CHAPTER 18
SEXUAL VIOLENCE IN SCHOOLS
Kate Paterson
TERMINOLOGY

- **Abortion** means the termination (ending) of a pregnancy.
- **Consent** means you agree to do something, and you understand what you are agreeing to do. Consent can be given through words or actions. It cannot be forced or given because you are threatened.
- **Harassment** is unwanted conduct of a physical, verbal or non-verbal nature that is considered offensive by the person being harassed, where the perpetrator knew or should have known that the behaviour was offensive.
- **In loco parentis** is a Latin term for ‘in the position of parents’. In this chapter it describes the responsibility of schools and teachers for the welfare of children. Teachers are expected to step into the shoes of parents and care for children as if they are their parents.
- **Penetration** is the insertion of any body part or object into a person’s genital organs, anus or mouth.
- **Perpetrator** is a person who commits an unlawful act, such as an act of violence.
- **Rape** is a term used in criminal law for any penetration without consent, and all penetration of any person under the age of 12. This includes penetration of a boy or man without consent.
- **Revictimisation** or ‘retraumatisation’ refers to trauma experienced by victims of sexual violence because of a failure of the criminal justice system to protect them properly. This can occur, for example, through repeated postponements of a trial, or a failure to provide an intermediary through whom a victim can give evidence at trial.
- **Sanction** means official punishment imposed for breaking a law or rule.
- **Sexual abuse** includes rape, sexual assault and sexual harassment. It is sexual abuse for a person to force you to watch sexual movies or see photographs, or for someone to call you sexual names, or to touch you or make you touch them in a way that makes you uncomfortable.
- **Sexual assault** is a term used in criminal law for sexual abuse without penetration by a body part or object. It includes a person forcing you to touch their genital area.
- **Sexual violence** is any sexual act or attempted sexual act using intimidation, threats, force, harassment or emotional abuse.
- **Statutory rape** is a term used in criminal law to describe the crime of consensual sexual penetration of any person under the age of 16 by a person over the age of 18, or the penetration of a person who is under the age of 16 by a person aged 16 to 18 who is more than two years older than the younger person. See page 317 for more about the ages of consent.
- **Victim** in this chapter refers to a person who is the subject of sexual violence. Many people prefer to use the word ‘survivor’, because ‘victim’ makes it seem as though a person is permanently damaged by sexual violence. No person who is sexually violated is ‘damaged goods’, but all are people who have been hurt in unacceptable ways. We use ‘victim’ as the simplest language possible to identify a person who has recently been hurt in this way.
- **Violence** is behaviour that causes harm or may imminently cause harm to a person’s safety or well-being, including through physical, emotional, verbal or psychological abuse, intimidation, harassment, stalking or damage to property.

OVERVIEW

This chapter will discuss sexual violence in schools: what it means for the rights of learners, and how to respond if you or someone you know has been a victim of sexual violence by a teacher or fellow learner.

Readers should also consult the chapters on gender and sexuality and the rights of pregnant learners for a better understanding of the full range of rights that learners have over their bodies.

If you want to know the steps to take after you or someone you know has been subjected to sexual violence, please refer to page 325 below. You may also want to use the handbook ‘My teacher hurt me, what should I do?’ which is available from SECTION27, the Centre for Applied Legal Studies, and Lawyers against Abuse.
Introduction

South Africa is one of the most violent societies in the world. In 2015, internationally, South Africa was ranked 147th out of 162 countries for having the worst levels of what is called ‘societal safety and security’. This measures safety by looking at violent crimes outside of war zones.

Problems in terms of ‘societal safety and security’ are directly linked to poverty, substance abuse, unemployment and a failing education system. The kinds of violence we see in these conditions are generally committed by a person known to the victim in a personal space, such as their home or school. We will not be able to stop this kind of violence in our society altogether without improving these conditions, but we can help by holding perpetrators of violence to account.

