



***Sexual Violence at Schools  
Stakeholder Roundtable***

**Concept Note**

Office of Commissioner Tshepo Madlingozi

9 February 2026

## 1. Introduction

The South African Human Rights Commission (“SAHRC” or “Commission”) is mandated by Section 184 of the Constitution of the Republic of South Africa, 1996 (“Constitution”) to promote respect for and a culture of human rights; to promote the protection, development and attainment of human rights; and to monitor and assess the observance of human rights in South Africa.

In terms of section 184(2) of the Constitution, the Commission:

- Is empowered to investigate and report on the observance of human rights.
- Must take steps to secure appropriate redress where human rights have been violated.
- Must carry out human-rights based research; and educate.<sup>1</sup>

It is in accordance with and through these powers that the Education Focal Area of the Commission, led by Commissioner Tshepo Madlingozi, intends to convene a stakeholder engagement to seek holistic solutions to address the pervasive problem of sexual violence in South African schools. The purpose of the engagement is to understand the extent and prevalence of this heinous problem, as well as to identify gaps in the chain of reporting and in addressing this violence. More specifically, the roundtable aims to create a platform towards greater collaboration and the harnessing of expertise and resources amongst stakeholders.

## 2. Background

In August 2025, the Office of Commissioner Tshepo Madlingozi received a formal human rights complaint regarding allegations of sexual violence being perpetrated by an educator against a Grade 9 learner at St John’s College in Mthatha, Eastern Cape. This incident made media headlines, with several educators being suspended by the Eastern Cape Department of Education subsequent to the conclusion of a preliminary investigation – such was the prevalence of this scourge at St John’s College. The submission of this complaint and the surfacing of subsequent allegations of sexual violence at schools prompted the Education Focal Area of the Commission to resolve to understand this problem towards systemic intervention involving the government, regulators, and civil society partners.

The presence and perversion of sexual violence at schools in South Africa are by no means a new social ill. An undated [statement](#) released by the then Department of Education in what

---

<sup>1</sup> These powers are regulated by the South African Human Rights Commission Act (SAHRC Act 40 of 2013).

appears to be the early 2000s, based on the content of the statement, reveals that the Department of Education – now the Department of Basic Education – has been aware of the fact that “[s]exual abuse has been as much a constant feature of South African schools as it has been of society in general” for over 20 years. In fact, the Safe Schools Project, recently relaunched as a partnership between the Department of Basic Education and the South African Police Service (SAPS), was first launched in 1999, with a workbook, Signposts to Safe Schools, produced in 2001 through a collaboration between the Department of Education and SAPS. The redesigned Life Orientation/Life Skills curriculum for 2005 was also aimed at addressing the issue of sexual violence at a learner level, as the Department was aware that “sexual abuse...[was] perpetrated by both learners and staff in schools”.

Between 1999 and 2001 (over a 3-year period), the Education Labour Relations Council (ELRC – which is the dispute-resolution body for educators employed by the Department of Education) reported 145 cases of abuse of learners by teachers. More recently, the ELRC reported 111 cases of sexual harassment and abuse of learners by teachers for the 2024/2025 financial year (a 1-year period) revealing that the interventions outlined in detail in the Department of Education’s statement from the early 2000s, which are being repeated in the present day, have not been effective. In fact, there has been an increase in the prevalence of sexual violence at schools.

Making the situation even worse is that the latest crime statistics for the first two quarters of the 2025/2026 financial year reveal that nearly 200 rapes have been recorded on school grounds.

