

Managing Sexual Abuse in Schools: A Guide for Children, Families and Community Members

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Hello! My name is Albie.

This handbook was written to help you and your family deal with sexual abuse at school.

It describes the processes that are followed in cases of sexual abuse at school, and gives you practical advice on how to work through these processes. I will take you through these steps and answer any questions you may have.

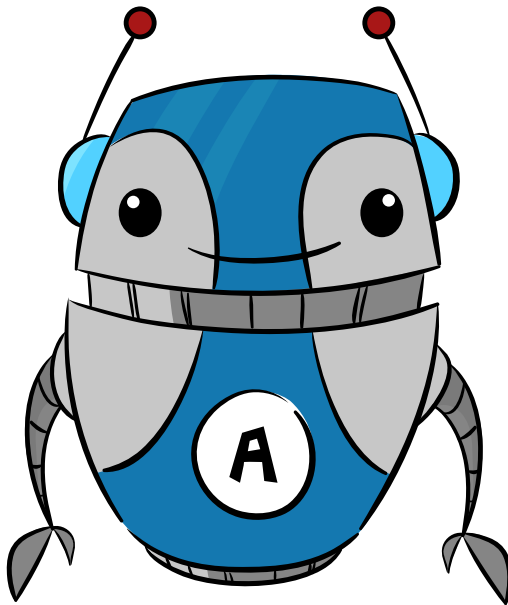


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INTRODUCTION

The most important thing for you to understand is that sexual abuse is not your fault.

You probably have a lot of questions about what sexual abuse is, and, if you have been sexually abused, what you should do about it. There are many forms of sexual abuse and many different processes that must be followed to deal with sexual abuse in schools. We hope that some of these questions will be answered in this book.

This book deals specifically with sexual abuse by teachers and principals against learners in schools. Your teacher should be there to help and support you, but sometimes he or she will hurt you. This book is here to help you if that happens.

Everybody reacts to sexual abuse differently. Your body may react in a way that you do not expect. You might “freeze” and not be able to think or move. Your body might also make you fight back or run away. It is important to remember that you can’t control your body’s reaction.

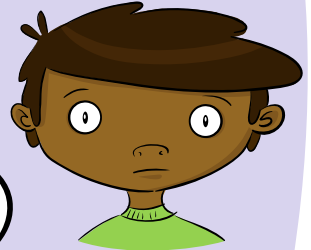
In working through this book, we encourage you to talk about your experiences with someone you love and trust. You only need to find ONE person who will help you and make you feel safe. It is also a good idea to ask that person to come with you for support when you follow the steps in this book, like going to the hospital or the police station.

Although this book is meant to help you to report your case so that your teacher will stop hurting you or others, it is not always possible to know how the case will go. If your teacher is not punished as you had hoped, this is not your fault. You can’t control these processes, but it is important that you get help so that you can feel better.

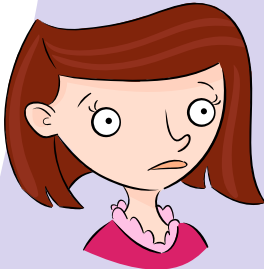
HAS THIS HAPPENED TO YOU?



My teacher said he would only mark my test if I let him touch me.



My teacher makes comments about my body in class that make me feel uncomfortable.



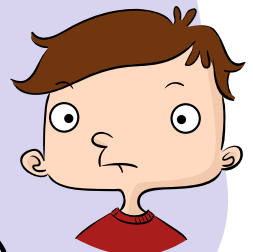
I had sex with my teacher and now I think I'm pregnant.



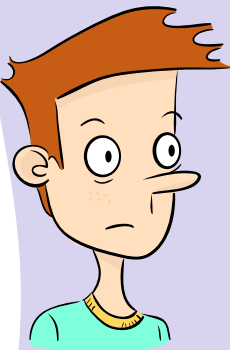
I'm 15 years old and I'm in love with my teacher. I had sex with him to prove that I love him.




Should I tell my parents that my teacher abused me?




My teacher raped me at school. Should I report it to the police?




My teacher told me not to tell anyone about what he did to me.




I can't forget what my teacher did to me in this classroom. It's really hard to concentrate.



I am having nightmares about my teacher. Who should I talk to?



I was raped yesterday. Is there anything I can do to make sure I don't get HIV?



My teacher stuck a bottle in my bum. Is that rape?

My teacher made me touch his penis.

