in the child witnesses of sexual abuse [P value=0.08, NS]

### **B. Testifying in adult magistrate courts**

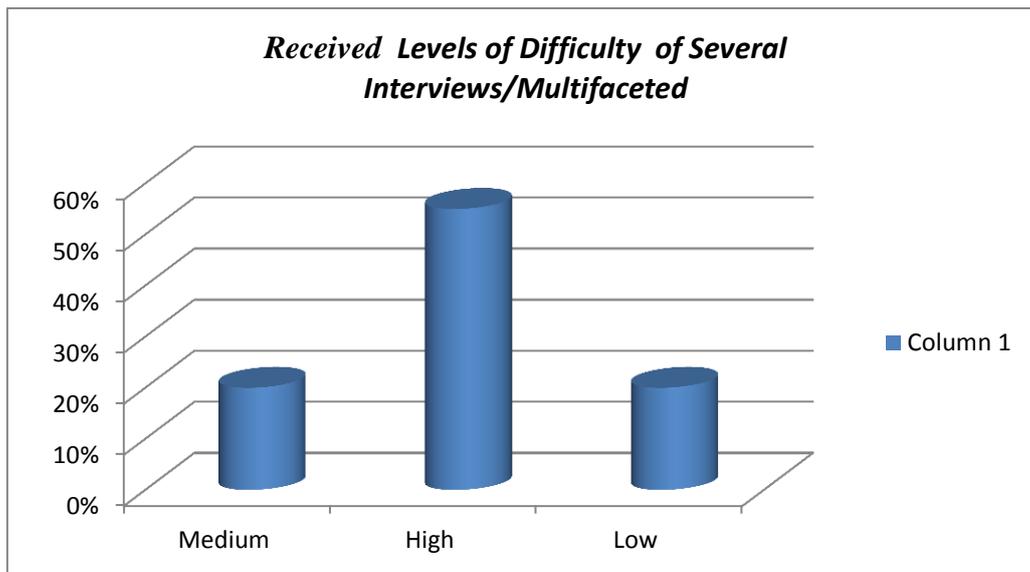
During the legal intervention phase, 34 children testified in the juvenile court while 20 testified in the adult magistrate courts. The correlation between trauma and testifying in adult magistrate courts was .831 which is significant while that for juvenile courts was 0.071 which is not significant. The present study revealed that children who testified in adult magistrate courts had additional trauma [P value = 0.831] unlike those who testified in juvenile courts [P value = 0.71].

When the researcher interviewed two groups of child victims of sexual abuse, about 70 percent of those who appeared in court as child witnesses had behavioural problems such as fears, stress and depression compared to only 40 percent of the child victims of sexual abuse who had not appeared as child witnesses in the courts of law. The researcher thus attributed these differences to the trauma of testifying in court.

### **C. Removal or Separated from the mother or primary caregiver**

The third (3<sup>rd</sup>) research question about removal from the home, was the primary variable in the legal phase intervention. Removal from the home of a primary caregiver revealed that 25 children (46%) who were removed from their homes because the family member was the perpetrator did not experience any additional trauma [P value = 0.021 NS]. Of the child witnesses who were removed from the mother or primary caregiver because of the abuse thirty –five percent [35%] of them sought support from someone other than their primary caregiver because of the failure of the mother to believe that the sexual abuse had taken place. Forty – Eight percent [48%] of the children who were removed stated that the removal was helpful and 20% felt it had no effect on them. An interview with legal practitioners revealed that safety from the perpetrator was cited 90% of the time as the reason for removal was helpful.