Sexual violence is usually committed as a show of power by one person over another person where there is already an unequal power relationship between the perpetrator and the victim. South Africa is a deeply unequal society, and violence crimes affect some groups of people more than others. Groups that are vulnerable to sexual violence include women, children, poor people, people with disabilities, and black people. This does not mean that white people, men or boys, and rich people cannot be victims of sexual violence; but it does mean that special measures should be taken to protect vulnerable groups.

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In Schools

As we discussed above, sexual violence is usually committed by people with power against those without it, as a way of asserting that power. Schools must actively work to break this pattern of violence through educational programmes, and be a safe haven for learners. However, schools are more frequently becoming the site of the violence.

The United Nations Committee on the Convention for the Elimination of all forms of Discrimination against Women said in 2011 that there were ‘grave concern about the high number of girls who suffer sexual abuse and harassment in school’ in South Africa, ‘by both teachers and classmates, as well as the high number of girls who suffer sexual violence while on their way to or from school’. This Committee is a body of the United Nations that has oversight of how women and girls are treated in all countries that have ratified the Convention, including South Africa. You can read more about South Africa’s international law obligations on page 320.

It is very difficult to find reliable data on the number of learners affected by sexual violence in schools, because most victims of sexual violence do not report the violence to official bodies.

Learners in poor schools are more likely to be victims of sexual violence.

Learners feel particularly vulnerable when they go to the toilets at school, particularly schools with poor infrastructure where toilets are more likely to be far away from classrooms and less likely to have secure doors.

Poor learners are more vulnerable to sexual advances by teachers, because teachers have status and money. Families of young girls will sometimes negotiate payment from the teacher who sexually abused the girl in exchange for not reporting the teacher to the authorities.
In this section we set out the specific laws and policies regulating sexual violence in schools. Some of this legislation only applies to cases in which learners are sexually violated by teachers or principals. We will begin by setting out the laws that protect learners from all forms of sexual violence from teachers and other learners.

**Constitution of the Republic of South Africa, 1996**

The Constitution gives us an umbrella of rights to protect learners from sexual violence. It says in Section 12 that each person has the right to bodily integrity and to not be treated in a cruel, inhuman or degrading fashion. This should be read with Section 10, which says that each person has the right to dignity. This means that all other learners and teachers at your school must respect your body in a way that hurts you physically or emotionally.

The Constitution gives special protection to children through a section particularly dedicated to the rights of children. Among other things, it says that children have the right to be protected from maltreatment, neglect, abuse or degradation. This gives special rights to children against abuse of any sort, and places a special duty on society to protect them.

Sexual violence in schools not only interferes with a learner’s ability to protect his or her rights in terms of his or her body. It also usually affects a learner’s ability to access his or her right to a basic education. This is because the learner often feels uncomfortable and threatened at school, and is scared, traumatised and unable to focus on learning. Many learners drop out of school because of the trauma, especially if the perpetrator remains in school with the learner. Everyone has both the right to a basic education and the right to learn in a safe and secure environment.

But what do these rights mean for each learner? The Constitution tells us that each person’s individual rights must be respected and protected. This means that a person’s dignity, bodily integrity and special rights as a child must not be interfered with. Section 7 goes further, though, and says that rights must be actively ‘promoted’ and ‘fulfilled’. This means that measures must be taken to ensure that people can enjoy the full extent of the rights that they are given. This may include active steps by the state or other people.

The Constitution also speaks about how rights bind the state and other people. It says in Section 8 that each branch of the state (government, the legislature and the courts) has a duty to ensure that rights are respected, protected, advanced and fulfilled. State institutions, such as schools, are especially bound by this section to enforce the Bill of Rights. This means that schools and the Department have the duty to protect learners’ rights to a basic education, and must actively protect learners from being hurt or violated. This includes properly punishing teachers who commit sexual offences, and disciplining learners appropriately.