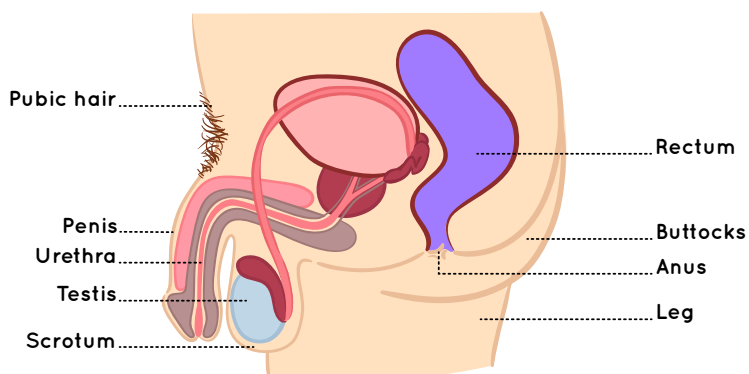
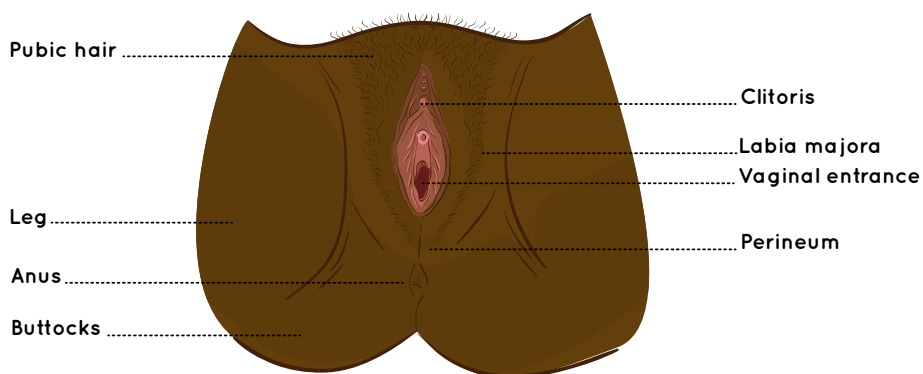
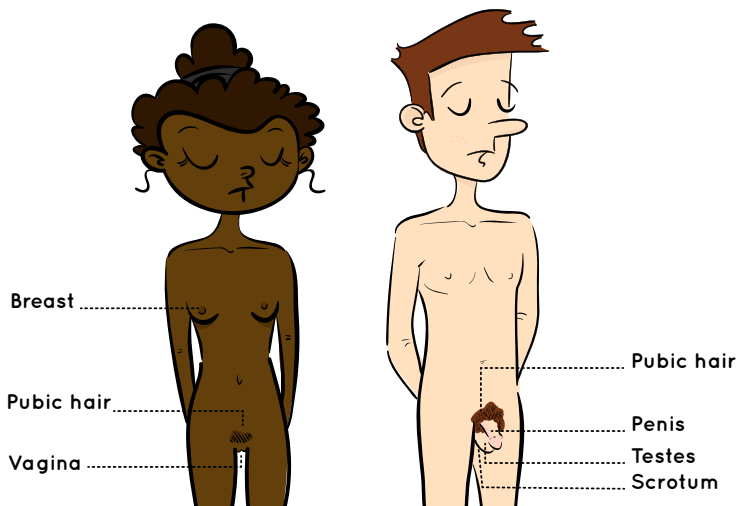
WORDS USED IN THIS BOOK

<i>Abortion:</i>	the termination (ending) of pregnancy.
<i>Anal penetration:</i>	when someone puts his penis, or an object such as a bottle or finger, in your bum.
<i>CAS number:</i>	the number given to you at the police station to allow you to track your case.
<i>Case number:</i>	the number given to you at the court to allow you to track your case.
<i>Coercion:</i>	when someone makes you do something that you do not want to do.
<i>Contraceptives:</i>	these are used to stop you from falling pregnant, for example condoms, pills or injections.
<i>Corporal punishment:</i>	when a teacher hurts you by hitting you with any object or his or her open hand, kicking you or pulling your hair.
<i>Counselling:</i>	going to see a person trained to help you understand and deal with your reactions, feelings and emotions.
<i>Disciplinary hearing:</i>	a process in which the department of education decides whether your teacher should be fired for abusing you.
<i>Docket:</i>	your police file, with a CAS number, which has all of the evidence from the police investigation, including your own statement.
<i>Evidence:</i>	facts or information about your case which will be used to prove that your teacher abused you. These include objects such as clothes and hair.

Harassment:	attention that makes you scared or uncomfortable. This includes being followed, being watched, phoned or sms-ed messages or photographs, or a teacher trying to make contact in any other way that makes you feel uncomfortable.
HIV:	a virus that attacks your body's immune system. This makes it harder for your body to fight off diseases. HIV can be transmitted through sex without a condom or contact with infected blood or other bodily fluids. If untreated, HIV causes AIDS.
Intermediary:	a person appointed by a court to help you answer questions about your abuse.
Intimidation:	when someone tells you that they will hurt you (or someone you love) if you don't do what they want you to do.
Investigation:	the process of collecting evidence.
Investigating officer:	the police officer or the person from the department of education who will collect evidence about your case.
J88 form:	a form used by doctors and nurses to keep a record of injuries as well as medical evidence of sexual abuse.
Oral sex:	when a person uses his or her mouth on another person's genitals.
Pornography:	printed, audio or visual material that describes or shows sex. If your abuser shows you pictures of genitals, or makes you take pictures of your body or someone else's body, this is also pornography.
Precautionary suspension:	when a teacher is told not to come to school while the investigation is taking place.
Preserve evidence:	keep evidence from being destroyed.
Processes:	the steps that are taken in order to get a result.

