

Social Workers' practice in Court with...

Social Workers Practice in the Court with Sexually Abused Children

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Social Workers Practice in the Court with Sexually Abused Children

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Abstract

This study explored social workers practice in the court with sexually abused children including the social workers' role in the court; social workers interdisciplinary involvement and their actual versus the expected roles in 'Lideta' Federal First Instance Court, Addis Ababa. Qualitative case study research method was used to undertake this study. Accordingly it included in-depth interview with four social workers, three prosecutors, one judge, administrator and two lawyers. The data from these interviews were analyzed using pre coding and coding. Thematic analysis was used as an approach to the data analysis. The finding of the study indicated that social workers have diverse roles such as acting as an intermediary between the sexually abused child as a witness and the court and preparing the child for court under special circumstances. Furthermore, other roles such as: referral and advocacy has been discovered as roles social workers. Social workers as well work with families of sexually abused children in case of inter-familial sexual abuse being a mediator and an advocate. What is more is that, the study also revealed, social workers have professional relationship with Prosecutors, Judges and Lawyers while working with sexually abused children. The study also found out the center of the relationship on social workers practice is working as an intermediary. The court also has a wide discretionary power on permitting social workers either to be a witness or give an expert opinion.

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Acronyms

UNODC: United Nations Organization on drugs and crime

UNCRC: United Nations Convention on the right of the child

UNICEF: United Nations Children Fund

MOWCYA: Ministry of Women, Children and Youth Affairs

NASW: National Association of Social workers

ACPF: African Child Policy Forum

CCTV: Closed Circuit Television

CHAPTER ONE: INTRODUCTION

There are various contexts within social work practice; one of such contexts is the legal system and its parameter. In such context, there appears a lot to be gained from alliances between social workers and legal professionals. Since both professionals bring frameworks and approaches to problem resolution, if appropriately utilized, it will be valid and relevant to the difficulties faced by those most vulnerable in the community (Swain & Rice, 2009. p.27). In the face of this, children are believed to be vulnerable and in need of special protection from various risk factors in every society. As a result, specially designed legal institutions like that of victim friendly court settings made the involvement of professional social workers possible (UNODC, 2009).

Accompanying social workers involvement, the justice system comes along to be less distressing and harmful on victim children coming in to contact with it. This is for the reason that, social workers can help child protection and justice procedures operates with an understanding of children's developmental capabilities. This includes, help victims feel comfortable, less fearful and be sensitive to the range of feelings the child has about to experience with the justice system, the abuse itself and the offender (Conte, 1982).

In the Ethiopian justice system, the movement of making the court system sensitive for the child victim has began in 2004 by establishing the child protection unit at the 'Woreda' police offices of Addis Ababa city administration (Save the children, 2005). In 2009, UNICEF and the federal Supreme Court in Ethiopia initiated a court advisory body and established a child friendly court by involving advisory body consisting of more than 24 social workers to assist benches handling cases of children (UNICEF, 2010). According to Ethiopian Ministry of women, children and youth (MOWCY, 2011), this specialized courtroom has reportedly

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contributed towards improved treatment of children coming in contact with the justice system for victims of sexual abuse. Nonetheless the social workers employed in the court process were not professional social workers, since the profession is a recent phenomenon in Ethiopia. Instead, they are psychology graduates and Sociology graduates trained for the post of social worker. This study focuses on exploring the various roles of these social workers in the selected child friendly court setting and analyzed their involvement with other legal professions while helping victim children.

Statement of the Problem

Social workers have long been involved in dealing with sex related problems in virtually all practicing settings. Social work with its dual interest in “person changing” and “context changing” interventions has played a significant role in responding to the problem of child sexual abuse. With such a sense, social workers have played an important role in the legal process dealing with child sexual abuse cases being attuned to developmental needs of children and their concerns. And this made them to be recognized as experts in the area of child sexual abuse (Mason, 1992).

The attempt to merge justice and welfare within a new institutional framework is described as a new and more humane form of justice. Hence, the combination of social work and courts can operate in the interest of victims of sexual abuse, in effectively protecting children from further abuse. This is particularly important, given in criminal proceedings, where children's perspectives are often marginalized and are particularly vulnerable to cross examination techniques. In such a case, social workers role of undertaking assessment and intervention more comprehensively appear significantly desirable. So that, they address

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traumatic experiences, symptoms of distress, family relationships, and other relevant social factors around the life of sexually abused children (Bagley & King, 2004. p. 56-78).

Social work profession is a recent phenomenon in Ethiopia. The various professional roles carried out by social workers are not also widely known, especially in court settings. During the preliminary observation made by the researcher in 'Lideta' federal first instance children court, the researcher observed that all the social workers in the bench actively works on child sexual abuse cases with legal professionals. However, Literature concerning this issue is very scanty. Thus, such a gap in the literature appeared as a rationale for undertaking this study aimed at assessing the various roles and practice of social workers, along with their professional relationship with legal professionals in the court setting child friendly bench of 'Lideta' Federal first instance court.

Objective of the Study

General Objective of the Study

The main objective of this study was to analyze the role and practice of social workers and to explore social workers involvement with legal professionals in helping the sexually abused children in 'Lideta' federal first instance child friendly court, Addis Ababa.

Specific Objectives.

The specific objectives of the planned study include:

- 1.) To explore at the roles of social workers in dealing with child sexual abuse cases in 'Lideta' federal first instance child friendly court.
- 2.) To explore social workers involvement/collaboration with other legal professionals in helping the sexually abused children in the 'Lideta' Federal first instance child friendly court.

3.) To analyze the existing gap between social workers' role expectation and their actual practice in 'Lideta' federal first instance court.

Research Questions

The study sought to answer the following research questions:

- 1.) What are the roles of social workers in dealing with child sexual abuse cases in 'Lideta' federal first instance child friendly court?
- 2.) How are social workers involved in collaboration with legal professionals in dealing with child sexual abuse cases in 'Lideta' federal first instance child friendly court and
- 3.) Is there any kind of gap between the role expectation of "social workers" and their actual practice in the selected court setting while dealing with child sexual abuse cases?

Significance of the Study

The rationale for doing this study entails on acquainting social workers, legal professionals and others about the practice of social workers in the court system. Above all, it would practically depict the specific roles of social workers in working process sum up with social workers expected roles. For professionals like social workers and legal professionals with common agenda but different areas of expertise, this study possibly will help to clearly identify the work relationship between the two professionals for betterment of the service provided.

The actual practice versus the expected roles for court social workers would be identified in the process. Identifying the expected role of social worker, would help to pursue on the good side of the practice, to improve the actual practice and to incorporate new practices. The expected roles of social workers also could serve as loopholes for social workers to be filled

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practically. More over the existing work relationship between social workers and legal professionals will be explored to clearly put across the prevailing relationship.

This research could show the existing gaps in social workers actual practice and also gaps on their work relationship. This research could also serve as a preliminary for law makers to draw a policy that clearly articulate the roles of social workers and the expected relationship between social workers and legal professionals.. The study also could instigate other social workers to do researches on the various sects of social work practice in court. And, research is beneficial if done of sorting out gaps from the current study.

Conceptual Definition

court social worker.

Ministry of Justice defined social workers as, professionals employed to give psycho-social support for children. Social workers might be graduates of psychology or sociology, since social work is a newly emerging profession. In spite of this, if social workers apply for the position they would be prioritized. However, since social work is a recent profession in Ethiopia, psychology graduates are preferable for the position though sociologists are also employed. The reason behind is, the Minister office believe that, Psychology graduates and Sociology graduates have somehow work relationship with Social work profession. The Minister also prepares trainings for new employee social workers. Likewise, subsequent trainings has been given for employed social workers in collaboration with Addis Ababa University, School of Social Work. Beyond the arrangement of trainings, the social workers are expected to equip themselves by researching and reading about skill and practice of social workers. Employed personnel's are also expected to work on counseling, referral, follow up treatment and help the child to pass

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through the legal process. The Ministry also grants power for courts to employee social workers under this qualification.

Operational definition of terms

Children: a person below the age of 18 years.

Legal professionals- Judge, Prosecutor and Lawyer

Child sexual abuse: Any form of sexual abuse committed on a child by an adult.

Child friendly court- it could be interchangeably used with Victim Friendly Court/bench

Trial: a setting whereby each parties present witnesses, and enters evidence into the record, at the end the judge renders decision.

Legal proceeding: It is the court process, commonly referred after the first hearing or after an opened file presented before the court

CHAPTER TWO: LITRETURE REVIEW

History of Social Workers Involvement in the Legal System

The Social work profession which is defined as the system of organizing activities carried on by a person with particular knowledge, competence and values, is designed to help individuals, groups or communities toward a mutual adjustment between themselves and their social environment. Following this, the profession is strongly rooted in the tradition of social reform, much of which was directed toward alleviating the problem of vulnerable group of people in post-industrial society (NASW, 2005).

Social workers practice in different contexts and one of the contexts is the legal sphere and its parameter. In United States of America, social workers were one of the founding professionals when the juvenile court system was established in 1899. Meanwhile, until the mid of 1960's social workers were not performing the actual professional practice (James, 1976). This was for the reason that, legal professionals viewed social work as it was associated with church-sponsored charity work with homeless children, public assistance with the problem of dependency and family breakdown activities carried on by persons who have not been accorded professional status by law (Schottland, as cited in Scherier, 1976, p. 280) In Britain also, it was in 1899 that, Octavia Hill as one of the mother of modern social work indicted that 'social work as a profession has so much technical on it' and the worker should have a thorough knowledge in legal matters and she insisted on training for intended social workers as it was an important factor for the development of the profession (Karl, 1976). Perhaps, it took so long for social workers' role to extensively emerge in the court system till the 1970's, where social workers' role appear very clear and they begun to be actively involved in court system as: interviewer, evaluator, involves in crisis intervention and negotiation and referral (Swain & Rice, 2009)

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In African countries the inclusion of social workers in legal system is almost related with the enactment of international instruments like the United Nations guideline for justice in matters of victim and the establishment of victim friendly courts. For example, countries such as Somalia land, Sudan, and Zambia included in law and practice the importance of social workers and inter social cooperation to make the court litigation for children safe and smooth, between the year 2000 and 2005 (African Child Policy Forum and Defense for Children International, 2011). South Africa is also one of the first African jurisdictions where child friendly efforts were taken. Several reforms have been introduced into the justice system, in order to make the process of child testimony more children friendly. These reforms are the introduction of special sexual offense courts and the inclusion of social workers to work with legal professionals cooperatively (Assefa Woldemariam, 2011).

In Ethiopia it was in 2004 that child protection units were first established in 'woreda' police offices of Addis Ababa city administration to provide services for children who are victims of abuse (Save the children, 2005). In 2009, UNICEF and the federal Supreme Court in Ethiopia initiated a court advisory body and established a child friendly court by involving advisory body consisting of more than 24 social workers to assist benches handling cases of children (UNICEF, 2010).

Social work and child sexual abuse

Sexual abuse is a multi-faceted problem, including a number of professional groups. Because it is against the law, legal enforcement personnel become involved with both victims

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and offenders. The potential for or actual physical trauma or disease resulting from the abuse involves medical professionals. The deviant behaviors of adults who sexually victimize children and the psychosocial aftermath in children's lives require social service and mental health professionals (Conte & Shore, 1982)

Social work practice focused on reducing obstacles to human potential. Indeed, social workers have long been involved in dealing with sexual related problems in virtually all practice settings. A study conducted by Kinsey and Masters (1970) have acknowledged that social work is one of the primary profession which works with sex related problems (Gochros, 1982). Gochros (1982) on explaining social work's commitment to deal with sex related problem stated, 'given the nature, and values of the social work profession, the primary clients of social workers are the sexually abused.' The sexually abused include such population as the people with disability, the vulnerable, the institutionalized, and the children. Thus, one of the most sexually abused of these groups, and one of the largest, is composed of children and adolescents. Because of their vulnerability they are easy and frequent targets of sexual exploitation and abuse (Conte & Shore, 1982. p. 41)

Social workers then are becoming increasingly and routinely come into contact with children who have been, or currently are the victim of sexual abuse regardless of the setting in which they practice; schools, hospitals, child welfare, social service, mental service, mental health agencies or correctional facilities and court systems (Conte & David, 1982).

After 1980's the issue of child sexual abuse in most western countries got highest attention. Especially the study made by Fineklhor (1990) on 'the sexual experience of college students', found out that 'of all the college female students participated on the study 56% of

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them had their first sexual experience when they were raped (Finkelhor, 1990). This made developed countries to give due attention for sexually related abuse against children. This was then followed by involvement of social workers as a helping profession for victim children as 'victim 'assistant (Anderson, Weston & Doueck, 2002).

Therefore, for the purpose of this study and answering the question "why would social workers engage with sexually abused children in the court system" would be elaborated more on the basis of western practice and western literatures. Largely, literatures are gathered from court practices in USA, England, Canada and South Africa. Thus, some literatures also included from court experience in Ethiopia.

Child sexual abuse

definition.

Child sexual abuse is a complex phenomenon to understand. It is a multi-faceted in that the definition includes a broad range of behaviors, which can be perpetrated across a broad range of intra-familial and extra-familial relationships, and there is considerable variability in the duration and frequency of the abuse (Paine & Hansen, 2002, p.23).

Flaherty (2005) defined child sexual abuse as; any sexual act that exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards (p.1). This broader definition acknowledges that the sexual abuse of children involves a range of behaviors, including those commonly referred to as sexual assault or rape, for example, anal and vaginal penetration using a finger, penis or other object. It also refers to behaviors such as exposing a child to, or involving a child in pornography: fondling and or

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masturbation of a child; having the child fondle, touch or masturbate the abuser; coercing a child to engage in sexual acts with other children (Flaherty 2005).

On the global prevalence of child sexual abuse, a Meta- Analysis study conducted at the University of Barcelona in 2009 by analyzing 65 research studies across 22 countries indicated that: an estimated 7.9% of men and 19.7% of women globally experienced sexual abuse prior to the age of 18. And geographically, the highest prevalence rate of child sexual abuse was found in Africa (34.4 %.), while Europe showed the lowest prevalence rate (9.2%). America and Asia had prevalence rates between 10.1% and 23.9% (Pereda, Guilera, Forns & Gómez-Benito, 2009).

