



Implementing the Voice of the Child in Judicial Responses to Child Abuse Cases

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Abstract

The purpose of this paper is to examine the extent to which the judicial system implements the Voice of the Child in abuse-related cases, focusing on South Africa within an international context. Although strong legal frameworks exist, including the UN Convention on the Rights of the Child (1989) and South Africa's Children's Act 38 of 2005, children's voices remain frequently marginalised in judicial proceedings.

This paper draws on two strands of evidence. The first is a qualitative Master's research study (Hermann, 2025) involving interviews with South African judges, magistrates, and advocates to explore how child participation is facilitated or constrained in cases involving both substantiated abuse and false allegations. The second strand derives from practice-based evidence, reflecting over 140 forensic child interviews conducted between 2023 and 2025 across child protection organisations and private practice. Supplementary insights are drawn from organisational data (Teddy Bear Foundation, 2024), state-level outcomes (NPA, 2022), national statistics (Statistics South Africa, 2023), and international reports (UNICEF, 2024; UN News, 2024).

Findings highlight systemic silencing through judicial biases, adult-centric narratives, repeated expert appointments, and prolonged delays that prevent therapeutic access. While state-level data show a 76.7% conviction rate in finalised Thuthuzela Care Centre cases, NGO data from the Teddy Bear Foundation in Gauteng indicate that only around 19% of reported child abuse cases resulted in conviction, with many matters withdrawn or never reaching trial; regional data from the Western Cape further show that only 4% of finalised child abuse cases in 2023 resulted in a conviction (IOL, 2024). Globally, one billion children experience violence each year, yet few meaningfully participate in judicial processes.

Embedding the Voice of the Child is therefore essential to strengthen rights, ensure justice, and prevent secondary victimisation in both national and global contexts.

Keywords: child participation; child rights; forensic child interviews; judicial system; voice of the child