<i>Prosecutor:</i>	the lawyer who will argue the case against your abuser in court, in order to try and prove that he or she is guilty. The prosecutor is not your lawyer, but he or she will ask you to give evidence to help the case. You can ask your lawyer to help you.
<i>Semen:</i>	the fluid that comes out of a man's penis when he has sex.
<i>Sex:</i>	activity between people that includes sexual intercourse and oral sex. If you do not consent to sex, this is rape.
<i>Sexual intercourse:</i>	penetration of the anus or vagina by a penis.
<i>Sexually Transmitted Infection (STI):</i>	an infection passed on through sex. Most of these can be prevented by using a condom.
<i>Testify:</i>	when you are asked to answer questions in court or in a disciplinary hearing about what your abuser did to you.
<i>Vaginal penetration:</i>	when someone puts his penis, or an object such as a bottle or finger, in your vagina.

FEMALE AND MALE GENITALS



WHAT IS SEXUAL ABUSE?

SOME EXAMPLES OF SEXUAL ABUSE ARE:

1. Sexual Harassment:

1. When someone sends you an sms saying they like your bum.
2. When someone presses or rubs their body against yours.
3. When someone offers you a reward for a sexual favour e.g. when they offer you marks in exchange for sex.
4. When someone makes a sexual joke that makes you feel uncomfortable.

2. Rape:

1. When someone forces you to have sexual intercourse or oral sex with him or her.
2. When someone puts an object such as a broom stick into your bum or vagina.

3. Sexual Assault:

1. When someone touches you in a way that makes you feel uncomfortable.
2. When someone forces you to look at pictures of naked people or people having sex.

Your teacher might threaten to hit you (corporal punishment) if you say no to sex. At other times, your teacher may not use any physical force but promise to give you better marks, money or a promotion, in exchange for sex. All of these are forms of sexual abuse. When areas of your body such as your penis, vagina, breasts, bum, hips, legs or mouth are touched, rubbed or penetrated this is also sexual abuse.

A teacher is never allowed to have a sexual relationship with a learner under any circumstances, even if the learner is over the age of 16 and agrees to the relationship.





WHAT IS
CONSENT?

*Consent is when you
freely agree to do something
knowing what that action involves and what
the consequences of that action will be.
You can only consent if you were not forced
to say yes. You have the right
to say no!*

1. If you are not sure what
you are agreeing to then it
is NOT consent.

2. If you are drunk or
drugged then it is NOT
consent.

3. Children below the age of
16 CANNOT consent to sex
with an adult.

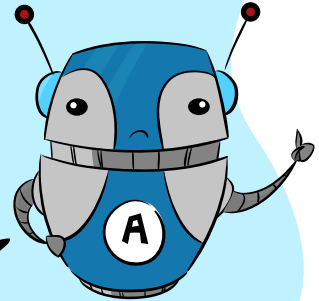
4. A learner can NEVER
consent to a sexual
relationship with a
teacher, principal or any
adult at school.

SOME QUESTIONS YOU MAY HAVE:



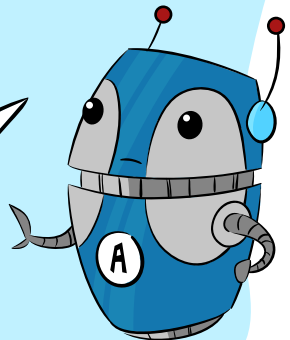
My teacher forced me to take naked pictures of him. He has never touched me so I'm not sure if it's sexual abuse?

When your teacher forces you to do something that makes you feel uncomfortable, including taking naked pictures of yourself or of him or her, that is a form of sexual abuse. You have the right to report your teacher to the principal or to the department of education immediately (see step 3).

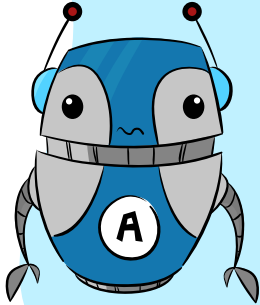
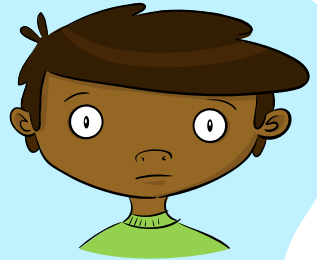


My teacher and I had anal sex. I did not want to do it but I did not think that I could say no. I am not sure if this is rape. I don't know what to do!

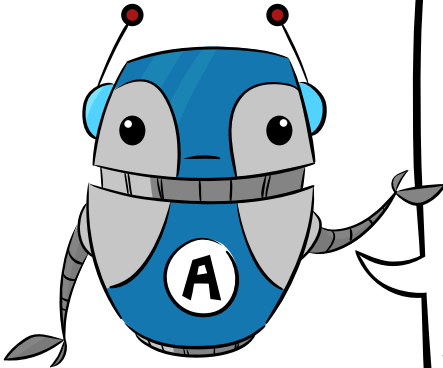
Rape can be vaginal penetration OR anal penetration and it is a very serious crime. You should: go to the clinic for help (see step 1), report your teacher to the police (see step 2) and report your teacher to the principal and/or to the department of education (see step 3).



My teacher keeps making jokes about my penis and bum in front of my class. Everyone in class laughs at me because of his jokes.



Sexual abuse also includes sexual jokes and sexual statements made by teachers. **The teacher has no right to make fun of you in that way.** You have the right to report this abuse to the principal and/or the department of education.