Sexual abuse against children is a very widespread phenomenon in Ethiopia and with limited variation between urban and rural as well as between different cultural and tradition groups. Comprehensive study on the situation of sexual violence of Ethiopian children is seriously lacking (UNICEF, 2008). Thus, some studies were conducted on the prevalence of sexual abuse among children in Ethiopia and the rate of reports accentuates serious concern. The finding of the African Child Policy Forum (ACPF) in 2011 indicated that ‘ all the sample respondents for the study’ in Ethiopia suffered at least one type of violence during their childhood’. Ethiopia is also the third country in Africa in the prevalence of rape with 29.7% of abuse prevalence rate. Accordingly, the same study indicated that in Ethiopia all forms of abuse significantly increases between the age of 10 and 13 years and escalate to very high levels with the 14 to 17 age group. Furthermore, a cross sectional study conducted in 2012 in Addis Ababa identified Child sexual abuse prevalence rate as 38.5% among the general public (Jibril Jemal, 2012) .These rates make Ethiopia as a country of highest prevalence of sexual abuse committed on children.

Impact of Child Sexual Abuse.

Following the sexual abuse of children, the effect of victimization on children can be far reaching, negative and complex (Whitcomb, 1992, p. 18). Whitcomb (1992) made comparison between sexually abused children with non-sexually abused clinical population to understand the impact of sexual abuse. Eight factors were found out to distinguish the sexually abused children in the study that compared 369 sexually abused children to 318 non abused children. The sexually abused children were significantly more likely to demonstrate the following symptoms: poor self esteem, aggressive behaviors, fearfulness, conscientiousness, concentration problems, withdrawal, acting out and need to please others (p. 18)

Finkelhor (1990) whose conceptualization of the traumatogenic effect of sexual abuse is the most employed, dividing the effects of sexually abused child sequel into four general categories. The effects are mainly traumatic sexualization; included in the psychological outcomes of traumatic sexualization, which comprises aversive feelings about sex, overvaluing sex and sexual identity problems. Stigmatization; common psychological manifestations are damaged good syndrome and feelings of guilt and responsibility for the abuse or the consequence of disclosure. Betrayal; the most fundamental damage from sexual abuse is its undermining of trust in those people who are supposed to be protects and nurtures. It also includes, anger and engaging in acting out behaviors. Powerlessness; perception of vulnerability and victimization and a desire to control or prevail often by identification with the aggressor. And behavioral manifestations of anxiety, including phobias, sleep problems, elimination problems and eating problems and re-victimization are identified (p. 50)

Child Sexual Abuse and Criminal Prosecution.

Child sexual abuse having a devastating effect on children is considered as a criminal act in almost every country of the world. The criminal act is then followed by criminal prosecution

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and punishment of the perpetrator for the alleged crime (Suit, 2007, p. 7). In the Ethiopian criminal law too; committing a sexual offence against a child under the age of 13 years is considered an aggravating ground. And, committing a sexual offence against a child between the age of 13 and 18 years is also considered an aggravating ground and, therefore, the offender will be punished more severely than the same offence committed against adults (criminal code of Ethiopia, 2004. p.365). Thus, sexual abuse committed against children is largely a silent and witness free crime, often leaving no physical signs and actively hidden by perpetrators. These features of sexual abuse made its detection very difficult, with increasing importance placed on the victim's disclosure of abuse for investigative and treatment purposes (Anllock, 2010, 124). However, Children do not always purposefully tell about their experience of sexual abuse.

Child Sexual Abuse and the Criminal Court System.

Following the disclosure of the abuse, the sexually abused child will become involved with a number of people and agencies in investigating the abuse incidence. In many cases, the child will deal with representatives of child protective services, law enforcement officials, medical personnel, victim advocate and court personnel. The legal system's involvement with the issue of child sexual abuse is dependent on children making formal complaints to law enforcement agencies to enable the prosecution of sex offenders. With the goal of the criminal justice system providing fair trial, the child often will be called upon to testify in criminal court against the alleged offender. Following this, the testimony of the sexually abused child is often the most important evidence for the prosecution, especially where there is limited or no physical corroborating evidence of the abuse (Baum,.Alpert, Glantz, & Grodin, 2001).

In Ethiopia, the disclosure of the child over the act of sexual abuse often leads to criminal prosecution against the offender. The Ethiopian criminal justice system largely follows

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an adversarial model, which is based on the ideal of two adversaries battling out, with the court hearing both sides and determining the victor (Assefa Woldemariam, 2011. p.27). In this sense, the court does not actively participate in the contest except to regulate the conduct and ask for elaboration, where the role of the judge is enforcing the rules during proceedings and then acting as adjudicator. Just as judges does not interfere in the competitors choice mainly the prosecutors and lawyers tactics or techniques, the court does not dictate how the respective parties put their case rather it is up to them to present their cases as they think fit, putting forward their own evidence and deciding on their own arguments. The court takes an essentially passive role; being dependent on the information brought to it by the parties themselves.

Over the issue of child sexual abuse litigation, in Ethiopian criminal justice system, the abused child is a prominent one for the proceeding of the prosecution. Having the adversarial justice system, in Ethiopian court system, the child witness is expected to give testimony, to be cross- examined by the defendant and to answer for the question forwarded from prosecutor, lawyer of the defendant and elaboration questions by the judge. With this accusatorial system, the prosecutor should prove the allegation beyond reasonable doubt for the court so that a verdict could be passed. For this reason, child witness testimony is a basic one for the criminal court in the way that, if children gave the testimony without being threatened and intimidated persuasive evidence would be present for the court. The role of the judge in this case is to listen for the evidence testimony of the child victim as a plaintiff, and the defendant with the lawyer on the other side and act as adjudicator of the case.

Challenges of Children as Witness of sexual abuse in the Court

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The criminal procedure is not always on the side of child protection rather different literatures confirmed that the involvement of child victims as witnesses in the criminal court is followed by exposing them to hardship (UNODC, 2009. pg.2). According to Whitcomb (1992), some reasons for problems to be arise when children called to participate in criminal proceedings are: child's immaturity with regard to physical, cognitive and emotional development; attributes of the offense of child sexual abuse, particularly when the perpetrator is a parent, parent substitute or other adult having a trusting or loving relationship with the child and thirdly, limited understand of children's capabilities as witness (p. 15)

Children lack of knowledge of trials and courtroom procedures is also cited by both clinicians and researchers as a major source of anxiety for many child witness (Dezwirek, 1992, Flin 1989 & Whitcomb, 1992). According to a study conducted by (Freshwater & Aldrige, 1994), focusing on 'the knowledge and fear about court of child witness school children and adults' stated:

Child witnesses and school children with no experience of litigation were found to have significantly more misunderstandings about terms and concepts in the English legal system than adults. And all the children perceived court as a stressful place (p.15)

A study conducted by Whitomb (1994) to examine the impact of prosecution on child sexual abuse victims across the US jurisdictions found out that, it was the harshness of the experience of testifying that was particularly damaging for children. In addition, Goodman (1992) found that although most children experience emotional distress around the time of court appearances, those who were required to testify multiple times were most likely to show a failure to improve over the short term. Another study has also highlighted the fact that child witnesses

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describe the court as negative experiences especially if it includes cross examination (Reeder, Lucay and Fellow-smith, 1993)

In Ethiopia despite having scanty of studies on the child victim and the impact of court proceeding, a study was conducted under the supervision of the African child policy forum by (Assefa Woldemariam, 2011). The major theme was to look over the criminal justice process in proceeding of sexually abused children in Ethiopia. The study was conducted in Addis Ababa and seven other Ethiopian urban areas and vicinity. Reaching various informants through interview, observation, group discussion and questioner, the study made 215 parents, 101 police officers, 46 prosecutors, 37 judges and 12 social workers its participants. It found out that:

The justice process in the study areas does have an effect of repeating and elongating the panic and suffering of the child victim. The language used in the court, the form of questioning and the cross examination setting make the victim child to feel shameful, anxious, guilty and it has traumatizing effect rather than protecting the victim child as expected from the justice system (p.16)

So far, more comprehensive studies were not conducted except the UNICEF statement of child witness treatment in the court as 'double victimization' or double victimizing the child further than the abuse on ruling child witnesses in the criminal justice system (UNICEF, 2009)

On the other hand to change the existed tensions on children, in developed countries the movement of sensitive handling of children has took so long in the 1970s and in the 1980s. Different international instruments also advocate for the establishment of child friendly courts and the serious involvement of social workers to help the child victim. To this end, the United Nations guideline for child victims and witnesses (1991) serves as a universal guideline, where every country in the world ratified it other than USA and Somalia. The guideline was created to

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help make sure that children who have been harmed by crime and children who have seen others harmed are protected and treated fairly when they tell about what happened to them in a court of law. According to the guideline, In order to prevent or mitigate these consequences as much as possible, and favor the harmonious development of the child, proper assistance to child victims and witnesses is required as early as possible after the offence (UNODC, 2009).

Roles of Social Workers in Court Settings

Social work as a profession is guided by the standard practice of the National Association of Social Workers (NASW). The practice of social work despite it is in different nations and contexts; it is expected to be the same since the rule of conduct is similar (NASW, 2004). In reviewing literatures concerning social workers practice in court settings with sexually abused children and their involvement in interdisciplinary teams, empirical studies from some western countries (USA, UK and Canada) and South Africa are discussed below.

In United States of America, social workers have played an important part in the legal system and are attuned to developmental needs of children and their concerns (Bagley & King, 2004, p.6). Strand (1994) conducted a study having the intent of assessing the roles and practice of social workers in court settings and found out social workers' role as; treating the child and also helping the child deal with the legal system in a therapeutic manner. He also found out the essential role of social workers for the victim child to be:

“interviewing the child, asserting the mental status of the child; determining the developmental capacity for court; evaluating the level of family functioning in relationship to allegations; preparing the child for the court process; and making

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recommendation to the court about testifying methods that would minimized the retraumatization of the child(p. 375)''

More recently , though their exists role confusion between social workers and legal professionals in the court system, social workers' involvement in an investigative process of court procedures dealing with children as victims' or witness of abuse is well documented in recent literatures, (Myers, 1994; Davies & Westcott, 1994). Social workers' active engagement in court systems come out to take multifaceted form including; direct involvement in investigation of reported child abuse allegation, in the process of questioning and in using Closed Circuit T.V (CCTV) within child friendly court systems and cross examination of reported child abuse cases (Makuley, 1999 & Landstorm, 2008)

Social workers have also a long history of providing testimony in courts and they have increasingly gained acceptance as expert witnesses over the past two decades in some countries such as; USA, Canada and Britain (Gothard, 1989 & Price & Read, 2006). Social workers can be called into courts as an expert witness on child abuse and rape cases (Schultz, 2008, p. 70). As an expert witness, they provide the corroborative evidence necessary to support the child's out of court disclosure to the court (Levine & Battison 1991, p.9). This is for the reason that, Children involvement in the judicial process as victims or witness is often accompanied by questions of their competence and reliability as witness (Ghetti, Alexander & Goodman, 2002, p. 34).

Furthermore, the role of social workers is significant in dealing with the family of sexually abused children, since most families will be in a state of crisis or disequilibrium after validation or disclosure of the sexual abuse of their child (Bagley & King, 2004, p. 229). When discussing their role Bagley and King presented:

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Once a case of abuse has been validated, the social worker must consider what services will be needed for the family because traditionally it was the realm of the protective social worker to make the family comfortable since families encounter fear and stress (p.254).

According to the NASW (2004), standards for social work practice in child protections, one of the expected roles of social workers is to work with the family. This is because when children disclose abuse, parents frequently respond with bewilderment and distress. Such reactions are due not only to the secrecy that often accomplice child sexual abuse, but also to the stigma that is attracted to it (Alaggia, Lambert & Regler, 2009. p. 635) In addition, the perpetrator of child sexual abuse is often someone known to the family. As a result, parents often seek advice from professionals about possible courses of action that are open to them (Elliot & Carnes, 2001, p.342). A grounded study made in Canada by (Alaggia, Lambert & Regler, 2009) which involves in-depth interview with 8 parents, 2 attorneys, 1 child victim advocate and one police officers found out that, social workers though expected to work with the family system, to help the victim child parents, social workers fail to provide the support and services for those families' need, as a result of dealing with the aftermath of sexual abuse perpetrated on their children. So, professionals practice must be then to meet the needs of child victims in an age-appropriate and sensitive manner by collaborating appropriately families of victim children (Reno, Holder, Fisher, Robinson, Brennan, Kathryn, 1999)

A more comprehensive study conducted by (Anderson, Weston, Doueck, Krasue, 2002) on social workers practice with sexually abused children in the court found out that, social workers practice includes practice with family and the victim child: one providing therapy treatment and the other typically working through the auspices of a victim witness program,

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helping the child and the family under the court process. The researchers criticized this role of social workers as it is a 'traditional clinical practice' and they recommend the expansion of the traditional clinical practice and integration of diverse social work roles, including networking, broking, educating and mediating and advocating. (p. 368-369).

According to the same study, social workers practice by recognizing the importance of ecological theory in understanding human behavior and having a multi-systemic approach to practice requires a comprehensive intervention by assessing the child's vulnerability across the court system (p. 369).

The major roles undertaken by social workers include, working as:

Networker: This is important to treat the sexually abused child that requires social workers to have interdisciplinary multipronged approach. Here, the social worker is expected to develop contacts with child protection workers, attorneys, psychiatrists and other social workers to be creative and have appropriate intervention for the child and the family.

Broker: it is to link the child to needed resources, to help and guide the parents in choosing which resources to obtain on the child's behalf. It also includes referral services for day cares, for governmental and nongovernmental social services and special courtroom advocates.

Educator: as educator social workers engage on teaching children how to enhance their ability, to self manage fears and anxieties through stress management, progressive relaxation and desensitization techniques and to cognitively prepare for the court process. And as

Mediator: with this role the social worker can help to settle disputes that may arise between family members or among other members of the professional team. However, the social worker as a trained professional in understanding the dynamics of child sexual abuse can be in a

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pivotal position to assess the potential usefulness of this role (Anderson, Weston, Doueck, Krasue, 2002 pg. 372-373).

Social Workers and Interdisciplinary Collaboration in the Court

Social work with its dual interest in “person changing” and “context- changing” intervention can and should play a significant role in responding to sexual abuse of children. Social workers are needed to view the wide range of possible effects of being sexually abused in the child’s psychological and social life and provide a range of crisis and clinical interventions designed to minimize the immediate and long term effects of such abuse. Social workers are also needed to insure that, other professional groups provide the necessary services to child victims and families and that these services are provided in a manner which does not further traumatize those who have been already abused. Besides, Social workers also should advocate for the creation of special programs for victims (Conte & Shore, 1982). Accordingly, the NASW code of ethics (2009) confirmed the essence of interdisciplinary collaboration and the need for encouraging social workers to participate in interdisciplinary team by drawing on the perspectives, values and experiences of the social work profession. So an important key to cope with the court process come into view as understanding how the system works and what roles the court participants can play (Davis, 2007, p. 13).