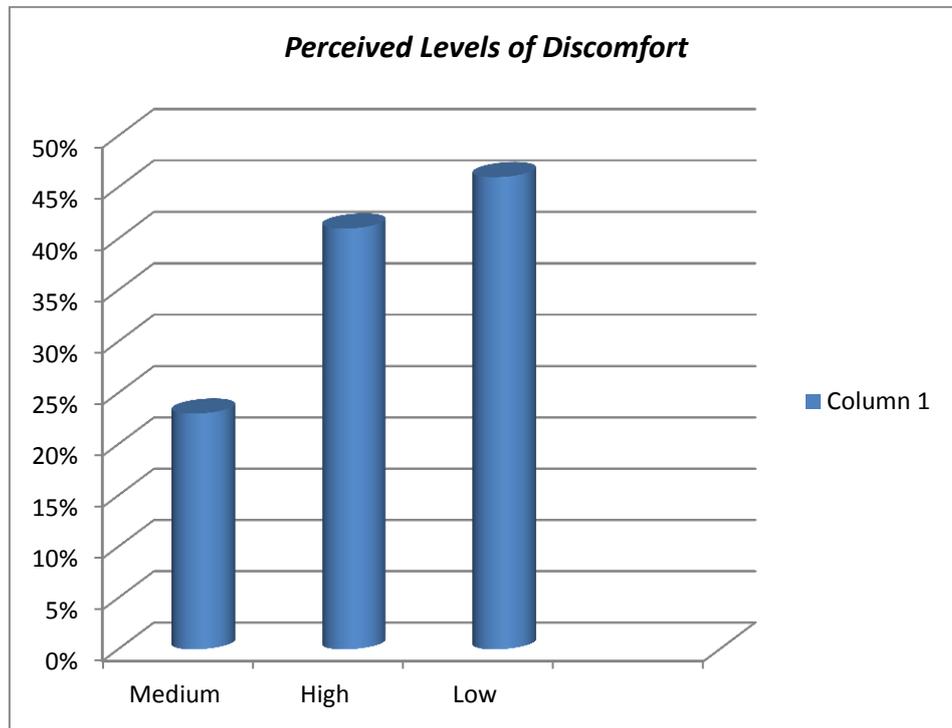
**Figure 1: Multiple interviews/multifaceted Questioning**



Over 50% of child witnesses found it stressful to go through several interviews and understand some of the questions because according to them they were too long.

A close analysis by the researcher of the Questions asked by legal professionals to child witnesses revealed that they contained two or three (3) sub-questions thereby compelling the child to only answer the last part of the board Question which she could remember. An example cited in this respect falls in the category of age-inappropriate vocabulary. For example, do you know how you came here and why you came? “Such a Question is a compound loaded with two broad such questions – how and why! In instances like this, children only tend to answer the last bit of the broad question. Below is an extract from the views of some social welfare officers who accompanied the children to cross examinations. “I observed that when child witnesses were asked long questions about sexual abuse, their answers were not adequate.