If you have been sexually abused, you should follow the steps set out in the rest of this book to make sure that you get the help that you need. These steps will tell you what to do, where to go and who to see to make sure that you get everything that you need. Take someone you trust with you to make this easier.

You don't necessarily have to go through these steps in the same order that they are described in the book, but we recommend that you follow all of the steps that apply to you.

If you have your own copy of this book, we recommend that you take it with you as you work through these steps. This will help you to know what to do.

STEP 1: GOING TO THE HOSPITAL

If you have been physically or sexually abused, you should get medical help as soon as you can. If possible, you should go to the hospital within 72 hours (three days) of being abused.

If you do this, the doctor or nurse will be able to give you medication to help to prevent you from being infected with HIV. This medication is called PEP, which stands for 'post-exposure prophylaxis'. You will have to take these pills every day for 28 days.

YOU HAVE THE RIGHT TO MEDICAL TREATMENT TO:

- stop pain
- prevent pregnancy
- prevent HIV and other STIs
- treat injuries

The doctor or nurse may also be able to give you medication to prevent you from falling pregnant. Both of these medicines are free in public hospitals and clinics. You might feel a bit sick after taking this medicine, but it is very important to keep taking it until it is finished.

If you do not get to the hospital within 72 hours of being abused, the PEP and medication to stop you from falling pregnant will not work. Talk to the doctor or nurse about other options.

You should take a trusted friend or family member with you to the hospital to support you. You can call an ambulance to come and get you if you can't get to the hospital by yourself. Going to hospital may be hard. They may make you wait a long time and they may not be friendly. Don't worry. Remember that it will be over soon.

The doctor or nurse will need to do some tests to get evidence. These tests will help the police find your abuser. You have a right to know the results of these tests.



You should not take a bath or shower or change your clothes after being sexually abused. Wait until you have been to the hospital. If you have already changed your clothes, take them to the hospital with you. Be sure to put them in a paper bag or a bag made of cloth, or even a clean pillow case. This will preserve evidence such as semen, blood or hair. Do not put your clothes in a plastic bag because plastic can damage the evidence.

WHEN YOU GET TO THE HOSPITAL:

1. Go to the hospital reception and ask them to call a doctor or nurse to come and see you.
2. Someone will show you where to wait until a doctor or nurse can help you.
3. The doctors and nurses will give you emergency care if you need it.
4. They will ask you certain questions about your health:
 - If you are a girl, they will ask you about your period and whether you have been taking any contraceptives.
 - If you have had sex before, tell the doctor. **THIS DOES NOT CHANGE THE FACT THAT YOU HAVE BEEN HURT.**

The doctor might ask you what happened. It may be difficult and painful to remember and to talk about everything that happened, but this will help the doctor or nurse to know what to look for when they examine you.

- Take your time to remember as much as you can.
- Don't worry if you can't remember everything. It's very normal to forget things.

- The answers you give will go onto a J88 form, which will be added to your police docket.
 - Tell as much of the truth as you possibly can.
 - Don't be afraid.
5. The nurse or doctor will check your body for bruises, scratches and marks. They will also check to see if your abuser left behind any hair or semen. This is very hard but remember it will be over soon.
 6. The nurse or doctor will talk to you about pregnancy, HIV and other STIs. They will also explain how you can get help in order to stay healthy.
 7. The nurse or doctor will test your blood to see if you have HIV and if you are pregnant. They will need your consent to do an HIV test, unless you are under the age of 12, in which case they will need a parent's or guardian's consent. We suggest that you agree to an HIV test, so that you can know your HIV status and get help to manage it if necessary. The doctor or nurse can't show anyone else your test results.
 8. If you are pregnant and you do not want to keep the baby, there are options such as adoption or abortion. If you are less than twelve weeks pregnant, you have the right to have an abortion, even if other people don't agree or support you. If you are less than twenty weeks pregnant, you can still have an abortion if you were raped. Ask your doctor about this. This is your decision and not your parents' decision.
 9. You should have a chance to talk to a counsellor. The counsellor will ask you about the abuse and give you advice about any feelings you might have.
 10. If you would like more counselling, ask the nurse or doctor for more information (also see step 4 for more details).
 11. The doctor or nurse will tell you when to come back for a check-up to make sure that you are getting better.

WHAT WILL THE DOCTORS AND NURSES LOOK FOR?

The police need a lot of evidence to find the person who abused you. The doctor or nurse might take a long time (up to two hours) to examine you and it might be difficult, uncomfortable and scary for you. Take someone you trust to the hospital with you, to support you. You must tell the doctor about each and every time that you have ever been sexually abused. The doctor needs to know what happened so that he or she can help you. This includes a number of questions you need to answer.

1. How old are you?
2. Where were you when you were sexually abused? Do you know what time it was? Do you know what day it was?
3. What happened? Who abused you? How many people abused you?
4. Did your abuser threaten you with a weapon, or force you to let them touch you? Did they force you to take drugs or drink alcohol?
5. How were you abused? Did your abuser put an object or his or her genitals in your mouth, vagina or anus? Did your abuser use a condom when he or she abused you?
6. What did you do after you were abused? Did you have a shower or bath or did you go straight to the hospital?
7. After you were abused did you bleed, get sores or feel pain or itching on or in your penis or vagina? Have you had problems using the toilet? Do you have stomach pains?
8. Are you allergic to anything? Do you have any illnesses?
9. When was your last period? Do you take contraceptives?
10. Have you ever had sex before? Have you had sex since you were abused?


