

# SEXUAL GENDER- BASED VIOLENCE IN THE TEACHING PROFESSION

Presentation to the Portfolio  
Committee on Basic Education

17 August 2021



**S A C E**

South African Council for Educators

*Towards Excellence in Education*

“any harm or suffering that is perpetrated against a woman or girl, man or boy and that has a negative impact on the **physical, sexual** or **psychological** health, development or identity of the person. The cause of the violence is founded in gender-based **power inequalities** and **gender-based discrimination**”

THIS PRESENTATION FOCUSES ON **SEXUAL / SEXUAL BULLYING**  
**GENDER-BASED VIOLENCE**



# VISION 2025

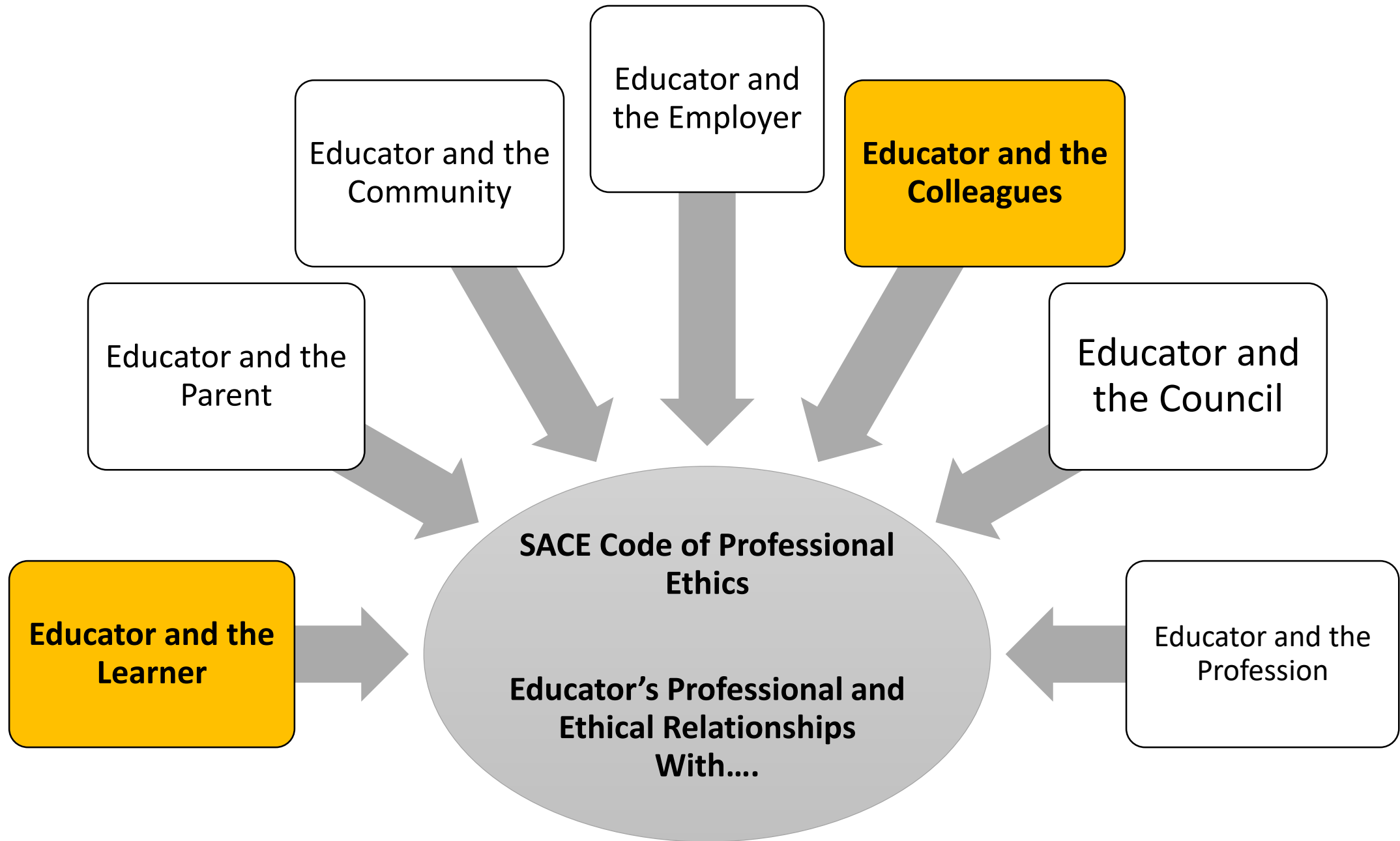
## Inspiring a Credible Teaching Profession

### MISSION

**To protect the integrity of the teaching profession through the maintenance of the professional and ethical standards.**

# Legislative and Policy Environment

- The RSA Constitution
- SACE Act (Act no.31 of 2000)
- SACE Code of Professional Ethics
- Section 17 – Employment of Educators’ Act (Act no. of 1998)
- ELRC Collective Agreement no. 3 of 2018
- Department of Basic Education Protocol for Management and Reporting of Sexual Abuse
- The Children’s Act
- The Criminal Law (Sexual Offenses and Related Matters) Act
- 2020 – 2030 National Strategic Plan on Gender-Based Violence



# SACE CODE OF PROFESSIONAL ETHICS

## EDUCATOR AND THE LEARNER

- An educator:
  - 3.8 promotes gender equality;
  - 3.9 refrains from any form of sexual harassment (physical or otherwise) of learners;
  - 3.10 refrains from any form of sexual relationship with learners at any school;
  - 3.11 uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from the learners;
  - 3.12 takes reasonable steps to ensure the safety of the learner;
  - 3.13 does not abuse the position he or she holds for financial, political or personal gain;
  - 3.14 is not negligent or indolent in the performance of his or her professional duties; and
  - 3.15 recognises, where appropriate, learners as partners in education.