On the issue of social workers competence of working with sexually abused children and their interdisciplinary relation in protecting the victim child different studies have been conducted in different contexts. A participant observation study conducted by (Berliner & Stevens, 1982) on social work practice with sexually abused children in USA concluded in that; though many social workers existed in juvenile courts, yet social workers has done a poor job of

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even acknowledging the problem of child sexual abuse. By alleging the fact that social work need to educate itself to learn the facts about sexual abuse of children, and its outcomes, the profession can take more responsibility for advocating for the victim child and the family in the court system. However, the current study concluded social workers competence only based on the experience of the researcher in a context specific manner.

To evaluate the victim friendly court with the inclusion of social workers as 'intermediaries' a qualitative study was conducted in South African criminal system (Parker, 2006). The study aimed at understanding the sexually abused children experience in the child friendly court by using semi-structured interview with six child witnesses. The study found out that, before the involvement of social workers in child friendly courts, testifying is a stressful experience for the child victim. Thus Parker' (2006) study revealed in the converted system, that all the participants in the study revealed intermediary's role in the courtroom is helpful particularly in understanding formalized legal language. Besides, the study revealed that intermediaries in the court have no other role such as preparing the child for court and working with the family of the victim child, other than forwarding the questions from the different professionals and the offender to the victim child in sensitive way. Telling on the strength of the study; it tries to look at the subjective experience of child witnesses during the process of appearing in court and testifying. Though, the study fails to clearly present the particular age range of participant victim children.

As stated in the NASW (2004) standards for social work practice in child protection' the social workers intervention in child protective services requires acceptance of unique legal and professional responsibility as well as the capacity to work simultaneously with the child, the parents, other child welfare services, multiple community service systems, legal professionals

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and the courts'. According to Donzelot (1980), the way in which courts treat sexually abused children is shaped by the activities and duties of welfare agents specifically, the actual practice of social work (Donzelt study as cited in Dickens, 2008). Consequently, social workers are increasingly recognized as beneficial members of interdisciplinary teams in addressing the complex needs of clients who seek legal advice (Cole, 2012). Besides, Promotion of coordinated activities and working relationships among the various service divisions within the court is expects the role of social workers in the court system (NASW, 2004)

The professional relationships among social workers, prosecutors and judicial officers in the juvenile court system are an issue of persistent concern for child welfare agencies and the courts .Evidence of difficult relationships among social work and legal professionals in the court system can be found in studies conducted over 30 years ago (Sloane, 1967; Fogelson, 1970). In spite of the prominence and persistence of tensions between child welfare practitioners and court-related personnel, there has been little empirical study of professional relationships in the juvenile court system (Han, Carnochan & Austin, 2002)

Nonetheless, some studies have been conducted to explore the interaction between social workers and legal professions, as collaboration is necessary for delivery of services to children who are victims of abuse within the court system (Paul, 2004 & Kisthardt, 2005). An exploratory study was conducted by (Carnochan, et.al 2001) to promote the collaboration between legal and social work professionals. This study found out that social workers reported experiencing difficult relationships in the court much more frequently when compared to judges, attorneys and prosecutors (p. 490). Such findings are also revealed by some researchers like (Kistahrtdt, 2005, Seeling, 2008). On the same issue of concern, another study conducted by (Han, Carnochan & Austin. 2002) in seven North California counties disclosed that, social workers response on

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collaboration with legal professionals is that, there is a high tension between social workers and legal professionals in handling cases of sexual abuse. The major factors stated arises from: language use difference, communication gap, lack of knowledge of the legal process on the side of social workers' and lack of knowledge of the social workers ethics and handling procedure on the side of legal professionals. This is also confirmed (Herring, 1993 cited at Coleman, B.) as

Social workers are usually not trained in the adversarial process, and may not be comfortable with. Similarly, legal officers may be unaccustomed to sharing responsibilities and information as is common in social work, role confusion and lack of trainings on sensitive handling of children

Though literature concerning the roles and involvement of social workers within interdisciplinary team of court settings are plenty enough, but none has been done in Ethiopia. This gap in the literature can be attributed to the recent start of victim friendly benches and the development of social work profession in Ethiopia. Therefore, this study opts to explore social workers role along with their involvement with legal professionals in handling the case of sexual abuse in court settings.

International Legal Instrument

United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

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This guideline were created to help make sure that children who have been harmed by crime and children who have seen others harmed are protected and treated fairly when they tell about what happened to them in a court of law. It was enacted in 2005 by all members of the United Nations. It states that;

All children have the same rights and they are recognized in the United Nations convention on the rights of the child. These rights are intended to make sure that children have what they need to grow, develop and learn in safety and in good health to become full members of their community (p.1).

It also explained as: a fair, effective and humane criminal justice system is one that respects the fundamental rights of victims that is based on the principle that victims should be adequately recognized and treated with respect for their dignity' (UNODC, 2009). Therefore, protecting the best interest of the child as a victim means protecting the child from secondary victimization and hardship while involving in the justice process as victim and enhancing the child's capacity to contribute to that process. Besides, according to the guideline, giving the best interest of the child is consistent with safeguarding the interest of justice and in conformity with the United Nations Convention on the right of the child. It also affirmed that the child-friendly justice system requires raising the level of professional qualification both theoretical and practical of all the professionals coming into contact with children throughout the judicial process.

National laws on Sensitive Handling of Children in Court

The Federal Democratic Republic of Ethiopia Constitution

The Ethiopian Constitution devotes a full article to the rights of a child. The Constitutional provision embraces, among other things, the principle of the consideration of 'the best interests of the child' in all actions concerning children undertaken by public as well as private bodies (Ethiopian Constitution, 1995, Art. 36). Ethiopia has ratified the UN Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child. In accordance, the constitution of Ethiopia states that 'all international agreements ratified by Ethiopia are an integral part of the land (Ethiopian Constitution, 1995, Art. 9). The fact that the present Ethiopian Federal Constitution has clearly incorporated one of the CRC's basic principles which is the principle of 'the best interests of the child' is a step forward towards the protection and promotion of child rights. By virtue of its restatement in the Constitution, this principle has been elevated to be a constitutional rule. This would be advantageous to promoting and protecting the best interests of the child in relation to all government organs of the country whose decisions, actions and laws are required to yield to the Constitution. The constitution also seeks court of laws to be activated for children considering the principle of best interest of the child.

In spite of these positive attributes, the realization of the principle of the best interests of the child and the rights. Ethiopia does not have laws that require the special treatment of children who are victims or witnesses of crime. It has neither rules of criminal procedure nor evidence that direct the conduct of criminal proceedings involving child victims.

Criminal Code of Ethiopia.

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In laws, sexual abuse is prohibited specifically under the international human rights laws which are adopted by Ethiopia and also by the domestic laws. Sexual abuse is one of the different forms of abuses and party states are required to protect according to Article 19 of CRC. The Ethiopian criminal law also treat persons of less than eighteen years of age differently both for the purpose of substantive protection and for increasing the penalties on the perpetrators of crimes against children, giving the impression that the legislature considers persons of less than eighteen years of age as children. Where the sexual acts committed on young minors between thirteen and eighteen Years of age, the punishment shall be rigorous imprisonment from five to twenty years. Besides, for sexual acts against children below thirteen years the criminal act is an aggravating ground and rigorous punishment for sexual abuse against infants and homosexual outrages (Criminal code of Ethiopia, article 620-670)

Theoretical Models/ Approaches for Sensitive Handling of Children in Court

The following models are presented believing that it could give explanation on the need for courts to be sensitive on handling the victim child. It is also beneficiary, so that the court should change its system to a more and more sensitive handling of children. Subsequently, the specialized programs models or approaches for sexually abused children are a positive signs that could safeguard systems and procedures that contain within them the potential to harm the abused child.

The Victim Advocacy Model: Softening the Process

This approach is characterized by a strongly victim-centered orientation and by the belief that child sexual abuse is a crime which requires the visible condemnation by the society in the form of strong legal sanctions and the active involvement of the criminal justice system. It often includes the assumption that the prosecution and punishment of rape and sexual assault should

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not be determined by the age of the victim or by the relationship with the abuser. Such an approach often incorporates the belief that going forward with prosecution is one way of demonstrating to children that society will protect them, and that their rights and welfare are valued. Courts should operate under the premise that the process of prosecution or criminal justice intervention has a positive value in itself, that legal proceedings are not only necessary, but desirable when conducted in ways that are sensitive to the needs and limitations of the victims (Bulkey and Davidson, 1981).

The Improvement Model: Embracing but Humanizing the system

MacFarlane. & Bulkley (1982) develop the improvement model for the purpose of improving court system. An analogue to the victim advocacy model, the central focus of the improvement model is the child victim. However, programs under this model have had a greater impact upon the criminal justice system by developing new procedures for bringing about more sensitive intervention as well as successful prosecutions. Developing a more sensitive handling of children by child welfare professionals is one of the principal programs of this model. The model seeks efforts in devising multidisciplinary techniques for improving and humanizing the investigation and prosecution of child sexual abuse cases. Under this model, the juvenile court may not be utilized but protection orders may be issued by the criminal court to insure the child's safety. As with the victim advocacy model, programs in this category strongly advocate and encourage the use of criminal prosecution, with sensitively handled, both as a symbolic action to the child and society. The model is not only endorse prosecuting the crime of child sexual abuse simply because it is a crime. The results achieved under this model involve premises. First, successful prosecutions are more likely when the legal system is more sensitive to the child and more knowledgeable regarding child development and dynamics of sexual abuse. Likewise, it is

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argued, a higher prosecution rate tends to lead to more guilty pleas, resulting in fewer traumas to the child.

The System Modification Model: Creating Systematic Changes in Legal Intervention

The most common thread reflected in this model is the paramount concern for reducing the impact and trauma of the legal process upon the child and family by altering existing systems in ways that will cause them to be more compatible with the goal. The premise shared by most legal systems and treatment programs under this model is the belief that the problem of intra family child sexual abuse requires a family treatment approach. It is treatment of all family members, both separately and together, to deal with problems that have affected them all. Taking in to the best interest of the child, referral services would be provided. Besides, as a general rule, the police, prosecutors and social workers refer cases to a specialized sexual abuse treatment program which provides services to the entire family.

CHAPTER THREE: RESEARCH METHOD

Study design

The main purpose of this study was exploring social workers' practice in the court with sexually abused children and look at the existing relationship between social workers and legal professionals at 'Lideta' federal first instance court. To this end, qualitative research design was used. Creswell (2007) stated "qualitative research is important when we need a complex, detailed understanding of the issue and this detail can only be established by talking directly with people, going to their places of work and allowing them to tell the stories" (p. 40). Case study, as a method of learning about a complex instance is based on a comprehensive understanding of the issue obtained by extensive description and analysis as whole and in its context (Grosshens, 1990). Case study research represents a much broader view meaning that, it involves conducting an empirical investigation of a contemporary phenomenon within its natural context using multiple sources of evidence (Yin, 2003)

Consequently, the study used a single-site (case) specific study as the overall objective of the research focused on exploring social workers' practice in 'Lideta' Federal first instance court, working on child sexual abuse cases, located in 'Lideta' sub city, Addis Ababa. Thus, the use of such an approach, allows for the possibility of gaining significant knowledge about the case under study (Creswell, 1998). This research site is also selected purposefully, because the inquirer selects individuals and sites for study because it can purposefully inform an understanding of the research problem and central phenomenon of the study (Creswell, 2007). Notwithstanding, the study was exploratory since exploratory case studies are applied: to explore entirely new fields of research when the researcher has only few or no antecedents as far as explaining the focused phenomenon (yin 2003). Hence, the practice of social work with sexually

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abused children in 'Lideta' victim friendly court in Addis Ababa, has not yet been studied. For this reason, this study used an exploratory case study approach.

Sampling and Study Participants

Participant individuals for this study were selected based on purposeful non probability method of sampling. According to (Dettalo, 2008) "Purposive sampling involves the use of the researcher's knowledge of the population in terms of research goals. That is, elements are selected based on the researcher's judgment that they will provide access to the desired information".

Creswell (2007) stated " researchers can sample at the site level, at the event or process level and at the participant level" (p.126). Accordingly, the Federal first instance child friendly court located at 'Lideta' sub city, Addis Ababa, was purposefully selected from other federal courts in Addis Ababa. This purposeful selection of 'Lideta' child friendly court is done among three other federal first instance courts located in 'Arada', 'Kirkos' and 'Akaki' sub cities in Addis Ababa. Thenceforward, 'Lideta' Federal first instance court is purposefully selected for the reason that; Firstly, it is the first child friendly court established in Addis Ababa where social workers started to be hired and engage in the court procedure treating the cases of sexually abused children. Secondly: it has greater number of social workers practicing in the victim friendly bench compared to other courts in Addis Ababa. Thirdly, since the 'Lideta' Federal instance court is located at the hub of the city, large number of sexual abuse cases tend to be reported for investigation and trial which made social workers actively engage in the court process. This is to mean that, the 'Lideta' court commonly referred as 'the 7th criminal bench' treats all child abuse cases coming from seven different sub cities of Addis Ababa where the

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child friendly court's have not been established, which made the selection of the court representative case of other court settings at federal level.

Social workers, judges, prosecutor, attorneys and the court administrator were all participants of the study. As there were four social workers working in the victim friendly bench, all of them were selected for the reason that they had attended various social work practice trainings on working with sexually abused children. Beyond this, the court administrator, the judge of the child friendly bench, three prosecutors who open the suit against the offender and two court appointed lawyers working in defense of sexually abused children, were selected as participants of this study.

Study area

The study was conducted at the 'Lideta' Federal First Instance Court, 'Lideta' sub-city, Addis Ababa, Ethiopia. The court is commonly referred as the 7th criminal bench where especially known as children friendly court. The court mainly has a victim friendly room and child waiting room. The court entertains cases from the seven sub cities of Addis Ababa, where child friendly courts have not been prepared for children.