*Do not be afraid.
This is not your fault.
Try to answer the
doctors and nurses
as truthfully as you
can. They are there
to help you.*





THE DOCTOR OR NURSE WILL DO SEVERAL THINGS WHEN THEY EXAMINE YOU:

- Ask you to stand on a big piece of paper and then to take off your clothes. Your clothes should be shaken on the paper to collect any evidence such as leaves, soil or grass, or your abuser's hair. You might not be able to see this evidence, but that does not mean that it is not there.
- They might want to keep your clothes to give to the police as evidence. If you do not have any other clothes to wear, you can take your clothes home, but you must not wash them. Put them in a paper bag or pillow case or cloth bag and give them to the investigating officer as soon as possible. Do not put your clothes in a plastic bag.
- They will check your body for marks, bruises and scratches.
- They will make notes and take photos of any bruises or sores on your body.
- They will examine your mouth and genital area and take a few skin cells, so that they can do tests that could prove you have been abused. This will help the police to find your abuser. This procedure may be uncomfortable.
- They might comb the hair on your head and genital area to look for evidence, such as your abuser's hair.
- They might also look under your nails in case you scratched your abuser.
- They will probably take a small amount of your blood or urine to check for drugs or alcohol.



It is not the doctor or nurse's job to investigate your abuse. They are there to give you medical attention and to collect medical evidence for the police. They should listen to everything you say and treat you with respect and care.

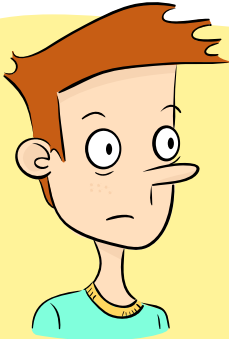
THE DOCTORS AND NURSES MUST:

- explain to you everything that they do to you.
- explain the importance of testing for HIV, STIs and pregnancy.
- explain to you that there is medication available that may prevent you from getting HIV and from falling pregnant.
- give you a medical examination.
- write down your medical history and other important information about your health.
- give you information about counselling.
- give you any other medical help that you might need.
- keep the evidence until it can be handed over to the police.
- treat you with care and respect at all times.

It is very important that you go to the hospital with someone you trust.

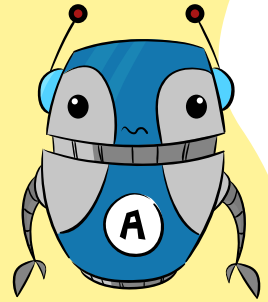


SOME QUESTIONS YOU MAY HAVE:



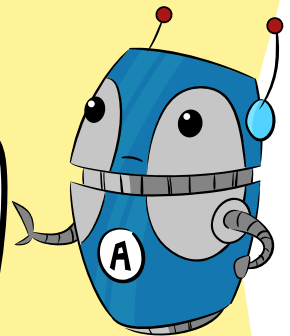
I went to the hospital and was turned away because I did not have a J88 form. I do not know what a J88 form is or where to find one.

A J88 form is a form used by doctors and nurses to keep a record of injuries and medical evidence of sexual abuse. This form becomes part of the police docket and the patient file. It is not your responsibility to get the form. It should be at the hospital. **Doctors and nurses do not need to have the J88 form to treat you. It is your right to get medical help.**



I went to the hospital and they examined me but they didn't give me any treatment or medication.

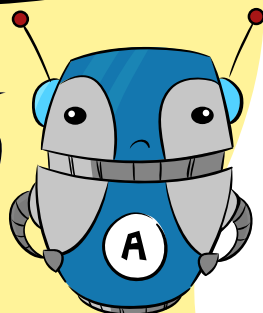
You always have a right to be treated for any injuries you have suffered. If you are examined within 72 hours (three days) of being abused, you also have the right to receive free medication to protect you against HIV. You also have the right to receive free medication to prevent you from falling pregnant.





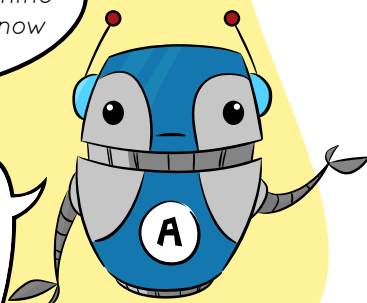
I went to the hospital and after my medical examination, the nurse told me that I am pregnant. I don't know what to do.

The doctor or nurse must explain your options to you, including abortion, adoption or keeping the baby.



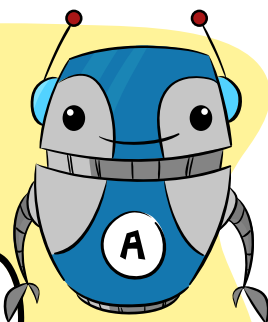
I went to the hospital; the nurse was shouting at me and telling me to go home. She refused to examine me. I left and went home and now I am afraid to go back.

The nurse is not allowed to shout at you, or to send you home without a medical examination. You have the right to a medical examination and treatment when you need it. **It is important for you to go back, but you should take someone you trust with you.**



DO I NEED A LAWYER TO HELP ME WITH STEP 1?