# SACE CODE OF PROFESSIONAL ETHICS

## EDUCATOR AND THE **LEARNER**

3. An educator:
  - 3.1 respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality;
  - 3.2 acknowledges the uniqueness, individuality, and specific needs of each learner, guiding and encouraging each to realise his or her potentialities;
  - 3.4 strives to enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution of South Africa;
  - 3.5 exercises authority with compassion;
  - 3.6 avoids any form of humiliation, and refrains from any form of abuse, physical or psychological;
  - 3.7 refrains from improper physical contact with learners;

# SACE CODE OF PROFESSIONAL ETHICS

## EDUCATOR AND HIS OR HER COLLEAGUES

### 6. An educator:

- 6.1 refrains from undermining the status and authority of his or her colleagues;
- 6.2 respects the various responsibilities assigned to colleagues and the authority that arises there from, to ensure the smooth running of the educational institution;
- 6.3 uses proper procedures to address issues of professional incompetence or misbehaviour;
- 6.4 promotes gender equality and refrains from sexual harassment (physical or otherwise) of his or her colleagues;
- 6.5 uses appropriate language and behaviour in his or her interactions with colleagues;
- 6.6 avoids any form of humiliation, and refrains from any form of abuse (physical or otherwise) towards colleagues.





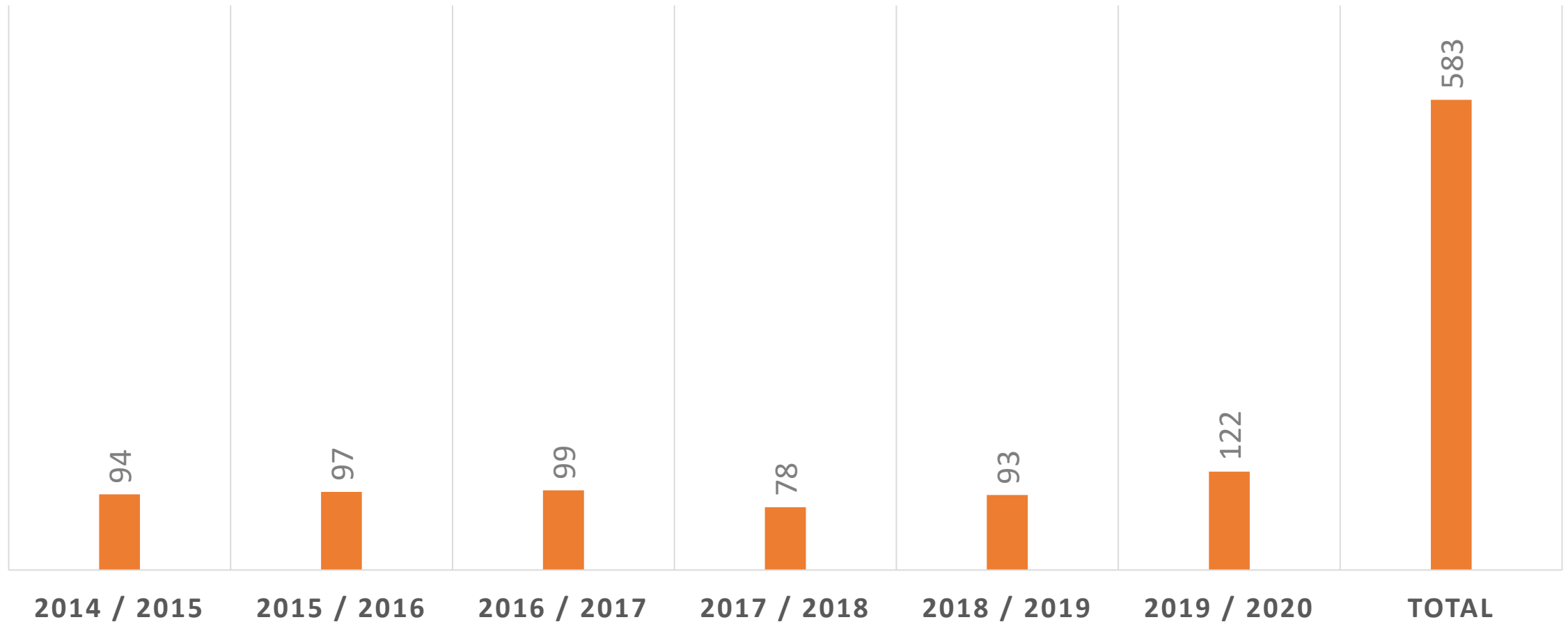
# Gender-Based Violence Related to Sexual Misconduct Cases by Educators

- One of the top three cases, submitted consistently to SACE in the last five years is, on sexual offences between educators and a learner/s in terms of the following specific areas:
  - **Sexual Harassment**
  - **Sexual Abuse**
  - **Rape**
  - **Sexual Assault**
  - **Improper Relationship**
  - **Sexual Relationship**

# Gender-Based Violence Related to the Sexual Misconduct Cases by Educators

- **Sexual Harassment:** Sexual harassment includes unwanted and uninvited sexual jokes, sexually insulting pictures, calling out sexual comments or insults, following people with unwanted sexual invitations, spreading sexual rumours and uninvited touching, like purposely brushing up against someone.
- **Sexual Abuse:** The use of a child or other individuals younger than the age of consent, for sexual stimulation is referred to as child sexual abuse or statutory rape... is usually undesired sexual behaviour by one person upon another.
- **Rape:** Unlawful sexual intercourse or any other sexual penetration of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim.
- **Sexual Assault:** Is a sexual act in which a person is coerced or physically forced to engage against their will, or non-consensual sexual touching of a person
- **Improper Relationship:** Any sexual contact or sexual intercourse between an educator and a learner who is enrolled in a school in which the educator works
- **Sexual Relationship:** A state of connectedness between people (especially an emotional connection)

