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| MEMORANDUM FROM THE PARLIAMENTARY OFFICE |

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 313**

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 18/2/2022**

**INTERNAL QUESTION PAPER NO 2 OF 2022**

**Ms C V King (DA) to ask the Minister of Higher Education, Science and Innovation:**

(1) What (a) total number of students have reported sexual assault in the institutions of higher learning in each province (i) in the past three academic years and (ii) since 1 January 2022, (b) types of sexual assault have been reported and (c) number of incidents have occurred with and/or involved staff members;

(2) whether there is a dashboard to analyse sexual abuse cases; if not, why not; if so, what are the relevant details?

**NW324E**

**REPLY:**

1.     Introduction:

The Department of Higher Education and Training is responsible for Universities (of all types), Technical and Vocational Education and Training (TVET) Colleges and Community Education and Training (CET) Colleges.

The Department published the *Policy Framework to Address Gender-Based Violence in* *the Post-School Education and Training System* on 17 July 2020 (Government Notice 410 of 2020). The strategic objectives of the Policy Framework are:

* **Strategic Objective 1: Enabling Environment**

Create an enabling environment in the Department and Post-School Education and Training (PSET) institutions to ensure the effective implementation of the Policy Framework, actions and programmes. These include: regulations, norms, standards, guidelines and standardised procedures; structured engagements with other Government departments, agencies, entities and non-governmental organisations; institutional policies are implemented; as well as accountability, monitoring and evaluation. The Policy Framework not only allows for the participation in and the establishment of national structures and mechanisms intended to enable implementation of PSET institutions’ policies, but also gives a monitoring mechanism to collect and report on ­relevant and strategic data and information.

* **Strategic Objective 2: Prevention and Awareness**

Promote the safety of all students and staff by putting in place comprehensive prevention and awareness programmes intended to raise the importance of policies and services addressing Gender-Based Violence (GBV), as well as other measures aimed at preventing incidents of GBV in PSET institutions. PSET institutions are also required to exercise sufficient degrees of control over third parties such as visitors to the university or college, as well as employees of companies contracted to provide some form of service to the institution. The Policy Framework also protects staff and students that are placed in workplaces to complete practical training.

* **Strategic Objective 3: Support and Assistance**

PSET institutions must provide for comprehensive support and assistance and refer the survivors of GBV appropriately to specialised support and assistance. This support and assistance must be properly and systematically recorded and appropriately reported. The support must be in line with the National Instructions, National Directives, List of Designated Health Establishments and Additional Services directives under the Sexual Offences and Related Matters Act (SORMA) (Act 32 of 2007). PSET institutions must therefore ensure that affected parties receive multi-disciplinary support including, where appropriate, support from HIGHER HEALTH, Thuthuzela Care Centres and local health facilities. The Department, HIGHER HEALTH and PSET institutions must provide guidance around the structures, mechanisms and processes that are in place to address GBV in line with national regulatory framework and international obligations. PSET institutions should develop and review internal anti-GBV policies in line with the Policy Framework (July 2020).

It is the responsibility of PSET institutions to implement the Policy Framework at institutional level. The Department monitors the implementation of the Policy Framework and is finalising the Social inclusion Review and Implementation Model (SI-RIM) that is a mechanism to provide information for reporting purposes.

HIGHER HEALTH, in collaboration with several Departments (including the Department of Higher Education and Training), experts and institutions developed Institutional Implementation Guidelines and supporting protocols and standards for Institutions to address GBV.

**2.    Sexual Offences and GBV data/information:**

Reporting of sexual offences cases by individuals remains low in all PSET institutions because of several factors such as the fear of stigmatisation, unwillingness of survivors to expose perpetrators (especially in cases of intimate partners) and the fear of possible further victimisation and harassment. Students and staff are encouraged by the Policy Framework and Guidelines to promptly report any GBV cases to campus security or the GBV ‘Responsible Office’ and to the South African Police Service (SAPS) [According to the SORMA].

Reporting structures and procedures of sexual offences are clear in all policies. The Department collects strategic and relevant information from institutions annually. It does not require information on individual cases. Some institutions have a secure online system for recording, monitoring and analysing data, however, they do not provide data to the Department.

In specific:

* The University Branch does not collect individual data. There is no standardised reporting mechanism which would outline how cases should be reported, to whom and how the data would be managed. Universities are managing their own reporting, and no comparative data is being collated.
* The TVET Branch has recently (in 2021) developed a *Survey Hub* to collect sexual offences and GBV data at institutional level.
* No formal data collection processes are in place by the CET Branch. Processes are in place to do so in future in collaboration with HIGHER HEALTH.
* HIGHER HEALTH as the implementation agency for addressing GBV in PSET institutions, are only collecting data of students requesting psycho-social support due to inter alia sexual offences and GBV. HIGHER HEALTH collects data in public TVET colleges and universities of all types only where they have a presence in the form of mental health services operating under HIGHER HEALTH Centres/support.
* When sexual offences by TVET and CET colleges’ staff members are reported, they are dealt with by the Labour Relations Officers in the Department as cases of misconduct and proper recording of cases is available.

**3.    Answers to Questions**

**Question 1 (a): What is the total number of students have reported sexual offences (assault) in the institutions of higher learning in each province (i) in the past three academic years and (ii) since 1 January 2022.**

This question cannot be answered as requested due to different data sources and dissociation of data.  The following data has been provided:

**TVET College Data**

TVET Colleges are managed through 6 Regional Offices that combines North-West and Mpumalanga; Northern Cape and Western Cape; and Free State and Gauteng. The other regions are Limpopo, Eastern Cape and Kwa-Zulu Natal.  Furthermore, the data recorded for all the years was submitted by TVET colleges and is not verified. For 2019 and 2020 there was no standardised tool for reporting of data, while in 2021 colleges reported online through the Survey Hub. The reports from colleges varied as such this cannot be taken as a true reflection of what transpires in colleges.