Data Collection

Creswell (2007) stated "once the inquirer selects the site or people, decisions need to be made about the most appropriate data collection approaches" (p. 117). Data collection is a series of interrelated activities aimed at gathering good information to answer emerging research question. Hence, a case study design involves detailed, in-depth data collection involving multiple sources of information rich in context (Creswell, 2007). According to Yin (2003) "data for case studies may come from documents, archival records, interviews, direct observation and physical artifacts" (p. 86). Meanwhile, for the purpose of this study, the techniques for data

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collection used were: document review, semi structured in depth interview, observation and focus group discussion.

Documents

In case study, documents are helpful and can provide special details to corroborate information from other sources and also important to make inferences (yin, 2003). Regarding exploring the social workers practice with sexually abused children in the court system, the researcher explored existing court reports made by the judge, prosecutors and social workers.

In-depth interviews

Semi structured interviews are particularly well-suited for case study research. (Hancock & Algozzine, 2006) expressed semi structured interview as "Semi structured interviews invite interviewees to express themselves openly and freely and to define the world from their own perspectives, not solely from the perspective of the researcher" (p. 91). Hence, semi structured in depth interview were used for this research since by using this approach, the researcher asked predetermined but flexibly worded questions, the answers to which tentative answers to the researcher's questions were provided. In addition to posing predetermined questions, the researcher used semi structured interviews to ask follow-up questions designed to probe more deeply in to issues of interest to the interviewees.

Focus Group Discussion

Focus group discussions are advantageous when the interaction among interviewees will likely yield the best information, when interviewees are similar and cooperative with each other (Creswell, 2007). One focus group discussion was conducted between social workers, prosecutors, a lawyer and the judge to collect information by discussion assuming that they are working collaboratively. The overall purpose of the discussion was to gather pertinent

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information on how social workers are working with other legal professionals on handling cases of sexually abused children.

Observation

Observation evidence is often useful in providing additional information about the topic being studied. The observation can range from formal to casual data collection activity (Yin, 2003). Accordingly, observation was conducted on social workers practice with sexually abused children and social workers interaction with legal officials counting a formal litigation process and also in informal ways outside the courtroom procedure.

Unstructured observation.

Unstructured observation is more likely to be used in exploratory studies. In unstructured observation, the researcher observes behavior and events in an endeavor to explore the situation under investigation (Alston & Bowley, 2003). Using unstructured observation method appeared crucial for this particular study to observe the court setting, the way on how social workers operate in the court system as well as how social workers are dealing with other legal professionals. On account of this, according to (Alston & Bowley, 2003) a researcher in a study using unstructured observation may record incidents, impressions, dialogue and other important points about the research situation because of the research design. So, for the purpose of this study, observational protocol as a method for recording notes, portraits of the informant, the physical setting, particular events and activities was employed to observe ten court proceedings of child sexual abuse cases in the court . Such kind of observation is also known as 'non-participant observation' when the observer observes as a detached emissary without any attempt on his part to experience through participation what others feel' (Cohen, Manion, Morrison, 2007)

Data Analysis

Qualitative data analysis involves organizing, accounting for and explaining the data; in short, making sense of data in terms of the participants definition of the situation, noting patterns, themes, categories and regulation (Cohen, Manion, Morrison, 2007 p. 459). More specifically a unique feature of case studies is that, data collection and analysis are concurrent. At practical level, qualitative research rapidly amasses huge amount of data, and early analysis reduces the problem of data overloaded by selecting out significant features for future focus. Then for analysis purpose the researcher set out the main outlines of the phenomenon that are under investigation (p. 461)

Particularly, for analyzing the data that would be obtained, the researcher typically begins by creating and organizing files of information. Next, the process of a general reading and memoing of information occurs to develop a sense of the data and to begin the process of making sense of them (Creswell, 2007). On the analysis process, issues would be broken down into smaller sections and units and reflections of ideas, insights, and comments will be made to make on the data. These can be noted down in memos and indeed these can become data themselves in the process of reflexivity.

On the other hand, case study notes are important for data analysis and were used for the research. The notes as (Creswell, 2007) described are results of an investigators interviews, observation or document analysis. The only essential characteristics' of the notes are that, they can be organized, categorized, complete and available for later access. Therefore, the notes

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would be used for noting down and keeping detailed information in the data collection process and used for data analysis purpose.

Thematic analysis

Thematic analysis is when data is analyzed by theme. It is highly inductive that is, the themes emerge from the data and are not imposed upon it by the researcher. In this type of analysis the data collection and analysis take place simultaneously (Dawson, 2007). By using Coding in thematic analysis as a process of identifying themes or concepts that are in the data, the researcher worked on analyzing the data collected. Thus, the researcher made attempt to build a systematic account of what has been observed and recorded.

Ensuring Data Trust Worthiness

Triangulation

The study used triangulation of data, collected from different methods of data collection to insure the trustworthiness of the data. Triangulation is a useful technique when a researcher is engaged in a case study, focusing on a complex phenomenon with the use of two or more methods of data collection in the study of some aspect of human behavior (Adelman, 1980 cited at Cohen, 2007). Besides, since the data collected or generated was mainly from different method of data collection techniques, the data was triangulated. Obviously, the strength of case study data collection is the opportunity of using many different source of evidence (Cohen, Manion, Morrison, 2007) . So the researcher in this context triangulated the evidence gained from different source such as: data collected from interview, focus group discussion, observation and documentation. This is for the reason that, when data triangulates, the events or facts of the

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cases under study become supported by more than a single source of evidence, ensuring the trustworthiness of the data collected.

Limitation of the study

The study design was formulated sampling two judges as participant of the study. The judges were identified from the preliminary observation, one judge who has worked before the nomination of the presiding judge and the other, who is working currently. However, the resignation of the previous judge from the court made the researcher hold in interview with the presiding judge. The non-participation of the previous judge could be taken as a limitation for the research, though pertinent information has been gathered from the existing judge.

Ethical Consideration

“Ethical consideration should be acknowledged before the commencement of data analysis” (Alston & Bowles, 2003, p. 126). As a researcher, the researcher initially took the written consent of the participants to get support from participants since, a qualitative researcher will convey to participants about the issue of their participation in a study, explains the purpose of the study, and does not engage in deception about the nature of the study (Creswell, 2007). Likewise, the researcher begun by fair selection procedure of research participants which also resulted in fair selection outcomes. Ethical principles tend to focus on protecting participants from harm or in some cases on empowering them (Someleh & Cathy, 2005). These include; the need to ensure confidentiality for informants and the need to gain permission from agencies to examine client records if these are to be used for gathering information (Alston & Bowles, 2003). In the start of the data collection process, participants were sought to permission in full

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knowledge of the purpose of the research and the consequences for them in taking part. Thus, a written informed consent form was signed by the intended participant. Moreover, Confidentiality as embodied in the principle of respect for person, beneficiary and justice, has been given due attention. According to (Marcyzk, DeMaffer, Festinger, 2005):

Confidentiality involves both an individual right to have control over the case or access of his or her personal information, as well as the right to have the information that he or she shares with the research team to be kept private.(p.244)

So during the study process, all issues related to confidentiality were discussed with the study participants. Anonymization was also kept by using pseudonyms in reporting the data collected for the study.

CHAPTER FOUR: FINDING

Overall the study aimed at exploring social workers' practice in the court dealing with sexually abused children. The major sections in this finding are; the role of social workers, social workers interdisciplinary involvement with legal professionals such as the judge, lawyers and prosecutors as well as gaps identified in social workers actual practice with the role expectation in 'Lideta' Federal First Instance Court.

Description of the Participants

Four social workers, three prosecutors, two lawyers, one judge and the Administrator in 'Lideta' Federal First Instance Court were interviewed in this study. Except the resigned judge who can't give her consent, all the participants are involved in the data collection. The court social workers are Sociology graduates and Psychology graduates before they employed as a social worker. All of the social workers have first degree either in Sociology or in Psychology. The experience of social workers in the court ranged from two years up to seven years besides all of the participant social workers are females.

Besides social workers, legal professionals have been interviewed for the purpose of this study. The legal professionals include; three prosecutors, one judge and two courts appointed lawyer. The legal professionals work experiences are; prosecutors ranging from two years and eight months up to two years and two months. The judge's experience is three years and the court appointed lawyer range from one year to four years of experiences. Focus group discussion was also held between three social workers, three prosecutors, one judge and one lawyer. The criterion for selection of participation in the focus group discussion was based on their work experience in the court.

Background information of participants

Four Social Workers are participated and all were females. Eden was graduated in Psychology and attending masters' degree in Counseling Psychology. She have also 5 years of experience on working with sexually abused children in the child friendly court. The second Social Worker, Mahlet, graduated in Sociology and Social Anthropology and attending masters degree in Social Work with three years experience working in the child friendly court. The third and the fourth social worker Bezawit and Sara have been also graduated in psychology and Sociology consecutively. Bezawit is supervisor and coordinator of social workers in the court and she have 5 years of experience while, Sara have one year of experience.

Three prosecutors were also participated; all the prosecutors have been graduated in Law. Liya, as a prosecutor worked for two years and six months, in particular two years of experience in the child frinedly court. Helen, have seven years of experience as a prosecutor, and , three years in the child friendly court. Roman as a third prosecutor has two years experience working in the friendly court. 'Senait' as a presiding judge have been also graduated in Law and have 3 years experience as being a judge and have 10 months of working experience in victim friendly court . Two court appointed lawyers are also participated in the process who have first degree in Law. 'Dereje' have three years of experience working constantly in the child friendly Court in defnese of defendants for an offense of sexual abuse. 'Tsege'also as a lawyer have one years of experience working as a court appointed defedner for defendants accused of sexual offenses and juvenile delinquents.

Trainings

The establishment of child friendly court preceded the recruitment of social workers in accordance with the United Nations Guidelines on Justice in matters involving child victims and witnesses of crime. However, the 'Lideta' court employed graduates of sociology and psychology in the position of Social Work since the profession of Social Work is a recent phenomenon in Ethiopia. To make the recruits accustomed with professional social work practice, Ministry of Justice in collaboration with UNICEF prepared trainings in collaborations with Addis Ababa University, School of Social Work. The 20 days of training was composed to acquaint trainees with different issues such as; the social work profession, communication with children, developmental stages of children and engagement in the legal system. There were also trainings on how to use group work and role play to help abused children testify in the court. Indeed, trainees who properly attended would be taken as para-social workers and expected to work on issues they were trained on.

All the social workers responded that: "they become cognizant of the social work profession after the training". Concerning the role of social workers, it was lately that all social workers become well accustomed with their roles through observation and actual work practice. Eden and Bezawit are the pioneers, being the first social workers employed in the 'Lideta' Federal First Instance Court as attendants of the first training. Then after, the court repeatedly prepares trainings to improve the knowledge and skills of these social workers and often times for new employees'. Subsequently, to make the social workers well informed in their actual practice setting, progressive trainings were given.

Social Workers Practice in 'Lideta' Federal First Instance Court

The practice of Social workers in the 'Lideta' Federal first Instance Children Court is defined to constitute social workers working with sexually abused children in victim friendly court, social workers practice in custody bench and social workers practice with juvenile delinquent children. Thereof, this study focused on social workers practice with sexually abused children in Victim Friendly Bench, often refereed as the 7th criminal bench.

Role of social workers working with sexually abused children.

The roles of social workers illustrated underneath are based on the in-depth interview conducted with social works and the unstructured observation the researcher conducted in the court proceedings of the bench while entertaining child sexual abuse cases.

intermediary

The Social workers working with sexually abused children defined there most pertinent role in the victim friendly bench as; working as an intermediary. All of them defined their role as an intermediary as: "to link or connect the witness child to the main court or to facilitate communication between the child and the courtroom in a manner that takes into account the child's cognitive and developmental limitations." This is in a way that, unlike the other benches, the 7th criminal bench named as children court is constructed having the child testifying room on the first floor, keeping the usual or common structure of the court in the ground. The main court is connected with closed circuit television (CCTV) to the child friendly room to help the child testify during the criminal prosecution on sexual offences. The child testimony display to the main court on monitors via the closed circuit television and it precludes witnesses to confront the accused while testifying. Thenceforth, social workers prevailed as intermediaries to connect the

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witness with the courtroom. The social workers also followed three steps to practice this role, mainly; rapport building, questioning/ intermediating and closure

rapport building.

The Social workers simply get introduced with the sexually abused children on the trail, particularly, when the file is opened before the court. Eden, who is a social worker, described this role:

I often call the abused child from the entranceway to the victim friendly room as soon as his/her name called as a witness by the prosecutor. The first thing to be done in the room is creating conducive environment and creating good relationship with the child. Building the harmonious relationship is on the time the witness called for testimony and until the other witnesses sworn before the court as well till the judge records facts the witnesses going to testify as regarded by the prosecutor.

Therefore, in the friendly room comforting the child to testify is an immediate task for the social workers.

The friendly environment going to be established between the social workers and the witness child is by considering the child developmental stage, communication capacity and language competence. Mahlet expressed it like:

Sexually abused children with age range between two years and that of 18 years old will come to court to testify, thereby the means of communication with the children is different, considering their communication capacity and language ability. For example, I may use 'dolls', 'drawings', and plays' for children below 7 years and formal but smooth communication for children above 7 years such as 'jokes', puzzles and 'stories'.

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According to Sara, as a social worker creating this friendly environment helps the child: "to be emotionally stable, since the court requires detail and direct information from the child's testimony."

questioning.

The intermediary process begins by the order of the judge. Nonetheless, all social workers stated that, before the actual testimony, if they presumed that the witness is not emotionally stable to give testimony, they can request the court for adjourning the session by inferring the mental state of the child. Mahlet asserted that: "if I believe that the witness is not competent to testify, I would clearly express my concern on the child before the court". Eden also presented:

When the child is 'not willing', 'frightened' or 'intimidated' to testify before the court, I would ask the court for adjournment of the session, because decision is upon the judge discretion. Nonetheless, if the witness is comfortable to testify, I will directly ask common questions usually asked by the presiding judge such as 'name', 'age' and address of the witness. This is by taking into consideration the maturity level and language competence of the child. Consequently, I will forward the examination in chief questions provided by the prosecutor, the cross examination questions by the lawyer and the elaboration question of the judge.

As an intermediary the social worker role is to directly pass questions to the witness, of questions asked by the prosecutor, lawyer and the judge. Eden asserted that:

While passing the questions, I am not allowed to change the essence of questions except the 'phrases'. However, before forwarding the question to the witness, I can raise objection on the questions forwarded for the witness. My objection is based on the

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questions nature, which does not consider the developmental age of the child, offend the witness or which could have an effect of double victimization.