Usually you won't need a lawyer at this stage. However, some doctors and nurses don't know about your rights and may refuse to give you the treatment or medication you are entitled to. If this happens, you may need to get a lawyer to help you. The back of this book lists places where you can find a lawyer.




STEP 2: REPORTING YOUR ABUSE TO THE POLICE

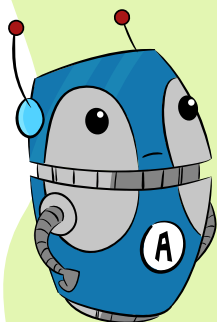
If you have been sexually abused it is important that you tell the police, so that they can investigate the case and find your abuser.

You should go to the police to report the abuse as soon as possible after it has happened. The sooner you report the case, the easier it will be for the police to get the evidence they need to find your abuser. However, the police must still investigate the case even if you take a long time to report it.

If possible, don't go to the police station alone. TAKE SOMEONE YOU TRUST WITH YOU TO SUPPORT YOU.



I opened a case against my teacher and the police closed it without an explanation. I have given up on the case.



The police are not allowed to close the case. This is against the law. The only official who is allowed to close the case is the prosecutor. The prosecutor should phone to tell you that he or she is closing your case, and why. It is important not to give up on your case. The legal processes take time. It is important to be patient. You are allowed to ask for updates on the investigation.

1. WHICH POLICE STATION SHOULD I GO TO?

You can go to any police station to tell them what happened.

- The police must open a docket and take down your statement.
- If you report the abuse at another police station, the docket will be moved to the police station closest to where you were abused.

2. WHAT IF I WANT TO SPEAK TO A WOMAN AT THE POLICE STATION AND NOT A MAN?


- You have the right to speak to a female police officer. The police must find a female officer to speak to you and write down your statement. You don't have to be left alone with a police officer if you are scared. Your friend or family member can stay with you.

3. WHAT LANGUAGE SHOULD I USE TO GIVE MY STATEMENT?

- You have the right to speak to the police in your home language. If the police officer who is taking your statement does not speak your language another police officer must be found to translate what you say.

4. WHAT IF I DON'T WANT TO TELL THE POLICE WHAT HAPPENED IN FRONT OF OTHER PEOPLE, OR IF I DON'T KNOW HOW TO TELL THEM WHAT HAPPENED?

- The police must speak to you on your own in a room away from other people.
- If you don't know how to explain what happened, you can also write it down, or you can draw pictures to show the police what happened.
- It is normal to feel scared or nervous about talking to the police.



The police might not listen to you. They might try to convince you that what happened was your fault. It is never your fault.

5. WHAT MUST I TELL THE POLICE TO PUT INTO MY STATEMENT?

You must tell the police everything that happened to you. Some questions the police might ask you are the following:

- Who sexually abused you? Do you know your abuser's name?
- What does your abuser look like?
- When and where did the sexual abuse happen?
- What did your abuser do to you?
- Did your abuser scare you with a weapon?
- Did your abuser give you drugs or alcohol?
- Did your abuser promise to give you something in exchange for sex?



6. WHAT HAPPENS AFTER I TELL THE POLICE WHAT HAPPENED?

After the police have written down your statement, they will read it to you to make sure that they have written down everything you said.

If the statement describes everything that you can remember, you will be asked to sign the statement and the police officer will put a police stamp on it. Only sign the statement if you are sure that it includes everything that you told them. If the police officer has written down something that is wrong or incomplete, **do not sign the statement**. You might have to tell them what happened a second time so that they can write it down again.

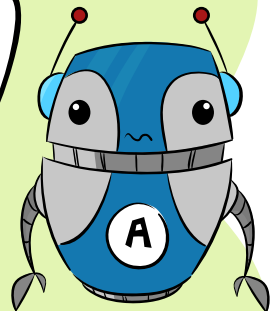
You should only sign the statement once it contains the full story as you told it to the police. You can change your statement as many times as you need to before you sign it.

You have the right to make a copy of the statement. If the police officer can't make a copy for you right away, you should go back to the police station to fetch the copy the next day. Otherwise take a photo of the statement with your phone.

The police will then give you the name of the investigating officer. **Keep the name and contact details of the investigating officer safe.**

It can take a long time for the police to find all of the evidence that they need to find your abuser. You must be patient. The police have a duty to tell you how far they are with the investigation.

It may be difficult and upsetting for you to answer these questions, and it may also take a long time, but remember that it is very important to tell the police everything. Take as much time as you need to so that you remember as much as possible. There are no right or wrong answers. **It is important that you tell the truth even if you are scared.**



VERY IMPORTANT!

Before you leave the police station, you must get this information:

- ☐ The CAS number for your case. You will need this number if you want find out what is happening with your case from the police.
- ☐ A copy of the statement that you made to the police.
- ☐ The phone number of the police station.
- ☐ The name and phone number of the police officer who has been put in charge of investigating your case. If the police don't give this to you when you go to them, they must sms or send it to you the next day.