Section 8 also says that individual people and companies are bound by the Bill of Rights. This means, for instance, that any person who interferes with another person’s bodily integrity, dignity or rights as a child has infringed that person’s constitutional rights, and must be held responsible for that. The Constitution recognises the unequal starting position of bearers of rights, and states in Section 9 that each person has the right to equality. Sexual violence compromises the right to equality, as an example of this, learners who are poor, black, female and/or having disabilities are the most likely targets of sexual violence. You can read more about equality and what it means in Chapter 4.

**Criminal Law**

**Sexual Offences Act**

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 ("Sexual Offences Act") criminalises certain sexual acts, including any non-consensual sex, and sex with a person under the age of 16 by a person over the age of 18. It also gives a very broad definition of sex, which includes any physical penetration with a body part or object into the genital organs or anus of another person, and insertion of a genital organ into another person’s mouth. Non-consensual sexual acts that are not penetrative are still a statutory offence, called sexual assault. In Section 54(1), the Sexual Offences Act specifically criminalises the failure to report any sexual offence that a person knows has been committed against a child. A person can be imprisoned for up to five years for this failure. This is important, because the first person a learner tells about being sexually assaulted or raped at school is often another teacher. If the teacher ignores the learner, or tells them that they should pretend the sexual violence did not happen, Section 54(1) means that the teacher can be jailed or otherwise punished by a court.

The Sexual Offences Act sets out that sexual acts are not voluntary if they result from an abuse of power or authority, because a person is ‘inhibited’ from indicating their willingness or unwillingness to participate in the sexual act. This means that when a learner has had sex with a teacher because the teacher threatened to fail the learner if he or she didn’t, that teacher can be charged with the crime of rape. The Sexual Offences Act sets out that an adult who commits a sexual act with a child under the age of 16 has committed the offence of statutory rape or statutory sexual assault, even if the child consents to the sexual act. A sexual act is defined very widely, and can be interpreted as including both holding hands and kissing.

Children between the ages of 12 and 15 cannot be criminally charged for engaging in consensual sexual relations with one another. However, this was not the case between 2007 (when the Sexual Offences Act came into being) and 2013.

**The Ages of Consent**

- Rape can be committed against a person of any age.
- A child under the age of 16 may consent to sex, but it still be considered ‘statutory rape’ if it is with a person over the age of 18.
- A person over the age of 16 can have consensual sex with a person between the ages of 16 and 18 to have consensual sex with a child under the age of 16 if there is more than two years’ difference between their ages. This two-year rule only applies if the older child is 16 or 17 years old.
- For example, if two 15-year-olds have consensual sex, neither of them can be charged with statutory rape. If a 15-year-old and a 12-year-old have consensual sex, the 15-year-old cannot be charged with statutory rape. If a 17-year-old has consensual sex with a 14-year-old, the 17-year-old will have committed statutory rape.
- A child under the age of 12 cannot legally consent to sex. Even if a child under 12 indicates willingness to perform a sexual act, the law does not consider them old enough to make that decision. Sex with a child under 12 is always rape.
- The Human Rights Commission, the SACE Act and/or the Employment of Educators Act and/or the Schools Act are about abuse or neglect of all learners, regardless of their age. Many learners in Grade 12 are over the age of 18, but are still protected by these Acts because they are learners. The SACE Act is discussed on page 522.
- An offence in terms of the Children’s Act can only be committed against a person who is under the age of 18. The Children’s Act is discussed on page 319.
IT IS A CRIME:

• For any person to force you to touch someone else in a sexual manner.

IT IS A CRIME:

• For any person to force you to touch their body with any part of your body, including your hands and mouth.

• For any person to force you to have sex with someone else.

• For any person to force you to touch your body in a sexual manner.

• For any person to force you to touch your body in a sexual manner.

