

Perspectives on KwaZulu-Natal

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Human Rights Watch: Sexual violence is rampant in South Africa's schools

In a report filled with heart-wrenching testimonies of rape, sexual assault and harassment, the international organisation Human Rights Watch has slammed the South African government for its response to sexual violence in schools. The report entitled *Scared at school: Sexual violence against girls in South African schools*, which was launched in March, also condemns schools for their failure to respond to the crisis.

"On a daily basis in schools across the nation, South African girls of every race and economic class encounter sexual violence and harassment at school that impedes their realisation of the right to education," states the report. "South African girls continue to be raped, sexually abused, sexually harassed, and assaulted at school by male classmates and teachers. For many South African girls, violence and abuse are an inevitable part of the school environment." The report states that the non-governmental organisation Childline, which assists child abuse victims, estimates that one in three South African girls under the age of 16 will be sexually abused, often at school.

Violence in South African schools is not a new phenomenon and is part of the crime that has permeated the society generally. South Africa has one of the highest rates of violence against women in the world. Interviewed by Human Rights Watch, teenage girls in KwaZulu-Natal, Gauteng and the Western Cape said that they are scared of sexual violence.

Describing the case of one victim, the report states: "A Durban school serving learning-disabled children took no action after a teacher allegedly raped a 16-year-old student, SF, in 1998. On the day of the assault, SF had been asked to go to the principal's office and help stable papers. When she arrived, the principal was not in the office and SF found herself alone with a male instructor who had an office adjoining the principal's. According to SF, the teacher raped her and forced her to perform oral sex. He then threatened her with violence if she told anyone."

On the same day SF reported the rape to a teacher's assistant who informed the school principal. Although criminal proceedings were instituted, the school held no disciplinary hearing and the teacher remained at the school.

The reasons for sexual attacks on schoolgirls are varied. The report states that girls at times agree to the sexual demands of teachers because they fear physical punishment.

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Others are promised better grades or financial rewards in return for sex. "In the worst cases, teachers operate within a climate of seeming entitlement to sexual favours from students. In a wide spectrum of cases, the school response is weak, nonexistent, or actually facilitates continued abuse."

Sexual violence at schools took place at a range of places. The report states: "Girls have been attacked in school toilet facilities, in empty classrooms and hallways, in hostel rooms and dormitories, and in other 'no go' areas on schools grounds, which girls repeatedly described to us as virtually any place."

Classmates who attack schoolgirls most often act in pairs or groups. "Girls reported that certain forms of sexual assault occurred in classrooms during class, in full view of their teachers. For instance, girls complained that their male classmates would try to kiss them, fondle their breasts, raise their skirts, and try to touch them under their skirts. Girls reported that such behaviour was unwanted, unwelcome and highly distracting to the learning environment. Girls also complained that aggressive sexual advances made by male students significantly interfered with their ability to study and perform academically at school."

A senior public prosecutor from Durban, Val Melis, told Human Rights Watch about the case of one rape victim: "I've had a case of a 14-year-old girl raped at home by an older male student (20 years old) from her school. He'd hit her openly in front of teachers. They were in a 'relationship'. I learned that the teachers knew of the abuse, but were scared to intervene."

In addition to incidents of rape, girls described sexual harassment at school. A 14-year-old said: "All the touching at school in class, in the corridors, all day, everyday bothers me. Boys touch your bum, your breasts. You won't finish your work because they are pestering you the whole time." The report states that girls were most bothered by what they called 'flirting', but described as "persistent, unwanted fondling or touching by their male classmates". A 16-year-old said: "Most of the boys like flirting, touching you. They'll pretend they only want to talk to you, but they're really just trying to touch you. Whenever they're talking they're touching me, that kind of touching makes me feel uncomfortable." When asked whether they complained about the boy's behaviour, girls said that they were threatened with violence.

Schoolgirls, who have to travel long distances to and from school using public transport are also targets of sexual violence and harassment during the journey.

Consequences of violence for schoolgirls

Human Rights Watch found that violence suffered by the schoolgirls often resulted in intimidation, poor levels of participation in learning activities, forced isolation, low self-esteem or self-confidence, dropping out of education or from particular activities or subjects and other physical, sexual and/or psychological damage. "Left unchecked, sexual violence in schools has a negative impact on the educational and emotional needs of girls and acts as a barrier to attaining education. A school environment where sexual violence is tolerated is one that compromises the right of girls to enjoy education on equal terms with boys. After experiencing violence at school, girls reported losing interest in school, changing schools, or leaving school entirely. The associated health risks posed by sexual violence generally, including unwanted pregnancy and sexually

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transmitted diseases such as HIV/Aids, also have implications for girls' educational access."