In addition to this, Mahlet as well reported that:

I even object 'leading question' often provided by the lawyer, intended to check on the truthfulness of witness testimony. I can object questions provided from lawyers, considering the traumatizing effect it might have on the sexually abused child. Such types of questions are like...who told you to say so/referring the abuse committed against the child...why you don't do this... Have you been married/ also for children below 10 years? Meanwhile the objection on this types of questions is decided to be taken or not by the discretion of the judge.

techniques of questioning,

Through the unstructured observation of 10 sexual abuse cases (6 of girls and 4 of boys) the researcher observed that; all social workers present the questions forwarded from the main hall court in a very soft manner with smooth tone and in a way where the child could easily understand it. Explaining the questioning process, Eden stated that: "for children above seven years, where I believe that they are emotionally stable and could express themselves well, I will forward the question from the court in a way I assumed the child could understand it."

Nonetheless, this way of direct questioning might also be changed in some circumstances, especially for very young children and mentally ill children. Bezawit as social worker explained this as:

Since children below three years can't formulate words and disclose the abuse to the court, the formal means of giving testimony would be changed. On the process of helping

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the child to testify; I may play with the child, I may run, I may sit on the floor or be expected to repeat questions.

Eden also confirmed this by stating that: "for such children, I would act as a child in my overall activity."

therapeutic forms of questioning.

Children who are very young and children with mental illness might not express and articulate the abuse before the court, because of their maturity level, state of mind and language competence. However for the court system, the abused child might be the only witness since the crime of sexual abuse is by itself a secret and silent act. Hence, the prosecutor should persuasively convince the court that sexual abuse is committed against the child beyond reasonable doubt. In such cases, social workers use anatomical dolls to show the court of the abuse.

The use of anatomical dolls for the court process is a common practice in the victim friendly court; this is explained by Eden as:

Anatomical dolls are used for children who are sexually abused and with mental retardation problem. This is because, the court does not expect for such children to explain the abuse in a clear and detailed manner considering their language capacity and mental ability.

The anatomical dolls have parts of human body, to help the child express the abuse by touching the parts of it. For instance, a question can be asked by a lawyer like 'which part of your body has been hurt' then by the help of the social worker, the child could show the parts that has been hurt. Besides, Mahlet affirmed this by stating:

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Anatomical dolls are helpful for the witness, to show how they have been hurt, to indicate other parts that have been touched by the abuser, how many times that have been done and the body part of the abuser shown to the child.

Concerning the use of anatomical dolls, the presiding judge also confirmed that: “testimonies obtained through anatomical dolls are admissible as evidence.”

closure.

Closure is done for all children after they gave their testimony since, recanting the abuse could double victimize the sexually abused child. Eden explained this as: “after the end of the hearing, the children would be emotionally disturbed and unstable. In that case, I often help the child to feel more stable and not to be retraumatized.” This is also confirmed by Bezawit who presented that: “there are children, who cry a lot while talking, being aggressive and shocked after they give their testimony. In such instances, I will try to treat the children for a time not more than five minutes.”

court preparation.

For children, giving evidence in the court is a traumatic experience. The effect on the child of court appearance can be ameliorated through careful court preparation. Court preparation done by social workers in ‘Lideta’ federal first instance court is only activated whenever the judge gives order. On expressing this role, Eden presented that:

The judge will order the social worker on the basis of my comment, such like, if I presume/believed that, the child is not emotionally stable to testify or if the prosecutor requests to court that the child seeks assistance of social workers before the court or it could be based on the decision of the judge.

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Sara also illustrated that: "in special circumstances, I will prepare the child before court mostly, for children who are 'aggressive', mentally ill and very young." Correspondingly, Bezzawit expressed the actual practice in a way after the adjournment of the session:

I often use two or three sessions to create good attachment. The techniques could be, by 'drawing', 'playing', 'storytelling' and 'singing a song'. Such friendly relationship would lead the child to freely testify before the court. However, after sessions, if the child is again frightened or not willing to testify, the court orders the assigned social workers to testify as a witness.

The role of social workers on preparing the witness for court is partially precluded by some factors. Mahlet explained this as:

In principle the child friendly court is built figuring out also to serve as witness waiting room until the actual hearing begins. However, the small number of social workers encumbered the child waiting room not to be feasible. Therefore, the preparation of witness is limited on the order of the judge.

social workers role as a witness.

As previously described, sexually abused children doesn't always articulate their abuse experience openly before the court. This could utterly hinder justice and have influence on the judgment to be delivered. This provokes the court to adjourn the session, and lead social workers to prepare the child for court. Thus, the impotence of the child to be as a witness could lead the social worker to present as a witness in the order of the judge. In such cases, the order of the judge is not merely to prepare the child, rather the judge orders the social workers to testify as a witness on behalf of the sexually abused child. In the face of this, Bezawit asserted that: "appearance of social workers as a witness is not a common practice in the court rather it varies

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on the discretion of the presiding judge.''' Nonetheless, on the current practice, the presiding judge attested that: "the word of the social worker is admissible and as a witness the social worker should be examined and cross-examined by the parties of the court." In addition, the judge reported that:

The court however does not accept the social workers as an expert witness' for the reason that, there is no explicit law on this regard to consider social workers as expert witnesses. The social worker as a witness in this case would testify the techniques that she used the number of sessions that she engaged with the child and the behavioral changes observed on the child and what the child has testified in her stay. Therefore, the word of social workers is taken as the word of the child.

To explain her role as a witness 'Sara' exemplified in a case that:

Once the closed circuit television, 'CCTV' was not working because of technical problems for several weeks. As a result, children's testimony has been delayed because of this problem. Just then, the prosecutor requested the court for testimony that was; a six years old boy abused by a pedophile...but he was about to forget the abuse because of the delay of the legal proceeding. To handle the case, without the CCTV, the legal professionals changed their customary cloth to make the child testify. However, the child hesitated to testify looking at the perpetrator, rather preferred the social worker to tell the abuse. Thereof, on the adjourned sessions I have testified on the disclosure of the abused child testimony.

According to the judge also, in the legal proceeding social workers appear as a witness: "they testify only to their direct experience that is what they saw, heard, felt but there words as a

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witness is not conclusive." Social workers also present as a witness when the child deny over the alleged crime, frightened and intimidated as well as when the court believes that it is difficult to gain evidence by letting the child to testify.

social workers role in giving an expert opinion.

Social workers in the victim bench can be a witness and give an expert opinion which the court might accept it or not, unlike expert testimony which is conclusive. The social workers in the victim bench give an expert opinion when the judge asks for elaboration. With regard to this, the presiding judge accredited social workers expert opinion in relation to: "explaining children's unusual expressions for the court or to explain, phrases/ expressions which might be negatively connoted by either the prosecutor or the lawyer or phrases which might adversely affect the final verdict."

The judge exemplified this in that:

For instance, mostly witnesses asked 'which part of your body has been hurt by Mr.X'? The witness might use phrases like; 'dula' or 'enchete' (stick). When, I thought that these types of expressions could lead misunderstanding among legal professionals; social workers would be asked to give their expert opinion, and so far, the social workers' explanation has brought consensus.

Similar to the judge, Sara as a social worker articulated the time expert opinion is needed in the court:

On trial, when children testify as a witness he/she might act contrary to the charge. For example she/he might laugh, deny the fact, keep silent, talk unrelated things, and play on the ground. In such cases, social workers might be asked to elaborate, the

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unexpected/unusual actions of the child. Then the social workers will respond by inferring impacts of sexual abuse on the child.

To consolidate this, the researcher composes a case example given by Eden:

A prosecutor opened suit alleging that, 12 years of a child has been sexually abused by her father. On her testimony on child protection unit, she affirmed that such act is committed on her. Meanwhile, on the day of the trial she denied the act of the abuse. Basically, the court doesn't have medical evidence on the day of her testimony at the child protection unit. Then I explained to the court after the session with the child that, one of the impacts of sexual abuse is denial, because of shame, coercion and feeling of guilt. Then, after several sessions, the child revealed her experience before the court, though it is not conclusive like expert witness.

referral.

Referral for sexually abused children is undertaken primarily by; the child protection unit in each sub-city of Addis Ababa, if not, by the prosecutor. During the trial, the social worker may decide to refer the child if not done previously. According to Sara; referral is preferable when it protects the witness child. Concerning this role, the judge confirmed that: "if social workers asked for referral, the court does not have legal ground to forbid them. Therefore, social workers practice this role, by themselves or by consulting with legal professionals." All social workers responded that; the referral system is networked through the Federal Supreme Court, Child Justice Project Bureau. But, formerly, the social worker, all by themselves used to contact to Non Governmental Organizations (NGO'S), whereby the child could get the necessary assistance. Regarding, the necessary grounds for the child to be referred Eden explained it as:

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While building the rapport, if the child told me or showed me sign of suicide tendencies; told me about an attempted suicide; if he/ she is not emotionally stable or if he/she has been sexually abused by members of the family; I will refer him/her. For example; in one case, a girl aged 9 was sexually abused by her father. Her mother has died and her father was in prison for court proceeding. The girl has a young brother and youngest sister. At the moment I discovered this situation, I presented the case to the court by inferring the risk factors of living in a child headed household. I also explained the case to my supervisor. Then the judge decided to refer the children to an orphanage center for better protection.

Mahlet on explaining her role alleged that: "there is referral format to be filled by the social worker and I would write on the format what kind of assistance/ intervention the child needs whether it is psycho-social service, counseling, legal or economic intervention." Besides, all social workers confirmed that they haven't ever done a formal assessment to understand the need of the child. Eden asserted this fact as:

If the child is raped by her father or a neighbor I can assume she is emotionally disturbed by taking the child's well-being after the abuse taking into consideration. The reason forwarded by all social workers for not doing the assessment is presented as 'lack of time'.

advocacy.

Advocacy is the prominent role of social workers, while trying to change the system and advocate on behalf of the child. From the in-depth interview, the researcher find out that; social workers have the role of advocacy, though it not recognized by them. Social workers in the court system in some cases try to change the system by lobbying and discussing with the administrator.

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For instance, the finding of the unstructured observation revealed that, sexually abused children before they are called as witness will wait for long time in the entrance way until they give the testimony. On all of the cases observed by the researcher, the court proceeding begins at 8:30 am while children called for testimony about the time of 11:00 a.m. Henceforth, the children are made to wait for approximately 2-3hrs in the entranceway. During this time, the children meets with the offender/ usually chained/ and with the relatives of the offender. Besides, people who know the inside out of the court, gossip on the victim child, that she/he has been sexually abused. Eden elucidated this as:

Apparently victim children as well as their families in the entranceway appear very scared, intimidated, worried and shocked. There are also witnessing children; hesitant to testify before the court alleging that 'I have seen the offender in the entranceway and he threatened me through his eyes not to testify on the abuse'."

To overcome this problem Mahlet as a social worker stated that; "I urge for the betterment of the issue by stressing on that":

The non-operationality of the waiting room of the court has an effect of retraumatizing the abused child. The concept of 'presumption of innocence' also made social workers working as an intermediary not to be involved with the children unless on special order of the judge. Social workers are precluded for the reason that, frequent interaction will lead them to be biased and side with the witness. So I urge for the employment of more social workers and the establishment of new friendly room which comfort the witness.

Eden also stated concerning this problem that; she usually lobby for the change of time where witnesses present before the court. Because, taking the tradition of the court, children usually

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testify on the final version after other cases are treated. On the same side, Mahlet also stated that; she constantly asks for the employment of a specially trained and competent professional on the victim bench considering the need of abused children coming to the court. Likewise, Bezawit asserted that, to overcome this situation:

I pushed for better trainings which could equip social workers in handling the victim child because, in our court setting we all work in juvenile and custody bench, other than working on child abuse bench. To overcome this situation, I personally pushed for better trainings so as to equip only selected social workers with the necessary skill to work with the abused children

Having the overwhelming problem of clear role expectations in the court, the social workers have tried to change such misunderstandings. For instance, Mahlet alleged that:

The issue of role confusion among legal professionals and social workers is apparent in the court. Therefore, though it is unpublished I have written a pamphlet which could clearly show the role of social workers, prosecutors and judges in the court, stemming from my personal initiation.

social workers role of working with families of sexually abused children.

All of the social workers attested that, they make contact with families of sexually abused children when the case is inter-familial sexual abuse, i.e. when the crime is incest and in exceptional circumstances. Inter-familial sexual abuse is defined by all social workers working in victim bench as; a sexual abuse committed inside a family, either by a father, mother, brother and sister or relatives. For such cases, social workers give special attention for the victim child and the family of the abused children. Mahelet reported that: “special attention is given because

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inter-familial sexual abuse could lead to parental separation and divorce. So intervention is purported for such family in the form of education and mediation.’’

educating.

Formal sessions have not been scheduled for educating the family as stated by all social workers. In particular, Bezawit elucidated this situation as:

In an area where sexual abuse of a child is rampant like slum areas of the city, I would teach the families of sexually abused children, ways to change their life style. For instance in one case: A 9 years old boy was sexually abused by his uncle, when the uncle came to their house as a guest for 15 days. After the abuse was reported, I consulted with families of the sexually abused child on how they could protect the boy from further abuse. Largely, on the sleeping style and parenting style they should follow to protect the child from further abuse.

Eden, also portrayed on her participation on educating the family:

though there is no formal education which is divided in sessions, when I believe that the sexually abused child could be further traumatize by her/his family I would converse with the family on the impacts of sexual abuse, as well as, I would talk with them about the sleeping arrangement and how to prevent other children from further abuse.

mediation.

All the social workers alleged that, for protecting the victim child in special circumstances they intervene and negotiate with families of sexually abused children. The conciliation is whereby on cases; when families fight with the victim. For example Mahlet exemplified her role as mediator as::

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Once, 14 years old child sexually abused by her stepfather came to the court. Hence, dispute arises between the mother and the victim child, as the mother claimed the accusation by stating a false allegation ...deliberately made by her child to humiliate her husband. Conflict arises and the child ends up on the street. At that moment, I negotiated over the issue and brought the family to reach on consensus.

Sara also illustrated her role on mediation by specifying it like mediating teenage victims with families especially in inter-familial sexual abuse. She elucidated this as:

When teenage children sexually abused by their family members or relatives, there are families' who blame the sexually abused child alleging that the child reveal the criminal act because she wants to insult and degrade her family members. Especially the role of mediation is carried on for female children whose age is above thirteen and abused by a father or step father or close relatives. In such cases where the social worker intervention is necessary I would mediate the family to settle the existing disagreement.

