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The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 13 of 2021: The case of statutory rape in Johannesburg, Gauteng

Doodhnath, Sirishka

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The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 13 of 2021: The case of statutory rape in Johannesburg, Gauteng

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Faculty of Humanities

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In partial fulfilment of the requirements

for the degree Master of Arts in Social Work in the

field of School Social Work

by

Sirishka Doodhnath

September 2024

DECLARATION:

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

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DEDICATION

I am dedicating this research report to my parents Ashok and Ishana Doodhnath, who have continuously supported and encouraged me throughout this journey. As well as my grandmother and belated grandfather, who have always been my number one supporter in Academia and life. I know my grandfather is still with me and holding my hand through each and every obstacle I face.

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LIST OF ABBREVIATIONS

1. GBV- Gender-Based Violence
2. MDTs- Multidisciplinary Teams
3. NO – Number
4. NPO – Non-Profit Organization
5. OCSEA - Online Child Sexual Exploitation and Abuse
6. PEP- Post-Exposure Prophylaxis
7. PTSD - Post-Traumatic Stress Disorder
8. SAPS - South African Police Service
9. SW - Social Work
10. UNCRC- United Nations Convention on the Rights of the Child
11. WHO - World Health Organization

CHAPTER ONE: INTRODUCTION TO THE STUDY

Gender-based violence (GBV) against children on both boys and girls, has a significant impact on their psychological and social well-being, as it weakens their health, security, dignity, and autonomy (Mabetshe et al., 2022). The violence can be in form of physical, sexual, and psychological abuse. In South Africa, there has been a surge in statutory sexual abuse cases in the last decade, with at least one in five cases being reported from various schools daily (Mabetshe et al., 2022). As of the 2022/2023 fiscal year, an estimated 53 900 South Africans reported experiencing sexual crime. From these statistics, 80% reported being raped and 7600 were victims of sexual assault (Cowling, 2023). Girls are more susceptible to experiencing sexual harassment, sexual assault, and rape compared to boys, according to a 2022 South African research report (Mukwehvo, 2017). The annual police crime statistics of South Africa revealed that 42,289 rape cases were reported between 2019 and 2020, with at least 115 cases reported per day (Gouws, 2022). Of these cases, about 23,000 were victims between the ages of 10 and 19, with higher rates reported in rural provinces (Ncube-Nkomo, 2021).

To address the statutory rape crisis, the Criminal Law (Sexual Offence and Related Matters) Act of 2007 was amended in November 2021. The amendment emphasizes the legal obligation of all adults to report any reasonable suspicion of child sexual abuse. It also expands the definition of vulnerable groups that require protection under this legal duty, aiming to enhance the effectiveness and efficiency of providing adequate protection to survivors of sexual offenses (Act No, 32, 2007). The previous laws were perceived as exacerbating victims' suffering by causing secondary trauma and unintentional secondary victimization. The study's aim is to analyse the amendments made in November 2021 to the Criminal Law (Sexual Offence and Related Matters) Act of 2007. It also aims to explore the perceptions and experiences of social work practitioners and their multi-disciplinary team in implementing the Act to assist statutory rape survivors. The study gathered data from countries with cultures similar to South Africa that share the same objectives, to analyse the possible effectiveness of the framework in a resource-constrained country. The study's limitation was finding participants who could provide sufficient information on the Act's utilisation, as many professionals indicated that the Act is not widely or correctly used (Act No, 32, 2007).

1.1. Statement of the problem and rationale for the study

Gender-based violence (GBV) remains a critical issue in South Africa, where at least one in five females are likely to experience sexual abuse in their lifetime (World Health Organization, 2014). The country has earned the grim title of "The rape capital of the world," largely due to a pervasive rape culture that normalises and even justifies the terrorisation of those perceived as vulnerable (Clifford, 2021b). This toxic culture exacerbates the challenges victims face in seeking justice and asserting their human rights, often diminishing their resolve to pursue legal recourse.

The South African Constitution mandates state organs to ensure the effective and efficient implementation of laws designed to protect women and girls (Pienaar, 2019). However, despite the existence of robust legal frameworks, such as the Criminal Law (Sexual Offenses and Related Matters Act) No. 32 of 2007, there has been a chronic issue with the inadequate implementation of these policies. This shortfall is often attributed to several factors, including the poor allocation of resources, lack of clarity in policy wording, and insufficient monitoring and enforcement mechanisms.

A recent amendment to the Criminal Law (Sexual Offenses and Related Matters Act) No. 13 of 2021 introduced new objectives aimed at strengthening protections for vulnerable groups and combating GBV. This study seeks to critically review these new objectives, particularly focusing on their suitability for the South African context. The research will examine the experiences and perceptions of the multi-disciplinary team responsible for implementing the Act and supporting statutory rape survivors.

Moreover, this study highlights the enduring statutory rape culture in South Africa, which significantly contributes to the high rates of sexual abuse and violence against women and girls. Despite the presence of laws and policies designed to safeguard these individuals, the poor implementation of these measures has led to a persistent lack of justice and support for survivors. This study aims to explore how these newly introduced objectives can be more effectively implemented in practice and to identify any gaps or challenges within the current framework that require attention.

Existing research has predominantly focused on the legislative aspects of GBV but has often overlooked the practical challenges encountered during implementation (Clifford, 2021b; Mabetshe et al., 2022). This study aims to fill this gap by providing a comprehensive analysis of the perceptions and experiences of those on the front lines of policy enforcement. The findings from this study will contribute to enhancing policy and practice in the field of GBV, ultimately improving the lives of survivors in South Africa.

As a Chapter Nine institution responsible for safeguarding democracy, it is imperative that state organs ensure the effective implementation of all laws designed to protect women and girls. This study offers valuable insights into the systemic barriers that hinder effective policy implementation and provide recommendations for overcoming these challenges. By addressing the entrenched statutory rape culture and enhancing the enforcement of laws and policies aimed at protecting survivors, South Africa can make meaningful progress in combating GBV and creating a safer society for all.

1.2. Research question

What are the perceptions and experiences of service providers in implementing the Criminal Law (Sexual Offence and Related Matters) Act No, 13 of 2021 as Amended when assisting statutory rape victims in Johannesburg, South Africa?

1.3. Aim and objectives

1.3.1. Aim

To explore the perceptions and experience of service provider in implementing the Criminal Law (Sexual Offence and Related Matters) Act No, 13 of 2021 as Amended when assisting statutory rape victims in Johannesburg, South Africa.

1.3.2. Objectives

- To explore how service providers while assisting statutory rape victims' experiences influence their perceptions of the implementation of the Criminal Law as Amended.
- To assess the extent to which new changes facilitate or hinder implementation of the services.

- To discover the service providers' views on the effectiveness of policy implementation in protecting the rights of minors with a particular focus on analysing the impact of provisions related to sexual activity in children and the age of consent for sex by focusing on these topics in the interviews.
- To identify the challenges that service providers face in implementing the Criminal Law (Sexual Offence and Related Matters) Act No, 13 of 2021 as Amended when assisting statutory rape victims.

1.4. Definition of concepts

Child abuse: In South Africa, the Children's Act No. 38 of 2005 defines child abuse as any form of harm or ill-treatment inflicted upon a child, including but not limited to physical, emotional, or sexual abuse, neglect, abandonment, exploitation, and exposure to violence or harmful substances (Hendricks, 2014)**.** In this study, the concept refers to the sexual abuse of a child. According to the Children's Act, a child is legally defined as any individual under the age of 18 years.

Criminal Law (Sexual Offence and Related Matters) Amendment Act 32 of 2007: This act was created to consolidate all sexual crimes into a single law, define sexual crimes in a gender-neutral context applicable to both women and men, and ensure that rape survivors have access to post-exposure prophylaxis (PEP). Furthermore, it has been implemented to comprehensively and thoroughly review and address various aspects of the laws and their enforcement related to sexual offenses, consolidating the legalities of these issues into a single representation (Act No, 32, 2007).

The Criminal Law (Sexual Offences and Related Matters) Amendment Act No 13 of 2021: An amendment to the Criminal Law (Sexual Offences and Related Matters) Act No 32 of 2007 in South Africa. The aim of the amendment is to provide enhanced protection for victims of sexual offences, particularly vulnerable groups such as children, persons with disabilities, and young women below the ages of 25 in institutions of higher learning (Act No, 13, 2021). It also includes provisions for reporting sexual offences, the handling of sexual offences cases by the

criminal justice system, and the prevention and management of sexual offences in institutions (Act No, 13, 2021). The amendment was enacted in November 2021 and is currently in effect.

Service provider: A government service provider is an organisation or entity that provides goods, services, or infrastructure to the government to assist in performing its functions and responsibilities. Government service providers can be private or public sector working with the government to deliver services to citizens or other stakeholders (Organisation for Economic Co-operation and Development, 2008). The service providers in this study consist of social workers from Non-Profit Organization's (NPO's), policemen from South African Police Stations, clinicians from government hospitals and NPO's and psychologists from NPO's.

Sexual Offenses: The act of sexually violating a complainant, intentionally and unlawfully without the consent of the victim, is guilty of sexual assault (Act No, 32, 2007). According to the Sexual Offenses Act, there are two distinct crimes rape and sexual assault. Rape involves sexually violating someone through penetration. While sexual assault is defined as sexually violating someone without penetration (Act No, 32, 2007). In this study, sexual offenses will be framed around statutory rape.

Social workers: According to the IFSW, social work is a profession concerned with promoting social change, solving problems in human relationships, and empowering individuals, families, groups, and communities to enhance their well-being. Social workers employ various intervention strategies, including counselling, advocacy, community organising, and policy development, to assist individuals and groups achieve their goals and overcome social problems (International Federation of Social Workers, 2014).

Statutory rape: According to Section 15 of the Criminal Law (Sexual Offence and Related Matters) Amendment Act of 2007, Statutory rape is defined as an act of sexual violation involving penetration committed by a person with a child who is 12 years or older but under the age of 16, regardless of whether the child has given consent (Act No, 32, 2007).

1.5. Theoretical framework(s) underpinning the study

The social justice framework is a philosophical approach that advocates for distributive justice by ensuring an equal distribution of resources, such as knowledge and power, to enable individuals to achieve well-being through exercising self-determination (Morris, 2002). The

framework aims to inform researchers that all facets of society are historically rooted, politically emerged, and institutionally authorized products, making it crucial to treat marginalised groups fairly and promote greater freedom and opportunities for everyone (Alvarez, 2019). This framework was employed for this study because it seeks to examine how the law defends marginalised groups, promotes fairness and equality (Moorcroft, 2016). Additionally, sexual abuse occurs due to individual harm and unlawful behaviours, making social justice crucial in dismantling power plays (Watson-Thompson et al., 2022).

A case study conducted by Morrow and Weisser (2012) illustrates how the social justice framework can be used to dissect various functions of power and their impact on minorities and their mental health. This study demonstrates how the framework can be applied in numerous contexts while promoting fairness and equity across various facets of society. In this study, the social justice framework is used to determine if the protective measures of the Act assist the organ of state and social workers during the intervention process. The social justice system is also used to understand any obstacles it may create when assisting clients in making policy reform recommendations.

1.6. Research project outline

This research project is made of five chapters. Chapter One provides the study's overview, focusing on the statement of the problem, rationale of the study, the research question, as well as the aim and objectives. The chapter also provides the definitions of the key concepts used in the study and an overview of the employed theoretical framework.

Chapter Two is a literature review that positions the current study within the existing literature. The review focused on key topics which includes the trends and pattens of statutory rape crisis in South Africa and beyond. The chapter also reviews some of the existing key Acts applicable in statutory rape, to better understand statutory rape, and what measures are in place to prevent it. Furthermore, the review demonstrates some of the policy application challenges, that might lead to the persistence of statutory rape, at least in South Africa.

Chapter Three provides a detailed discussion of the methodology employed in this study. The chapter provides a detailed discussion of the research approach, which is qualitative, research design (exploratory case study), sampling and the sample of the study, research instrument,

data collection and data analysis. Data was collected using semi-structured interviews and analysed using thematic data analysis. The chapter also delves into how the researcher ensured trustworthiness of the study, particularly focusing on credibility, transferability, dependability, and confirmability. Furthermore, the study discusses ethical considerations, and limitations of the study, ending the study with a summary.

Chapter Four is a presentation and discussion of the findings. The chapter begins with an overview of the participants interviewed for the study. The findings are discussed based on themes, relying on quotations from the participants' responses to the interview questions, as well as literature along the similar topics. The chapter also ends with a summary that synthesises all the findings leading to the final chapter of the dissertation.

Chapter Five summarises the whole research project with a focus on the aim of the project, as well as demonstrating how the objectives were achieved. This is followed by a summary of the key findings, conclusion, and the recommendations.

CHAPTER TWO: LITERATURE REVIEW

2.1. Introduction

This chapter provides a comprehensive literature review essential in understanding the scope and context of statutory rape and child sexual abuse globally. The literature review is structured to examine trends, patterns, and contributing factors to these crimes, as well as to evaluate legal frameworks and the effectiveness of policy measures in addressing them. The chapter begins by exploring both global and national trends and patterns of statutory rape, highlighting the concerning statistics and the pervasive nature of the crisis. The review underscores that statutory rape is not limited to any specific region or economic status but is a pervasive issue that transcends borders. It also delves into the factors contributing to the underreporting of rape cases, particularly the shortcomings in legal systems that fail to protect victims effectively.