Those that continue to go to school after their ordeal often perform badly. A 17-year-old who had been sexually assaulted by two boy classmates, who also tried to rape her said: "I felt like leaving this school. I cried. I feel horrible because before all this happened they were my friends. I was thinking how am I going to face these guys ... I would leave this school if I could."

A student aged 16 who phoned Childline said that she believed her teacher had raped her for being a bad student. She felt guilty about the rape believing that it was her fault.

A 15-year-old lost faith in the school system. "I don't want to be there (at school). I just don't care anymore. I don't have motivation anymore. I thought about changing schools, but why? If it can happen here it can happen any place and the response will be the same. I didn't want to go back to any school."

Discrimination against pregnant girls

Human Rights Watch said that it also found that pregnant girls were discriminated against by schools in contravention of South African law and the Convention on the Elimination of All Forms of Discrimination Against Women. A schoolgirl from the rural area of Impendle, KwaZulu-Natal phoned Childline: "She mentioned that she was sexually abused by a teacher at school. He threatened her that if she refused him he would fail her or have her expelled from school. The abuse continued until she fell pregnant last year. She had a baby at the beginning of the year, but it died immediately after birth. While she was pregnant the teacher came to pay the guardians for damages and to keep them quiet about this incident. The principal of the school is aware of this, but has not done anything to help the child. (The schoolgirl) would like to go back to school, but the same teacher has been threatening to kill her if she comes back to school. He is presently threatening her for telling people he was the father of the baby."

The human rights organisation states: "It is striking that students who have raped their female classmates go to school without interruption, but should a girl get pregnant she must worry about her educational prospects."

The response of schools to the violence

Schools persistently fail to respond to reports, according to the research. "Girls were discouraged from reporting abuse to school officials for a variety of reasons, not the least of which was the hostile and indifferent responses they received from their school communities. Sometimes school officials appear to have failed to respond adequately because they simply did not know what to do; other times they ignored the problem; still other times they appear to have been afraid to assist. In many instances, schools actively discouraged victims of school-based gender violence from alerting anyone outside the school or accessing the justice system. In the worst cases, school officials concealed the existence of violence at their schools and failed to co-operate fully with authorities outside the school system."

Girls told Human Rights Watch that far from being supported by school officials, they were ridiculed and became the object of vicious rumours at the schools. A Childline

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counsellor said that the way girls are treated by their peers, teachers, school officials and at times even their family and friends after they are raped or sexually assaulted is the reason why most attacks are not reported. The organisation states that girls who did report the attacks were often faced with school officials who acted indifferently, did not believe them or treated them with hostility.

In this way, teachers ignored South African legislation, which was amended in 1991 to impose a duty to report child abuse on school officials. The report stated that researchers were unable to find a single case of a school or teacher having faced criminal sanctions for failing to alert the relevant authorities or for concealing sexual abuse. A Johannesburg mother interviewed by Human Rights Watch was told not to go to the police until the school board could get the matter "cleared up". The teacher's conduct had been concealed in the past when he had even been permitted to resign without censure. When a Durban mother of a sexually abused 18-year-old met with the school principal she discovered that the school already knew about two other reported cases.

A recently retired teacher believes that schools do not assist victims of violence: "Schools find sexual abuse embarrassing and oftentimes will attempt to sweep it under the carpet. The survivor is left to swim or sink. There are no support structures designed to assist. The victim runs a risk of not being believed, ostracised or being ridiculed."

Human Rights Watch found that school officials are unaware of any standard procedural guidelines provided to schools by the national or provincial education departments on how schools should treat anyone who is accused of sexual violence or how to treat the victims. The organisation was unable to obtain any guidelines specifically addressing the problem of sexual violence in schools from the national department.

Fear for their own safety also prevents school officials from responding to complaints by victims. "Teachers told Human Rights Watch that gang-affiliated students carry weapons to school, challenge school officials and undermine teachers. Gang-affiliated students may also carry their conflicts with them, posing risks to everyone at school ... Fear of violent retaliation has stopped one township teacher outside Johannesburg from reporting any student crime to police after she was personally threatened."

National and provincial government response and assistance from non-government organisations

The human rights body does accept that the South African government has made attempts to address violence against women and children, but says that more action is needed. "We believe the problem of sexual violence in South Africa's schools is sufficiently serious to require the development of a national plan of action to address the multiple issues involved."