The Criminal Procedure Act, 1977 sets out ways for children who are victims of sexual violence to be protected when they give evidence in court. For example, it says that non-verbal expressions such as gestures can be specifically considered as vocal evidence if the person gesturing is a child (Section 161(2)), and that an intermediary must be appointed to work with the child witness so that he or she is adequately prepared for trial, and experiences as little trauma as possible. The intermediary, who is usually a social worker, is a go-between for the magistrate, the prosecutor, the perpetrator and his or her legal representation.

If there is a criminal sexual offence against a child – including rape, statutory rape or sexual assault – the Sexual Offences Act says that the person may not be employed to work with a child in any circumstances. Any person convicted of sexual offences against a child or against a person who is mentally disabled will have their name recorded in the National Register of Sex Offenders. Employers must apply to the Department of Justice and Constitutional Services in the Promotion of the Rights of Vulnerable Groups Unit for a certificate confirming that a person is not listed on the national register of sex offenders. The register is not generally available to the public.

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a responsibility to protect learners from being hurt by each other. The Children's Act defines abuse as ‘sexually abusing a child or allowing a child to be sexually abused’, and places a duty to report both a sexual assault by a teacher and the rape of a minor. This means that a teacher who knows that a colleague is sexually abusing a learner can be held criminally liable for sexual abuse, because their failure to report means that they are implicated in allowing it to happen. The teacher must report the offence to the SAPS, and to the provincial Department of Social Development.

The Children’s Act establishes the National Child Protection Register. This is separate from the National Register for Sex Offenders. It also keeps a record of abuse and designates people who are unsuitable to work with children. The people listed on the register are not allowed to work with or have any access to children. This includes people convicted of indecent assault and rape. The register is also private, but access is allowed to people in designated access is allowed to people in designated

Safe Schools Act, 1996

The Safe Schools Act requires a code of conduct for learners to be drawn up by the School Governing Body, to regulate behaviour and relationships in schools. This code of conduct should clearly indicate what steps are to be taken against a learner who commits a serious offence at school, such as any act of sexual violence. This is a separate punishment from any criminal sanction that may be imposed on the learner. The Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools, 2008 requires schools to develop their own programmes and guidelines for responding to sexual violence. A school management team should investigate any allegation of sexual violence or harassment. The management team will also manage the disciplinary proceedings.

International Law

South Africa has ratified a number of international law conventions that inform the state’s duty to keep learners safe at school. The state is bound by their international law obligations, and courts must consider these in interpreting the Bill of Rights. The most important of these, for the purposes of sexual violence, are the following:

- The United Nations Convention on the Rights of the Child says that states must protect children from all forms of sexual abuse
- The state is also bound by the Convention on the Elimination of All Forms of Discrimination Against Women, which says states must take appropriate measures to change the way that society views and treats men and women and their perceived roles, so that all practices based on the idea of inferiority of women are eliminated. As we have discussed above, one of the best ways we can decrease incidents of sexual violence is to empower and strengthen vulnerable groups, towards creating a more equal society
- The Declaration on the Elimination of Violence Against Women sets out the state’s obligations to eliminate all forms of violence against women, over time, through state policies and interventions; including the duty to ‘exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons.

- South Africa has also ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (known as the Maputo Protocol). This binds the state in similar ways as the Declaration on the Elimination of Violence against Women, but also speaks specifically about the state’s duty to ‘actively promote’ education programmes on combat beliefs and practices that entrench and aggravate violence against women
- The Maputo Protocol also gives special protection to women with disabilities. The state has a duty to ‘ensure the right of women with disabilities to freedom from violence, including sexual abuse’...

Laws Applicable to Violence Perpetrated by Teachers Against Learners

The Educators Act

The Employment of Educators Act, 1998 (the ‘Educators Act’) is a law developed to regulate the relationship between departments of education and the teachers they employ. Please note that in this section, we use the word ‘teacher’ to mean any person employed by the department of education at a public school.