The chapter further explores various factors contributing to child sexual abuse and statutory rape. It discusses the societal, cultural, and economic determinants perpetuating these crimes, including patriarchal norms, poverty, lack of education, and inadequate legal protections. In addition, the review addresses the complexities of child sexual abuse, considering the power dynamics, psychological impacts, and the role of social institutions such as schools in either perpetuating or mitigating abuse.

The chapter then transitions into a critical analysis of South Africa's legal framework, particularly focusing on the Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32 of 2007 and its subsequent amendments in 2021. This section compares changes in the law, evaluating the effectiveness of the amendments in enhancing protection for children and addressing the challenges posed by statutory rape and child sexual abuse.

The chapter concludes with a discussion on the importance of multidisciplinary teamwork in combating child sexual abuse. It highlights the collaboration between law enforcement, healthcare providers, social workers, and community organisations to deliver a comprehensive response to the issue. The chapter emphasises the need for ongoing research, policy refinement, and community engagement to create a safer environment for children and to break the cycle of exploitation and abuse.

2.2. Contextualising statutory rape

According to statistics from the World Health Organization (WHO) since 2015, statutory rape comprised of at least 20% of these reports with age groups between 15-17 years internationally (Gouws, 2022). Furthermore, in South Africa, the annual police crime statistics confirmed that approximately 42 289 rape cases were reported between 2019/2020, resulting in 115 cases recorded a day (Gouws, 2022). Between 2020 and 2021, approximately 23 000 girls aged between 10- 19 years became part of these statistics [Gauteng Health Department (Ncube-Nkomo, 2021)]. Literature suggests that research on statutory rape in Africa is still insufficient and remains in the early stages of development (Badoe, 2017). Furthermore, according to Badoe (2017), there is lack of data in various African countries. According to the WHO, on a global scale, an average of 95 million children are victims of abuse annually, with some of the highest rates reported from African regions (Badoe, 2017).

Due to the increasing rates of rape cases, the Criminal Law (Sexual Offence and Related Matters Act) of 2007 No 32 was Amended in 2021 to improve the reporting of statutory rape and GBV. The amendment includes provisions to better support vulnerable individuals and children, facilitating easier communication and ensuring more effective case management.

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2.3. Trends and patterns of statutory rape crisis internationally and within South Africa

Statutory rape and sexual abuse of young girls are prevalent global issues, driven by a range of contributing factors that sustain their persistence. UN reports indicate that 15 million adolescent girls have experienced forced sexual acts before the age of 19. The report highlights that these acts are often perpetrated by close relationships such as family or partners (Ardington et al., 2015). Limited access to contraceptives, coupled with the fact that many girls' first sexual experiences are often unwelcome and forced, contributes to the prevalence of unwanted pregnancies (National Sexual Assault Hotline, 2023). Additionally, one in five women have reported physical abuse during childhood, and approximately one-third have experienced gender/sexual-based violence (World Health Organization, 2017).

Statutory rape is also known as child sex abuse. Furthermore, child sex abuse is perceived as an international crisis, which does not depend on the Gross Domestic Product (GDP) of a country (Crawfurd & Hares, 2020). GDP measures a country’s economic wealth. A country’s

economic wealth often influences the overall health and happiness of its citizens, suggesting that the richer the country, the more fulfilled and happier its residents tend to be (Hunan University, China & Fraumeni, 2017). However, statistics argue that child sex abuse does not depend on the GDP and that the rates for statutory rape average the same in both high- and low-income countries. The Institute for Health Metrics and Evaluation provides modelled estimates for the Sustainable Development Goal's indicator. It highlighted that on average at least five to 15 percent of the population have experienced sexual violence by the age of 18 years (Crawfurd & Hares, 2020).

It has been noted that one of the reasons why statutory rape is prevalent is due to laws against sexual assault being inadequate, erratic and not enforced frequently (Nair, 2022). Due to these inadequacies within the system, victims do not feel safe or protected to report the abuse. Furthermore, because of the silence by victims, many rape cases are grossly under-reported in multiple countries. According to statistics, the South African Medical Research Council, on average at least 35% of women globally have been victims of sexual assault throughout their lives (Lewenhagen, 2023). However, in many countries with available data on rape, including the United States of America (USA), less than 40% of those women seek help, and less than 10% seek assistance from law enforcement. Due to lack of reports, most of these perpetrator's escape being punished. It is estimated that in USA only, 9% of perpetrators are prosecuted and only 3% do jail time, the rest walk freely (Lewenhagen, 2023).

In South Africa, child sexual abuse is known as statutory rape. Statutory rape involves sexual intercourse with individuals between 12 and 16 years, regardless of consent. The Amended Sexual Offenses Act has made progress in addressing that rape does not only occur between a male and female but includes all genders as potential victims (Act No, 13, 2021). Inadequate, erratic, and infrequently enforced laws against sexual assault in many countries contribute to the under-reporting of rape and a lack of protection for victims (Frakes & Harding, 2013). Furthermore, societal factors such as religion, poverty, lack of sex education, stigma surrounding family planning, peer pressure, sexual coercion, and heightened sexual advocacy messages throughout the media contribute to the persistence of statutory rape (Nair, 2022).

In South Africa, poverty and inequality have been linked to GBV including child sexual abuse, with many cases going unreported due to lack of trust on the police and legal system (Lewenhagen, 2023). Children as young as nine years old are giving birth in government

hospitals, and the number of pregnancies among girls aged 10-19 has risen over the years (Ncube-Nkomo, 2021). These pregnancies are illegal under South African law, leaving young girls struggling to cope. Overall, statutory rape and sexual abuse of young girls are global pandemics that require immediate attention and intervention. Factors such as poverty, lack of education, and cultural and societal attitudes contribute to their persistence. Addressing these underlying factors and enforcing laws to protect victims is crucial in preventing future abuse and breaking the cycle of exploitation for young women (Kahn, 2022).

2.4. Factors which contribute to child sexual abuse and statutory rape

Child sexual abuse is a concept that requires integration of multiple dimensions that need to be considered. Furthermore, one of the most precise and least binding definitions is that child sex abuse should be defined as any sort of refuted sexual contact such as genital caress, fondling to perforation to a minor, by a perpetrator who is in position of power compared to the victim such as; the parent, adult, family member, guardian, baby sitter, etc (Mathews & Collin-Vézina, 2019). Another definition for child sexual abuse is when the child is in an inappropriate situation without consent. Since a minor is not developmentally prepared and unable to give informed consent, thus considered illegal (Mathews & Collin-Vézina, 2019)..

The law plays a crucial role in defining and prosecuting child sexual abuse, but there are inconsistencies across jurisdictions within countries. Inconsistencies in laws affects the mechanics of civil law, the state's ability to prosecute crimes, and the child protection systems. Age inconsistencies also pose a challenge, with some laws allowing consent from children as young as 10 years, while others require marriage before engaging in sexual activity (Negriff et al., 2014). The South African Constitution defines sexual abuse as a perpetrator who illicitly, with intention commits an act of sexual coercion with a complainant without their permission (Plummer & Cossins, 2018). The law plays an important role in differentiating sexual abuse from consented sex. It is important to note that within the South African law, children below the age of 12 years cannot give consent for sex under any circumstances. The Act makes certain provisions for children between the ages of 12 and just below 16 to give valid consent for sex provided their age gap is less than two years (Act No, 13, 2021)

Child sexual abuse can be a symbol of power and domination. The “victim to offender cycle” conceptualizes that most male offenders who sexually abuse children have also been victims

of child sexual abuse (Kenny & Wurtele, 2012). Childhood experiences shape adult personalities and behaviour. Furthermore, child sexual abuse is directly linked to domestic violence within the family setting. The ongoing conflicts often lead to dysfunctional families where abuse is more likely to occur (Plummer & Cossins, 2018).

Child sexual abuse extends beyond the home, it also occurs in schools. The power dynamics between teachers and students, as well as among peers, can promote patriarchal attitudes and lead to violence (Kenny & Wurtele, 2012). Male violence is often accepted and normalised, making it difficult for female students to resist or report abuse. Teachers hold positions of power and may exploit their authority to coerce students into sexual activity, sometimes offering good grades or covering school fees. Learners may feel compelled to comply out of fear of negative consequences (Plummer & Cossins, 2018).In many African cultures, patriarchal societies and parenting practices still exist and have contributed to the normalisation of rape culture and sexual abuse towards women and children (Allanana, 2013). Women and children are conditioned to believe they are inferior, leading to unequal power relations and a culture of silence. Rituals like Ukuthwala, in which men kidnap young women to coerce marriage negotiations, further perpetuate sexual abuse. Men believe in "male supremacy" where they see themselves as coming first, and expect others to follow their orders to conform to societal standards and gain respect from the community (Rapholo & Makhubele, 2019). Similarly, women and children have been socially conditioned to view themselves as inferior to this supreme class of men, leaving them with little choice but to accept this hierarchy.Furthermore, it is crucial to note that not reporting child sexual abuse and statutory rape cases cannot only be blamed on society and inconsistencies within the jurisdiction, but also the service providers and the roles they take once a case is brought to their attention. A study by (Alexander, 2019) stated that the public have found the attitude and co-operation of service providers to impact their effectiveness and consistency in their interventions. Additionally, gaps such as human and physical resources within service provisions displayed a lack of ineffective communication and co-operation between stakeholders; such as SAPS, nurses, and social workers (Alexander, 2019). In another study by a forensics health care professional, the role of health care professionals is vital when it comes to providing psychosocial support to victims of sexual violence (Randa & McGarry, 2023). However, lack of resources including staff and fully equipped care centers, demonstrated that there is a shortfall in provision of care.

In conclusion, child sexual abuse is a heinous crime with a significant impact on the physical and psychological well-being of the victim (Kahn, 2022). The law plays an important role in prosecuting perpetrators, but there are inconsistencies across jurisdictions within countries. Patriarchal attitudes and violence perpetuate the rape culture and sexual abuse towards women and children (Allanana, 2013). Therefore, it is crucial to educate individuals on the impact of sexual abuse and promote gender equality to eliminate the culture of silence and unequal power relations. However, even if we were to successfully address the above-mentioned factors, additional resources would still be necessary to ensure the more efficient implementation of the law.

2.5. Children's Act

The Children's Act 38 of 2005, as amended, serves as a comprehensive legislative framework aimed at safeguarding children's rights in South Africa. This Act includes a wide range of provisions focusing on the welfare, protection, and care of children, aligning with the principles of the South African Constitution and international standards such as the United Nations Convention on the Rights of the Child (UNCRC). In statutory rape context, the Children's Act, in conjunction with the Criminal Law (Sexual Offences and Related Matters) Amendment Act, plays a critical role in defining and addressing sexual offenses against minors.

The Children's Act prioritises the best interests of the child concerning their care and protection (Levesque, 2021). It outlines clear guidelines for protecting children from abuse, neglect, maltreatment, and any form of sexual exploitation. Specifically, the Act mandates reporting obligations for various stakeholders, including teachers, healthcare professionals, and social workers, who might suspect that a child may be a victim of abuse or neglect, including statutory rape. Section 110 of the Children's Act outlines the procedures and responsibilities for mandatory reporting of abuse, ensuring that cases of statutory rape are promptly reported to law enforcement and child protection services for further investigation and intervention.

The Act also establishes provisions for the establishment of Children's Courts, with authority to oversee matters related to child protection, including instances of sexual abuse or statutory rape. The Children's Courts are empowered to issue protective orders, remove children from harmful environments, and provide guidance on the appropriate care and treatment for victims of statutory rape. These courts aim to prioritise the psychological and physical well-being of

children, ensuring that their experiences within the justice system are supportive and non-traumatising.

The Children's Act also intersects with the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (as amended in 2021), particularly in its provisions for addressing statutory rape. While the Children's Act emphasises the protection and welfare of minors, the Sexual Offences Act provides the legal framework for prosecuting crimes of statutory rape. Together, these Acts provides a cohesive legal approach that protects minors from sexual exploitation while holding perpetrators accountable. The Children's Act ensures that children who have been victims of statutory rape receive comprehensive care and support, including access to medical, psychological, and social services.

Additionally, the Children's Act recognises the need for child-friendly reporting and support mechanisms. It mandates that all procedures involving children, whether victims or witnesses, must be conducted in a manner that respects their dignity and minimises trauma. This includes using child-sensitive language, ensuring confidentiality, and providing appropriate psychological support.

However, as often with other policies in South Africa, there are challenges in implementing the Act effectively. Despite its robust legal framework, lack of resources, training, and coordination among child protection services can hinder effective case management and support for victims of statutory rape (Engelbrecht, 2020); (Karlsson et al., 2019); (Watson-Thompson et al., 2022). Furthermore, societal stigma, fear of retribution, and lack of trust in law enforcement often deter reporting and hinder access to justice for child victims.

2.6. Comparison of the new Amended Act to the previous statutory rape laws as stipulated in the Criminal Law (Sexual Offenses and Related Matters) Amendment Act No 32 of 2007

Sexual offenses against minors in South Africa have undergone significant changes since the implementation of the Constitution in 1997. The Criminal Law (Sexual Offences and Related Matters) Amendment Act No 32 of 2007 was introduced to replace some of the common law provisions implemented in the Sexual Offences Act 23 of 1957. It also implemented a list of new sexual crimes such as combining all sexual crimes, defining all sexual crimes, criminalizing all forms of sexual abuse or exploitation, allowing both genders to utilize the law with regards to sexual crimes, improving work ethic within the criminal justice system,

permitting men and women to give consent for sexual intercourse at the age of 16 years old, prioritizing rape survivors getting post-exposure prophylaxis (PEP), allowing rape survivors the permission to find out their rapists HIV status, and initiating a National Register for Sex Offenders (Act No, 32, 2007).