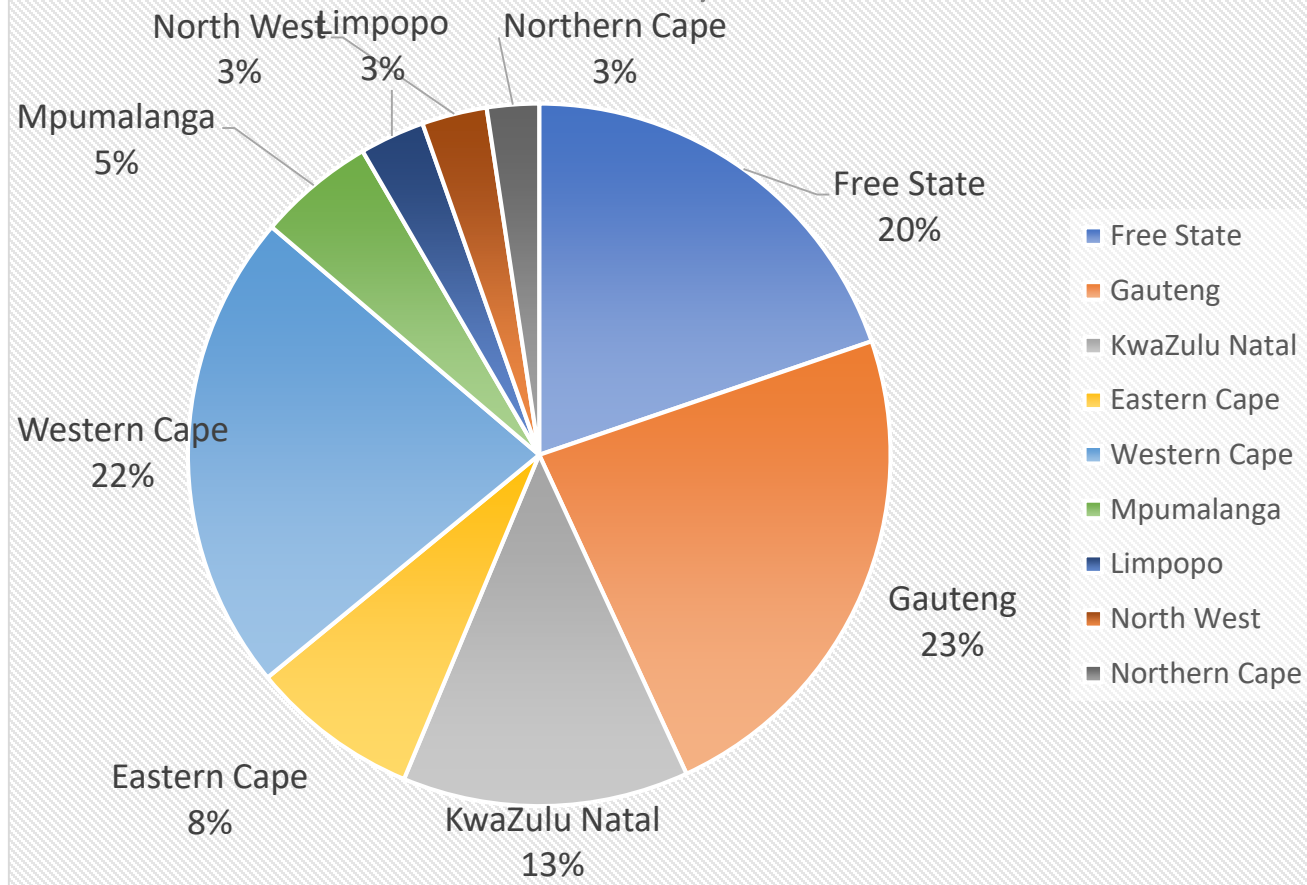
# REPORTED SEXUAL MISCONDUCT CASES 2015-2020



## REPORTED TEACHER SEXUAL MISDEMEANORS BY TYPE AND PROVINCES 2015 – 2020

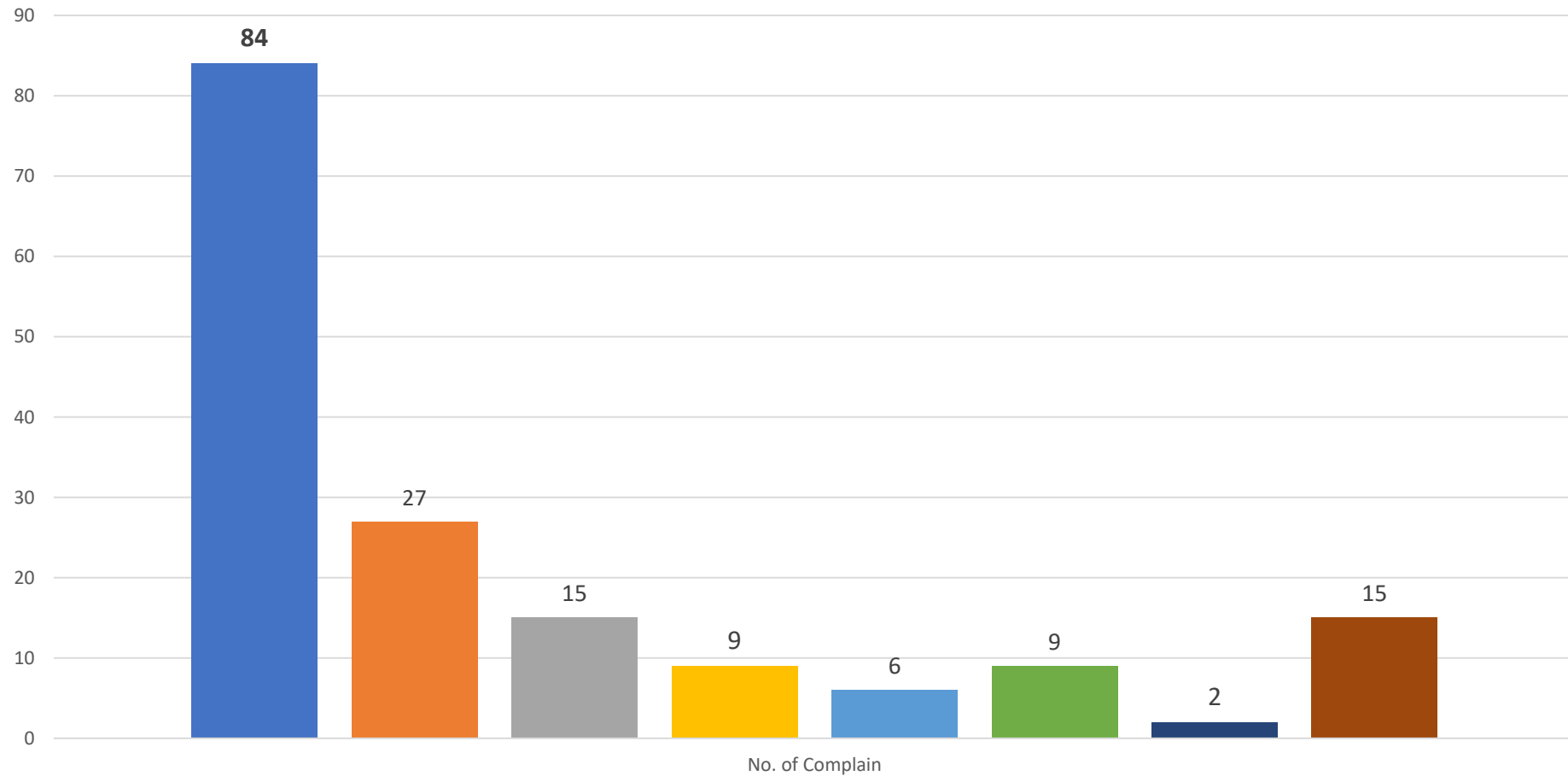
Reported Provincially	cases	Eastern Cape	Free State	Gauteng	Kwa-Zulu Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Grand Total
Sexual assault / Abuse / Rape		10	11	21	23	9	12	7	4	22	119
Sexual Harassment		26	21	27	24	23	15	19	8	28	191
Improper / Sexual relationship with Learner		24	25	37	56	34	29	28	10	30	273
<b>Grand Total</b>		<b>60</b>	<b>57</b>	<b>85</b>	<b>103</b>	<b>66</b>	<b>56</b>	<b>54</b>	<b>22</b>	<b>80</b>	<b>583</b>