7. WHAT HAPPENS WHEN THE POLICE HAVE COMPLETED THEIR INVESTIGATION?


When the police have completed their investigation, you will meet with the prosecutor, who is the lawyer who will argue the case. The prosecutor will ask you questions. Ask him or her to read your statement first and then ask you specific questions. You have a right to have someone with you when he or she questions you. If the prosecutor believes that there is enough evidence, the case will go to court for a criminal trial.

The following people will be at the court on the day of the trial:

- The magistrate or judge, who will look at the evidence and decide whether the abuser is guilty and how he or she should be punished.
- The prosecutor, who will use the evidence to try to prove that the abuser is guilty.
- The person who abused you. He or she may have a lawyer, who will try to prove to the court that your abuser is not guilty.

The prosecutor – and not the police – makes the decision whether or not to take the case to court, after the police have finished their investigation.

- The translator, who will translate if the people in the court speak different languages. (If the translator translates what you said incorrectly, you can correct him or her.)
- The clerk of the court, who assists the magistrate or judge.




Remember that you are a witness. The case is between the State and the person who hurt you. You are not a client BUT you have a RIGHT to know what is happening with the case. Sometimes the prosecutor or a lawyer will ask you questions that may make you feel like you did something wrong.
YOU HAVE DONE NOTHING WRONG!

It is a good idea for you to bring someone you trust to the court. You will be asked to answer some questions about what happened. The magistrate, the prosecutor and the abuser's lawyer may ask you questions, and these may be very detailed. Your answers will help the magistrate decide if your abuser is guilty.

This will be scary. It is important to tell the truth about exactly what happened. Think carefully, answer slowly, take your time. You can take as long as you want to.

You may be allowed to answer the questions through an intermediary, in a separate room away from everyone else. The people in the court room will be able to see you through a one-way mirror or over a video camera. You will be asked to speak into a microphone. You will not be able to see or hear anyone else in the court room. This will make it less scary for you.

Your abuser and anyone else who saw or heard what happened may also have to answer questions about what was done or seen or heard. This will all help the magistrate or judge to make a decision.



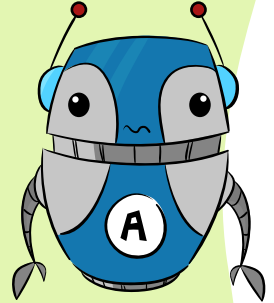
You are the most important person in the court. Don't let anyone rush you.

The magistrate or judge will firstly decide whether your abuser is guilty or not. If he or she is found guilty, the magistrate may want you, the abuser and the other witnesses to answer more questions. This will help him or her to decide how your abuser should be punished.

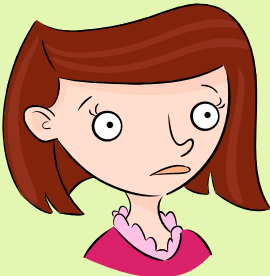
SOME QUESTIONS YOU MAY HAVE:



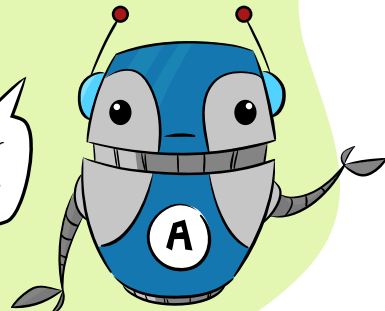
I opened a case against my teacher three years after he raped me. The police say that the case cannot be investigated because I took so long to report it.




The police have to open a case even if the rape happened long ago. This is the law. It is against the law not to open a case. It does not matter how long you took to report the case. However, we recommend that you report the case to the police as soon as possible so they can collect strong evidence to help them find your abuser.



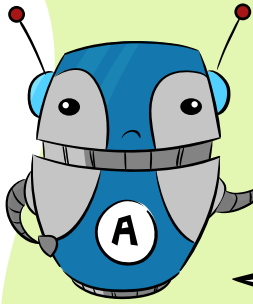
I told my parents that I was raped by my teacher. They do not want me to open a case at the police station. Can I do it by myself?



You have the right to open the case on your own. Ask someone you trust to go with you.



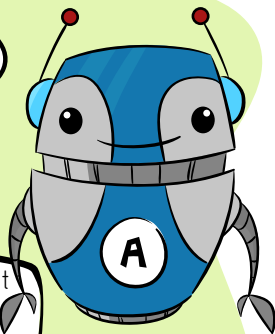
The police didn't believe me when I made my statement and they kept questioning me. I don't think they wrote down what I told them.



The law says that the police must take down your statement as you give it to them. They are allowed to ask questions to get more information about the case but they are not allowed to scare you or tell you that they don't believe you. Once the statement has been taken down the police must read it back to you. You should only sign it if everything you told them is in the statement. You can change the statement if you need to. **ONLY sign the statement when you are sure that it says exactly what you wanted to say.**



DO I NEED A LAWYER TO HELP ME WITH STEP 2?



Normally you will not need a lawyer to help you. But if the police refuse to open your case or refuse to give you reasons why the case has been closed then you should involve a lawyer to make sure that the investigation is conducted properly. There is a list of places where you can find a lawyer to speak to at the back of this book.