**Figure 2: Removal from the Mother or Primary Caregiver**

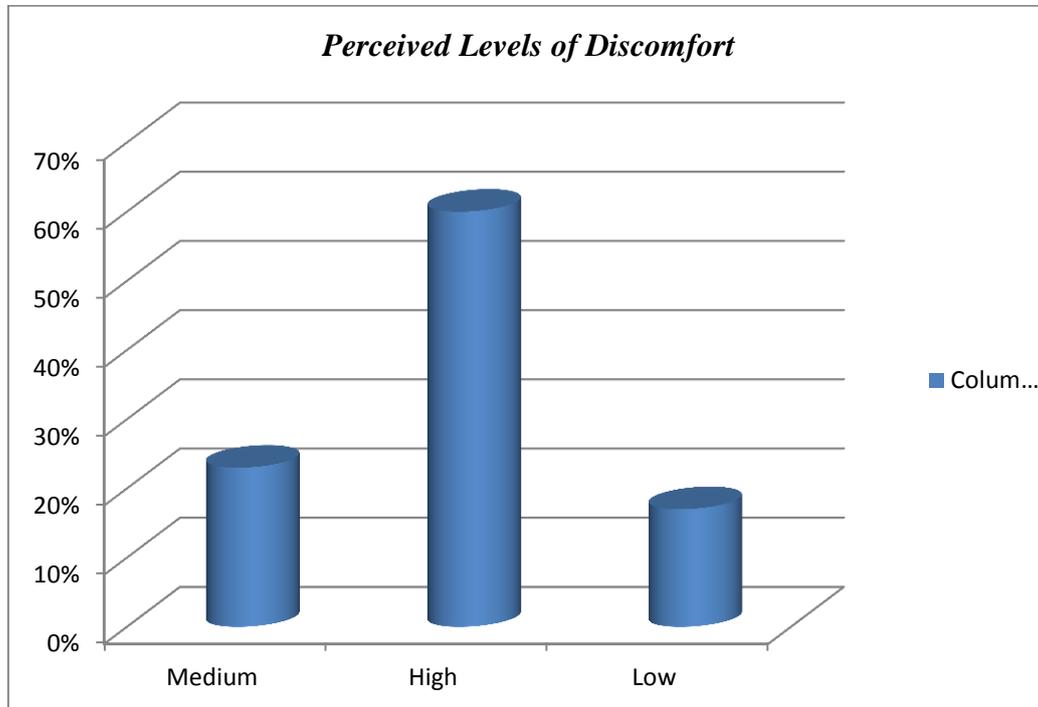


When those who were removed from their caregivers (home) were asked how they felt, 46% of the children stated that they felt safe to be away from the perpetrator. However, 41% of the children who were removed from home to a safer place reported high levels of discomfort to be separated from their primary caregivers because removal could have been made easier if legal professionals had taken time to listen to what they had to say about removal, and prepare them better for this transition.

Another way of handling the situation had been to remove the perpetrator from his home by means of a court injunction.

## Credibility of child witness in regular adults courts

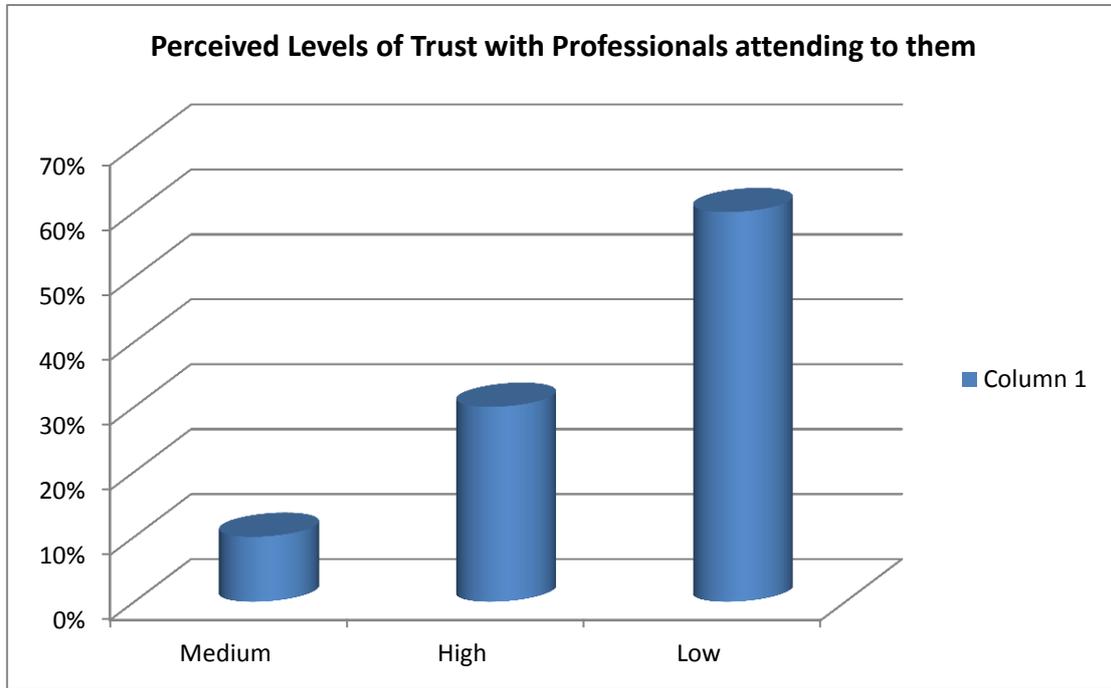
Figure 3: Experience of sexual child witnesses in regular adult courts.