In 2021, the Criminal Law (Sexual Offences and Related Matters) Act was amended, and introduced several changes aimed at addressing the issue of sexual violence in South Africa. It included a new offense of sexual intimidation and expanded the definition of sexual exploitation to include causing another person to engage in sexual conduct for financial gain, including the production of pornography (Act No, 13, 2021). Most importantly, it emphasized the duty to report as a legal obligation, and to report sexual offenses amongst the most vulnerable group including children. The previous act imposed a duty to report sexual offenses to certain service providers. The current law now extends this legal obligation to all adults, requiring them to report sexual offences involving the most vulnerable groups, including children.

The 2021 Act includes provisions related to the sentencing of offenders, mandating that courts consider the impact of the offense on the victim as well as any aggravating factors, such as the use of violence or the abuse of a position of authority. The Act also includes guidelines for the imposition of sentences for repeat offenders. In addition, it includes provisions aimed at improving the collection and preservation of evidence in sexual offense cases, including DNA evidence and guidelines for the use of electronic evidence (Act No, 13, 2021). Overall, the changes introduced in the 2021 Act represent significant improvements over the 2007 Act, reflecting the country's commitment to addressing the persistent issue of sexual violence and create a safer environment for everyone. However, more work needs to be done to ensure the effective implementation and enforcement of the Act.

2.6.1. Controversial provisions within the Act

The Criminal Law (Sexual Offenses and Related Matters) Act No. 13 of 2021 comprise of several provisions that have been subject to controversy and debate. Some of the most controversial aspects of the Act are discussed below.

2.6.1.1. Sexual grooming

Section 23 of the Act criminalizes the use of electronic communication to solicit or entice a child to commit sexual act (Act No, 13, 2021). The Act criminalizes sexual grooming, which involves using online platforms or other means to establish a relationship with a minor for the purpose of engaging in sexual activity (Act No, 13, 2021). Secondly, the age of consent provisions have been updated to further regulate that individuals who suspect or are aware of sexual offences committed against vulnerable persons are now legally obligated to report such offences (Act No, 13, 2021). The Criminal Law (Sexual Offenses and Related Matters) Act No. 13 of 2021 in South Africa contains provisions that have triggered debate. According to the Disrupting Harm – a research project focused on online child sexual exploitation and abuse (OCSEA) (*Disrupting Harm in South Africa | UNICEF South Africa*, 2022), surveyed frontline workers, which resulted in 71% of respondents proclaiming a lack of knowledge of the risks of OCSEA from caregivers acting as the main barrier to reporting. Furthermore, frontline workers feel intimidated to report cases for various reasons such as, victimisation and lack of regulation (*Disrupting Harm in South Africa | UNICEF South Africa*, 2022).

Concerns have been raised regarding the clarity of definitions, difficulties in proving intent, adequacy of penalties, and effectiveness of education and prevention measures. While the intent of the law is to protect children and vulnerable adults from sexual exploitation and abuse, continuous monitoring and evaluation of the Act's implementation are necessary to ensure it meets its intended objectives. Additionally, ongoing debate, consultation, and refinement of the law are required to address concerns related to the application and enforcement of the age of consent and other provisions.

2.7. Multidisciplinary teamwork

Effective response to statutory rape and child sexual abuse requires a comprehensive and coordinated approach that involves working together of multiple sectors. Literature has emphasised the importance of Multidisciplinary Teams (MDTs) in addressing these crimes (Moolman et al., 2023; Proudlock et al., 2014). MDTs combine professionals from diverse fields, including law enforcement, healthcare, social services, education, and community organisations, to collaborate on prevention, intervention, and support for victims (Moolman et al., 2023). This integrated approach ensures that victims receive a holistic response addressing

their legal, medical, psychological, and social needs, while working toward the broader goal of reducing the prevalence of these crimes (Lechlech, 2020).

Furthermore, literature highlights that MDTs are essential for several reasons. They enable a coordinated response to cases of statutory rape and child sexual abuse, ensuring that no aspect of a child's needs is overlooked (Lechlech, 2020; Moolman et al., 2023; Proudlock et al., 2014). Law enforcement agencies, for instance, focus on investigating and prosecuting offenders, while healthcare professionals provide necessary medical examinations, forensic evidence collection, and treatment for physical and psychological trauma (Ndweni, 2020). Social workers and counsellors offer ongoing emotional support and facilitate access to services, including shelter, legal aid, and reintegration programs. By working together, these professionals can create a comprehensive care plan that addresses the multifaceted needs of the victim.

MDTs also enhance communication and collaboration among different sectors, which is crucial for handling sensitive cases of child sexual abuse. The integrated model allows for sharing of information, case management, and decision-making, reducing the risk of fragmented or duplicated services (Lechlech, 2020; Moolman et al., 2023; Proudlock et al., 2014). For instance, regular case review meetings assist in tracking progress, identifying gaps, and ensuring accountability among team members. Studies demonstrate that in South Africa, the involvement of multidisciplinary teams has positive outcomes in managing child sexual abuse cases, as they promote a more victim-cantered approach rather than focusing solely on the criminal justice process (Ndweni, 2020).

Additionally, MDTs aids in improving the quality of evidence gathered during investigations, which is critical for successful prosecutions. Forensic evidence, such as medical examinations, is often pivotal in child sexual abuse cases, and the collaboration between healthcare providers and law enforcement ensures that such evidence is collected and preserved in accordance with legal standards. Proper evidence handling and documentation by MDTs increases the likelihood of apprehending perpetrators and delivering justice to victims.

Furthermore, MDTs play a crucial role in developing and implementing prevention strategies that address the root causes of statutory rape and child sexual abuse (Moolman et al., 2023; Proudlock et al., 2014). They are well-positioned to identify patterns and risk factors through

data sharing and community engagement, enabling targeted interventions. For example, they can design community education programs to raise awareness on child sexual abuse, challenge harmful cultural norms, and promote gender equality. Schools, as part of MDTs, can implement comprehensive sex education to teach children about their rights, consent, and protective behaviours, thus empowering them to recognize and report abuse.

MDTs also facilitate the provision of psychosocial support to victims and their families, which is crucial for recovery and reintegration. Survivors of child sexual abuse often experience long-term psychological effects, such as trauma, depression, anxiety, and post-traumatic stress disorder (PTSD) (Oluwaleye & Adefisoye, 2021; Rohanachandra, 2022). Mental health professionals within MDTs provide counselling, therapy, and other support services to help victims cope with their experiences and rebuild their lives. Moreover, they assist families in understanding the impact of abuse and guide them on how to support the victim effectively.

Despite the benefits, the implementation of MDTs encounter several challenges, including resource constraints, lack of training, and inter-agency cooperation difficulties. In South Africa, for example, gaps in human and financial resources often limit the effectiveness of MDTs. Training professionals across sectors is essential for handling child sexual abuse cases with sensitivity and competence. Addressing these challenges requires investment in resources, ongoing training, policy support, and strong leadership to ensure that MDTs function optimally.

2.8. Conclusion

Child sexual abuse and statutory rape has become systemic and native to South Africa (Ncube-Nkomo, 2021). According to the South African Medical Journal, public health facilities have observed a 50% increase in the number of young teenagers giving birth over the past five years (Ncube-Nkomo, 2021). This statistic highlights an increasingly and often unacknowledged issue of statutory rape in our country (Ncube-Nkomo, 2021). However, due to these high rates of sexual abuse, the South African Constitution amended the Criminal Law (Sexual Offence and Related Matters Act) No 32 of 2007 in 2021 to lessen the rates of both statutory rape and rape.

Many women and minors continue to face oppression due to poverty and the persistent cycle of deprivation. Even in households where single mothers raise young boys, these children are

at risk of developing hyper-masculine behaviour and aggression, which leads to unhealthy relationships, crime and addiction (Thelwell, 2019). Furthermore, it is important question whether policy implementations, such as extending the policy on incest and broadening its terms would assist service providers and communities in coming forward to report on these heinous crimes. In conclusion, one of the researcher's objectives was to assess whether the policy implementation has improved the rights of minors and effectively addressed statutory rape, particularly by examining key issues in the act such as sexual grooming and the age of consent. From the findings, statutory rape is a global issue, not solely attributable to poverty but rather rooted in longstanding inequality driven by political and economic factors.

CHAPTER THREE: METHODOLOGY

3.1. Introduction

This chapter provides a detailed discussion of the research methods employed in the current study. Divided into specific sections, the chapter begins by discussing the research approach adopted for the study with a clear justification for adopting qualitative approach. The chapter proceeds to discuss the research design for the study which is an exploratory case study. Furthermore, the chapter provides the sampling strategy and sample of the study followed by the research instrument, data collection, data analysis, as well as strategies utilised to ensure the findings' trustworthiness. The chapter concludes with a discussion on the ethical considerations as well as limitations of the study.

3.2. Research approach

The research approach is a crucial element of the research process, as it provides a plan and set of procedures for conducting research (Tuffour, 2017). It determines the most suitable method for collecting and analysing data (Chetty, 2020). The researcher employed a qualitative approach for the research. due to its naturalistic paradigm, which aims to explore pre-existing theories and factors with limited information (Sileyew, 2019). This approach involves the researcher interacting with the subject to gain a comprehensive understanding of the phenomenon under study (Sileyew, 2019).

The qualitative approach was suitable for this study on the complexities surrounding statutory rape in South Africa and the effectiveness of the new policy implemented in November 2021. This approach facilitated the collection and analysis of non-numerical data through interviews, which provided a deeper understanding of the grey areas in statutory rape and the new policy's impact. (Bhandari, 2020). Additionally, the qualitative approach enabled the generation of new ideas and concepts, ensuring objectivity and minimising personal biases in the data collected (Mander, 2022).

A research approach is essential in guiding the research process, the selection of the appropriate research methods, and procedures for data collection, analysis, as well as interpretation.

3.3. Research design

The research design is crucial in ensuring the evidence gathered effectively addresses the research problem in a logical and direct manner (Leunendonk, 2016). It serves as a framework for data collection, measurement, and analysis, enabling researchers to address research problems in a concise and systematic manner (Hunziker & Blankenagel, 2021).

For this study, the researcher employed exploratory case study research design for data collection and interpretation. An exploratory case study design investigates a phenomenon, issue, or problem in a preliminary or initial stage, where little is known about it (Aberdeen, 2013; Stake, 1995; Yin, 2003). The current study specifically focused on the service providers working in or associated with the Department of Community Safety in Johannesburg, implementing the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 or 13 of 2021.

The primary goal of an exploratory case study is to identify research questions, hypotheses, and future research directions (Aberdeen, 2013). It often involves an in-depth examination of one or few cases to explore a phenomenon, uncover patterns, generate new insights, and build a foundation for more extensive studies (Stake, 1995). The current study achieves this by exploring a case that has not been previously studied, focusing on service providers working with an Act that has not been extensively researched, especially regarding its implementation.

The exploratory case study facilitated the collection of participants' expressions, which formed the data collected and analysed. Exploratory case studies have been utilised especially in cases where there is no pre-determined outcome (Aberdeen, 2013; Stake, 1995; Yin, 2003). In addition, exploratory case studies primarily focus on investigating 'how?' and 'what?' which enabled the researcher to conduct a comprehensive exploration of complex social phenomena within participants' contextual framework (Aberdeen, 2013; Stake, 1995; Yin, 2003). In this current study, exploratory case study facilitated the establishment of intricate connections that may have not been achieved through surveys or experiments.

3.4. Population, sampling, and sampling strategy

A population can be defined as the total number of members, subjects, or objects that meet specific criteria to the researcher's project (Bauer et al., 2013). However, in most studies, it is

not feasible to include the entire population of interest due to limited resources (Sparks & Joyner, 2019). Instead, researchers often select a sample that represents the broader research population. In the current study, the population of interest consisted of service providers working with statutory rape victims in Johannesburg. Professionals in this study were required to have knowledge and experience when working with statutory rape victims.

Therefore, Participant selection consisted of three social workers, one auxiliary social worker, a psychologist, two advocates, two members of the South African Police and three clinicians. These participants were chosen purposively, to ensure a diverse sample that can speak to the topic under study from different narratives.

The specific inclusion criteria were that participants had to be:

- Qualified professionals approved to work with or on issues concerning children
- Working under, or in a department associated with, the Department of Community Safety
- Well-experienced in working on issues concerning statutory rape – at least 12 months in their current post
- Well-exposed to the issues of statutory rape, at least dealing with a case once every week

The exclusion criteria were:

- More than three participants from one department
- Less than 12 months working on issues related to statutory rape
- Rarely deals with statutory rape or have no direct contact with affected children or families

This selection criteria were strategical to ensure the data collected was diverse but also triangulated. Resultantly, the population of interest consisted of service providers working with statutory rape victims in Johannesburg. In total, the study consisted of 12 participants. The participants worked in multi-disciplinary teams that require them to work together when dealing with sexual abuse cases.