Reported Sexual Misconduct Cases By Province 1<sup>st</sup> April 2020  
– 31<sup>st</sup> July 2021



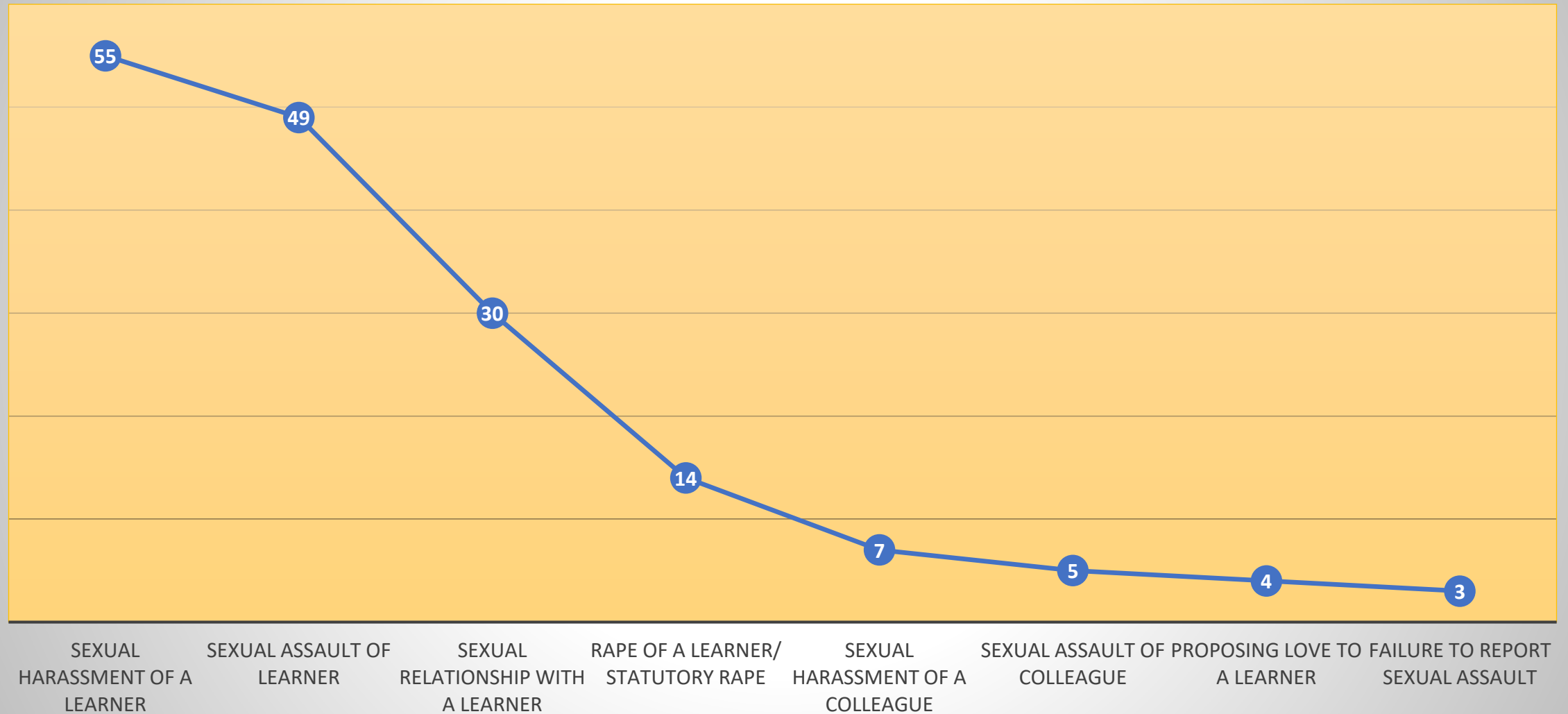
Province	No. of Cases
Free State	33
Gauteng	39
KwaZulu Natal	22
Eastern Cape	13
Western Cape	37
Mpumalanga	9
Limpopo	5
North West	5
Northern Cape	4
<b>Total</b>	<b>167</b>