Social Workers Interdisciplinary Involvement

Social workers in the court system.

Social workers involvement in the legal system was an unforeseen happening for all legal professionals before they began to work in the victim friendly bench. Besides, the legal professionals also attested that; before they were employed in the court they have not ever thought that social workers could help the justice process. The presiding judge explained this as: "before I was assigned as a judge in the victim friendly court, I have never been aware of how social workers could involve in the court system and could participate in the justice process." This is also confirmed by the lawyers of the defendant and prosecutors.

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The legal professionals get accustomed with the participation of social workers in the court is after they become employed in the victim friendly court except Tsege, the lawyer. Alike social workers, the court officers except the lawyers get acquainted with the roles of social workers mainly after they attended trainings prepared by UNICEF by social work professionals. Especially for judges, subsequent trainings are given about sexual abuse, impacts of sexual abuse and how to work with social workers working in intermediary. But both of the court-appointed lawyers have not ever participated in trainings.

social workers working relationship with legal professionals.

The focus group discussion and the in-depth interview finding indicated that social workers have some kind of work relationship with prosecutors, lawyers and judges. Largely, the focus group discussion conducted between three social workers (Eden, Mahelt and Bezawit) and three prosecutors (Liya, Helen, Roman) and the judge(semira) and the lawyer (Dereje) affirmed the existence of two way professional relationship between social workers and legal professionals.

social workers relationship with prosecutors.

The focus group discussion finding revealed that; social workers relate with prosecutors at different junctures. Helen as prosecutor asserted that: "I look for the help of social workers informally for rehearsing the child's real experience before the court; especially for children who are aggressive... shy ... Furthermore, social workers interact with prosecutors on the actual trial. Bezawit explained this in that: "social workers and prosecutors get to contact each other when witnesses are examined and prosecutors need the help of social workers in such times." These indicates that, social workers are helping the prosecutors in the court proceeding.

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Helen as prosecutor exemplified her experience of social workers assistance as;

....before social workers were employed in the court, I entertain 40/50 files on a day. Of these, three of it might be for witnesses to be cross examined. On that time, because I do not know how to talk and treat a child I felt depressed, with deep grief and regret. But the employment of social workers has eventually changed my situation.

In alliance with this, all the prosecutors described social workers as 'support persons' for prosecutors.

social workers work relationship with judges.

The social workers in the court are accountable for the judge; therefore, most of the time social workers are expected to work on the order of the judge. The working relationship is described by the judge as:

...My first contact with social workers is at the trial, when a witness is examined.

Thereby, in the process of trial some orders may be delivered to the social worker. Such orders might be; to prepare the child before the court; to be present as a witness; request for expert opinions and sometimes for gathering evidence on the child to avoid confusion on the judgment to be given.

Regarding the professional relationship existing between the judge and the social workers; the presiding judge asserted: "social workers are helping the judge to facilitate communication between the witness child and the court."

social workers work relationship with lawyers.

Social workers relationship with lawyers is only limited to the trial or the examination session. Derege as a lawyer illustrated: "the social workers relationship with me as a lawyer,

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only centers on the cross examination sessions. And I don't know how to link with social workers on the absence of a network to have relationships."

collaborative versus supportive work relationship between social workers and legal professionals.

The working relationship between social workers and legal professionals is expected to be collaborative since the protection of children depends upon the collaboration between these professionals for working to the best interest of the child (NASW, 2005). Collaboration is defined for the purpose of this study as; a process and an outcome to promote effective child protection among social workers and legal professionals that are responsible for identifying, assessing and responding to child sexual abuse (Kisthardt, 2005). Collaboration is also a two-way relationship where both sides stand by their own having equal contribution for the required outcome. On the other hand, supportive relationship in an organization setting is defined of being an assistant for the other having few or little contribution for the required outcome.

The focus group discussion revealed that; the relationship between social workers and legal professionals as supportive rather than collaborative. From the three social workers participated in the focus group discussion, only Bezawit explained the existing relationship as collaborative. Likewise, Helen as prosecutor expressed the existing work relationship as a collaborative work. Both of them explained the relationship as collaborative alleging that: social workers and legal professionals are equally important for the court to pursue the legal proceeding. Bezawit illustrated the collaborative work as:

Social workers involvement in the court has great contribution for the justice process. If not, for social workers are present before the court in different cases, truth and justice

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will remain concealed forever. Despite, prosecutors accuse the alleged perpetrator and also lawyers defend as well as the adjudicator available...but on the specialized court setting, legal professionals cannot do anything to proceed the actual proceeding in the absence of social workers where children are presented fearful and stressedby considering the social workers importance to the child....I can say it is equally important like legal professionals.

The same is also presented by Helen the prosecutor, who stated:

...I think it is collaborative because if social workers are not present in the court, the court is persuaded to suspend the session and accordingly adjourn it. These portrays the equal importance of social workers to the court like prosecutors and lawyers, where in their absence the court would adjourn the session based on the procedural law.

Helen also explained the collaborative relationship as:

The child friendly court is working to protect the sexually abused child from perpetrators and accordingly render judgment for alleged perpetrator who found guilty. Fairness is expected from the court which serves as adjudicator of cases. Thus, fairness would not prevail by letting the child to testify by herself/ himself, on the absence of social workers. Therefore, social workers are best agents for progressing justice, ultimately aspired by courts. This depicts the equal importance of the role of social workers in the court

On the other hand, two social workers, two prosecutors, one lawyer and the presiding judge described the working relationship as supportive or not equally important for the court proceeding like prosecutors, lawyers and judges. Roman, who is the prosecutor, explained:

...I think social workers are in the court to support the justice system. I don't think that the role of social workers in the court system is equally important like others. For me,

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social workers only come to my mind where there is a witness who is not able to talk or testify.

The presiding judge also explained: “the practice of social workers currently is supportive because social workers are like an assistant and communication facilitators of the work to be done by the judge.” This is also attested by Mahlet who is the social worker as:

...Currently, I can say the social workers participation in the court is explained as supportive or assisting the judge. Since, social workers are called on the exact time of testimony and the court system preclude social workers to be present as expert witness, which might help social workers to be equally important...but not...

Contribution of Social Workers in the Legal System

To entertain the various roles of Social workers in court settings, smooth and collaborative interdisciplinary relationship is required with other legal professionals. Roles to be entertained, relationship with legal professionals is an anticipated fact. Social workers in the litigation process have various important roles and have contribution in the court process. Therefore, hereby the contribution of social workers is illustrated focusing on their importance to the child, to the court proceeding and to the legal professionals, respectively.

Social workers significantly contribute on making smooth interaction in the court room. More specifically, the involvement of social workers created good interaction between the legal professionals and the witness. Dereje, as a lawyer elucidate this:

Court setting is intimidating not only for children but also for adults hence the involvement of social workers purported to protect the witness child. Therefore, letting children to testify before the court without the presence of social workers would lead to

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confront the perpetrator as well as the lawyer and this can affect the sexually abused child negatively.

In accordance with this, the presiding judge alluded: “making the child to testify without social workers could make the witnesses to be shocked.....and traumatized...”

Besides, the focus group discussion result indicated that; social workers are best agents for the court on eliciting evidence from the sexually abused child. This is also articulated by the Derege as a lawyer: “social workers are better than judges, lawyers and prosecutors on making the child to testify properly and obtain evidence for the court by using different ways, where legal professionals are not sufficiently expert on it.” In the same manner, the presiding judge stated concerning the social workers importance as:

...If social workers are not present as a support person in the court, it is difficult for children to articulate and express the abuse in a way the court requires. I am sure that, there would be more offenders who would be acquitted or claimed innocent.

The observation conducted by the researcher also confirmed the importance of social workers in the court as ; On the scheduled day for observation in the 7th bench, the social worker has not been present before the court to support the witness, though the sexually abused child and other witnesses were presented. The court looking at the absence of social workers, suspend the session and adjourned it.

On the other hand, the presence of social workers in the court is very essential, since social workers could comfort the witness child to feel free and relaxed. On account of this, Helen who is the prosecutor explained:

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Since I don't know how to speak with sexually abused child, my conversation can further embarrass the child. Meanwhile, social workers are skilled in protecting the mental state of the child. For example, I may ask when the perpetrator abused you with formal expression but the social worker will ask the child what she/he was doing that day, and some questions like; Have you ate your lunch/ dinner? smooth expressions first. These kinds of expressions of social workers make the sexually abused child as a witness to be comfortable and communicate easily.

Making children being comfortable in the court has also other advantages, Eden stated:

Mostly, because children feel comfortable and are given sufficient amount of attention from adults, there are times they revealed another crime committed against them other than what they have testified in the police station.

existing gap on the work relationship between social workers and legal professionals.

social workers point of view.

All social workers employed regarded themselves as an expertise who can be engaged in different or diverse roles of social work, in court settings. Though different factors precluded them not to activate all their roles. For example; lack of time and financial limitations as mentioned by all of the social workers are stated as challenges for not carrying out their roles. On the contrary, some legal professionals assume social workers role only limited to intermediary. For instance, Tsege as a lawyer expressed the social workers practice as: "I don't think that social workers can do anything in the court other than the role of intermediary." This is also repeated by the judge who regards social workers only as 'communication facilitators'. On actual

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practice, the relationship between social workers and legal professionals is predominantly expressed as intermediary. This is in view of the fact that, being an intermediary is an outshined role of social workers and explicitly known. While practically on performing this role, there exists interdisciplinary relationship. While undertaking the roles of social workers, some misunderstandings are apparent in the existing interdisciplinary cooperation. Moreover, confusion does exist predominantly in the process of litigation, while social workers supporting the witness child. Consecutively, some specific gaps are noted from social workers point of view, on working relationship with judges, prosecutors and lawyers.

In a criminal bench, judges can be changed at all times because of different reasons. This problem envisaged on victim friendly bench of 'Lideta' Federal First instance court greatly. According to Mahlet, a social worker, "this is the major problem that creates dissent between social workers and judge". However, most social workers stated; they do have good relationship with the presiding judge. To explain this, Eden alleged that: "the current judge respect social workers as professionals and create good relationship with them." Thus, inferring the repetitive change of judges and the inadequate trainings given to them, social workers below illustrated the existing misunderstandings on helping the sexually abused child.

On the onset, Mahlet while explaining confusions /gaps on the aforementioned role of questioning stated that:

As a social worker and part of the court system, I can raise objection on the type of questions forwarded, giving reasons for the offensive nature of questions. However, sometimes the judge disregards the opinion forwarded by the social worker without giving any justification. The non-justification is in particular for social workers, because

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for prosecutors and lawyers the judges always give justification for the objection based on the law.

The non-justification for social workers and persuading them to ask is also a problem raised by other social workers. Mahlet also exemplified the unacceptability of the objection along with the rejection of expert opinion without giving reason.

In one case, a witness started laughing while being cross-examined. And as a social worker, I presumed why she laughs by inferring the different impacts of sexual abuse. At that moment the lawyer wanted me to ask the child 'why she was laughing?' I raised objection on the premise that it is improper for sexually abused children to be asked such question. Whereas, the judge persuaded me to ask the question by disregarding my opinion as the child couldn't properly answer the provided questions. Then the judge ordered for the acquittal of the offender, having the premise that, the child used to laugh on the testimony because nothing has committed on her.

Sara as a social worker also explained the lack of knowledge on the impacts of child sexual abuse on the part of legal professionals especially the judges. Besides she also expressed the legal professionals being focused on an individual (child) of not considering the child's background, parenting style of his/her families and also the culture and the surrounding environment. This however is pertinent information for the delivery of justice if expressed by social workers. However she exemplified the courts misunderstanding of these facts like;

At the time of cross-examination, the sexually abused child testified; "I did not shout while Mr.X raped me." Then the court delivered judgment by regarding; sexual abuse has not been committed having a presumption that, the child should have shouted when she

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was raped. On such kind of explanation, though it needs 'expertise' opinion, the court decides depending on its broad power.

Eden stated as well; "though opinions are forwarded on the essential of questions and seeks explanation; Judges mostly decides based on their own interest having the premise of discretion of the court." These also results from not acknowledging social workers as an experts on sexual abuse and even not considering social workers have knowledge on the area.

Bezawit as well stated that:

In the court system, the judges are attributed as 'the powerful' and 'the privileged' by court officials and the attendants. Therefore, creating smooth relationship is a compulsory task for us, owing for the witness to be protected from inappropriate and offensive question. Therefore, I can't challenge the judge because there is no legal ground for that. thereof, she explained the existence of gap of communication between the judge and the social worker.

There exists also some dissent over the relationship between social workers and prosecutors. These have been expressed as, rushing the child to answer for orderly questions provided by prosecutors and of not understanding clearly the role of social workers. Regarding prosecutors, Eden stated:

Some prosecutors also have a sense of disregarding my presence with the witness. For instance, at the time when the child gives testimony and when I present the questions to the child, they make me in hurry while the process needs to be slow, so that the child could express it in a stable way. Besides, lawyers appear to be aggressive on the questioning processes, the time I raise objection on the essence of the question.

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Generally Sara presented the existing gap on the professional working relationship between social workers with legal professionals as:

Problems exist between social workers and legal professionals on understanding social workers role, on the competence and actual practice of social workers. Besides, judges, having such limited knowledge about social workers, do not grant the social workers equal powers like that of other legal professionals.

Mahlet also explained "the incapability of social workers to change the questions in a manner well suited for the child as one gap existed between social workers and the other legal professionals. Besides, she referred the existing gaps on knowledge of legal professionals on rendering questions for the child. Most of the time questions are provided to the witness in a way which does not take into account the child's maturity level and language competence.

legal professionals' point of view.

All the legal professionals attested that; they have something in common with social workers. In explaining this, the presiding judge asserted: "social workers and judges stand for justice that could be served as a common goal". Dereje who is a lawyer alluded also: "social workers are best agents for maintaining justice." Perhaps, most of all legal professionals described the existence of confusion on the working relationship with social workers, which precludes the development of collaborative works.

The presiding judge describes the existing misunderstanding like:

...Regarding social workers role other than acting as support person in the examination time, I have not been aware of the other roles of social workers and how social workers could help the justice process. Besides, the hierarchical relationship of the judge ordering

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the social worker might preclude understanding their roles and seeing them equally as partners for work.

