Molesters hardly held accountable - report

By Leanne Jansen

Durban - Teachers who sexually abused pupils "often" did not face meaningful consequences because the laws and policies meant to hold them to account were ignored and inconsistent, a report by the Centre for Applied Legal Studies at the University of the Witwatersrand has argued.

The report, into sexual violence by teachers in South African schools, states that the inadequacy of the processes meant to ensure that perpetrators were brought to justice was one of the most crucial reasons why sexual violence in schools persisted with "disquieting regularity".

That pupils were being sexually harassed and abused by teachers was widespread and well known, it said.

"In the absence of accountability, there is impunity."

The SA Council for Educators recorded 24 complaints of sexual misconduct (including rape) against KwaZulu-Natal teachers in its 2012/13 annual report, and 104 nationally.

It’s believed, however, that many more cases are never reported. Through research, including interviews with government, non-governmental organisations, teachers’ unions, police and community members, the Wits report identified the problems which contributed to the failure to protect and provide redress for abused pupils.

Gaps in accountability existed, in part, because the laws and procedures for disciplining abusive teachers were not implemented. There were also inconsistencies in these laws and a lack of co-ordination among the different institutions which carried out disciplinary proceedings.

Some teachers and school administrators were reluctant to report or take action against teachers who sexually abused pupils. Also, if the Basic Education Department found a teacher guilty of a sexual offence, but the council found the same teacher not guilty, the teacher would be fired, but not struck off the council’s register - so the teacher could be employed at a different school.

In one instance in KZN, Public Protector Thuli Madonsela had to intervene to ensure that a primary school teacher, found guilty in court of sexually assaulting a pupil and serving a five-year suspended sentence, was dismissed. The teacher returned to his school and only after a parent lodged a complaint with the public protector, was he ordered to leave.

The Wits report explained that a lack of accountability, and the shortcomings of the criminal justice process contributed to the revictimisation of abused pupils, and deterred future victims from reporting their abuse.

But importantly, it said, where sexual violence was not taken seriously in the community and parents were not prepared to take a stand against the sexual abuse of their children, there was little hope of teacher accountability.

The report makes a series of recommendations to various sectors of the government including the police and Justice Department.

To the Basic Education Department it suggested that more be done to ensure that all teachers and parents received regular training on how to identify abuse. It also recommended that the department explore using video testimony to reduce the number of times a pupil complainant needed to testify at a

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Teachers' unions needed to regularly provide affordable and accessible training for their members on the implications of their actions and create a safe space for teachers to report their colleagues without fear of reprisal.

leanne.jansen@inl.co.za

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