## SEXUAL MISCONDUCT CASES REPORTED TO SACE PER COMPLAINANT 1<sup>st</sup> April 2020 – 31<sup>st</sup> JULY 2021

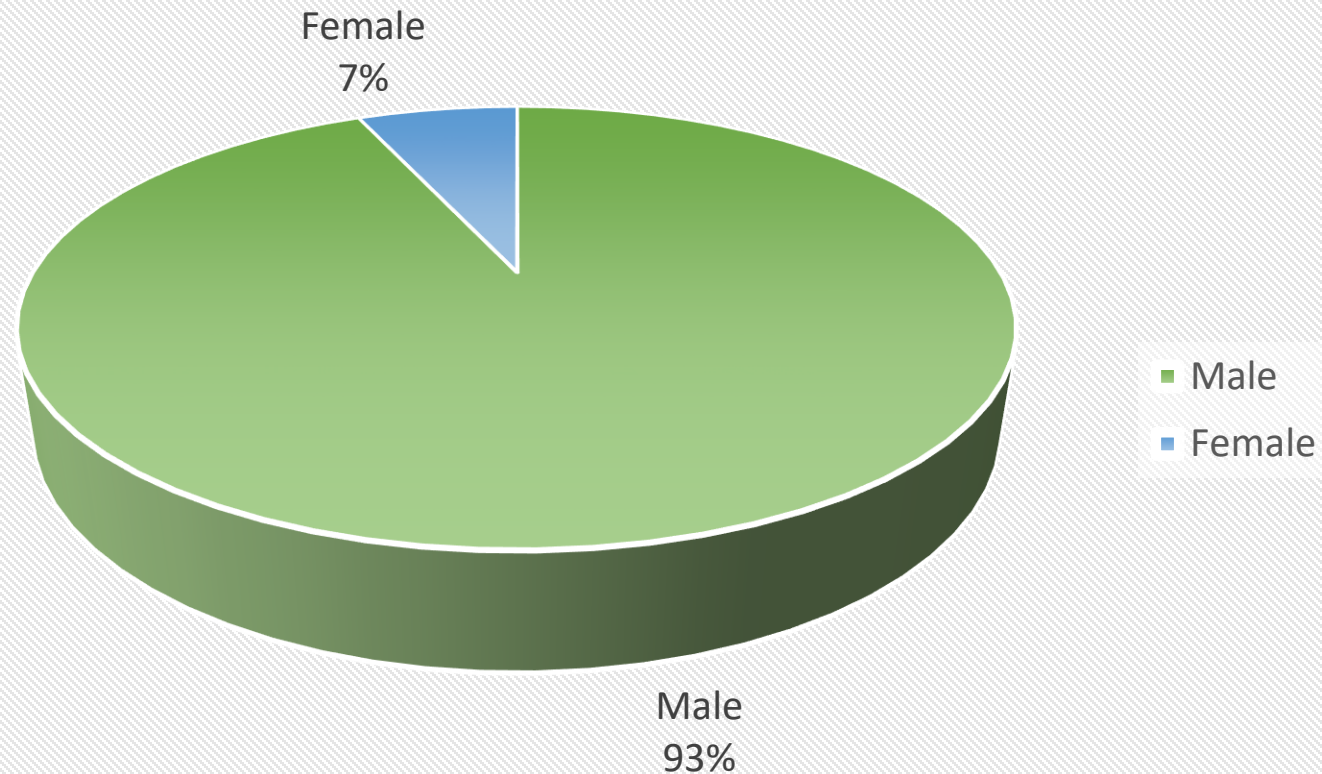


■ Provincial Education Departments ■ ELRC ■ Media ■ Parents ■ Principals ■ Anonymous ■ Attorneys ■ Educators

## Nature of Reported Sexual Misconduct (1<sup>st</sup> April 2020 – 31<sup>st</sup> July 2021)



## Sexual Misconduct Perpetrators by Gender: 1<sup>st</sup> April 2020 – 31<sup>st</sup> July 2021



## Reported Sexual Misconduct Perpetrators by Province and Gender (1<sup>st</sup> April 2020 – 31<sup>st</sup> July 2021)

Province	Numbers	Male	Female
Limpopo	7	7	0
Western Cape	32	26	5
KwaZulu Natal	19	18	1
Gauteng	44	40	3
North West	4	4	0
Northern Cape	2	2	0
Free State	37	35	0
Eastern Cape	13	13	0
Mpumalanga	9	9	0
<b>Total Numbers</b>	<b>167</b>	<b>156</b>	<b>11</b>

