

PREFACE

“The children of the world are innocent, vulnerable and dependent. They are also curious, active and full of hope. Their childhood should be one of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and cooperation. Their lives should mature, as they broaden their perspective and gain new experiences.”

World Declaration on the Survival, Protection and Development of Children:

World Summit for Children 30 September 2001.

These commitments notwithstanding, in reality children across the globe continue to experience a multiplicity of human rights violations, often at the hands of the very people who are supposed to nurture and protect them. Our country is no exception. In recent months, reports of incidents of sexual abuse against children have been on the increase. These reports indicate that places where children feel safe are becoming fewer. There is little guarantee, if any, that they will find safety at home, at school or even at church!!! We have read reports of children being sexually violated by parents and other family members. These reports are a sad indictment on us all and should put any society that values its children to shame.

It is against this background that the South African Human Rights Commission (Commission) decided to hold public hearings into sexual offences against children. The purpose of these hearings, as reflected in the published terms of reference, was not to investigate individual cases of sexual offences against children, but rather to determine the efficacy or otherwise of mechanisms and systems that have been put in place to deal with such cases. The hearings were held in Gauteng in the townships of Bronkhorstspuit, Thokoza and Soweto. We have to mention at the outset that we chose Gauteng for no other reason than financial constraints. A large number of individuals, organisations and institutions appeared before a panel of Commissioners and experts to make submissions and we wish to express our gratitude to each one of them. It was indeed a harrowing and humbling experience for some of us to sit through the hearings and listen to stories that simply defied logic.

Special mention has to be made of the Chairperson of the Commission, Ms. Shirley Mabusela for her dedication in championing the rights of children. Without her passion and commitment to children’s rights, these hearings would probably not have taken place. A special word of thanks should also go to Ms. Lebo Malepe, for preparing a preliminary report on sexual violence against children for the purpose of briefing the panel. Her report provided the panel with valuable background material on child sexual offences. Special mention also has to be made of the Legal Services Department of the Commission, in particular, the head of the department, Mr. M C Moodliar and all his colleagues in the department who made these hearings possible, in particular, Mr. M. Shabangu, Ms. D Dube and Mr. L Rabotapi. I should also mention Ms. T Rankoe, for managing this project. I also wish to thank all the colleagues in the Commission whom I have not mentioned by name who tirelessly worked behind the scenes to make this project a success. We are also grateful to those who provided us with facilities in which we held the hearings. Finally, I wish to thank my fellow panellists Ms C V McClain (Human Rights Commissioner), Mr J Nkeli (Human Rights Commissioner), Ms Matshidiso Maseko (Psychologist), and Ms

Margaret Sithole (Social Worker) for sitting through the hearings and going through voluminous transcripts in order to produce this report.

This report is a small contribution of the Commission to the work that has already been done by children's rights activists in the field of child sexual abuse. It is our hope that it will contribute towards making our country a safer place for our children so that they can grow in joy and peace- we owe it to them.

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