When asked how safe they felt in the adult magistrate court, children [60%] of the childwitnesses felt that they were scared. A deductive analysis of the perceived levels of discomfort indicates that an environment perceived to be less child friendly lead to anxiety which can negatively affect the trial. This shows that although cross examinations are designed to discredit the witness, it is necessary to adopt strategies that would safe-guard against children being scared or feeling unsafe.

**A. Trust between sexually abused children and professionals attending to them**

**Figure 4: *Trust between Sexually Abused Children and Professionals attending to them.***



Sixty [60%] percent of the sexually abused child witnesses had low trust levels because of misconception about the role played by judges, lawyers, and prosecutor. When asked who they thought these people were, they thought that they were law enforcers who would take them to jail if they were not believed and this made them feel sad and scared.

## **CHAPTER FIVE**

### **5.0 DISCUSSION OF FINDINGS**

#### **5.1 Introduction**

This Chapter discussed the results obtained in the study in the following sequence: Interventions of more than one investigatory interview/multifaceted Questioning; testifying in regular criminal courts; being removed from the mother or primary caregiver; inability of professionals involved to establish trust as perceived by the child.

#### **5.2 Multiple interviews**

The present study indicated that there was an association between additional trauma levels and number of interviews.

This result is in line with the findings of Goodman et al., (1988) that subjecting a child who has been sexually abused to multiple interviews and multifaceted Questioning has numerous negative effects. For instance when a child is asked to repeat the same story about what happened when she was abused, this experience can lead to additional distress or trauma. It can also be argued that a situation in which a child is compelled to repeat her story again and again makes the evidence begin to sound like a rehearsed version because of the acquisition of some of the terminologies of her interviewers. Consequently, this outcome gives the court an impression that the child has been coached.

Other effects cited following multiple interviews include distortion of the original account of what might have happened because a memory of an event is not static and can be affected every time the event is discussed. It can further be argued that, it is likely that the danger of suggestion or unwilling incorporation of information into memory increases with every

interview. This is leading questions, bribes, threats and other forms of social inducement (Ceci and Bruck; 1995).

What this means is that if a child is exposed to numerous interviews, it is most likely that the chances of influencing her through suggestions will increase in one form or another.

Another explanation why the child witnesses exposed to multiple interviews experienced increased trauma was probably because repeated interviews can diminish the child's motivation and co-operation. This is so because when time to testify comes, the previous repeated narrations she might have made would probably make her not want to repeat the details again (Spencer and Flin, 1993). Another study that could be used to explain the findings of the present study about the negative effect of multiple interviews was by Saywitz (1995) when he argued that children believe that the presiding officer already "knows" all the details since they have repeated them so often to so many different people. In other words, this belief that a judge is omniscient will further lower their motivation to remember details. Therefore, the results of the present study have important implications dealing with child sexual abuse cases. Hence, there is need for increased focus or an in-depth understanding of how children perceive the legal process.

### **5.3 Multiple Questioning**

The present study revealed that over 55% of the child participants found it difficult to understand some of the questions because they were loading with two broad sub-Questions embedded within one Question. It was thus observed that in such instances, child witnesses of sexual abuse tended to only answer the last part of the broad Question. This finding of the present study is in agreement with findings of studies by Stevens and Berliner (1980) which showed that lack of adequate comprehension of what is being asked during the cross examination compromises to a large extent, the quality of response from the child witness.