Moreover, over the observation of the court proceeding the lawyer of a defendant referred the social workers as 'translators' and 'interpreters' of what the child witness testify in the court.

According to the legal professionals, the other point of misunderstand proliferate on the examination setting, that has a potential of creating loopholes on the existing relationship. All legal professionals elucidated that; social workers have problems on understanding the rules on the questioning process. The presiding judge exemplified this as:

For questions presented by the prosecutor 'leading questions' are not allowed. Thus, social workers as agents on delivering questions present the inquiry in 'leading ways' contrary to the criminal procedure law claiming that changing the phrases to make it easy for sexually abused child.

Such gaps are also claimed by both of the lawyers: Tsege asserted:

Social workers often times used to ask the witness child in 'leading ways' of not knowing the form of questions that should be delivered. Such problems have an adverse effect on bringing fair trial because largely, prosecutors took an advantage of it.

The judge on the alleged problem reported that: "after the social workers present the question to the child, it appears difficult to avoid the question, where I cannot even reverse what was asked."

Role Expectation of Social Workers versus Actual Practice

Social workers have a variety of roles in the court such as being an intermediary to serve as a link between the witness and the court specifically includes rapport building, intermediary and closure. Besides, preparing the witness under the order of the judge is another work for

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social workers. Further, social workers present as a witness to testify on behalf of the child which specifically limited to the order of the judge. In addition, though it varies among judges social workers expert opinion is serving as a corroborate evidence for the court. Moreover, social workers are an advocator for the best interest of the child and engage with families of sexually abused children in inter-familial sexual abuse cases.

Practically, social workers engaged on different activities but according to researches the work of social workers in 'Lideta' Federal Instance Court aspire some roles to be practiced. Particularly the role of social workers like 'preparing the child for court' and 'present as witness' is restricted with the order of the judge. In addition social workers practice with families of sexually abused children is also limited to cases of inter-familial sexual abuse. Hence, there are also different roles to be performed by social workers but not performed yet. Because having the rise of the number of reported sexual abuse cases in court, social workers are expected to extensively work on different roles.

expected roles of social workers in the court.

Social workers used to prepare a sexually abused child for court is basically relied on the order of the judge. As the presiding judge attested, most of the time order passed for preparation is decided on the trial after children presented before the court to give their testimony. This tradition of the court has an effect of retraumatizing, since children come twice to testify before the court. According to (Whitcomb, 1992, p. 67) court preparation for sexually abused children is to address the trauma associated with fear of the courtroom environment. Preparation includes, visiting the court room before the actual court proceeding, assisting the mental status of the child before testifying, determining the child developmental capacities for court and making

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recommendations to the court about the testifying methods that would minimize the retraumatization of the child. This is all to report the competence of the child before testifying.

Despite the finding of this study revealed that, the social workers role for preparing the child is only limited to the aspiration of the judge. Basically, not performing this is not the problem of social workers rather it resulted from the non-operation of the waiting room and role confusions that existed between legal professionals and social workers.

Likewise, the role of social workers as an educator is limited to cases of inter-familial sexual abuse. However, according to (Anderson, Doueck, Krause, 2002, p. 368) social workers engage in the education role in two major contexts; with the child and his family and with groups of people who constitute a system or represent other system. The 'Lideta' Federal First instance court social worker outside focusing on educating the family on inter-familial sexual abuse cases, Social workers can teach children how to enhance their ability to self-manage fears, progressive relaxation and desentization techniques and to cognitively prepare the child to court process. In addition, social workers can use group therapy for children old enough and developmentally able to express their feelings about the court process.

expert witness.

Practically, social workers present as a witness before the court but not as an expert witness. The finding of this study depicted that, social workers are called to testify only 'what they seen or heard from the witness' meanwhile there testimony is not conclusive over the act committed against the child. However, experts can assist the court on the trial of fact to understand the evidence or to determine a fact in issue and to help the victim, in such cases social workers can render conclusive opinion. But to give such opinions social workers should be

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qualified, knowledgeable, skillful, experienced or educated. Therefore, social workers are expected to be present as an expert witness before the court

networker.

Social workers as networker could enhance the spirit of cooperation among systems bringing the fullest resource possibilities to each system. Networking is essential so that the social worker should be prepared to spend time developing contacts with a variety of other professions such as child protection workers, lawyers, police officers, nongovernmental organization and governmental organizations to better help the sexually abused child and his families. The finding of this study depicted the non involvement of social workers in different networks which preserve the work to be only inside the court. Social workers are expected to cooperate with various systems. Contextually, social workers can help sexually abused children by cooperation with different professionals. Social workers could work for protecting the best interest of the child by establishing collaborative relationship with legal professionals and creating good relationship with organizations.

CHAPTER FIVE: DISCUSSION

This section is devoted to the discussion of the findings under different sub themes in light of the research objectives, research questions and the related literatures per se.

The finding of this study revealed that court social workers are graduates of psychology and sociology in the position of social work because it is a newly emerged profession in Ethiopia. Likewise, according to (Boyd, 2003) court social workers were at first graduates of Sociology, Psychology and Psychiatry in countries like USA and Canada.

The current study depicted that social workers involvement in the legal system have significant contribution for protecting the best interest of the child. Social workers engagement in the legal system is followed by practicing different roles. The results of the current study on the role of social workers in 'Lideta' Federal First Instance Court confirm the previous studies findings on social workers. The instant study finding indicates that one of the roles of social workers is being an intermediary, to protect a child witness who testifies in court. The intention to protect the child comes as an acknowledgment of the fact that the court system can retraumatize child victims and witnesses of crime. This is also incongruence with the finding of (Merwe, 2009) in his study on the role of intermediary on the South African court system.

The results of the current study also illustrated that the social workers working as an intermediary communicate with the child witness and rephrases all the questions in an age-sensitive and appropriate manner. The child is then protected from mental stress and secondary trauma arising from confrontation with the accused, hostile cross-examination and sharing and embarrassing details in public. On the same line, the current study confirms with (Davis, 2005, & Jonathan, 2002) studies on Zimbabwe court social workers which revealed that the presence of

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social workers as intermediary's in the court rendered smooth communication between the witness and the court.

The current study on the process of court preparation conducted by social workers attested that; social workers prepare the child for the court on the exact time of the trial or exceptionally by the order of the court. The social worker beyond making the child emotionally stable, interview the child in order to assess the witness developmental stage, intellectual abilities, and vocabulary and language skills and identify any physical or mental disability and notify the court. This research result is also illustrated by the findings of (Theron, 2011) regardless of the difference on the time taken by the Nambian social workers role. To describe this, the instant study revealed, the 'Lideta' Federal First Instance court social workers court preparation role is immediate to the trial process. However (Theron, 2011) study divulge the Namibia's social workers preparation of the child consumes more than hour before the trial. The finding of this study also indicated; social workers court preparation is only limited to child friendly room 'rapport building process'. However, the findings of (Merwe, 2009 & Theron, 2011) in South Africa and Zimbabwe's social workers resulted in the intermediaries are a fort line person and welcomes the child and care givers and provides emotional assistance and support. Before the trial commences the public prosecutor meets with the intermediary in order to provide the latter with the essential background information such as a witness's age, family background, who the perpetrator is and when the incident occurred. The prosecutor then introduces the intermediary to the child witness.

Further, the current study revealed that social workers treat the victim child after giving testimony. Accordingly, a study made by (Ambunda and Mugadza, 2009) in the Nambian intermediary process indicated that after trial proceedings are over, an intermediary may assist in

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the after-trial follow up and expected to monitor the progress of the child. Unlike the present study Ambunda and Mugadza (2011); also expressed the intermediaries' role includes visiting of the witnesses' home. Despite the findings of the present study, the study finding of (Tele, 2010) indicated that: it would be best for the court to use a competency report before the court. The competency report gives the court an idea whether children could be able to testify in court or not.

The use of anatomical dolls as therapeutic forms of questioning by social workers is also identified as one of the finding of this study. It further indicated that anatomical dolls can be used for young children and for mental ill children. Besides, evidence obtained from anatomical dolls is admissible in 'Lideta' Federal First Instance Court. Likewise to the finding of this study, (Westcott, Davies & Brian, 2007) explains that 'the availability of dolls in the interview room may relax the child through the provision of a more familiar environment. Dolls can be useful with children who are mentally ill or young to have the vocabulary necessary to describe sexual acts. These are also seen as tools in facilitating communication with children who are too embarrassed or shy to tell of their assaults.

The other role of social workers obtained is; social workers witnessing role and giving expert opinion. The finding articulated court social workers can be put forth as a witness on behalf of the child and give an expert opinion but not acceptable as an expert witness. It also presented the reason as; because their exist role confusion on social workers with the judge. judges also do not assume social workers are competent enough to be an expert. This result is in line with the finding of (Mason, 1992) conducted in California courts. It depicted that; Courts are unaccustomed to social workers as experts and are more likely to question the qualification of social workers. The courts are also critical of the nature of social workers testimony.

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Concerning the testimony given by the social workers in 'Lideta' Federal First Instance court, the witness testimony is admissible based on the discretion of the judge. In contrast the finding of (Mason, 1992) indicated there are compelling need for admissibility of social workers testimony on what the child told him or her. Besides, the current study indicate expected role of social workers to be present as an expert witness. This is in line with the finding of (Schultz, 2010) which stated that being an expert witness is one of the professional services need to be delivered by social workers to drive conclusive evidence for the court.

Referral is the other role of social workers as indicated in the finding of this study. On referral, social workers refer the sexually abused children through the Federal Supreme Court, Children Justice Project Office. The same study conducted by (Anderson, Doueck, Krause, 2002) indicated that social workers role of the referral has been recognized in US courts before 50 years. Contrary to the finding obtained by the current study which attested that 'risk and protective factors assessment including the child and the family neither done by any of the social workers', the study made by (Anderson, Doueck, Krause, 2002) indicated that ' formal assessment should be done over the child's family and the child. Accordingly, the child or the caregivers should be allowed to determine which resources they want. in the case of a child it is up to the social worker to help the parents in choosing which place is comfortable on the child's behalf.

Being an advocator is also one of the roles of social workers in the court. Brain (1967) stated that the advocator is the client's supporter, advisor, champion and representation in dealing with the court, the police, social agencies and other organizations. (Swain & Rice, 2009), indicated that court social workers should try to change the court system by coordinating with the professionals inside the court and agents outside the court. On the contrary, the current study

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presented the social workers as an advocates but their role is limited but not heard and seen by other legal professionals.

The finding of this study indicated that; Networking is suggested as an expected role of social workers in the Lideta Federal First Instance Court. The study done by (Anderson, Doueck, Krause, 2002) prescribed that networker is a role of court social worker and should link with systems. Largely, the networking role aspired for social workers on the aforementioned study for treating the child and working with families of sexually abused children. However, the finding of this study have not prevail networking role of social workers in the court.

According to the current study, social workers working relationship with families of sexually abused children are on special circumstances. Educating the families of the sexually abused children and mediating the family where there is ambiguity on cases of sexually abused child is the major intersection. Meanwhile, according to a study result of (Alaggia, Lambert, Regler, 2009) parents whose children are sexually abused indicated in need of support and services for dealing with the aftermath of sexual abuse perpetrated on their children. It further indicated the works of Canadian Courts on protecting the parents are very limited. Accordingly, the finding of this study indicated that court social workers do not further treat families of sexually abused children.

Likewise to the finding of this study which revealed the impracticability of social workers doing formal assessment to help the sexually abused child and his family, Sgori revealed that a family assessment should be conducted in every validated case of child sexual abuse regardless of the identity of the perpetrator therefore the strength and weakness of every family member should be identified as they may contribute to intervention process (Sgori, 1982).

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This study also found out, social workers work with families in cases of inter-familial sexual abuse cases for education and mediation. (Sgori, 1982) in the same manner explained that “unless effective family treatment is provided for cases of inter-familial sexual abuse, it can be predicted that every family is at risk to act of subsequent scenarios of sexual abuse.” (pp.113). In addition the instant study revealed social workers in Lideta federal instance court educate the families of sexually abused children concerning ‘inappropriate sleeping style’ and ‘mediating on conflicts arising from the abuse’ these has been also the finding of (Sgori,1982).

Concerning, the professional relationship between social workers and legal professionals the finding of the current study revealed that; Social workers have work relationship with prosecutors, judges and lawyers. More specifically to help the sexually abused children in the court the relationship between these professionals is limited to intermediaries with some exceptions. The exceptions are generally, social workers helping the prosecutor on rehearsing and the judge order for being a witness’ and request for an expert opinion’.

Further, the study revealed the significant contribution of the social workers on making the court room smooth for sexually abused children. All legal professionals attested that the involvement of social workers in the court brought smooth interaction and communication between the child and the courtroom. The finding of this study also in line with (Bala, 2009) as elucidated

Increasingly there are victim witness workers who are assigned to support children through the unfamiliar and often hostile justice system, and to help prepare them for testifying, the availability and attitude of these professionals reduce the stress of the experience of children in the justice system, and make them more effective witnesses.

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If a child has a supportive experience during the investigation and prosecution of an abuse case, this can contribute to the child's recovery from the trauma of the abuse (p.54).

The NASW code of ethics (2007) confirmed the essence of interdisciplinary collaboration and the need for encouraging social workers to participate in interdisciplinary team by drawing on the perspectives, values and experiences of the social work profession. The finding of this study however referred the social workers relationship with legal professionals in the Lideta Federal First Instance Court as regarded as supportive rather than collaborative. This is because, most of the professionals considered their role as not equally important with social workers role. Hence, they consider them as 'communication facilitators', 'assistant of the judge', translators/interpreters and supporters of the legal process. This kind of role ambiguity is also revealed by other studies such as (Kisthardt, 2005), the result of the instant study revealed that; significant role confusion exists in both within and across social workers and legal professionals. Further the same study indicated that legal professionals perceived social workers working in child abuses cases as sub professionals. .

On the same issue of concern, another study conducted by (Han, Carnochan, Austin. 2002) in seven North California counties disclosed that, social workers response on collaboration with legal professionals is that, there is a high tension between social workers and legal professionals in handling cases of sexual abuse. The major factors stated arises from: language use difference, communication gap, lack of knowledge of the legal process on the side of social workers' and lack of knowledge of the social workers ethics and handling procedure on the side of legal professionals.