Sampling is an important method for selecting actual participants in research, ensuring that the study can adequately and appropriately address its focus (Whitehead & Lopez, 2013). In qualitative research, sampling plays a critical role, as inappropriate procedures can significantly impact the outcomes and findings of the study. For the study, the researcher employed purposive sampling, which involved selecting participants based on pre-defined criteria to gain in-depth knowledge in relation to the topic (Whitehead & Lopez, 2013).

The researcher had established a criterion to collaborate with twelve individuals from diverse service provisions in Johannesburg, Gauteng, with direct experience of working with statutory rape victims under the Criminal Law (Sexual Offenses and Related Matters) Amended Act No. 13 of 2021. The researcher had been interested in participants who worked within a multidisciplinary team framework and diligently followed the protocols outlined by the act. This selection process provided comprehensive insights into the challenges that participants had encountered. The selection process also assessed the effectiveness of the Criminal Law (Sexual Offenses and Related Matters) Amended Act No.13 of 2021 in addressing these challenges.

To ensure appropriate participant selection, the researcher had contacted the Department of Community Safety to request potential participants for the current study. In response, the department provided a comprehensive list of professionals involved in the Victim Empowerment Program[1], including details of their past roles. This enabled the researcher to carefully review each potential participant on the list, and approached those who aligned with the research criteria.

3.5. Research instrument

Research instruments are essential tools for collecting and analysing data relevant to a specific research topic. They can be categorised as primary or secondary instruments (Creswell, 2012). Primary instruments collect data directly, while secondary instruments ensure the reliability of the findings. The common research instruments include observation notes, interview schedules,

[1] Victim Empowerment Program: Aims to support victims and survivors of crime and violence.

and document analysis (Creswell, 2012). For the study, the researcher had employed semi-structured interviews.

From the above instruments, interview guides are valuable tools for exploring different perspectives and gaining deeper insights into the research topic (Hennink et al., 2020). Interview guide can be structured, unstructured, or semi-structured. In the current study, the researcher used semi-structured interview schedules. These interview schedules consisted of a combination of structured questions guiding data collection.

The researcher employed semi-structured interviews to ensure a balance between structure and flexibility. The structured questions provided a framework to address the study's objectives, while enabling participants to provide additional insights and perspectives. This approach enabled me to gather comprehensive and nuanced data that aligned with the research objectives. In summary, research instruments serve as valuable tools for data collection. The semi structured interviews employed in this study consisted of 20 questions. However, due to being semi-structured the researcher was able to add and remove questions when necessary.

I pre-tested the semi-interview instrument on two participants online. During the pre-testing stage, I realised that I had to change two questions to achieve the study's objectives.

3.6. Methods of Data collection

Data collection is a vital part of a study, which involves collecting and analysing information on variables of interest (Kawulich, 2012). The researcher employed semi-structured interviews for data collection to better understand the participants' lived experiences and concerns (Whitehead & Lopez, 2013). This involved using interview schedules to design main broad questions to ask the participants. From their responses, the researcher probed further to appropriately capture their full understanding and perspectives (Birmingham & Wilkinson, 2003). This allowed the researcher to collect rich data. Through interviews with key informants, the researcher gained more insight and meaning into the child sexual abuse and statutory rape, as well as how the Criminal Law (Sexual Offenses and Related Matters) Amendment Act No. 13 of 2021 is implemented in South Africa.

Interviews were conducted either face-to-face (in-person) or online through Microsoft Teams or Zoom depending on the participants' availability or accessibility at the time. Face-to-face

interviews are often conducted in-person and involve the researcher and the participant being in the same space or room in which they can observe them and be able to see body language and any other necessary data. On the other hand, online interviews are conducted through video or voice calls, facilitating convenience and ease of access to participants, due to reduced cost of travel in terms of time or money.

The researcher followed procedures for data collection, such as transcribing the interviews, to ensure trustworthiness of the data (Creswell, 2014). The Department of Community Safety provided a list of participants that would be able to assist in the study, as well as avail resources such as an office in their building to execute the interviews from.

For data collection, proper planning and execution were essential (Gill et al., 2008). Firstly, the researcher ensured that participants were available to partake in the study. Thereafter, ensuring that they had all necessary tools, such as a recorder on hand, as well as ensure a stable WIFI connection. Lastly, being timeous so that no inconveniences were caused to the participants.

3.7. Data analysis

In qualitative research, data analysis involves collecting, planning, and evaluating data to identify key themes from interviews, which then facilitate decision-making (Braun & Clarke, 2013). The researcher utilised inductive thematic analysis to analyse the data. Inductive thematic analysis is a qualitative research method used to identify and develop themes or patterns in data without preconceived categories or theoretical frameworks (Jackson et al., 2019). It involves a bottom-up approach, allowing themes to emerge directly from the data rather than imposing predetermined concepts. To conduct an inductive thematic analysis, a six-step Tech's procedure developed by Braun and Clarke (2013) was used. The first step involved becoming familiar with the data through reviewing and repeatedly reading the transcribed data (Braun & Clarke, 2013). In the second step, the researcher used coding to segregate and make notes on data relevant for the current study, enabling to conduct a meaningful evaluation of the raw data.

In the third step, The researcher identified themes to study particular topics emerging from the data (Braun & Clarke, 2013). The fourth phase conducted was a two-part analytical process.

Where they examined the themes and determined if the data that had been cumulated was appropriate for the study and adequately evident to support the analysis.

After classifying the themes, the fifth phase involved defining and naming them (Braun & Clarke, 2013). This analysis enabled the researcher to thoroughly review the study's overall question again and ensure that each theme is succinct, descriptive, and appropriate for the investigation. Finally, the sixth step involved writing up results, ensuring that the data is coherent, logical, and concisely presents the findings. Overall, thematic analysis is an effective tool for qualitative researchers to identify and explore recurring patterns and themes within the data set.

3.8. Trustworthiness

Trustworthiness is a method researchers utilise to convince themselves and readers that their findings are rigorous while being read and given attention to (Elo et al., 2014). Trustworthiness also refers to the extent of confidence on the data, methods and the utilised interpretation to validate the quality of the study (Elo et al., 2014). To enhance trustworthiness for the current study, I applied four criteria which are: credibility, transferability, dependability, and conformability (Creswell, 2014).

3.8.1. Credibility

Credibility in qualitative research refers to the extent which the study's findings are trustworthy and believable. It is a measure of the rigor and trustworthiness of the research process and findings (Wood et al., 2020). Establishing credibility is crucial in qualitative research because it helps ensure the interpretations and conclusions drawn from the data are valid and reliable (Wood et al., 2020). The use of triangulation is recommended to ensure credibility in research. This involves utilising more than one method of data collection, such as semi-structured interviews and out sourcing articles pertaining to statutory rape in South Africa, as well as supervision (Creswell, 2014). By using different methods, the researcher can overcome individual limitations and ensure the accuracy of the data collected. Findings can be presented to the individuals to verify viewpoints and experiences, with any additional information being added if necessary (Creswell, 2014).

To ensure the effective implementation of triangulation, the researcher collected a clear research design that clearly states aims and objectives to ensure the research questions are answered precisely. The researcher then utilized articles found on news forums and Google Scholar to develop a comprehensive understanding of the statutory rape phenomena. Lastly, the researcher utilized supervision. Supervision in research plays a crucial role in ensuring the credibility of the study, particularly in qualitative research where data interpretation is heavily dependent on the researcher's subjective judgment (Kingsley et al., 2018). By gathering information from these sources, I was able to relate and test validity through the convergence of information from multiple resources.

3.8.2. Transferability

Transferability may be defined as the process of being able to apply one's research findings to a similar context or situation, allowing for external validity or generalisation (Nowell et al., 2017). This could be achieved through providing thick and detailed descriptions of studies (Nowell et al., 2017). Considering the small sample size, it is important to note that the study findings will only represent perceptions and experiences of interviewed individuals. Although this will not necessarily be transferable the findings can still be used to influence the development of policies, relating to the cadres interviewed in this study.

3.8.3. Dependability

Dependability is used to confirm that if to the same study was to be repeated, in the same context with the same participants and methods, the same or similar results would emerge (Nowell et al., 2017). To ensure dependability in the current study, the researcher provided an in-depth description of the research design and how they planned on implementing it. Furthermore, they had included a detailed description of how the data was gathered and the evaluation process was followed. An example of this is, once the data collection was completed, they were able to evaluate the process and then analysed the data to confirm its accuracy.

3.8.4. Confirmability

Confirmability means there is a consistent connection between the researcher's understanding and the data collected. This connection needs to be evident in the findings and demonstrate

how conclusions were reached. Confirmability can only be achieved if credibility, transferability, and dependability are all established (Nowell et al., 2017). The researcher ensured conformability by utilizing triangulation of data sources to reassure consistency within the study.

3.9. Ethical considerations

Research ethics are essential in maintaining the standards of conduct for scientific research to ensure the protection of the rights, dignity, and well-being of human participants (Fleming, 2018). Ethical considerations are necessary to ensure the safety of all participants and to minimise potential harm or stressors during the research process (Sanjari et al., 2014). In the current study, the researcher implemented the WHO's guidelines to address participants' ethical and safety concerns. This include ensuring informed consent, privacy, and confidentiality, voluntary participation, risk of harm, as well as anonymity (World Health Organization, 2017).

For participants' safety, the researcher ensured that they had conducted the interviews in a safe and conducive interview room (Mohd Arifin, 2018). The researcher ensured the recorded interviews were properly gathered and preserved for analysis. Moreover, the researcher obtained ethical clearance from the ethics committee, the researchers protocol number is SW23/05/03 issued on the 24th October 2023. (Summers, 2016).

Confidentiality and anonymity are essential components of ethical research practices (Wiles et al., 2008), especially when discussing sensitive topics such as statutory rape. Therefore, researchers should take steps to protect participants' identities and ensure their responses cannot be traced back to them (Braun & Clarke, 2013).

3.9.1. Informed consent

The current study involved service providers who had worked with the Criminal Law Act (Sexual Offenses and Related Matters) Amendment Act No.32 of 2007. The information sheet and consent process were explained in detail to the participants. To ensure informed consent, the researcher provided the participants with comprehensive information regarding the purpose of the study, procedures, risks, and benefits. Also, each participant signed a written consent form emphasizing voluntary participation and their right to withdraw (Fleming, 2018). Lastly,

the researcher maintained communication with participants and sought additional consent if there were any changes or new information (Walker, 2007).

3.10. Limitations and delimitations

Limitations are particular concerns in a study, which are usually out of the researchers control and closely related to the chosen research design (Theofanidis & Fountouki, 2018). Despite being out of the researchers' control, limitations may still affect the study design, results or conclusions. However, delimitations in research are consciously set boundaries established by the researcher to ensure that the study's aims and objectives remain achievable (Theofanidis & Fountouki, 2018). These delimitations are within the researcher's control and typically pertain to aspects such as studies' theoretical background, objectives, and research questions.

The current study had the following limitations:

Due to the amendment and reinforcement of the Criminal Law Act in December 2021, I had to take into consideration that a limited amount of service providers would have been able to utilize it, thus weakening the research aim and objectives.

The aims and objectives could not be broadened as the act still requires service providers to be more familiar with it.

3.11. Summary of the chapter

This chapter delved into a detailed discussion of the research methods adopted for the current study. The chapter provides key methodological aspects that made this study possible, with justifications for every choice. These are discussed through specific subheadings including research approach, which is qualitative and research design, through exploratory case study. The chapter also provides a detailed discussion of the methods related to data and data collection which include sampling that was purposive and resulted in interviewing 12 diverse participants for the study. The section also discusses an interview schedule used in the study for data collection. Data collection is subsequently discussed, focusing on how the interviews were conducted, followed by a discussion on data analysis by applying Braun and Clarke's six-step thematic data analysis.

Furthermore, the chapter discussed strategies used to ensure the trustworthiness of the data, which is credibility, transferability, dependability, and confirmability. This section is followed by the last parts of the chapter which focuses on ethical considerations applied for the, with a focus on demonstrating how participation was voluntary, participants were well-informed about the study, and that there was no harm associated with their participation. The chapter concludes with a reflection of the study's limitations.

CHAPTER FOUR: PRESENTATION AND DISCUSSION OF FINDINGS

4.1. Introduction

This chapter presents and discusses findings I accumulated using the research methods discussed in chapter 3. This qualitative study's aim is to explore the perceptions and experiences of service providers in implementing the Criminal Law (Sexual Offence and Related Matters) Act No, 13 of 2021 as Amended, when assisting statutory rape victims in Johannesburg, South Africa. The study employed purposive sampling to recruit participants. It utilised semi-structured face-to-face, as well as online interviews for data collection, analysed using Braun and Clarke's six-steps thematic analysis. Several strategies were used to ensure data trustworthiness, as well as conducting the study under appropriate research ethical guidelines. Data from 12 participants (table 1) was utilised in discussing the findings in this chapter. To support the data analysis, necessary quotations from participants were selected and discussed along with current literature, Acts, as well as the study's theoretical framework.

