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**INTERNAL QUESTION PAPER: 09/2022**

**870.    Ms N K Sharif (DA) to ask the Minister of Basic Education: to ask the Minister of Basic Education:**

What (a) is the total number of incidents of (i) sexual harassment and (ii) sexual assault that were reported in her department (aa) in each of the past three financial years and (bb) since 1 April 2021, (b) number of cases (i) were opened and concluded, (ii) were withdrawn and (iii) remain open or pending based on the incidents and (c) sanctions were meted out against each person who was found guilty?

**Response**

(a) (i) and (ii) In terms of section 17 of the Employment of Educators Act, cases of sexual nature are identified as sexual misconduct and as such are not recorded as sexual harassment or sexual assault. Since the inception of Collective Agreement 3 of 2018 which entrusted the responsibility for discipline management of sexual misconduct cases to the Education Labour Relations Council (ELRC), the Department of Basic Education (DBE) rely on the information provided by the ELRC on cases of sexual misconduct.

(aa) Therefore, according to the information received from the ELRC a total of **152 cases** were received by the ELRC in the 2019/20 until 2021/22 financial years. This is the total number of the active cases and finalised cases.

(bb) 66 cases were reported for 2021/22 financial year.

(b)   Cases (i); (ii); and (iii)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **Cases Opened** | **Cases concluded** | **Cases withdrawn** | **Cases pending** |
| 2019/20 | Information not provided | 20 | 0 | 17 |
| 2020/21 | Information not provided | 29 | 0 | 6 |
| 2021/22 | Information not provided | 33 | 0 | 47 |
| **TOTAL** | **-** | **82** | **0** | **70** |

(c) Sanction for persons who were found guilty of sexual misconduct is dismissal.