The Educators Act sets out disciplinary procedures to follow when a teacher in a public school commits an offence. Offences are separated into ‘misconduct’ and ‘serious misconduct’. If an allegation is made that a teacher in a public school committed misconduct or serious misconduct, the head of department or school principal should give written notice to the teacher of a disciplinary hearing. The hearing must be held no earlier than five days after delivery of the written notice, and no later than ten days after. If it is found in a disciplinary proceeding that a teacher has committed general misconduct, the employer can choose what sanction to impose, ranging from compulsory counselling to suspension and demotion. The employer, at their discretion, may dismiss a teacher who conducts him- or herself in an ‘improper, disgraceful or unacceptable manner’, displays disrespect towards others in the workplace, or ‘intimidates or victimises...
fellow employees, learners or students. It should be noted that it is also general misconduct to commit a common-law or statutory offence, including a breach of obligations in the Children’s Act. If it is necessary for a learner to give evidence against a teacher at a disciplinary hearing, and it is likely that giving evidence will be traumatic for the learner, the presiding officer of the disciplinary hearing should appoint an intermediary through whom a learner can give evidence, in order to make the learner more comfortable with the process. If, after an investigation into the conduct, it is found in a disciplinary proceeding that a teacher has committed serious misconduct, the employer has no discretion as to what sanction to impose. The teacher must be dismissed. Serious misconduct includes sexual assault committed on a learner, student or other employee, having a sexual relationship with a learner of the school where the teacher is employed, or causing a learner or student to do either of these things. Teachers have the right to appeal any finding or sanction, and the sanction may be suspended pending finalisation of an appeal. This means that a teacher may continue teaching at a school, despite being found guilty of a dismissible offence of sexual violence. If an appeal is not concluded within 45 days, the Labour Relations Act, 1995 says that the teacher, or his or her union on behalf of the teacher, may refer the dismissal to the Education Labour Relations Council for dispute resolution.

**THE SOUTH AFRICAN COUNCIL FOR EDUCATORS ACT, 2000**

The South African Council for Educators Act (‘SACE Act’) requires SACE to compile a Code of Professional Ethics (‘Code of Ethics’) for all teachers. A teacher must not be employed unless they are registered with SACE. The SACE Act sets out that a teacher may continue teaching at a school, despite being found guilty of a dismissible offence of sexual violence. Serious misconduct is a breach of the Code of Ethics is breached. Any form of sexual misconduct is a breach of the Code of Ethics. This includes any form of sexual abuse, improper physical contact, sexual harassment, and any consensual sexual relationship with a learner. The SACE register should ensure that no educator found guilty of sexual misconduct can be employed by any other school.

**THE PROBLEM WITH ALL THESE LAWS**

As you can see, there are many different laws that regulate different areas of sexual violence in schools. Some of these laws don’t work together very well. They use different terminology to describe the same things, which makes it difficult to know how things are supposed to be defined. For example, the Department of Basic Education’s Guidelines for the Prevention and Management of Sexual Harassment were published in 2008. Until then, many researchers looked to the Code of Good Practice on the Handling of Sexual Harassment Cases, 1998. This Code was set up to manage working relationships, so it uses terminology from labour relations, but it also uses wide enough definitions that it could be applied to learners. However, it may work when applied to teachers harassing teachers, it is very difficult to apply to a learner-teacher or learner-learner relationship. There are serious problems with coordination between the different systems put in place to protect learners and punish abusive teachers.

**HOW PRINCIPALS CAN HELP?**

The more time the different processes take, the more the learner will be re-traumatised by what has happened to them. Principals can help by reporting to the DBE, SACE and the police as soon as they find out about the sexual violence. They can use the mechanisms described in this chapter to suspend the teacher for the course of the investigation, and to assist the learner to move schools if necessary. Teachers and principals should also speak regularly to learners about their rights over their bodies and the remedies if those rights are violated, and ensure that sexual education in their school is given in an open and honest manner.
is serious enough, they must investigate the matter internally at the school. They are not required to report to the DBE and the South African Council for Educators at the same time as they report to the police. This means that three different processes may all start at different times and that SACE may never even hear about an incident at all.