4.1.1. Participants' demographic information

Table 1: Participants' information

Identifying Information	**Age in years**	**Gender**	**Current Occupation**	**Length of experience within field in years**
Participant 1:	50	Male	Diversion Coordinator	Five
Participant 2:	43	Unconfirmed	Clinician	10
Participant 3:	45	Female	Sergeant	8
Participant 4:	50	Female	GBVF Coordinator	22
Participant 5:	33	Female	Medical doctor	8
Participant 6:	69	Female	Educational psychologist	16
Participant 7:	44	Female	Sergeant	15

Participant 8:	35	Female	Social Worker	13
Participant 9:	43	Female	Forensic nurse	19
Participant 10:	45	Male	State advocate	20
Participant 11:	44	Female	GBV and Femicide Activist and attorney	16
Participant 12:	60	Female	Auxiliary Social Worker	10

The study's aim is to gain a deeper understanding of whether the new amendments made to the Criminal Law (Sexual Offences and Related Matters) Amendment Act No 13 of 2021 are being effectively implemented in practice and to identify any gaps or challenges in the current framework. In this chapter, the researcher will discuss the findings.

The participants' demographic data is presented below. The data includes the time they have rendered their services, and the services rendered. As discussed in chapter two, the researcher utilised the Social Justice Framework to structure the discussion of their findings and enable themes to emerge directly from the data rather than pre-existing concepts.

Data was collected from 12 participants who were serving and engaging with the precepts delineated in the Criminal Law Act.

All service providers were esteemed professionals within their respective fields. They had also worked for at least five years with statutory rape victims. Of the 12 participants, nine were female, two were male and one had non-confirmed gender identification. Furthermore, the age of participants ranged from 33 to 69 years, with a mean age of 46.75 years (561/12=46.75). Thus, representing many years of experience as well as experience within their professional fields. While most of service providers in this study were predominantly female, the researcher utilised gender in the study to challenge the stigma that females are more sensitive or compassionate. Instead, the focus was on the logistics of their job and their professional capabilities. Noteworthy, participants were not chosen based on their gender, it occurred due to purposive sampling.

The study highlights the duration of time participants have been working within their field and their current service provision, allowing us to recognise that each participant possesses expertise within their field. In the following sections, the researcher will use pseudonyms to address participants and will refer to them using their general professions such as: social worker, health care practitioner, advocate, psychologist, and police. This is because the number of participants in the study is very limited and using their exact job descriptions could potentially identify them, thereby breaching our confidentiality agreement.

Table 2: Summary of themes

Themes	**Summary of themes**
1. **Awareness and understanding of the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021.**	This theme captures the range of awareness and understanding among service providers regarding the amendments. It highlights that while some providers have a solid grasp of the changes, others possess only a superficial understanding. The variation in understanding could impact the law's application and the quality of support provided to victims.
2. Challenges in implementation	Service providers consistently mentioned facing challenges that hinder the effective implementation of the law. These included logistical issues, such as a shortage of specialized facilities for victims, and systemic issues, like procedural delays in the justice system.
3. Lack of training	Across the board, service providers expressed a need for more extensive training on the

	amendments and additional resources to support their implementation.
4. Role and responsibility clarity deficits.	The concerns of service providers centre around the lack of awareness among other professionals about the technicalities of their roles and responsibilities. They emphasize the need for standardized operating procedures to guide how service providers should assist victims effectively.
5. Ignorance portrayed by service providers towards the Criminal Law Act No.13 of 2021.	Service providers recognize the urgent need to understand the Criminal Law Act to better assist victims and educate them on their rights, but their lack of awareness often leads to failures in recognizing violations and impedes comprehensive service provision. Improved familiarity with the law and ongoing training are essential for frontline workers to effectively support victims and prevent further harm.
6. Communication Dissonance within Multidisciplinary team.	Due to inadequate communication and regulation, effective implementation of the act is hindered, compounded by service providers lacking proper training and collaboration within multi-disciplinary teams, resulting in individual silos of work. This fragmentation increases workloads and confusion about roles, leading to challenges in evidence collection and communication breakdowns among various stakeholders, highlighting the critical need for improved interprofessional communication and training.

7. Encapsulating the lack of physical resources.	Service providers express concerns about the ineffective implementation of services due to a lack of physical resources, impacting their ability to assist victims adequately. Challenges include overwhelming caseloads, time constraints hindering thorough assistance, and limited privacy compromising victim comfort and return.

4.1.2. Awareness and understanding of the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021

This theme captures the range of awareness and understanding among service providers regarding the amendments. It highlights that some providers have a solid grasp of the changes, while others possess only a superficial understanding. The variation in understanding could impact the law's application and the quality of support provided to victims, potentially depriving them of their human rights, which the social justice framework aims to protect and achieve. It also showcases the complexities of understanding the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021.

Most participants felt that the Law is clear and does not show any incongruences. However, other participants felt that certain parts of the Act could be more explicit and explained in a manner that is accessible to the public, so that individuals can better understand their rights and responsibilities. This social work participant explained that:

> *"I believe that the Act should be more explicit on issues such as that and if we are saying we are progressive country and it means that we need to dump down the law to explicitly indicate these types of matters, then we should."*

The other participant felt that the law needs to be clearer and more detailed. Other participants felt that the Criminal Law Act impacted their personal wellbeing in the sense of morality. They also highlighted that it made them feel helpless when assisting children. The law has been worded in a way that may hinder service providers from acting in the best interest of their

victims, potentially leading to injustice. The following health care practitioner addressed her complaint as:

> *"You know some things are legal, but ethically they are not okay, you know, because somebody who is 16 is generally a child. And if they are having a sexual relation with an adult, but the fact that the losses that they can consent when they are 16. That is where I really felt like my hands are tied. You know parents will come and say we need to open a case, and then, unfortunately, there is nothing we can do. We cannot open a case. All we have to do is give sexual education to the child".*

From the above excerpt, the participant explains that the Act is overly explicit, which hinders how service providers implement their duties. They experience internal moral conflicts when witnessing injustice, as the Act restricts their ability to assist in a manner, they deem appropriate. Other participants felt that the Act is quite clear. They highlighted that the law does not have incongruences, and they feel that other individuals either lack training or do not take time to read and understand what the law says. There are technicalities and loopholes within the law. However, some service providers believe that if people take time to fully understand the Act, they will find it to be a valuable tool. One health care practitioner stated:

> *"No, I found it a valuable tool. Okay. To teach and convince other people. Because people don't read. These people don't read. Even doctors and people don't read. So, they don't even know what the basic law says. I found it to be a very useful tool. Because now it's written in black and white and it's the law.... So honestly speaking, it hasn't hindered services. It has enhanced services in my opinion."*

This participant felt that if people took time to understand the law, it would enhance their services as the Act is clear. Furthermore, another service provider explains how she felt the community obstructed her from assisting a victim who had to be taken to court for the final verdict. As highlighted by this participant who is a social worker:

> *"The challenges that we are having, you know, our community sometimes they will like maybe if the case is opened, you find that maybe the suspect is a relative related to the victim, they will negotiate with his family and at the end of the day, they want to come*

to us to say we are no longer willing to continue with the case. We want to withdraw the case. So, it is difficult for us, but usually when it comes to statutory rape, because that the victim there is a minor, then we take the matter as a state case, so we do not just withdraw any cases. We refer them to court for them to explain to the prosecutor there are reasons why they want to withdraw the case. Then we take it from there."

Data from these participants demonstrated complexities pertaining to the Criminal Law Act. Participants have indicated that there are certain incongruences that could be addressed by making the Act being more explicit, clearly explaining and closing loopholes. Additionally, they noted that external barriers, such as community resistance, often prevent them from adequately providing their services. Other participants felt that the law is clear and self-explanatory. They feel that people just need to put more effort to understand the Act better.

4.1.3. Challenges in implementation

It appears that the restrictions on victims extend beyond just the limitations imposed by the Criminal Law Act. Many service providers highlighted additional barriers to assisting victims, both before and after cases are reported. These barriers include a lack of regulations, disgruntled job implementation and fear of reporting.

As stated below, this participant addressed her concerns of how few statutory rape cases are reported:

"Now when we look at the statistics of statutory rape it is a fraction. I will answer you in this way. It is a fraction of what society tells us in the legal system, the number of statutory rapes that are being investigated, not even investigated, starting by arrest to investigation, to prosecution to conviction, which it is really very scarce… when you look at the cases where mediation in inverted comas happens before it actually reached justice, my answer to you would just be that it is less than a fraction of what really happens in society."

The above excerpt suggests that due to disgruntled job implementation there are numerous cases that go unreported. Another health care practitioner suggested that the law is not being understood, and that service providers are afraid of entering courts. This fear acts as a

significant barrier to the implementation of the law and could be a major reason why statutory rape victims are not getting the justice they deserve, *"Yeah, people are not reading. But people are not reading because they do not want anything to do with the legal system because they are scared to go to courts."*

Many participants addressed their concerns regarding service providers being afraid to go to courts. To some extent, this is due to lack of training in court. Service providers are scared of presenting their findings and being cross examined. Other service providers highlighted that there is lack of regulation within service provision which Acts as a barrier to implementing the law. Hence, it results in victims not getting the justice they deserve. The participant below states their concern in the following way:

> *"So, an Act should never be seen as the only tool to assist victims. It is a supreme tool, but any supreme tool needs supporting regulations. And real time frames of consequence management of those that were tasked legally to implement the law."*

Experiences from these services providers indicate that while the law is regarded as a powerful tool, there are surrounding barriers that require supporting regulations to ensure effectiveness in assisting victims. Participants also highlighted the need for more trained professionals, both in understanding the law and within their respective fields, to enhance the implementation of services.

4.1.4. Lack of training

Findings highlighted that service providers were predominantly not aware of how to work with/or their role in assisting statutory rape survivors or sexually abused victims. Furthermore, it is important to note that the professionalism and attitudes of some service providers can contribute to secondary trauma for victims. In some cases, service providers may prioritise their personal beliefs over their professional duties, which can negatively impact the support victims receive.

Many of these participants expressed that a barrier in our justice system is that esteemed professionals do not actually know what is expected of them. The following health care practitioner expressed her concerns in this peculiar matter:

"I think what is needed is sensitizing differences in the Act so service provider can actually do what is expected from them. Because most of the time you'll find that you having to implement the headlines will be other service providers… but you find our victims having to go through this secondary victimization because people are allowed to get away with it. So, I think, you know, just trying to be very firm with service providers to do what they're expected to do."

As expressed by the above participant, service providers are not aware of their roles, thus making them cause secondary trauma towards victims when trying to assist. Other study participants suggested that it is not only training but also the lack of professionalism showcased by professionals within their field. The following participant highlighted that, due to the age and generational mindset of many professionals, service providers use their morality as a framework to decide what is right and wrong according to society's standards. This approach can lead to discouraging sexually active children or even victims from seeking help. The participant who works as a health care professional stated that:

"I think that's exactly it. I think you're always going to get some elderly person at a hospital, whether it be a doctor or nurse etcetera, that is going to judge you for coming in and asking for contraceptive…especially in this kind of setting where we do have elderly nurses that are very judgmental and might make somebody feel as though they don't want to approach a medical institution to, to get that kind of help, which is very sad."

As suggested by this participant, service providers make children feel uncomfortable when seeking assistance, thus hindering the process of making safe sex possible. However, another participant raised the concern that age is not the problem, as they experienced younger professionals who reacted towards their participants in the same manner. For this service provider, they felt that religion and cultural beliefs also impact the way service providers behave towards statutory victims. This health care practitioner addressed her concerns by stating:

"But we should not do it by discrediting the fact that. We need clinics, your local clinics, to be less judgmental… Our responsibility is to show reality, and the reality should not

be conflicted by our own religious or cultural beliefs, but by the reality that stats are telling us. And we should give the clinical, medical and the psychosocial interventions without judgment… we are very judgmental, and this is not an age thing, you know, Many times people say this generation do not understand this generation. In my work I have seen how 20 something year old. The doctor cannot understand why a 16-year-old needs to be on contraceptives."

The participant suggested that due to lack of training, the way service providers implement their services is perceived as intimidating and aggressive, essentially even leading to second hand trauma to victims. This health care practitioner who does groundwork stated the following:

"And when my GBV ambassadors were on the ground, they picked up that GBV Brigadiers are causing secondary victimization to GBV survivors because they are not properly trained, they are not properly supervised. They are doing work from the heart but without boundaries."

Regardless of the setting, these participants suggested that service providers are causing barriers between the youth and victims. This makes them feel like they cannot ask for help or experience secondary trauma, due to a lack of training or ignorance. Other service providers expressed their concerns by stating their concern regarding lack of professionalism by other service providers. They particularly highlighted the lack of training within the police service division and how their lack of confidentiality prevents other service providers from doing their job. A social worker stated below:

"The legal obligation to report has been a challenge. I will tell you what people are so scared of reporting people because they feel they do not have faith in the police because they think if they report then they're going to tell the people who reported them because the police officers have been notoriously known to reveal the identity of somebody who is a whistle-blower."

The above participant suggested that victims are scared to report because police do not uphold confidentiality and are known to whistle-blow in the community. Another response from a

participant shows the direct link to a judgemental opinion from a state worker who lacked basic training in teaching others that their behaviour is not to be blamed for their trauma. This police participant has said:

> *"Because I cannot say, if they can educate the girls not to drink, that one is being preached we preach it every time we do the campaigns, but nothing is changing. Nothing is changing."*

The other participant, who is an advocate for the law demonstrated lack of knowledge by stating,

> *"Statutory rape is when an adult engages in consensual sex with a child."* However, once probed the advocate said that *"Statutory rape is consensual sex between people that are not supposed to have sex, but rape is not consented yes, sexual intercourse… I gave you consent, but my age does not allow me to give you that consent."*

Both participants demonstrated lack of training in the way they handle victims. They should be able to communicate without causing secondary trauma towards the victim. Participants strongly expressed their concerns regarding the lack of training in the Criminal Law Act, resulting in secondary trauma for victims. This could be attributed to several factors, including whistleblowing within the community, a lack of knowledge about the Act, or service providers not adhering to protocol and displaying unprofessionalism. In some cases, this unprofessionalism stems from allowing personal judgement to get the better of them or simply misunderstanding the law.