In an attempt to contribute towards solutions to address this scourge of sexual violence in places of learning and nurturing, the SAHRC has concluded a Memorandum of Understanding with the South African Council for Educators (SACE) to work together to address the existence and prevalence of educator sexual misconduct at schools. The Commission has also conducted engagements with its civil society partners on this issue, in an attempt to identify the systemic challenges faced by the education sector. The SAHRC’s Education Focal Area, together with the Equal Education Law Centre and a panel of experts, has also developed a constitutionally compliant Model School Code of Conduct applicable to the entire school community – including educators, non-teaching staff and contractors – in an attempt to encourage schools and School Governing Bodies to bind all who form part of the school ecosystem to a set of rules and codes. Sexual violence, in all of its forms, is addressed in detail in the Model School Code of Conduct. Additionally, the Education Focal Area will also be rolling out its learner rights-and-responsibilities campaign in a bid to conscientise learners to what their rights and their responsibilities are. This is in the context where there have also been reports of incidents of learner-to-learner sexual violence.

The aim of this stakeholder engagement is to deepen these interventions and to take stock of other interventions that are underway in the sector to ensure collaboration, coordination, and consolidation of interventions and partnerships.

### 3. Purpose

It is the Commission's understanding that the ecosystem meant to safeguard children at schools – especially from sexual violence – involves a number of state role players with certain positive obligations, which include:

Department of Basic Education

The employer of public-school teachers and the guardian of all learners.

In instances of public-school educator misconduct, the provincial departments of education have the responsibility to conduct a preliminary investigation into the allegations, prior to suspension and referral to the Education Labour Relations Council for disciplinary action.

Education Labour Relations Council

Disciplinary body for educators when a dispute is referred by the employer (Department of Basic Education). This includes any form of educator misconduct.

South African Council of Educators (SACE)

Professional body for educators with compulsory registration and membership.

Educators who are referred to SACE for misconduct (by the public or the Education Labour Relations Council) may be removed from the roll of educators after a separate hearing.

Department of Social Development

Custodian of the National Child Protection Register.

Responsible for adding educators found guilty of certain misconduct by the Education

Labour Relations Council or the South African Council of Educators to the Register.

Department of Justice and Constitutional Development Custodian of the National Register for Sex Offenders.

Responsible for adding perpetrators found guilty of a sexual offence (by a court) to the Register.

South African Police Service Responsible for the investigation of charges of sexual assault opened by a victim, or referred to them by SACE after a guilty finding.

The purpose of this engagement is to bring together these various state role players in a sector which is often siloed. The Commission aims to better understand the role that each state actor plays in safeguarding learners and to identify gaps in the system that often enable perpetrators to evade accountability and to continue placing children in imminent danger. An example of these gaps is a case brought by the Teddy Bear Clinic for Abused Children, represented by SECTION27, in 2021 for the failure of Department of Basic Education and the MEC for Education in the North West Province to act against a caretaker employed by a School Governing Body who had allegedly raped a learner in 2015 and then allegedly sexually assaulted that same learner's younger sibling two years later. This was permitted to happen even after the parents of the learners had reported the alleged rape to the school principal.

Because the SAHRC would like to avoid repeating the same or similar conversations that have been canvassed across the sector over the years, the Commission would like to refer to two reports for purposes of this engagement:

- A 2013 SAHRC investigative report published on the Department of Social Development's failure properly to implement the National Child Protection Register. The investigation and report, which will accompany this concept note, also implicated the Department of Justice and Constitutional Development, with recommendations being made to both Departments on pages 45 to 46 of the report.
- A detailed 2014 report released by the Centre for Applied Legal Studies on [Sexual Violence by Educators in South African Schools: Gaps in Accountability](#) wherein well-thought-out recommendations for plugging certain gaps were made to the Department

of Basic Education, SACE, Department of Social Development, Department of Justice and Constitutional Development and SAPS on pages 68 to 73 of the report.

The SAHRC would thus also like to make use of this engagement to understand why the recommendations flowing from these reports, and others, were either not effective or not implemented, given the prevalence of sexual violence at schools.