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The finding of the current study revealed that social workers have a dissent over legal professionals of not understanding the child's maturity level, communication skill and language competence at the time of inquiry. Likewise, (Schultz, 2007) on his study depicted the same results concerning social workers relationship with judicial officers. The results were elucidated as "social workers have criticized legal professionals for inducing legal process trauma for sexually abused children by alleging that legal professionals do not critically examined their own intervention for possible victimiogenesis and traumatogenesis."

Besides, social workers blame legal professionals, especially the judges for drawing conclusion without taking an expert opinion and social workers indicated the adverse effect of not taking the expert opinions. Scheltuz also reported the same finding by alleging that "becoming a victim is a process, not just a status that should be understood before drawing conclusion about the acts in a sexual event". This has been also corroborated as all sexually abused children coming to court do not appear affected. Children may come seriously, and permanently damaged. However, some shows physical evidence but some not. Therefore delivering conclusion sometimes without expertise has an adverse effect on justice.

On practice, for Lideta Federal First Instance Court laws and legislations does not exist or apparent for social workers except a form of guideline which describes merely the job description of social workers. (Brammon 2007), in contrary indicated that, for Britain social workers, the enactment of substantial legislation has come up a profound effect on social work practice and it has contributed for facilitating good working relationship.

The prevailing study also indicated that social workers and legal professionals ambition to work in collaboration. Whereas, for collaboration to exist professionals should consider their

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own roles and other roles. Research studies by (Swain and Rice, 2009) indicated that collaboration is the best problem-solving strategy when the problem to be addressed is too large for one organization to resolve independently.

Conclusion

Social workers practice in the court system dealing with sexually abused children has been explored in 'Lideta' Federal First Instance Court, Addis Ababa. The major focus of the research entail on studying: the role of social workers; social workers interdisciplinary involvement with legal professionals including prosecutors, lawyers and judges, as well as the expected role of social workers versus there actual practice on working with sexually abused children in the newly established child friendly court.

The study revealed the various roles of social workers carried out in the process of legal proceeding alone and in cooperation with other legal professionals in the court setting. Particularly, social workers role has been illustrated as social workers directly work with sexually abused children like intermediary and court preparation. Besides, roles like presenting as a witness for hearsay testimony and giving an expert opinion has been analyzed. The study finding also revealed that, all social workers also works with families of sexually abused children in inter-familial sexual abuse cases. Primarily, social workers engage with families to provide education and mediate where conflict arises between the child and the family. Beyond this, social workers advocate for the abused child and also refer the child to the concerned authority.

The practice of social workers has also brought a new concept and a new practice for the court system on the actual treatment of sexually abused children. The social workers, for entertaining their role; developing harmonious relationship with legal professionals has appeared as unequivocal fact. The finding of the study depicted social workers relationship with prosecutors, judges and lawyers. It has also explored the significant contribution of social workers in the court system. The findings revealed include: the social workers tremendous role

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on comforting the witness for testimony; relieving from confrontation and questioning the child considering the child's maturity level, communication skill and language ability.

Social workers work relationship with legal professionals in the current study is referred as; helping the judge or assisting the court officers. This form of relationship has been explained as supportive relationship. Hence, it is elucidated that; social workers involvement in the court system on helping the sexually abused children is not regarded equally important like that of the legal professionals in the court system from the point of view of most of participant legal professionals. Perhaps, the intended relationship between social workers and legal professionals should have to be collaborative to protect the best interest of the child.

Social workers and all the legal professionals explained the existing gaps on the relationship of social workers with legal professionals for not being collaborative. Generally, social workers illustrated that court social workers are not the privileged like legal professionals. Besides, there exists imbalance of power on trial especially on examination time, where judges have a wide power to rebut the opinion of social workers without justification. Social workers also blame legal professionals for not having adequate knowledge on child sexual abuse and its impact on children. Moreover, social workers alleged that, there is gap of communication between social workers and legal professionals.

All Legal professionals also prevail the existing gap which preclude inter collaboration between social workers and legal professionals. Primarily, the professionals illustrated Lack of knowledge of the court system on part of the social workers. Mainly they referred inadequate knowledge on question forms used for cross examination, which social workers forward to the witness. Furthermore, they claim that, there is confusion of roles that precludes the legal

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professionals to exactly know the proficiency of social workers. This is also emanated from the non-existence of standard for social workers practice in court settings. Specifically the judge, as the adjudicator of the court appears unaccustomed to the role of social workers. As a result, the active involvement of social workers to be an expert witness, reporting competency report or give conclusive evidence on part of sexual abused children is very limited. Thus, restructuring the existing system of the court could result in improved social workers' practice. These can be: social worker could bring evidence to the court; professionally report the competence level of the child and being cross-examined for their evidence which persuade courts to allege it as conclusive evidence.

Implications

The finding of the current study indicated that social workers engage in different roles and while carrying out their roles, relationships prevail with legal professionals. However, there needs to be a qualified and moderate of the process. The existing gaps on practice need to be approached from different angles since they bear various implications from different concerned bodies.

implication for social work education.

This research is focused on social work practice in the court. It has clearly depicted that the relationship between social workers and legal professionals have challenges. Basically, there exist confusion of roles between social workers and legal professionals. The adverse effect appears on precluding the expected collaboration between legal professionals having a dissecting view among each others. Such type of gaps on practice from the onset, urges the intervention of social work education. Overall the school of social work should include in its curriculum to teach students about the court setting and some pertinent information about the legal frameworks having the premise that social workers can work in different context and one of this is the legal system. The education role should be extensive in a way that, the school of social work should provoke the school of law to teach students about the newly emerging practice of social workers in the court setting. Doing this could bring collaborative work which could protect the best interest of the child.

Practically, the school of social work in collaboration with the Ministry of Justice should prepare subsequent trainings to qualify social workers on their specific roles; trainings should be given on defining their specific roles as well as acquainted with the role of legal professionals.

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Besides, trainings should be given to strengthen the relationship between legal professionals and social workers.

implication for practice.

This research indicated that, social workers are accountable for the judge. Basically it means that; the judge can order the social worker which implicitly refers the existence of hierarchical relationship. Such a relationship tends to define social workers to be expectant of duties rather than making them to practice their roles by professional responsibility. Therefore, empowering court social workers need to be regarded as a primary goal. This includes social workers active involvement as independent professionals by advocating for change in the court system. Court systems as well need to restructure their work setting in collaboration with the school of Social work, Addis Ababa University, to create a wider space for social work practice, by acknowledging their roles and accepting social work students for field practice. Also, the employment of social workers in the court need to be classified based on the significant roles that social workers could play. This can be in terms of: social workers working as an intermediary who are not involved with cases of the sexually abused children; social workers working with families of sexually abused children; social workers as networkers, brokers and educators

implication for research.

To the best of my knowledge, I have not seen any study in Ethiopia which focuses on social work practice; roles of social workers, the expected role of social workers and social workers interdisciplinary alignment with legal professionals. This basically includes social workers involvement in the court setting, the significant contribution of social workers in the court and the form of relationship with legal professionals, including the reasons for having loose coordination. This study revealed a gap on collaborative works between social workers and legal

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professionals. Therefore, I believe that researches should be conducted on the court system on' structures to best facilitate collaboration and build on the strategies of the multiple professionals necessary to achieve justice for children and families. Moreover, studies need to be done on; how to overcome the existing role ambiguities and confusions.

implication for policy.

The non existence of social work code of ethics in Ethiopia could lead for an adverse impact on the profession of social work and the practitioners. Having this, making social workers to work without any guideline or specific laws in the court system whereas tradition of the court is specified on laws ultimately needed for practice is a thing which creates discrepancy between both professions. More specifically, the policy makers should envisage the gaps that are existing on the court process to enact a policy on the specific roles of social workers and the purported relationship.

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Appendix A

Informed Consent for social workers

My name is Marshet Abate. I am a student at the Addis Ababa University, school of social work. I want to interview court social workers who are working in Victim Friendly Court in 'Lideta' Federal First Instance Court. The general purpose of this study is to explore the social workers practice in the Lideta Federal First Instance court working with sexually abused children. The research aims to explore social workers role in the court system and social workers interdisciplinary involvement with legal professionals. From the social work attendants this

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research would gather information by having an in-depth interview guideline. The interview begins by exploring social workers involvement in the legal system and inquiring of their roles. The interview contains social workers role and their actual practice as well as how social workers relate with legal professionals while pursuing their career. These also includes their contribution to the legal system and the challenges or gaps they have faced. This research engagement recognizes your right to ask questions whenever you feel like you have to. You also have the right to withdraw your participation at any time for any reason whatsoever. In such cases, the information you have disclosed will not be used in the data analysis. You also have the right not to respond to a question that you are not comfortable to. The information you disclose to me is strictly confidential. It will only be disseminated by keeping anonymity. Your name shall not appear in any documentation upon which this interview is based.

Upon your willingness, I would like to tape record and take note during the interview. This will ensure the quality of the data and make transcription process easier. The recording made during the interview will be permanently deleted upon finishing the research project.

Date _____ If yes, Signature _____

Appendix AA

Informed Consent for Legal Professionals (Prosecutors, Lawyers and the Judge)

My name is Marshet Abate. I am a student at the Addis Ababa University, school of social work. I want to interview court social workers who are working in Victim Friendly Court in 'Lideta' Federal First Instance Court. The general purpose of this study is to explore the social workers practice in the Lideta Federal First Instance court working with sexually abused children. The research aims to explore social workers role in the court system and social workers

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interdisciplinary involvement with legal professionals. From the Legal professionals' attendants this research would gather information by having an in-depth interview guideline. This research would gather information by having an in-depth interview guideline. The interview begins by inquiring legal professionals' knowledge about social workers before working in the court and questions on how they got social workers in the court. The overall purpose of the inquiry is, to elicit information from legal professionals about their relationship with social workers and interview about social works participation in the court proceedings. This research engagement recognizes your right to ask questions whenever you feel like you have to. You also have the right to withdraw your participation at any time for any reason whatsoever. In such cases, the information you have disclosed will not be used in the data analysis. You also have the right not to respond to a question that you are not comfortable to. The information you disclose to me is strictly confidential. It will only be disseminated by keeping anonymity. Your name shall not appear in any documentation upon which this interview is based.

Upon your willingness, I would like to tape record and take note during the interview. This will ensure the quality of the data and make transcription process easier. The recording made during the interview will be permanently deleted upon finishing the research project.

Date _____ If yes, Signature _____

Appendix B

Interview guide for social workers on their roles and practice in the court.

General information: background

Age;

Sex;

Educational background;

1. Think back to before you started your professional career in the court- what did you know and feel, and what were you expecting back then about social workers role in the court?

Did you think it was important for the court especially child friendly courts to employ/ have social workers?

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How do you come to know about social workers role in the court?

2. Thinking about victim children coming to the court: how do you see sexually abused children in the court proceeding?

Prompt: About their language competence

About their testifying ability

About victim children appearance in the courtroom.

3. In what way do you think social workers involvement in the court with sexually abused children will help?

Prompts: for children

Making court proceedings smooth

Fostering smooth communication between victim/ witnesses, prosecutors and judge

4. What are the major roles you practice in the court working with victim children?

Prompts: roles you practice as intermediary in the court

Roles you undertaken on behalf of the victim and victims family

5. Which roles practiced by social workers do you think are very crucial in rendering victim friendly justice to the children?

Are there any roles you consider important but you are not practicing them yet?

7. How/ in what way are you practicing your roles?

How do you describe the relationship you have with victim children coming to the court while undertaking your roles?

Prompts- extended- taking more time, with strong bond of attachment or limited to giving professional help

Are there any challenges/ difficulties you are facing while discharging your roles?

8. What kind of practice standards/guidelines do you use while undertaking your roles?

Prompt: International or domestic.

Interview guide for social workers on their professional relationship with legal professionals

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1. How do you see your involvement in the court proceedings of sexually abused children with legal professionals?

Prompt: In what way do you think it is collaborative?

2. What would you say is the relationship between social workers and other legal professionals in the court?
3. What kind of sense do you have on the relationship between social workers and legal professionals in the court?
4. Have you experienced any kind of misunderstanding/gap of knowledge while working with legal professionals in the court? If yes in what way?
5. Do you think that legal professionals and social workers in the court have something in common to work together? If yes what do you think are they?

Interview guide for Judges, prosecutors and police officers on their professional relationship with social workers.

1. How do you see social workers in the court setting

Prompt: Their involvement in the court proceedings of sexually abused children

Do you think that their roles are equally important as that of legal professionals in the court? If yes, in what way?

2. Have you ever thought that the involvement of non legal professionals in the court would be a reality with a positive outcome before the start of child friendly court system?
3. In what way do you think that, social workers involvement in the court process has made the court system victim friendly?

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4. What would you say is the relationship between social workers and other legal professionals in the court?

What kind of sense do you have on the relationship between social workers and legal professionals in the court?

5. What kind of opportunity do you think does the involvement of social workers in court setting created?

What kind of impact both positive and negative does the presence of social workers created?

6. Have you experienced any kind of misunderstanding/gap of knowledge while working with social workers in the court? If yes in what way?

7. Do you think that legal professionals and social workers in the court has something in common to work together? If yes what do you think are they?

Interview guide exclusively for the judge

1. As a judge do you see sexually abused children more different than other children who suffer other crimes?
2. Have you ever sought the help of social workers to come up with concrete evidence so that it could help you for final verdict?
3. As a presiding judge, do you order for follow up treatment of children?
4. Do you consult with social workers for referring the child or other roles?
5. Have you ever sought social workers competency report over the sexually abused child before the actual court process begins?

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6. Do you accept social workers as an expert witness?
7. Have you got any training on child development stages, social workers involvement in court or social workers role?

Interview guide exclusively for the Court Administrator

1. How is the position of social work defined by the court
2. What type of standard do the court have on recruiting social workers
3. How does the court describe the social workers role in the court related with sexually abused children?

Focus Group Discussion

1. In what way social workers relate and cooperate with their colleagues concerning/ to help the victim child
2. In what way do you think interdisciplinary involvement in child friendly court had enhanced improved access to child friendly justice to children who are victims of sexual abuse?
3. Are there challenges which have been faced in this collaborative work between social workers and legal professionals ?If yes please explain
4. What are the significant or prominent changes you have observed/experienced after the child friendly court started its operation?

Observation check list

1, How do/ in what way social workers communicate with victim children

How do social workers communicate with legal professionals?

Prompt: Within and outside of the court room.

2. How is the child friendly court room setting?

3. Any difference from non friendly court setting?

4. How do social workers compile and document their work report with victim children?