4.1.5. Role and responsibility clarity deficits

Service providers expressed concerns that some role players in their fields are not fully aware of the technicalities of their job and what it entails. They emphasised the need for standard operating procedures to clearly define how service providers should assist victims. If these procedures are not clearly defined or followed, this particular service provider suggested that legal loopholes could end up protecting either alleged offenders or protect irresponsible professionals within their field, as stated below:

"When we pass legislation, we all know that legislation has to be accompanied by regulations because regulations become the, for lack of a better word, your standard operating procedure that compels whatever professional, whatever citizen, whatever law enforcement official to step by step implement what the Act wants to achieve at that time and maybe even and not maybe it is told. Today we have a lack of, that have a lack of putting regulations in place that follow Acts that are very progressive. South Africa has extremely progressive Acts which one is proud of, but lack of regulations, the lack of consequence management for professionals and non-professionals, citizens. They do not do their work ethically it leaves a big gap. So now you sit with this huge, beautiful, progressive legislation, and when it comes to the practical implementation, there is legal, technical loopholes that either protect the alleged offender or protect the irresponsible professional in the field or device."

The participant highlighted the lack of regulations which concisely entail the job description for a service provider to ensure the victims' needs and rights are met. Lack of communication after filing a case is one of the reasons why victims fail to get justice. Other service providers expressed their concern regarding departments not having specific directives. This causes confusion and lack of communication within departments regarding what roles specific service providers need to play when assisting victims. The following health care practitioner expressed her concerns by stating:

"The act gives you a rope it does not give you the processes and the processes become the responsibility of departments, the Department of Health, Police and all of that and that is why it is most departments who must develop directives using this Act… Something like mandatory reporting, something like the HIV testing of a perpetrator, something like how do we provide psychosocial support to this survivor? Those are things that need to be hashed out by the relevant departments in collaboration with each other because the Department of Health cannot produce their own directives, which contradicts what the SATS Director says."

The participant seems to suggest that each department has their own directives. There are no regulations put into place once the act is implemented. Therefore, each organization operates

independently with little to no communication between them, which can sometimes lead to contradictions in what each job title entails. Another participant stressed that due to lack of regulations, evidence ends up being tampered with or affected, because of uncertainties regarding the next step of the process. Furthermore, due to the uncertainty, it also affects services providers' confidence in providing services to the victims. This is an opinion of a healthcare worker:

> *"If you are testing the perpetrator, where are the blood going, what are the chain of evidence issues there, how do we get the results in multiple field and the logistic of offering that particular service to the survivor? I have never been confident to do it because the system does not exist on how to do it… the argument is that the HIV blood test must go to the Department of Health lab. It does not go to forensic lab because we also have this unclarity in terms of the process to follow when they are offering that particular service which is mandated by the ICE."*

The opinion of the above participant depicts that lack of regulation affects multiple professionals and how they implement their work. In addition, lack of regulation affects their confidence in assisting victims. In the following two statements, my study will present a paradox between two service providers. Both discuss the need for clearly defined roles, but they also suggest that lack of regulation and specification leads to entangled and blurred lines of responsibility. Thus, portraying one service providers approach to be aggressive and unprofessional. However, the retaliation of that particular service provider demonstrates that she is trying to assist the victim by preparing her for court without any ill intent. This results in displaying a lack of clarity in job roles. The Social worker stated that:

> *"Then you have that the grey area where prosecution and investigation under the law and legally so allows for very aggressive questioning of the victim that either distracts the victims emotional ability to continue with the case or allows, Still today in our courts despite of this act, the questions such as why did you wear what time was it? Were you intoxicated? Etcetera are still being asked in the court and used as mitigating circumstances for the offender."*

The polices' argument had been:

"But those are the questions that we are supposed to ask. You cannot understand what happened if you do not ask those questions. I need to know that? Yes, I am not blaming you, because people tend to think that when I ask you that question, what were you wearing? Were you drunk? I am not judging you. I just want to understand so that I can write it down, so that you know, when the magistrate or the prosecutor reads the statement, he needs to understand what happened? Where were you? You were drunk. Some of those questions are the questions that is going to be asked by the lawyer of the accused while you are in that box."

Through these arguments, service providers felt the lack of regulation within the system. Additionally, individual professionals are unaware of their roles when working with sexually abused victims. These participants have shown that from the start of the legal procedure to how service providers interact with victims, they lack training and understanding of their roles, which then affects how services are conducted.

4.1.6. Ignorance portrayed by service providers towards the Criminal Law Act No. 13 of 2021

Service providers admitted that they need to familiarize themselves with the Act. Also, being unaware of the law, they sometimes do not know when the law is being violated, thus failing to assist victims and providing justice. This also pertains to how they fail to educate their clients on preventative measures or basic human rights as they are very laissez-faire about their wording. Participants also mentioned that they fail to stay updated due to constant amendments of the law.

This social worker expressed their concerns by stating:

"It would be more important for us to familiarize ourselves with these acts as you can see you ask these questions because I haven't really had time to look at it and go through it. So it will be to familiarize ourselves with it…Sometimes when you don't understand the law altogether chances are that you will not even notice if the law is being violated and so as service providers, I think we need really to get people that teaches us, you know, about this law so that we can be able to serve the people we serve better."

As stated by the above participant, they need to engage more with the Department of Justice to gain deeper understanding of the act. Furthermore, they should take time to read and comprehend the Act that has been implemented, so be able to provide comprehensive services to victims. Another social worker agreed with this participant by stating that even if we had 1000 acts, changes would not be made unless service providers actually grasp the technical know-hows of applying the act when assisting victims:

> *"Statutory rape in the act will be as good as we make it as a society and as professionals in the field got a good place to work from, but it will only be as good as the application of it from therapy, to investigation, to prosecution, to medical intervention etc... If we do not grasp the technical and technical, know-how of how to work with our patients in the medical field, our survivors and our victims, then we can have 1000 acts, and we won't change and make the world a better place for children or people generally."*

Service providers highlighted that the act will be as good as we make it. They addressed their concern regarding professionals within their field not grasping the technicalities of the act. Thus, hindering the services they provide. The next police participant highlighted that specific service providers such as the police fail to assist survivors due to being overwhelmed with their work environment.

> *"A lot of people including police officers who are working in this weird space, they themselves don't even know the act. They don't even know that there have been Amendments."*

As suggested by this participant, professionals working as frontline workers are unaware of the updated policies within our country. Although other participants suggest that it is not only police, but teachers and other service providers that do not like being implicated in court. hence, they rather not report. Therefore, reporting and the Criminal Law Act is just on paper, as explained by this participant:

> *"Even though the law says you must report, when you come and report you are always told that you need to be parents of the child. And I have seen even school teachers also. They do not want to get involved… They would even want to leave them and not go to*

their uThukela care centre because they do not want to be involved, they do not want to go to court… So, the issue of reporting it still is like in the papers but family members have been given tough time when they report these cases."

The above participant addressed their concern regarding service providers not being equipped and scared to report the law as they do not fully comprehend it. Furthermore, the lack of knowledge among service providers about the policy proves to be detrimental, even when they engage in community advocacy through prevention work. Service provision extends beyond protection to include prevention efforts as well. One service provider expressed that if children were taught the law in a more directive manner, it would help them understand that their rights are not optional or contingent on their preferences. Instead, it would assist children in understanding their value. This would vastly impact their perceptions about themselves and reduce statutory rape risks. The social work participant below states:

"We have not established responsibilities when we have endorsed children's' rights, because we have not made children understand the value of who they are. We just in a moral and ethical way focused a lot on the rights in the sense of if you do not like what is happening to you… That is not what the children's right intended…there is words that are used very recklessly when we do prevention work, and this is part of the reasons why right now Gauteng you know one is busy at looking at standard operating procedures … So that one can go back and make sure that when we do prevention work and when we do explain the rights of children, we do underscore the real value of these children as human beings and degrade rights to whether you want or you like it."

As stated by the participant from the previous statement, even during prevention work, due to a lack of training, service providers have poorly narrated children's rights. This approach can give children the impression that their rights are conditional, based on whether they want or like the treatment they receive. Instead, it should be emphasized to children that they are valued individuals in a society with inherent rights, and they have the right to stand up for themselves regardless of their circumstances. Service providers need to be more intentional and be updated on the law amendments, especially when they are at the frontline.

4.1.7. Communication Dissonance within Multidisciplinary team

Due to lack of communication and regulation, the act is not implemented effectively. As stated earlier, service providers are not trained effectively within their profession and the act, resulting in lack of communication within their multi-disciplinary teams. Participants expressed concerns that, although protocol may require collaboration, in practice, each service provider often in isolation, within a silo. Thus, increasing workload and resulting in more service providers needing training in their respective fields, so they can understand the importance of their testimonies. It will also help them get rid of their fear of being cross examined in court. As proclaimed by this psychologist participant:

> *"You know, like a group of people, like your providers. The protocol will put them together, the sexual offences protocol will put all those people together. But in practice we are not at the same place we working in silos you know especially with the ones that will have to make statements at court. Then they need more training, and they will have to be shown the importance of their statements that they will have to show to the court as to how I think social psychologists should be included also in these cases and I think psychologists do not want to make reports in those effect."*

Another health care practitioner participant agreed by stating that:

> *"The problem right now is we are all working on silos. A healthcare contractor is working in silos. Social work or DSD or whatever is working in their own silos. The police are working in their own silos. The NPA is working in their own silos."*

The above participants stated that each service provider works as an individual entity. There is no communication among them, which results in heavy and overwhelming individual workloads. Furthermore, participants highlighted that, due to service providers working in isolation, there is confusion within the system regarding their roles. Another health care practitioner stated that:

> *"If you have those conversations with our Department of Health lab, the NHLAs, they will tell you their job is not forensics. So, all of that goes to the forensic lab. But the forensic lab does not do HIV testing."*

The psychologist participant highlighted that:

> *"I am not sure even with the statutory social workers at the teddy bear clinic on their impact statements as to what they put there. Because there is no link between the therapy social worker and them, you know who carries more weight to be able to explain the impact that this has caused to the family."*

The health care practitioner noted that:

> *"I think there just needs to be a lot more communication between law enforcement and me that is how I feel because I think the biggest thing for me is that there is a loss of contact after a case has been filed."*

All participants from different fields of service provision, addressed their concern regarding lack of communication within their multi-disciplinary teams. They also portrayed how a line of broken telephone develops. They also highlighted that even before victims' cases reached the courts, problems regarding evidence collection have arisen.

4.1.8. Encapsulating the lack of physical resources

Service providers stated that services cannot be implemented effectively due to lack of physical resources. Without these physical resources, it deters service providers' willingness to assist victims, as additional problems arise, such as the red tape in removing children from their homes due to lack of space or not having enough office space to ensure confidentiality. Moreover, participants highlighted that helping the victims efficiently becomes hard, due to pressure from other cases. Some participants stressed that, due to time constrains, they are unable to assist the clients efficiently. As stated below:

> *"And you know, the only issue that I have right now is that we are chasing numbers. Like we have to report on so many numbers. And then because you have so many numbers. I feel that we are not given enough time to do a proper job. Like an appropriate amount of time to help our victims properly. Because you like have to close this case in so many days. Or we have so much time to work on this case. So, it then becomes difficult for you to do a thorough job for the client."*

As stated, service providers struggle to assist victims due to factors such as time management, which play a pivotal role in the justice system. The above participant also suggested that due to chasing numbers, they are unable to efficiently conduct their work. This suggests that there is lack of professionals within their field. Furthermore, an important part of working with sexually abused victims is maintaining confidentiality and protecting the victim's identity. In this case, the participant stresses that lack of privacy with their clients results in victims not returning for more assistance. As stated below:

> *"They do not want to talk, if you can see your Thutuzela care centers, there is not much privacy around that. And I believe that teenagers are people that need to be given that whole, you know, respect and privacy so that they can be able to be free to deal with their metals. But especially my office, it is very small, it is crammed, and they will be sitting there in most cases you will not see them again."*

Service providers complained about the number of overwhelming cases they have to attend to, and lack of physical space that they have to work in. Our system is overwhelmed in many aspects, and it is crucial for victims to be comfortable in the environment where they are disclosing personal matters. As stated by the service provider it is highly unlikely to see the victim again. Furthermore, service providers stated that it is hard to implement services due to the lack of resources. Some participants expressed concerns regarding moving victims to a safe space, due the red tape around finding housing for the victim. This social work participant said:

> *"I would feel it is resources. For example, if a child needs to be removed there is so much red tape because now you need to remove a child from wherever they are to find a home that is a safe place for them. Children's homes are always full."*

Children's homes play a pivotal role in assisting a victim find a safe place where their right to being protected can be maintained. However, due to the lack of resources, many service providers struggle to assist victims in an effective manner. Service providers addressed their concerns with regards to online bullying, stating that they are not even certain if we have the necessary resources to assist victims. A participant stated that they would prefer victims to rather have physical trauma instead of cyber bullying. This social work participant said:

"You know, sometimes I would even say perhaps, maybe the physical is even better, because you are able to see the person, you know, to identify the person, to know where the person is. But online bullying the concern will really be that do we have resources and means? Yes, we can talk to children about it, but when it comes to enforcing of the law, arresting those people, I wonder if we are up to par."