#### **4. Expected Outcome and Objectives**

The objectives of this stakeholder engagement are to gain insights into:

- the prevalence of sexual violence at school in South Africa;
- the interventions currently in place to combat sexual violence at schools, and the extent of their effectiveness;
- the gaps that exist in the education and justice systems which allow for sexual violence at schools to persist almost unabated; and
- proposed solutions for plugging the gaps in the education and justice systems,

by obtaining answers to the following questions:

- a. What are the statistics on the prevalence of sexual violence in schools in South Africa currently?
- b. What are the roles and responsibilities of various state actors in the education system when it comes to safeguarding learners?
  - i. Are these roles and responsibilities being fulfilled?
  - ii. If not, what are the challenges?
- c. Are state and non-state actors in the education system working in silos?
  - i. What measures exist to ensure that educators employed at public and independent schools, as well as educators employed directly by School Governing Bodies, who are accused of sexual misconduct, do not escape accountability through resignations?
  - ii. If the ELRC and/or SACE find an educator guilty of sexual misconduct, what measures are in place to guarantee that the Department of Social Development will place the educator on the National Child Protection Register and that a case will be opened with the SAPS?

- iii. How many educators with findings of sexual misconduct by the ELRC and/or SACE have not ended up on the National Child Protection Register?
  - iv. If an educator is placed on the National Child Protection Register and/or removed from the roll of educators, is it guaranteed that any potential employers in the public and independent education sectors will be able to pick up on this if the educator attempts to seek employment?
  - v. When a case is opened with the SAPS after a guilty finding of sexual misconduct by the ELRC and/or SACE, will the SAPS investigate the charge? How often does a guilty labour-related finding of sexual misconduct result in a guilty criminal finding of sexual assault?
  - vi. When a court finds an accused person guilty of a sexual offence, are they automatically placed on the National Register for Sex Offenders? How many people have not been placed on the Register after a conviction?
- d. What are the gaps in the accountability chain that allow perpetrators of sexual violence to escape accountability?
- i. What can be done to close them?
- e. What educator employment vetting mechanisms currently exist?
- i. Against what lists or registers are educators vetted?
  - ii. Who is responsible for the vetting of educators in public schools and independent schools?
  - iii. Who is responsible for overseeing the vetting of educators by those tasked with conducting the exercise?
  - iv. What is the consequence for failing to vet an educator?
- f. In addition to vetting, what other prevention mechanisms are currently in place in public and independent schools to protect learners from sexual violence?
- g. In the case of educators who are employed by the School Governing Body of a public school (and not the Department of Basic Education), and those employed by independent schools:
- i. How are those educators disciplined for misconduct?
  - ii. Who is responsible for disciplining those educators?
  - iii. Who exercises oversight over the employer for disciplinary action?

- iv. Is the employer obliged to report the findings of the disciplinary action to SACE and to SAPS if a guilty verdict is reached?
- v. If an educator resigns prior to the institution or conclusion of any disciplinary action, is there an obligation on the employer to notify SACE to ensure accountability is not avoided?
- h. What is the process for putting an educator on the National Child Protection Register?
  - i. Who is responsible for the implementation of the various stages of the process?
  - ii. What are the challenges to implementation?
  - iii. What are the consequences for officials who fail to adequately fulfil their implementation duties?
- i. What is the process for putting an educator on the National Register for Sex Offenders?
  - i. Who is responsible for the implementation of the various stages of the process?
  - ii. What are the challenges to implementation?
  - iii. What are the consequences for officials who fail to adequately fulfil their implementation duties?
- j. Given that the education sector has been implementing the same or similar interventions/processes to combat sexual violence at schools with deteriorating results:
  - i. which interventions/processes are clearly not working?
  - ii. which interventions/processes are working?
  - iii. what are alternative interventions/processes that have not yet been attempted?

The outcome of this engagement will determine how the SAHRC proceeds to take its systemic intervention forward.

## **5. Logistics**

**Date:** 9 February 2026

**Venue:** Online, MS Teams

**Time:** 10:00 to 13:40

**Format:** Webinar