As you will have seen from earlier in the chapter, there are also two separate registers for sex offenders. One is established through the Children’s Act, and the other through Chapter 6 of the Sexual Offences Act, also lists (in Part B of the Register) the names of people unsuitable to work with children, but appears to apply to fewer institutions than does the National Register of Sex Offenders. This may cause situations in which names appear on one list only, so that certain employers need to consult both lists, and others need consult only the National Register of Sex Offenders. While these discrepancies are very serious, the most serious problem perhaps is that there is often a failure to implement any of the laws or procedures properly. This makes it difficult for learners to trust that the system will protect them, and makes it even less likely that learners will report a teacher or learner who hurts them. This can only be properly fixed with better alignment between SACE, the DBE, and the criminal justice system; but it helps for learners to know their rights, and to know the process that should be followed after sexual violence is committed.

A learner usually doesn’t need legal representation to follow these steps, but they are much more likely to be able to follow each step properly if they have help from an adult they trust. This can only be properly fixed with better alignment between SACE, the DBE, and the criminal justice system; but it helps for learners to know their rights, and to know the process that should be followed after sexual violence is committed.

**WHAT TO DO IF YOU ARE OR YOU KNOW A LEARNER WHO IS A VICTIM OF SEXUAL VIOLENCE IN A SCHOOL**

1. **ASK SOMEONE FOR HELP**
   - If you have been harassed, sexually assaulted or raped, try to find a reliable person who you can be honest with to help you through the process.

2. **GO TO THE HOSPITAL**
   - If you have been physically hurt by sexual violence in any way, you should go to a hospital as soon as you can. A doctor should give you all of the medical care you need to make sure you heal quickly. If you have been raped, you should do everything you can to get to a hospital within 72 hours (three days). If you go within three days, a doctor can give you the morning-after pill to prevent possible pregnancy, and PEP medication to prevent you from being infected with HIV. You do not need a change of clothes. If you have been raped or sexually assaulted, you should try not to change your clothes, bath or shower before you have been to the hospital. Take a change of clothes with you to the hospital if you can. Whatever you do, do not put your clothes into a plastic bag, because the plastic can ruin the evidence. The evidence is very important in prosecuting the person who hurt you, especially when there is no-one who witnessed what happened.

3. **KEEP THE EVIDENCE**
   - The evidence is very important in prosecuting the person who hurt you, especially when there is no-one who witnessed what happened.

4. **IF YOU ARE OR YOU ARE A VICTIM OF VIOLENCE IN A HOME**
   - If you are less than 12 weeks pregnant, you may want to keep the baby, speak to the nurse or doctor about adoption or abortion. If you are more than 12 weeks pregnant, you automatically have the right to an abortion.
C. GO TO THE POLICE

Many people in South Africa do not trust the police, and do not trust that the police will assist them. A survey from 2015 showed that 83% of South Africans believe that the police are corrupt. This is particularly difficult when dealing with personal crimes such as sexual violence. Victims feel uncomfortable speaking even to people that they know and trust about sexual violence, and usually feel very uncomfortable reporting cases to the police.

1. GETTING A PROTECTION ORDER

If a learner is being harassed or abused by their teacher or another learner, they may apply for a protection order through the Protection from Harassment Act, 2011. Remember that harassment is when a person persistently makes you feel uncomfortable, when they know (or should know) that they are making you uncomfortable. Sexual harassment is when the attention the person is giving you is of a sexual nature, for example when a person makes jokes about your breasts or bottom.

The Protection from Harassment Act gives the courts power to make orders saying that a person has to stop harassing you if the person continues to harass you after the order has been made, you must notify the police and they will arrest that person.