Explained differently; it is not just the use of court jargon that inhibits good comprehension of the question, but also the manner in which Questions are asked. This shows that all professionals involved in child witnessing need to learn developmentally appropriate Questions if ever they are going to improve the utility and Quality of children's testimonies and at the same time reduce the chances of children getting traumatized by their court room experiences.

Children who are subjected to inappropriate questioning cannot communicate effectively what happened to them and what they observed. Multifaceted questioning can make the experiences of witnessing really upsetting for a child. Certain legal practitioners may claim that traumatic Questioning is one way to get the truth, but multifaceted Questioning can surely obscure the truth. This is so because children at this level have not yet developed the necessary language and reasoning skills to answer multifaceted questions meaningfully.

Regarding the use of jargon, it suffices to say that if a child is compelled to answer a question she has not understood, the answer will most likely not be accurate at all. Most often children will be reluctant to say if they do not understand a question or ask for clarifications. As a result they may give an incorrect answer. Children often want to be seen to be helpful and so they will endeavour to provide answers to even those questions they have not understood even if doing so leads to misleading information. They will often answer the question based on the parts which they think they have understood. Therefore, if the goal of the legal system is to find the truth then questioners should only ask parts of the question in small bits which a child of that age can meaningfully understand and answer.

Children are not just short adults; they have low levels of reasoning and communication skills. For them certain words and ideas have different meanings from adults because they have more limited life experiences compared to adults. What compounds the situation for

children is the fact that they do not understand the legal system. For instance most of them think that they will go to jail if they do not answer a question. It is therefore, regrettable to observe that most questioners do not seem to recognize the fact that children have different language skills with those of the adults.

#### **5.4 Being removed from the mother or primary caregiver**

The finding of the present study revealed that 48% of the child witnesses who had been separated from their caregivers (home) felt safe to be away from the perpetrator while 76% of the children who were removed from home to a safer place indicated that removal could have been made easier if professionals had talked to them more, listened to what they had to say about removal, and prepared them better. This result is in agreement with findings of a study conducted by Sywtz (1995) and Goodman (1988) which revealed that generalized anxiety which is most often associated with fear of the perpetrator and the new place could lead to avoidance in child witnesses. Implications of this finding are that rather than remove the child from her home, perhaps it would be a better idea to remove the perpetrator from that home even if he is on bail. However, because of the adequate support that some children receive from new caregivers in the new homes where they are taken for safety, removal from the home was not found to always be a predictor of higher trauma in some child witnesses. The safety gained appeared to outweigh the temporary loss of significant others. This is an important awareness for professionals who are under the mandate to keep families together. It may be more harmful to leave children in their home according to children who have been removed.

#### **5.5 Credibility of child witness testifying in regular adult courts**

The findings have revealed that most children [60% of the child witnesses] felt that they were scared of regular adult court. In other words, they perceived them to be less child-friendly.

This explains reasons for their apprehensions and discomfort, which beyond reasonable doubt could have negatively affected the trial. This result is in agreement with the findings of Cashmore and Bussy (1990) which revealed that the child witnesses of sexual abuse were afraid of going to court because they would have to prove their own innocence in court, failure to which the defence would try to implicate them in the crime. They further found that the younger children especially equated going to court with getting punished if they made a mistake. These fears point to the increased need for child friendly courts in Zambia where the cross examination approach or design to discredit the witness used on adults can be revisited in order to put in place a safe-guard against inadequacies of children to defend themselves.

#### **5.6 Trust between sexually abused children and professional attending to them**

To establish whether or not inability of professionals involved to establish trust as perceived by the child increases trauma was one of the objectives in the present study which was meant to determine whether there is an impact in the trust sexually abused children have in professionals attending to them and the children's trauma levels. The descriptive statistical analysis of the present study revealed that it appears that children who had established trust with legal professionals dealing with their cases had a likelihood of significantly lower trauma scores than those that did not.