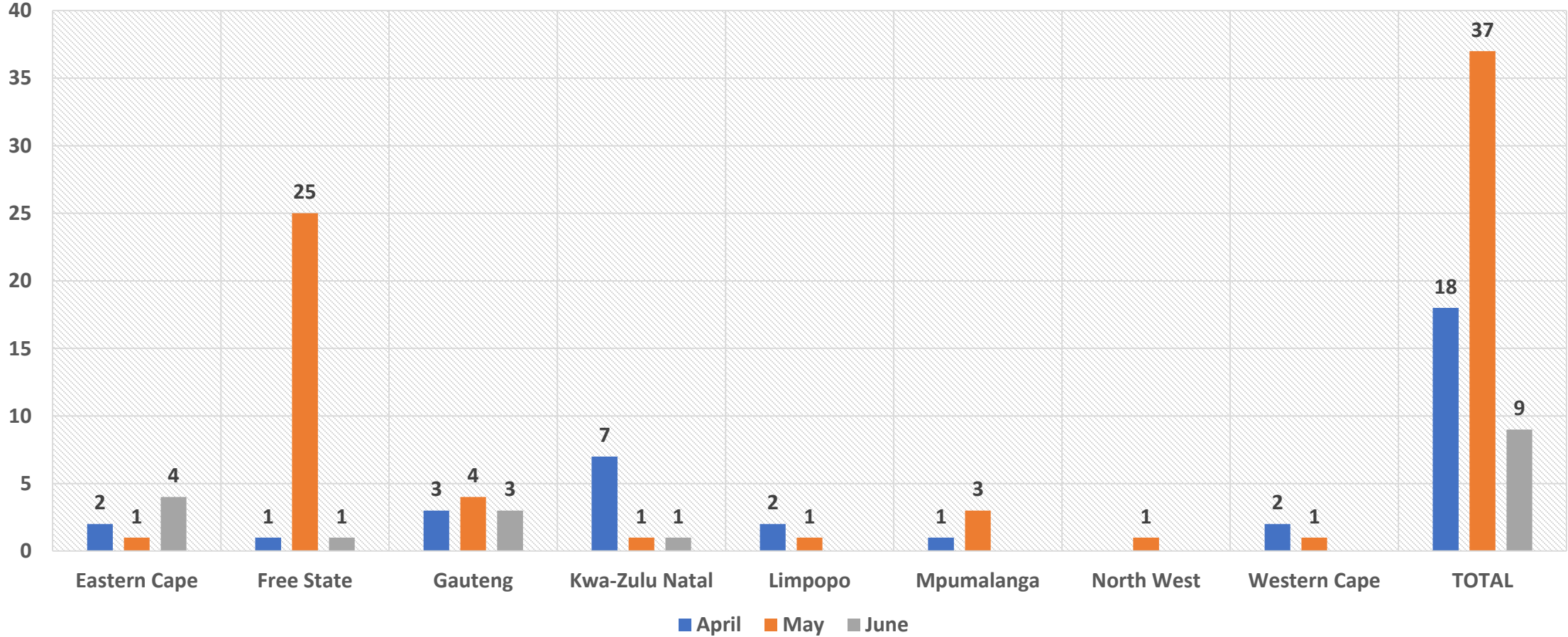


## Top 10 Cases Reported to SACE in 2020/21 Financial Year (Being Audited Currently)

Nature of Professional Misconduct	June	July	August	September	October	November	January	February	March	TOTAL
Assault of learners, colleagues & Parents	25	8	14	12	6	5	54	37	10	<b>171</b>
<b>Sexual misconduct</b>	<b>3</b>	<b>15</b>	<b>7</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>11</b>	<b>13</b>	<b>23</b>	<b>81</b>
Fraud/ theft & Misappropriation of funds	1			2	1	1	12	11	1	<b>29</b>
Harassment and victimisation of a colleague		1	1	1			1	9		<b>13</b>
Unprofessional Conduct			1	2	1		2	2	5	<b>13</b>
Humiliation and improper use of language	1		2		2	1	5	1		<b>12</b>
Employment of unqualified and unregistered educators	4				2			2	3	<b>11</b>
Dishonesty relating to exams; qualification and/or experience			2	1		1	5	1		<b>10</b>
Verbal abuse of a learner/Colleague and abuse of power		1		1					7	<b>9</b>
Victimisation and harassment of a colleague			1		3	1	2		2	<b>9</b>
<b>TOTAL</b>	<b>34</b>	<b>25</b>	<b>28</b>	<b>23</b>	<b>19</b>	<b>10</b>	<b>92</b>	<b>76</b>	<b>51</b>	<b>358</b>

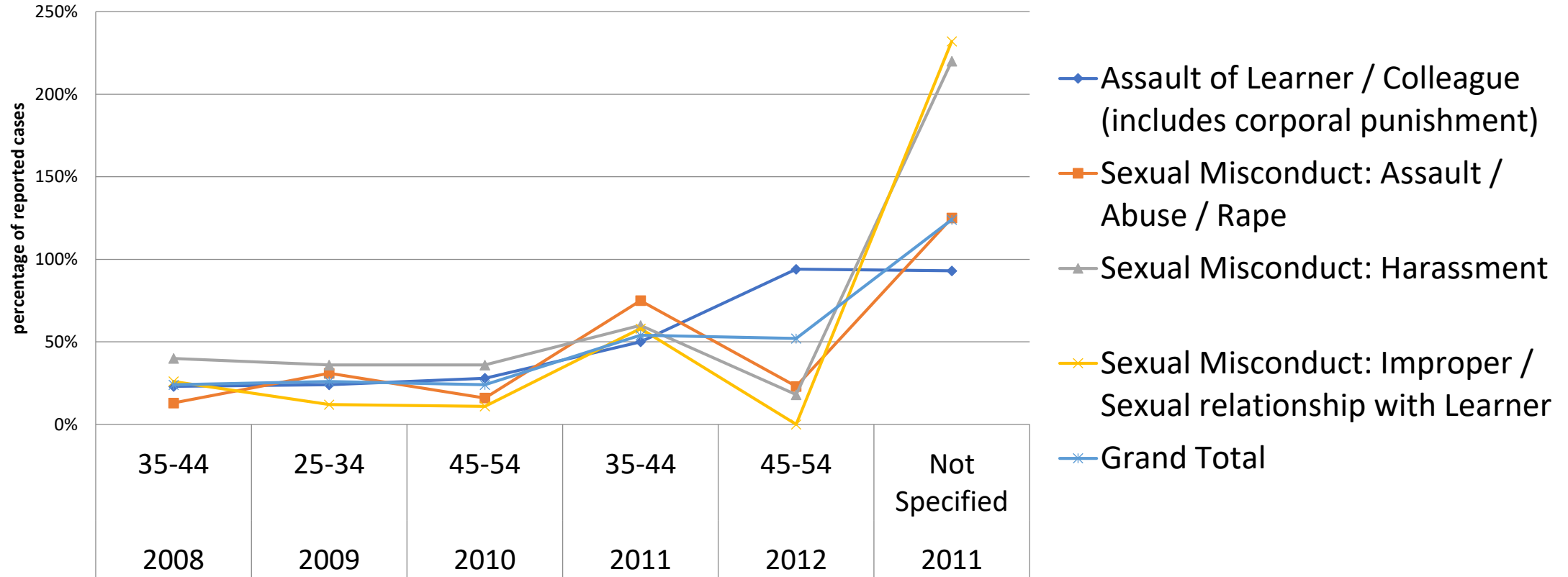
# Total sexual misconduct cases by province

Sexual Misconduct Cases by Province - April to June 2021



# SEXUAL OFFENSES BASED ON THE AGE OF THE OFFENDER 2008 – 2011

Age range of reported offenders



## FIVE-YEAR REVIEW STUDY (2016/2017 – 2020/2021) Planned

The Age Cohort likely to change with the upcoming trends analysis studies

**Assumption / Hypothesis** – There might be no significant difference between the age of secondary school learners and newly qualified educators (five-years and less teaching experience)