Another police participant also stated their concerns around the technical resources by stating:

"Yeah, we do have units that are dealing with that, but they are also not well resourced and I think we also need to like, because sometimes those things are happening here and maybe those offices are in Pretoria and it's that easy to do the follow ups on those cases, but maybe when time goes on we will get assisted, because we do have the unit that is specializing on the things that are happening on the social medias."

These participants believe that our province is not well equipped with the necessary technological resources to assist individuals who are victimized online. They highlighted that we need more resources and that it is hard to identify those behind the bullying. Other service providers believe that they need more professionals to be trained within the field of online grooming. In addition, more members who specialise in online grooming should be employed to alleviate the workload and assist victims gain justice. This police participant states their concern:

"If more members can be trained on how to work those cases? Because some of us, we are behind technology. Yeah, it is too deep to investigate something that happened on the social media and stuff. So, if they can like, give us more trainings or maybe if there is a unit that is dealing with this with the - a social media technology, at least if they can put more members to assist in investigating those pieces."

A lack of physical resources contributed towards victims not receiving justice. Service providers complained about lack of workforce, time management, physical space to work in and lack of training. Furthermore, the participants complained that, due to a lack of technology and workforce, they find it difficult to implement laws around online grooming and bullying.

4.2. Discussion of findings

The research question aims to gain an understanding of the perceptions and experiences that service providers had when implementing the Criminal Law (Sexual Offence and Related Matters) Act No, 13 of 2021 as Amended when assisting statutory rape victims in Johannesburg, South Africa. To answer the research question, the researcher interviewed 12 participants working within Gauteng as service providers from different fields of profession, with experience in working with statutory rape victims. From the 20 questions asked, the researcher developed seven themes utilising an inductive thematic analysis. The themes are:

1. Complexities of understanding the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021.
2. Challenges in implementation.
3. Lack of training
4. Role and responsibility clarity deficits.
5. Ignorance portrayed by service providers towards the Criminal Law Act No.13 of 2021.
6. Communication Dissonance within Multidisciplinary team.
7. Encapsulating the lack of physical resources.

These themes are understood from a social justice framework perspective. The overarching issue emerging from the findings is that the Act is currently poorly applied which affects the achievement of the protection of the human rights for the vulnerable, the children. Below is a detailed discussion per theme.

4.2.1. Complexities of understanding the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021

The study's aim is to explore whether there were discrepancies in the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021, which acted as barriers to assisting service providers. The discrepancy in knowledge among service providers suggests a gap in training and information dissemination. For instance, detailed insights from the social workers' interview indicated a thorough understanding of procedural changes. However, they also revealed that laws are not clear and explicit enough causing confusion for service providers. Comparatively, insights from the health care practitioners suggest that the Act is

clear, and that individuals do not engage with the Act enough to understand it. Existing literature on post-sexual assault care primarily focuses on health providers skills and capacity to offer psychosocial care (Wangamati et al., 2021). Services other than medical and psychosocial care remain poorly studied in the global South, especially pertaining to survivors of sexual abuse (Wangamati et al., 2021).

The discrepancies in understanding the Act have an impact on its implementation. This means that there would be inconsistencies in how it is implemented, resulting in being less effective. This, further impacts how the human rights of the victims are ensured and protected. Hence, the application of the social justice framework is poor. This, in the South African context is problematic, as it suggests that the vulnerable population is less protected, yet it relies mostly on the government structures.

Participants suggested that the law has been worded in a way which hinders service provision, hence it does not allow service providers to assist the victims. Through a social justice lens, the social justice framework explicitly talks about the protection of vulnerable populations (Mathiesen, 2015). But given the finding that the wording makes it complex to understand the Act, it would mean that it is not clear how it intends to protect the vulnerable population, thus affecting the insurance of social justice for this group.

Despite a 16-year-old legally being allowed to give consent, there may be ethical concerns around the power dynamics shared with adults. Furthermore, the framework encourage participants to deeply examine laws that adequately protect young individuals from exploitation or harm (CFI Team, 2024). I do agree with the social just framework, it is important to have other laws that could assist victims. The study suggests that service providers need to identify their claims to professional competence, for when such cases occur, to effectively address their clients' needs (Morrison, 2006). Therefore, the findings suggest that comprehensive training programs could enhance the amendments' implementation efficiency.

4.2.2. Challenges in implementation

The challenges identified highlights systemic inefficiencies that undermine the amendments' potential benefits. For example, a social work participant highlighted a critical point that, there

are barriers before a victim may even report. This challenge correlates with findings from (Wykes & Artz, 2020), asserting that there is a failure to convict. The analysis suggests that the failure of conviction is caused by how service providers treat their victims when they first lay a complaint. It shapes how the victim assesses what happened to them. The way they are treated essentially deters the whole prosecution process, leading to secondary trauma (Wykes & Artz, 2020).

There seems to be more to the law restricting victims rather than just the Criminal Law Act being a barrier. Many service providers highlighted that there are barriers to assisting victims before and even after the reporting of cases. Pertaining to issues such as lack of regulations, disgruntled job implementation and a fear of reporting.

Another health care practitioner implied that there are not enough regulations that support the Act, nor real time frames that support the Act to ensure quality implementation of services. However, in contradiction to this service provider, a study had been concluded that there might be too many government layers (national, provincial, municipal, etc), concluding that there might be lack of authority and accountability (PSA, 2019). The article depicts that, due to multiple structures of government with several levels in charge of delivery, the lines of authority are often blurry and in essence have minor impact with regards to service delivery.

Thus, in conclusion to these findings, there is need for clear directives for each department stating their job titles. Also, service providers need support in understanding their roles and how to minimise trauma towards victims.

4.2.3. Lack of training

Findings suggested that service providers predominantly unaware of how to work with/or their role in assisting statutory rape survivors or sexually abused victims. Furthermore, it is important to note that even their professionalism and attitude towards victims cause secondary trauma, as service providers choose their beliefs rather than implementing their duties. As indicated by the health care practitioner, service providers tend to be more emotive when working, instead of utilising their skills.

A recent study states that rape victims in general, experience secondary victimisation on regular basis (Amarchund, 2022). This author argues that, although there are systems and structures put in place to assist victims heal, and support them on their journey, they are sometimes deliberately but mainly unknowingly revictimized (Amarchund, 2022). Receiving care and support will essentially assist victims in coping. However, not all victims receive the support they need immediately after the rape, thus, demonstrating poor linkage to mental healthcare (Abrahams & Gevers, 2017). It is pivotal for mental healthcare and support to be provided during initial services, so that victims do not endure detrimental mental health impact during court processes (Abrahams & Gevers, 2017).

Participants strongly expressed that lack of training around the Criminal Law Act, causes many victims to feel second hand trauma. This trauma deters victims from reporting. This could be due to whistleblowing in the community, lack of knowledge while working with the Act, or service providers not following protocol. This might also be due to lack of professionalism while working with the Act, or allowing their judgement to overwhelm them, or simply misunderstanding the law.

4.2.4. Role and responsibility clarity deficits

Service providers addressed their concerns towards role players in their fields being unaware of the technicalities of their job and what it entails. They expressed concerns that standard operating procedures need to be established to guide how service providers should assist victims. If these procedures are not clearly defined or properly implemented, it has been suggested that legal loopholes might end up protecting alleged offenders or negligent professionals within their field. Service providers emphasised that there are no standard operating procedures for them to follow when working in a multidisciplinary team. Without any well-defined procedures, service providers struggle to assist victims with the necessary support they require and there is confusion among professionals as to what their role entails.

Through these findings, service providers felt that there is no regulation within the system and that individual professionals are unaware of their roles when attending to sexually abused victims. These participants have demonstrated that from the beginning of the legal procedure to the actual interactions between service providers and victims, there is lack of training and

understanding of their specific roles. This deficiency in training impacts the effectiveness and quality of the which services provided. Studies have proven that many cases are dismissed in court due to biased perceptions informed by detectives and prosecutors regarding alcohol consumption (Machisa et al., 2023). Furthermore, service providers should be taught basic psychology, so they are able to assist victims in an effective manner. However, if each service provider had a structured guideline, they wouldn't be working out of their job description.

4.2.5. Ignorance portrayed by service providers towards the Criminal Law Act No.13 of 2021

Service providers had conflicting views on whether the amendments effectively address statutory rape, reflecting a spectrum of optimism and scepticism. Findings suggested that due to lack of knowledge around the Act, service providers sometimes are unaware of how laws are being broken. They are also failing to educate victims and the public in a holistic sense that teaches them about their rights.

Furthermore, another problem is that service providers are wary of reporting due to being implicated by the law. However, the new amendments state that everyone, even the common man must report. From these statements, it demonstrates that service providers need to familiarise themselves with the Criminal Law Act to assist with more effective policy implementation. An article stated that 11 287 girls in Limpopo were reported pregnant (Mosia, 2022). In the same study, it is noted that 11 teachers were expelled as they had sexual relations with their learners. With relation to the act, how do we expect people to report sexual encounters when they are violated by the ones they should be reporting to?

Furthermore, due to service providers lack of knowledge on the policy, it proves to be detrimental even when they advocate to communities through prevention work. Service provision includes not only protection but also prevention. One service provider believes that if children were taught the law in a more directive manner, it would help them understand that their rights are not conditional or optional. Instead, this approach would assist in helping children understand their value and their own worth This would vastly impact children's perceptions about themselves and reduce statutory rape risks.

4.2.6. Communication Dissonance within Multidisciplinary team

Due to lack of communication and regulation, the act is not get implemented effectively. As stated earlier, service providers do not have effective training within their profession and the act, resulting in lack of communication within their multi-disciplinary teams. Participants expressed concerns that, although protocol may require collaboration, in practice, each service provider works in isolation. Thus, increasing workload and resulting in more service providers needing training in their respective fields, so they can understand the importance of their statements and get rid of their fear against being cross examined in court.

Working in isolation in this line of work is problematic, since sexually abused victims need efficient support from each service provider. Especially because these victims are already traumatized. The participants stated that each service provider works as an individual entity. There is no communication among service providers, resulting in heavy and overwhelming individual workload. Furthermore, participants suggested that due to each service provider working in isolation, there is a confusion within the system with regards to the roles service providers should play.

4.2.7. Encapsulating the lack of physical resources

The call for enhanced training and resources is a critical insight, highlighting an essential requirement for the successful application of the amendments. Participants highlighted encountering complex cases without adequate training, underscoring the urgency of this need. Service providers have complained about the number of overwhelming cases they have to attend to, and lack of physical space they have to work in. Our system is overwhelmed in many aspects, and it is crucial for victims to be comfortable in the environment where they are disclosing personal matters. As stated by the social work, it is highly unlikely to see the victim again. Furthermore, service providers stated that even implementing services have become challenging due to lack of resources.

A lack of physical resources has contributed towards victims not receiving justice. Service providers complained about lack of workforce, time management, physical space to work in, and lack of training. Furthermore, the participants also complained that lack of technology and

workforce around technology implementation makes it difficult to implement laws around online grooming and bullying.

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

This chapter concludes the study with a focus on synthesising the findings then making conclusive remarks. The chapter also provides key recommendations based on the study's findings, in line with the social justice framework.

5.2. Main findings

Statistics South Africa recorded 90 037 pregnancies between girls of the ages ten to 19 years during the 2021 to 2022 period (Wartenberg, 2023). According to the Department of Social Development, someone is raped every 35 seconds (Clifford, 2021). However, despite these statistics none of them specifically identify the amount of statutory rape victims that occur annually. Statutory rape is specifically directed between the age groups of 12 to before the age of 16. Furthermore, due to lack of provision, it is difficult to identify the actual number of children this study is aimed towards. However, from the findings it is essential to note that sexual grooming occurs from younger ages than ten.

Furthermore, South Africa has one of the best constitutions in the world. However, it has been clearly stated that we lack regulations once an act has been implemented, to assist our victims. The study specifically focuses on the Criminal Law (Sexual Offenses and Related Matters) Amendment Act, No. 13 of 2021, making reference to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act, No 32 of 2007. Two main objectives that the study focuses on is if the changes made to the policy assisted in protecting the rights of children when it comes to reporting and to analyse the impact of provisions related to sexual activity.

Amendments made to the act imply that all members of the community, not only service providers and guardians, but anyone who suspects any concerning behaviour towards individuals under the age of 16 legally obligated to report and will be held liable if they fail to do so. However, one of the findings in the study highlighted that community members and even service providers are scared to report. Reasons that contribute to this are, police are infamous whistle-blowers within the community. Thus, putting the lives of those who report at risk of

being targeted and victimized. Furthermore, a reoccurring theme of poverty and helplessness keep arising. Alluding that many statutory rape victims use their bodies as a source of income to fend for their families or even provide for themselves. Thus, making those that are aware of the situation be more understanding and accepting of the relationship.

Service providers need to be held accountable for the lack of reporting. Findings disclosed that service providers are scared to report due to being victimized, also they lack training and knowledge around implementation of the Act. Many service providers raised their concern about reporting in courts and how intimidating it is since they have never been trained around the legalities of appearing in court. However, service providers cannot be blamed entirely for not reporting since there are many underlying factors to consider.