Sometimes a learner will need stronger protection than is offered in the Protection from Harassment Act. If a learner is sexually violated by their teacher, they can apply for a protection order through the Domestic Violence Act, 1998. Although this is usually only used for protection against family members, because of the in loco parentis relationship between teacher and learner it has been found to apply to teachers too. You can apply for a protection order through the Domestic Violence Act if you have been sexually abused, including emotional, verbal and psychological abuse, harassment or stalking.

A protection order through the Domestic Violence Act not only sets out what conduct a person harassing or abusing you should stop doing, but also limits where that person is allowed to go in relation to you. For example, it can say that a learner is not allowed to come within a certain distance of your house. If you live with the person abusing you, it can even say that the person is not allowed into your shared house at all. The content will depend on what the court decides is appropriate and necessary in the circumstances.

In both types of protection orders, you will be given an interim order first. This means that the court will make an order saying that the person making you uncomfortable must stay away from you while the court considers whether to give you a permanent protection order. You must be sure to always keep copies of the interim and final order safe, and to take these documents with you to the police station if the person continues to harass or abuse you, or does anything they are not allowed to do in terms of the order.

You should not need a legal representative for this process. The clerk of the court must assist you with completing your application for a protection order. You can go to the nearest magistrate’s court to your home, and ask to speak to the clerk of the court.

4. REPORT TO THE DEPARTMENT OF EDUCATION

If the violence was perpetrated by a learner, the school should follow the steps set out in their code of conduct for disciplining the learner. If necessary, they must contact the local police station to report a crime. If the violence was perpetrated by a teacher, the teacher must also be disciplined by their employer, who is either the provincial department of education or the school governing body. As described above, this is separate from SACE process and from any criminal process already carried out by the department.

5. MOVING SCHOOLS

Once an incident of sexual violence has been reported to the Department of Education, you can motivate to the Department to move schools. This can help sometimes if you are finding it difficult to learn in the space where you were sexually violated. You or your parents should write to the Department requesting a transfer, and setting out the reasons why you need to move schools. If you live more than five kilometres away from the new school and don’t have transport to get to the school, the new school principal must try to arrange transport for you by writing to the District Coordinator of the Department of Education.

6. GETTING COUNSELLING

As discussed above, sexual violence affects different people in different ways. It will often make people unable to concentrate, sleep, or function normally in the ways they used to. Any person who has been sexually violated should try to get counselling. This is sometimes available through schools, but may otherwise be accessed through free counselling services such as Childline.

The number for Childline is 08000 55 555. Counsellors will help you to deal with what happened to you, and have to keep all information you give them confidential.
Kate Paterson is an attorney at SECTION27 specialising in the right to a basic education.

**PRACTICAL GUIDE**


**CASES**

Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another 2014 (2) SA 168 (CC), 2013 ZACC 35.

**LEGISLATION**


Children's Act 38 of 2005.


Employment of Educators Act 76 of 1998.


Employment of Educators Act 76 of 2008.

Policies and Guidelines


Basic Education Rights Handbook – Education Rights in South Africa – Chapter 20: Preventing Gender-Based Violence

**REGIONAL INSTRUMENTS**


Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984.

The International Covenant on Civil and Political Rights (ICCPR), 1966.

**INTERNATIONAL AND REGIONAL INSTRUMENTS**

**SOURCE MATERIALS AND FURTHER READING**

**REPORTS AND STUDIES**


Department of Justice and Constitutional Development ‘Service Charter for Victims of Crime in South Africa’.

**NEWS ARTICLES**


D Skelton ‘Sex Offender register loophole for new teachers’ Times Live, 8 June 2015.

N Wamapochi-Jele ‘Justice Department on target with establishment of sexual offences courts’ Dr Rebus, 25 August 2015.


**JOURNAL ARTICLES**


**INTERNATIONAL**

United Nations Committee on the Elimination of Discrimination Against Women ‘Concluding observations on the fourth periodic report of South Africa – Addendum Information provided by South Africa on the follow-up to the concluding observations of the Committee’, 2015.