Profile of a typical sexual abuser / Demographics

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# SOME OBSERVATIONS

## Based on SACE Research, Disciplinary Processes, Document Analysis of the Educator Misconduct Cases

- Cases on the Rise OR Increase in Reporting
- Participants in Sexual Related Gender-Based Violence
  - Male Teachers-on-Female Learners
  - Male Teachers-on-Female Teachers
  - Male Teachers-on-Male Learners (**Prevalent in single-sex schools**)
  - Female Teachers-on-Male Learners (**Emerging Trend – Abuse of High School Boys**)
- Trends in taking advantage of learners in Special Schools (**Deaf, Blind, Autism, Physical**)
- Gender-based violence Normalised and Justified by teachers and some parents as a result of poverty

# SOME OBSERVATIONS

## Based on SACE Research, Disciplinary Processes, Document Analysis of the Educator Misconduct Cases

- Abuse of:
  - Power relations
  - School Management Team positions
  - Space (office, computer and science laboratories, halls and classroom in the afternoons)
  - Authority – Sex for marks / pass to the next grade
  - Culture (*ukhlaula / go patella molato / paying of damages*)
- **Two faced / Psychological / Psychopaths / Perverts / Paedophiles**
- Parents selling the souls of their children – poverty and economic situation
- Bribery
- Protection of the image and status of the school (**prevalent in independent schools and public schools with high matric pass rate**)
- General under-reporting
- Gaps in legislation



# SOME RESPONSES AND INTERVENTIONS



# 1. MANDATORY REPORTING TO RELEVANT GOVERNMENT DEPARTMENTS / INSTITUTIONS ONCE SACTIONED BY SACE

- **Harshest Sanctioning by SACE –**

- Based on the guilty verdicts, removal of the perpetrators' names (struck-off) from the register of educators in line with the SACE Act and SACE policy of mandatory sanctions.
- Submit the names struck-off educators to the Provincial Education Departments for blocking against PERSAL
- SACE further reports to the Provincial Education Department in line with Section 15 (2) of the Employment of Educators Act no 76 of 1998:

***“If the name of an educator is struck off the register of educators kept by the South African Council for Educators, the educator shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned with effect from the day following immediately after the day on which the educator's name was so struck off”***



## MANDATORY REPORTING TO RELEVANT GOVERNMENT DEPARTMENTS / INSTITUTIONS ONCE SACTIONED BY SACE ....

- Submission of the struck-off names to the Department of Social Development for inclusion in the **National Child Protection Register** for them to be declared “**NOT SUITABLE TO WORK WITH CHILDREN ANYWHERE IN THE COUNTRY**”;
- **Reporting the perpetrators to the SAPS** – for possible conviction and inclusion in the Department of Justice and Constitutional Development’s **National Register of Sexual Offenders**
- **Reporting to Department of Home Affairs (Immigration)**
- **Reporting to the Commission for Gender Equality**
- **Reporting to Human Rights Commission**

## 2. RESEARCH, DEVELOPMENT AND ADVISORY

- **Trends Analysis Quantitative Studies**
  - 2008 – 2012; 2008 – 2012; 2013 – 2017
  - **Next – 2018 - 2022**
  - Schools, Circuits, Districts, Provinces and National – Inform evidence-based interventions and decision-making processes
- **Qualitative Studies**
  - Analysis of factors and an environment facilitating sexual misdemeanours between educators and learners (**available**)
  - Understanding the profile / demographics of typical abusers and the psychology behind that (**planned and conceptualised study**)

# 3. EDUCATION, INFORMATION, ADVOCACY

- Student Teacher Code of Professional Ethics Developed
- Information Material – Upholding the ethical standards of the teaching profession
- Student teacher and practising educators' orientation on the teaching profession and role of SACE
- Weekly capacity building sessions on the Code of Professional Ethics for Student Teachers and Practising Educators (Including specific focus areas on gender-based violence)
- 8897 educators and 3 738 student teachers reached between 1<sup>st</sup> April and
- Collaboration with teacher unions on gender-based violence
- Educating parents through churches