This study identified five main themes that allude to why the Act is not being implemented effectively. Firstly, role and responsibility clarity deficits; Service providers emphasised that there are no standard operating procedures for them to follow when working in a multidisciplinary team. Without any well-defined procedures, service providers struggle to assist victims with the necessary support they require. Also, there is confusion among professionals on how to effectively implement the law. Furthermore, it was stated that each member within the multidisciplinary team works in isolation, leading to inefficiencies, increased workloads, and confusion regarding roles and responsibilities.

Secondly, indicating ignorance of service providers towards education of the Act. This theme alluded to the fact that service providers are unaware of what the act entails. To implement the act and their services effectively, it is necessary for them to be aware of what the law states, as well to keep updated with all amendments made to the Act. Also, enabling them to be aware of legal loopholes which could counterfeit protecting alleged offenders and being able to clearly highlight negligent professionals within their respective fields. They should also ensure that they are aware of the Act, so they are able to counteract missed opportunities for reporting and intervention.

Thirdly, lack of training while working with the Act. Before an individual becomes a victim, service providers are expected to do field work. However, due to inadequate training and understanding among service providers, many efforts go in vain due to misconceptions and

advocacy efforts. These issues could range from service providers not fully understanding the Act and passing on incorrect information to attempts at adapting the Act make it more understanding for all, whilst using the incorrect wording. Furthermore, another significant problem highlighted is that lack of communication and regulations among service providers often leads to the mishandling or overlooking of evidence. This, in turn, compromises the integrity of cases and hinders justice for victims.

A prominent issue in South Africa is lack of physical resources. Many service providers highlighted in multiple ways how victims do not get justice they deserve due to lack of resources. To provide efficient services, service providers need to be trained to understand amendments and job roles. Furthermore, adequate physical space and resources are crucial for supporting victims and providing them with a safe environment as they navigate their journey of healing. Unfortunately, some care centres lack the facilities necessary to uphold and respect victims' autonomy and confidentiality.

Lastly, the Complexities found within the Criminal Law Act (Sexual Offenses and Related Matters) Amendment Act No.13 of 2021. Throughout the study, I emphasised on the underreporting of statutory rape cases. Throughout the theme, we noted that there is a significant discrepancy between reported and actual cases. Many statutory rape cases remain unreported and contribute to lack of justice for these victims. Furthermore, a complexity found within the act suggests that regulations need to be implemented to avoid secondary victimisation. Secondary victimisation entails being asked questions by police, such as were you intoxicated? What were you wearing? Furthermore, it includes being judged by health care practitioners when asking for family planning through a lack of confidentiality. Overall, the findings underscore the complex interplay of factors influencing the reporting and handling of statutory rape cases. Addressing these challenges requires a comprehensive approach, including legal reforms, professional training, community education, and support services to ensure the rights and well-being of survivors are upheld.

5.3. Recommendations

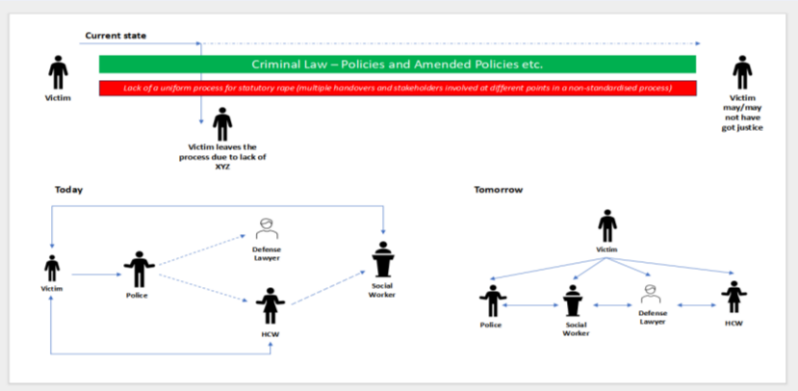

Figure 1: Summary of recommendations

As illustrated in figure 1, South Africa's current situation reveals that many victims either abandon their pursuit of justice mid- process or never tried at all. To ensure victims remain engaged throughout the process, it is crucial to address the poor communication and lack of knowledge surrounding the Act. Using a social justice framework, the study's findings suggest the need for the government of South Africa to eensure equitable access to comprehensive training and clear information for all service providers. This would address knowledge gaps and improve the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.13 of 2021 implementation consistency. Establishing clear regulations is essential so that both victims and service providers have a standardised procedure to follow once a crime is reported. To align with the social justice framework, this study also recommends a systemic overhaul to create a more streamlined and accountable framework for implementation. This includes establishing clear regulations, reducing bureaucratic layers, and ensuring that all levels of government are effectively coordinated. This will address issues in relation to challenges related to the policy implementation and ensure the best outcomes for the children.

A major issue of our current protocol is that there's lack of one- and second-hand trauma occurs due to its deficiency. Service providers need to have direct protocols, stating why they need to talk to each other, what processes they should follow, and the limitations to what they are allowed to do within the process. By ensuring this is implemented, service providers would

have a clear idea of their purpose, how they are assisting victims, and where and how evidence needs to be collected.

Another recommendation is that service providers need to be trained in psychology. Each service provider should have basic psychology within their training, so they are able to interact with victims appropriately. This would also help prevent secondary trauma, as service providers would be better equipped to understand how to interact with clients, communicate appropriately, and maintain professional boundaries.

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APPENDIX A: ETHICS CERTIFICATE

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT ETHICS COMMITTEE
CONSTITUTED UNDER THE UNIVERSITY HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER: SW23/05/03**
PROJECT TITLE	The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act: The case of statutory rape in Johannesburg, Gauteng
INVESTIGATOR	**S DOODHNATH**
SCHOOL/DEPARTMENT OF INVESTIGATOR	SOCIAL WORK
DATE CONSIDERED	20 OCTOBER 2023
DECISION OF THE COMMITTEE	Approved unconditionally
RISK LEVEL	LOW RISK
EXPIRY DATE	20 OCTOBER 2026

ISSUE DATE OF CERTIFICATE 24 OCTOBER 2023 **CHAIRPERSON** (DR L PETERSEN)

cc: Supervisor: PROF B NKALA-DLAMINI

DECLARATION OF INVESTIGATOR

To be completed in duplicate and **ONE COPY** returned to the Chairperson of the School/Department ethics committee.

I fully understand the conditions under which I am are authorized to carry out the abovementioned research and I guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee.

Signature Date 27.10.2023

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES



APPENDIX B: PARTICIPANT INFORMATION SHEET

The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act: The case of statutory rape in Johannesburg, Gauteng

Good day,

My name is Sirishka Doodhnath. I am a Master in the field of School Social Work student in the School of Human and Community Development at the University of the Witwatersrand, Johannesburg. My supervisor is Prof Busiswe Nkala-Dlamini. This study aims to explore service providers' perceptions and experiences regarding the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021 in South Africa.

I am inviting you to take part in an interview. If you decide to take part, your participation in this research study will last about 45 minutes to an hour. The interview will take place at the Department of Community Safety at a time that can be discussed or over MS TEAMS, whichever is convenient for you. With your permission, I would like to audio record the interview. This data will be stored in a laptop for three years and deleted afterwards. Only my supervisor and I will have access to the data.

The interview will be confidential and anonymous. When I share the results of the research study, I will not include your name or anything else that could identify you. With your permission, other researchers may use the data collected from this research study, but your name and any personal information will not be used or passed on.

If you decide to take part in the research, it should be because you want to volunteer. You do not have to take part. You can stop being in the study at any time. You do not have to answer any questions if you do not want to. You will not get any direct benefits if you choose to join

the research study. You will not lose any services, benefits, or rights you would normally have if you decided not to join. Taking part in the research study will not cost you anything. You will not be paid for being in this research study.

The risks for this research are no more than what happens in everyday life. Some of the questions asked may make you feel sad or upset. If this happens, I will stop the interview and continue another time. If you need some support or counselling services following the interview, these are available free of charge. Ms Sharol Dlamini, a registered social worker based within Ikhaya Lethemba will be responsible for facilitation and or direct debriefing of interviewees. You may contact Ms. Sharol on 063 698 3774.

This study will be written up as a research report. The report will be available on the university library website. If you would like to receive a summary of this report, I will be happy to send it to you. Furthermore, by agreeing to participate in this study, you will be giving me permission to utilize direct quotations from the interview which may be used in my research report. I am requesting your permission to audio-record the interview in order to be able to capture what we discuss during the interview. As the participant, you also agree that other researchers may use the information I provide in my interview without your name and any personal information to be used or passed on. Throughout the research you will remain anonymous.

If you have any questions during or afterwards about this research study, feel free to contact me or my supervisor on the details listed below. If you have any concerns or complaints about the ethical procedures of this research study, you are welcome to contact the University Human Research Ethics Committee (Non-Medical), telephone +27(0) 11 717 1408, email hrecnon-medical@wits.ac.za

Yours sincerely,
S.Doodhnath
Researcher:
Sirishka Doodhnath
1897429@students.wits.ac.za
+2781 512 4616
Supervisor:
Busiswe Nkala-Dlamini
busisiwe.nkala-dlamini@wits.ac.za
+2711 717 4483

APPENDIX C: INFORMED CONSENT

The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act: The case of statutory rape in Johannesburg, Gauteng

Name of researcher

I, ……..., agree to participate in this research project.

I agree to the following:

(Please circle the relevant options below)

The research study was explained to me. I understand what this study is about.
YES NO

I understand that I can volunteer to take part in the study YES NO

I agree that the interview may be audio recorded YES NO

I agree that direct quotations from my interview may be used by the researcher in their research report/ manuscript/book chapter. YES NO

I agree that my participation will remain anonymous (my name will not be used by the researcher in their research report/manuscript/book chapter). YES NO

I agree that other researchers may use the information I provide in my interview, but my name and any personal information will not be used or passed on YES NO

…… (Signature)

…… (Name of participant)

…… (Date)

…… (Signature)

…… (Name of researcher)



APPENDIX D: INTERVIEW SCHEDULE

The Exploration of the experiences and perceptions of service providers on the implementation of the Amendments to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act: The case of statutory rape in Johannesburg, Gauteng

Demographic information

1. How old are you?
2. Which sex do you identify as?
3. How long have you been working with statutory rape survivors?

Interview questions

4. What is your understanding of the Criminal Law (Sexual Offenses and Related Matters) Act No.32 of 2007?
5. What do you understand by child sexual abuse?
6. What is your understanding of statutory rape?
7. What was the reason behind you wanting to work with sexual offense survivors?
8. Briefly explain to me how you assist statutory rape survivors?
9. Have you ever felt that the Criminal Law Act had stopped you from assisting victims or had somehow obstructed you from assisting them?
10. What posed as an obstruction to assist the victim?
11. What are some of the challenges you have experienced when working with clients and using the Criminal Law (Sexual Offenses and Related Matters) Act No.32 of 2007?
12. From the new amendments made to the Act, do you feel that they have improved or affected the way you implement your services?
13. Do you feel that any progress has been made after the new amendments have been put into place?

14. What are your concerns about the ability of young people under the age of 16 to make informed decisions about sexual activity?
15. What measures do you think could be put in place to better protect young people from sexual exploitation and abuse?
16. Do you have any concerns about the enforcement of the new age of consent provisions, particularly in cases where the offender is a family member or close acquaintance of the victim?
17. In your opinion, what behaviours or actions constitute sexual activity (Grooming), and how do you think these should be addressed under the law?
18. Do you have any concerns about the enforcement of the new provisions relating to legal obligation to report sexual grooming, particularly in cases where grooming occurs online or via social media?
19. How do either issues of age of consent or sexual grooming (a range of sexual activities) affect you as a service provider when it comes to implementation of the law?
20. What measures do you think for you, need to be put in place to support you in implementing the Act as a service provider?

Do you have anything that you may want to add?

Thank you for your participation.

APPENDIX D: PERMISSION LETTER



GAUTENG PROVINCE
COMMUNITY SAFETY
REPUBLIC OF SOUTH AFRICA

Enquiries: Merita Ground Cell: 083 286 7896 email:
Merita.Ground@gauteng.gov.za

Dear Ms Siriskhka Doodnath

NOTIFICATION OF APPROVAL TO CONDUCT RESEARCH

Thank you for your application to conduct research within the Gauteng Department of Community Safety.

Your application to conduct research on "Understanding the viewpoint and perceptions of service providers on the implementation of the Amendments made to the Criminal Law (Sexual Offenses and Related Matters) Amendment Act: The case of statutory rape in Johannesburg, Gauteng. " Herewith refers.

The approval is subject to the Departments' terms and conditions as stated and issued based on the premise that you are a registered post-graduate student at the Witwatersrand University —with student Nr 1897429.

You have permission to interview officials and beneficiaries within the Provincial GBVF Workstream Forum regulated by the Department of Community Safety, conduct observations and access relevant documents where necessary.

Kindly note that Ms Sharol Dhlamini, registered social worker based within Ikhaya Lethemba will be responsible for facilitation and or direct debriefing of interviewees.

Ms Dhalmini official contact details: 063 698 3774

May I take this opportunity to wish you well on the journey you are about to embark on.

We look forward to a value adding research and a fruitful co-operation.

With thanks.

Director – Provincial GBVF Coordination

heeNo

26 May 22