According to children it is always bad people who go to court. And so the child is scared that she can be put away in jail for whatever reasons. This inference is of great concern because children's perception of the court has such an important effect on the quality of the evidence. The reason it is important for legal practitioners to sensitively build rapport with the child is because they already have a predisposition of inability to trust following the sexually abuse. As Muller et al.. (1990) rightly put it in their study, "As a result of the betrayal, the child has

suffered at the hands of an abusive person (usually an adult, and because she has been made to feel helpless by that person, the child is severely limited in her ability to trust. This ability to trust may impair her future relationships with, other people and this includes the legal practitioners themselves.”

Questioning children about their sexual abuse disclosure, is a complex process rather than a simple event because of many factors at work to inhibit disclosure such as fears planted in the children’s minds of maternal disbelief and abandonment. This is why it can be argued that full disclosure can best be facilitated by the presence of someone whom the child perceives to be understanding and trustworthy.

Results obtained seem to show that most legal practitioners despite efforts to ask open-ended questions still had challenges of not being able to win the trust of the child witness so that she could freely reveal or tell details of her story. The importance of the findings as regards the role that trust plays was reinforced by several of the children’s responses. Seventy percent (70%) of the children who had some trust in the professionals attending to them stated that having a trusted professional was a “great help.” Ten percent (10%) of the children stated that they were more trusting of other people as an outcome of the legal system intervention. This finding on trust, directs professionals to concentrate on establishing and maintaining positive relationships with children as a key component of their legal system intervention. The establishment of trust as a primary goal of the legal societal system intervention is therefore, crucial to the support of sexually abused children.

## CHAPTER SIX

### 6.0 CONCLUSION AND RECOMMENDATIONS

#### 6.1 Conclusion

The present study indicates that certain types of legal societal system interventions such as multiple questioning, more than three interviews, child-mother/caregiver separation, inadequate trust during the investigation, and the use of jargon language through multifaceted questioning in court further traumatize sexually abused children. It should be construed that the present study gives evidence that it is not the involvement of the child victim of sexual abuse in the legal system per se that leads her to be emotionally hurt, but rather some legal societal interventions such as testifying multiple times. Lastly, it appears that having child victims of sexual abuse testify in a magistrate court used by adults elevates trauma levels. The influence of subjecting sexually abused children to regular courts used by adults is evident from the results that it is one of the legal societal intervention factors that lead to additional trauma to the child. Since child victims of sexual abuse are vulnerable witnesses who may experience trauma and secondary victimization when they testify in court, there is need for the introduction of sexual offences child friendly courts in order to alleviate this problem in various ways.

#### 6.2 Recommendations

- i. Based on the findings of this study pertaining to the legal societal interventions in matters relating to child sexual abuse, it is recommended that further studies be carried out to better understand this area of possible concern because insufficient time to do a longitudinal study was the only major limitation of the present study observed.
- ii. It should be acknowledged that it is common that sexual abuse cases involve repeated abuse perpetrated someone close to the child. As the material used in the present study

is rather unique, I recommend that one need to be cautious about generalizing these results to a broader group of sexuality abused children. On the other hand, children's unwillingness to report, (disclose) about sexual abuse is probably even more evident in intrafamilial than extrafamilial cases, (i.e due to loyalty conflict and fear of negative consequences for the family and life situation). This, the present provide a complimentary contributions indicating that it maybe even more difficult to report about sexual abuse than has previously been suggested (i.e even when the perpetrator is total stranger).

- iii. In order to overcome completing barriers and be able to report, I recommend that the child must be made to feel comfortable in the interview situation and trust the interviewer. Furthermore, the interviewer must have patience and time. Consequently, considerable focus during the interview must be put on establishing rapport with the child.
- iv. Since it was established that the most frightening experience in testifying was the presence of the perpetrator in the court room, I recommend that more research is required to validity the effectiveness of having the child witness be close examined in a separate room via teleconferencing facilities or other media as long as they cannot see the perpetrator as they do so.

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