# 4. VALUES-BASED TEACHING PROFESSION

**ACCOUNTABILITY**

**DIGNITY**

**INTEGRITY**

**QUALITY**

**RESPECT**

**RESPONSIBILITY**

**SERVICE  
ORIENTED**

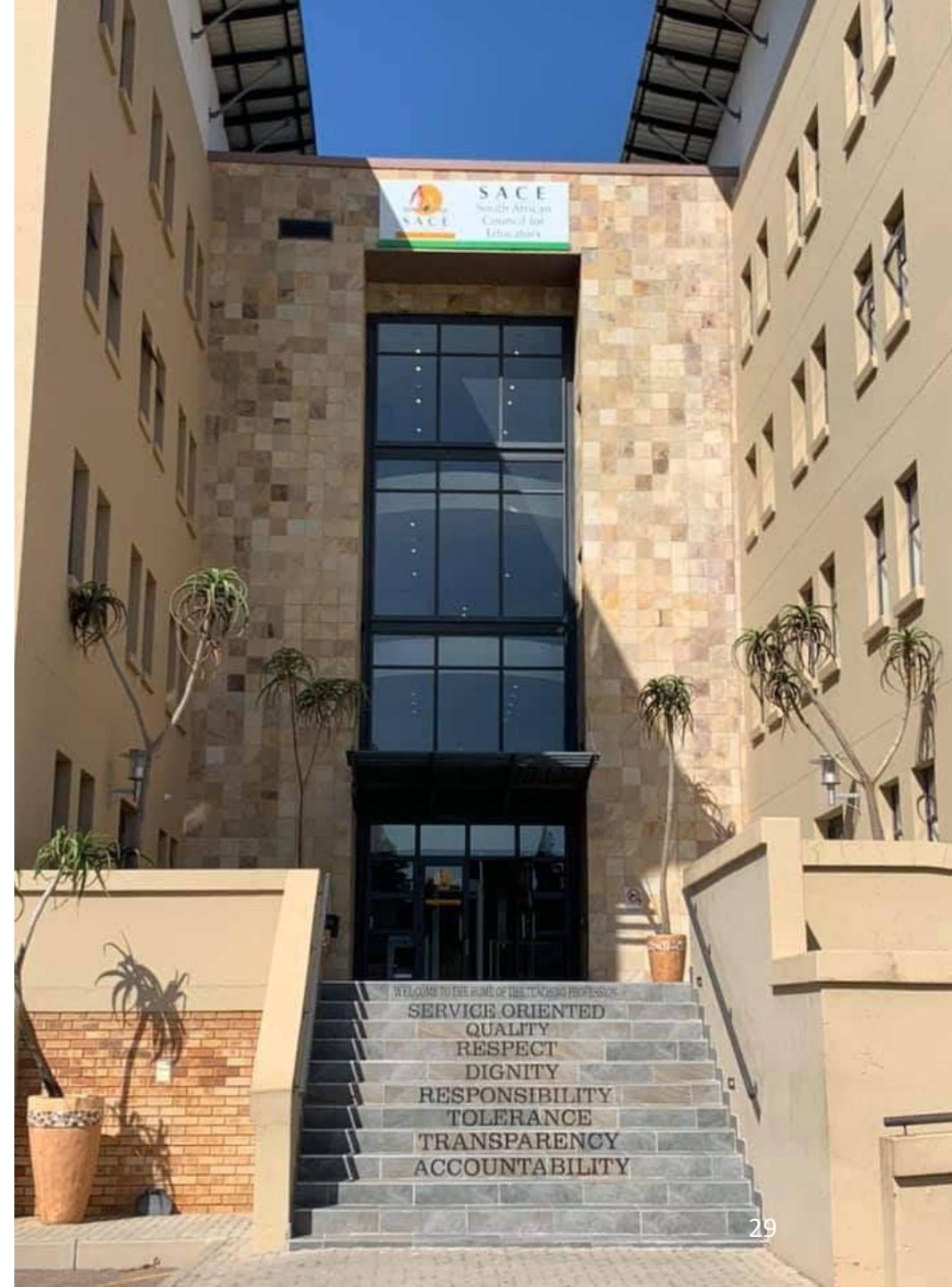
**TRANSPARENCY**

**TOLERANCE**

# Values-Based Teaching Profession

- **Values**

- Are the spectacles we use to view the personal, ethical and professional issues confronting us in out of our working environment
  - Promotes teachers treating others with respect, dignity and integrity.
  - Forbid the violation of others' rights
  - Guides our moral compass in distinguishing between right and wrong, good and evil
  - Inform our ethical competence and judgements
  - Guides decision making when confronted with ethical dilemmas and difficult ethical situation
- The SACE Values of the teaching profession are being included in the Department of Higher Education and Training's Revised Minimum Policy Requirements for Teacher Education Qualifications as part of training for student teachers.

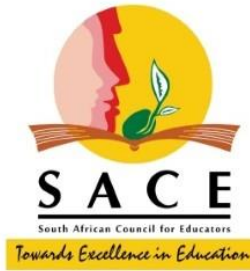


# 5. Teachers Safety And Security In Schools: A Handbook

**#HOOTS CAMPAIGN - HANDS OFF OUR TEACHERS AND STUDENT TEACHERS THEIR RIGHTS, DIGNITY AND LIVES MATTER**

**FOLLOWS A WHOLE-SCHOOL APPROACH**

**ACKNOWLEDGES THAT TEACHERS, STUDENT TEACHERS AND LEARNERS' RIGHTS ARE HUMAN RIGHTS TOO**



**Teachers' Safety and Security in South African Schools: A Handbook**

The five distinct steps to follow



# CURRENT ACTIVITIES BASED ON THE HANDBOOK



Advocating and Communicating the Handbook in collaboration with the SACE Constituencies, Stakeholders, DBE/PEDs School Safety Units and QLTC



Capacitating Educators through SACE's weekly webinars and workshops across the country. Almost 9000 educators reached since 1<sup>st</sup> April 2021 to date

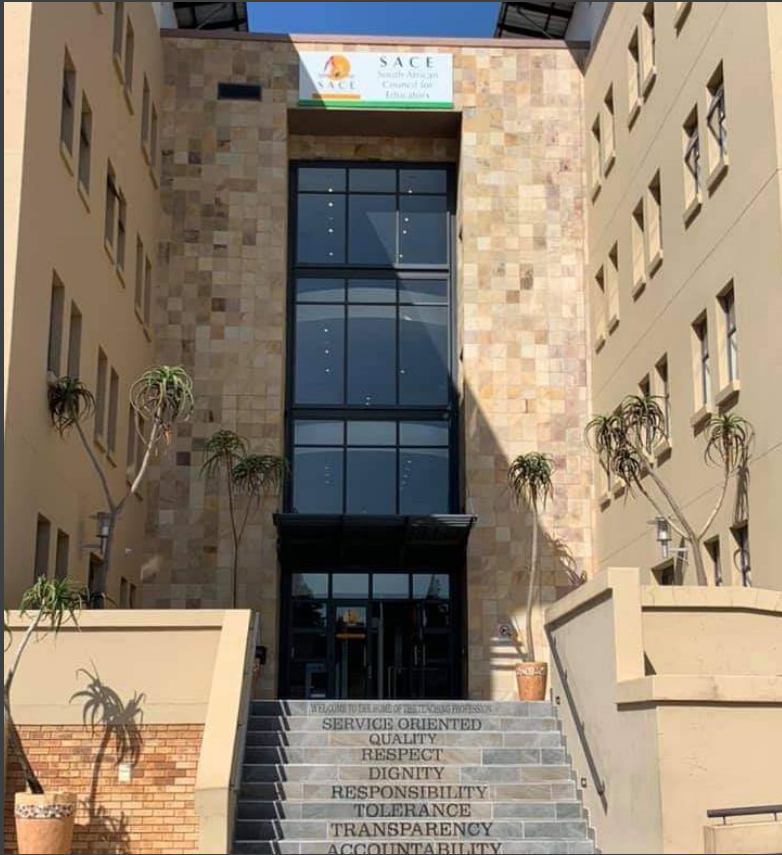


Finalised the Facilitators' Guide and Educator Workbooks  
Produced 5 short videos to the entire handbook



Commenced the process of Online Programme from the Handbook and Research on Teachers' Rights Responsibilities and Safety  
Might place it on the VVOB and DBE Learner Management System in the interim – subject to negotiations





**THANK YOU VERY  
MUCH**

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