Abused pupils out in the cold

Dudu Dube

Activist organisations have called on highly qualified magistrates to accept positions in sexual offences courts after finding that courts were struggling to correctly deal with cases of teachers who sexually abuse their pupils, because of lack of skills.

This comes after a research report by the Centre for Applied Legal Studies, University of the Witwatersrand School of Law, Cornell Law School’s Avon Global Centre for Women and Justice and International Human Rights Clinic found that magistrates appointed to the sexual offences courts were reluctant to accept the appointment because of the emotional trauma and because they felt specialising in sexual offences would limit their career opportunities.

The research report, titled Sexual violence by educators in South African schools – gaps in accountability, looked into the gaps in accountability that exist for educator abuse of pupils in Gauteng province through interviews with government officials, police, community members and many other affected persons.

Among the findings was that the South African justice system was struggling to hold to account teachers accused of sexually abusing their pupils, partly because of magistrates who are either short-skilled or are not willing to take the cases seriously.

This was exemplified in an incident reported by Section 27 in which it took two lawyers to convince a magistrate that a pupil who was abused by her teacher needed a protection order, said author Rachel Brock and eight other researchers.

She said during the interviews, one legal practitioner noted that some magistrates were resistant to receiving training in communicating with children and may question them in ways that reflects a lack of understanding.

Specialised sexual offences courts were established in 1993 in Wynberg, Cape Town but were disbanded in 2005.

They were reinstated by Justice Minister Jeff Radebe again in 2013 after a task team found that there was a dire need for them.

This time, the research findings recommend things be done differently to ensure that the courts and staff, particularly magistrates, are efficient.

“The judiciary should develop programmes encouraging highly qualified magistrates to accept posts in the sexual offences courts and reward good service with professional recognition and opportunities for advancement.”

It also recommends specialised training, including training to identify and understand the psychosocial impact of sexual violence for all judges and magistrates handling child sex abuse cases.

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