A Gender Equity Task Team, commissioned by the Department of Education, stated in a report published in 1997 that a policy and procedures for intervention in child abuse needed to be developed and schools should be expected to provide information on, and referral to, services and resources that support children. According to Human Rights Watch, the national Department of Education has designed general school violence initiatives and some provincial departments are involved in interventions to assist children. An amendment made in 2000 to the Employment of Educators Act of 1998

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states that a teacher who sexually assaults, or has a sexual relationship with, a student is guilty of serious misconduct, which warrants dismissal. Several government programmes deal with violence in schools. These include the nine-point plan of action known as Tirisano (which means 'working together') and the Campaign for a Culture of Learning, Teaching and Service (Colts) which has a "No Crime in Schools" component. Work on a module for school management on sex- and gender-based violence started in 1999.

In KwaZulu-Natal non-governmental organisations have been working in schools. The Crime Reduction in Schools Project (Crisp) was working in Durban schools to develop a holistic model for crime prevention. The Independent Projects Trust (IPT) has also worked in a number of schools in the same area to identify ways to address school violence. IPT announced in April 2001 that Crisp would soon be working under the auspices of IPT.

Recommendations and Challenges Ahead

To the South African government, Human Rights Watch recommended that

1. A plan of action on sexual violence and harassment in schools should be developed in consultation with pupils, teachers, principals, parents, social workers, government officials, non-governmental organisations and others. This should include guidelines on appropriate responses to allegations of rape, sexual assault or harassment; appropriate procedures governing the consequences for teachers or pupils convicted of sexual violence; provision for funding of counselling and medical services for sexual violence victims; a code of conduct for teachers and pupils that prohibits sexual violence, harassment and other sexual misconduct in schools; and mechanisms to hold schools accountable for failure to adequately respond to allegations of sexual violence.
2. Laws that make failure to report child abuse to relevant authorities a criminal offence should be widely publicised and enforced and all school employees should be educated about their obligations to report child abuse to relevant authorities.
3. Teachers facing allegations of sexual misconduct should at a minimum be separated during classroom time from the complaining pupil.
4. Individuals who have been convicted of sexual assault or rape should not be permitted to teach anywhere in the South African school system. School principals should be required to report confirmed incidents of sexual misconduct by teachers to provincial departments of education and this information should be maintained in a confidential database that should be checked prior to a school hiring any teacher.
5. Pupils facing allegations of sexual assault should receive guidance and counselling and should face disciplinary action if the allegations are sustained. Disciplinary action should have rehabilitation as a central aim.
6. Steps should be taken to improve the collection of data concerning crimes of violence against pupils.

Recommendations to the South African Council of Educators and teachers' unions included:

1. Denying membership to convicted sex offenders.
2. Revoking the licences of teachers found guilty by an administrative or criminal tribunal of serious misconduct, including the rape, sexual assault or physical abuse of a student.

Human Rights Watch recommended that teachers' training colleges:

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1. Increase instruction of future teachers on gender equity.
2. Offer workshops to experienced teachers on the prevention of, and response to, sexual violence and harassment in their schools.

It was also recommended that the international community play a role by:

1. Providing technical support and funding for programmes to train South African teachers in gender equity and strategies for preventing sexual violence and harassment in the school environment.
2. Mobilising support for school-based human rights education programmes to teach students about their human rights.
3. Funding governmental and non-governmental organisations providing direct medical, counselling and support services to South African women and children who have been victims of violence and sexual assault.
4. Funding initiatives to provide clear, current, accessible and culturally appropriate information on HIV/Aids transmission.

Responses to the Human Rights Watch report

The Department of Education would review all of its initiatives to strengthen its response to sexual violence in schools, according to a statement released by the deputy minister Mosebudi Mangena after the release of the report. "The Human Rights Watch report is of immense help to us since it provides an outsider's view on where the problems are while it offers clear recommendations on how these can be addressed. We are therefore studying the report closely and we are considering how the recommendations can be taken up to strengthen our programme."

The KwaZulu-Natal Education Minister Faith Gasa addressed school violence when she delivered her departmental budget speech in the Pietermaritzburg legislature on the day before the Human Rights Watch report was released. She said that between 40 and 55 % of learners and teachers in KwaZulu-Natal are victims of violence and crime. "Counselling and rehabilitation is imperative. We need to get involved in the rehabilitation of our children. We as a Department of Education need to commit ourselves towards utilising the limited budget we have in addressing the issue of crime and violence."

Childline director Joan van Niekerk said that she hoped non-governmental structures, other relevant governmental departments and the Department of Education would work together to implement at least some of the "very, very valuable" recommendations made by Human Rights Watch. She also called for an urgent need to deal with the male child. "We are going to fail in protection programmes until something intensive is done that targets the male child." She said that programmes for girls that teach self-defence or techniques to be more assertive are seen as a challenge to boys who simply resort to other ways of exerting their physical power. Van Niekerk also said that schools should be held accountable both criminally and civilly because they have a responsibility to the children in their care.

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