* **Report as at December 2021**

The TVET Branch utilises the *Survey Hub* to collect data from colleges on various areas of student support services. The last report was developed in December 2021 and the findings were as follows:

* Two regions reported cases of **physical assault** whilst the highest number of reported cases in one college is fifty (50) at Central Johannesburg TVET college and the other colleges recorded at total of fifteen (15) cases;
* The regions reported eighty-eight (88) cases of **rape** - the highest number reported in Eastern Cape (50 cases); 31 in Gauteng/Free State and 7 cases in Northern Cape/Western Cape;
* Other unspecified cases reported are seven hundred and fifty-three (753); and
* Some colleges outlined the incidences in the report whilst others did not.
* **Report for 2020**

2020 data was collected from colleges but are not disaggregated. The types of incidents reported are physical assault (15 cases), rape (26 cases), sexual assault (16 cases), touching and innuendo/insinuation (9 cases), incest (9 cases) and unwanted sexual touching (11).

* **Report for 2019**

Colleges reported cases of physical assault (15) and rape (15).

**CET College Data**

Of the 9 CET Colleges, only 2 colleges reported cases viz.: Gauteng and Western Cape CET Colleges.  In the past three years Gauteng has reported six (6) cases of sexual harassment and the Western Cape reported 2 cases. 2 students in Gauteng reported cases since January 2022.

**HIGHER HEALTH Data**

HIGHER HEALTH provides prevention as well as support services to anyone facing trauma because of GBV. This applies to students and staff who have reported GBV previously (even prior to joining the PSET sector) or currently.

80 067 students completed a GBV curriculum between January to December 2021 and from there students completed risk profiling on GBV, after which they were referred for GBV-support services, as outlined below.

HIGHER HEALTH’s 24-hour toll-free crisis line (0800 36 36 36) reports that 18 928 students utilised the crisis service from January to December 2021.

HIGHER HEALTH’s data on GBV services includes students who receive the following interventions:

* GBV & Mental Health early risk detection;
* GBV & Mental Health psychosocial counselling and support; and
* Linkage to Thuthuzela Care Centres and other tertiary based GBV support systems.

**Table 1:**

**Total number of students who received HIGHER HEALTH support on sexual offences and GBV cases, according to province**

| **Province**  **Year** | **Universities** | **TVET Colleges** | **CET Colleges** |
| --- | --- | --- | --- |
| **2020-2021** | **2020-2021** |
| Eastern Cape | 1 113 | 2 401 | Services commenced in 2022 |
| Free State | 956 | 1 091 |
| Gauteng | 1 115 | 2 834 |
| KwaZulu Natal | 367 | 2 435 |
| Limpopo | 113 | 1 950 |
| Mpumalanga | 185 | 723 |
| North West | 871 | 615 |
| Northern Cape | 9 | 569 |
| Western Cape | 10 660 | 4 424 |
| **Total** | **15 389** | **17 042** |  |

**Labour Relations Data Involving Staff in TVET and CET Colleges**

**Table 2:**

**Total number of students who reported sexual offences and GBV cases against staff, according to province**[**[11]**](https://smarthet.dhet.gov.za/#_ftn11)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Province  Year | TVET Colleges | | | CET Colleges |
| 2019/20 | 2020/1 | 2021/2 |
| Eastern Cape | 0 | 0 | No new cases reported | No information available |
| Free State | 0 | 3 |
| Gauteng | 1 | 0 |
| KwaZulu Natal | 0 | 1 |
| Limpopo | 1 | 1 |
| Mpumalanga | 0 | 1 |
| North West | 0 | 0 |
| Northern Cape | 0 | 0 |
| Western Cape | 0 | 1 |
| Total | 3 | 7 | 0 |  |

There are no other data available on students’ cases.

**4.    Question 1 (b): What are the types of sexual offences that have been reported?**

The types of sexual offences and GBV reported are:

* physical assault,
* rape,
* sexual harassment,
* sexual assault,
* sex for marks,
* touching and innuendo/insinuation, and
* Incest.

**5.    Question 1 (c): What is the number of incidents that have occurred with and/or involved staff members**

The university branch does not collect data on individual staff’s misconduct.

**Table 3:**

**The number of incidents that involved staff members from TVET Colleges (all):**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Province**  **Year** | **TVET Colleges** | | | **CET Colleges** |
| **2019/20** | **2020/1** | **2021/2**[**[13]**](https://smarthet.dhet.gov.za/#_ftn13) |
| Eastern Cape | 0 | 0 | No new cases reported | 0 |
| Free State | 0 | 3 | 0 |
| Gauteng | 1 | 0 | 1 |
| KwaZulu Natal | 0 | 1 | 0 |
| Limpopo | 1 | 1 | 0 |
| Mpumalanga | 0 | 1 | 0 |
| North West | 0 | 0 | 0 |
| Northern Cape | 1 | 0 | 0 |
| Western Cape | 0 | 1 | 0 |
| **Total** | **3** | **7** | **1** |

1. **Question 2: Whether there is a dashboard to analyse sexual offence cases. If not, why not; if so, what are the relevant details?**

* The University Education Branch does not collect individual data on sexual offences. There is no standardised reporting mechanism which would outline how cases should be reported and managed.
* The TVET Branch started in 2021 to provide reporting through the *Survey Hub.*
* The CET Colleges do not have mechanisms, nor systems to report and analyse abuse cases. The Department, working with HIGHER HEALTH is putting in place the mechanisms to deal with GBV, including sexual harassment or assault cases. It is expected that by the end of 2022 the colleges will have GBV policies as well as tools of reporting, monitoring and analysing cases in the CET colleges.