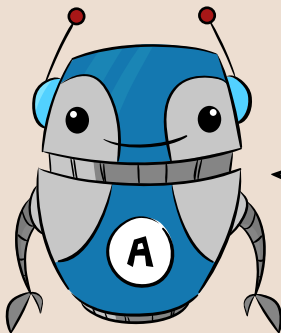
STEP 3: REPORTING THE CASE TO THE DEPARTMENT OF EDUCATION

Teachers are employed by the provincial department of education. The department of education in your province is responsible for your safety at school.

The school is required to follow the rules and when the rules are broken, the teacher must be reported to the department of education.

If your teacher sexually abuses you, you should report him or her to the principal. The principal must tell the department of education. If your principal is the one who is sexually abusing you, or if your principal does not report the case to the department of education, you should report the case to the department of education directly. Your family or friends can help you. You can also speak to another teacher who you trust.

The law says that if a teacher abuses you, the school must report him or her to the department of education.



The contact details for the provincial education departments and other emergency numbers can be found at the back of this booklet.

HOW TO REPORT A CASE TO THE DEPARTMENT OF EDUCATION:

1. You should write a letter to the department of education telling them exactly what happened.
2. The department of education must send someone, called an investigating officer, to collect evidence about what happened and to talk to you. The investigating officer must come to you to talk to you. You can talk at your home or wherever you feel safe.
3. The investigating officer will ask you to tell them everything that happened to you. You can write it down or use pictures to explain what happened. This may be hard but it is very important for the investigating officer to know exactly what happened. Ask someone you trust to be with you to support you.
4. The department of education can suspend the teacher while it investigates the matter. This means that he or she has to stay away from the school.
 - The teacher can be suspended for up to three months. This is so that the teacher does not interfere with the investigation and so that you are kept safe while the evidence is being collected.
 - While your teacher is away from school, another teacher will teach in his or her place. Remember not to let anyone make you feel bad about this. You are not responsible for your teacher's job or your teacher's behaviour.

5. Once the department of education has finished its investigation, the teacher who has been sexually abusing you may be called to a disciplinary hearing. This is similar to a court hearing.
6. At the disciplinary hearing, you will be asked to answer questions about what happened to you. This may be hard but it is important to tell the truth.
7. The teacher who sexually abused you will be there. If you don't want to be in the same room as the teacher, you can tell your story in a separate room through an intermediary. The people at the disciplinary hearing will see you through a one-way mirror or a video camera and you will be asked to talk into a microphone. If the microphone or video camera is not working, you should ask to come back to give evidence when it is working again.
8. If there is enough evidence to prove that your teacher sexually abused you, the department of education must make the teacher leave the school immediately, and they must ensure that the teacher does not come back to teach at your school or at any other school.
9. If there is not enough evidence to prove that your teacher sexually abused you, the teacher will be allowed to go back to work at your school. If you feel uncomfortable you can transfer to a new school (see step 6).

THE TEACHERS AND PRINCIPALS AT ALL SCHOOLS HAVE THE FOLLOWING RESPONSIBILITIES:

- To check for signs that learners are being sexually abused.
- To tell the principal or the department of education if they think that a learner is being sexually abused by another teacher.
- To make learners feel safe enough to report any type of abuse.
- To help a learner to report sexual abuse to the police or the department of education.

THE DEPARTMENT OF EDUCATION MUST:

- Appoint an investigating officer to come and investigate your complaint. The investigating officer must listen to you and write down what happened. He or she must talk to all the people who saw, or know about, what happened to you.
- Tell you and the teacher who abused you when and where the disciplinary hearing will be.
- If the department of education has enough evidence to show that the teacher sexually abused you, they must dismiss the teacher.
- The department of education is also required to tell the South African Council of Educators to stop the teacher from teaching at other schools. This will ensure that you and other children at school will remain safe.

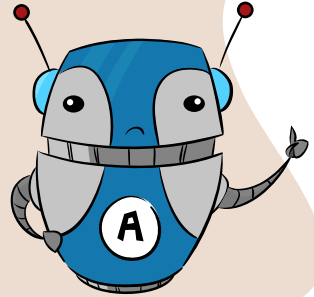


SOME QUESTIONS YOU MAY HAVE:



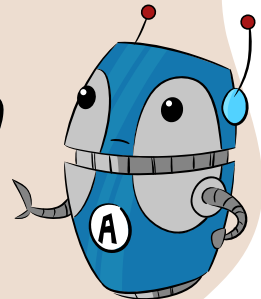
I told the department of education that my teacher abused me. They refused to investigate because the police aren't investigating the case.

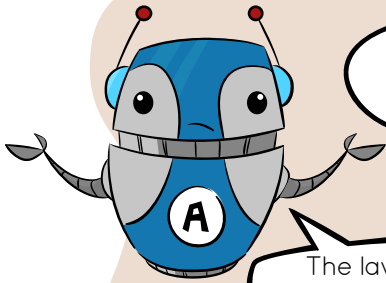
The department of education cannot refuse to investigate the case because the police are not investigating it. The investigation by the police is separate from the investigation by the department of education.



The teacher paid my family money and gave us groceries so that I wouldn't tell anyone about what he did to me. Can I still continue with the case?

Even if you or your family accepted money or anything else from the person who abused you, this person still broke the law. You should continue with the case. The department of education must still investigate the case.





*I told
my class teacher that the
principal raped me but she did not
do anything about it.*

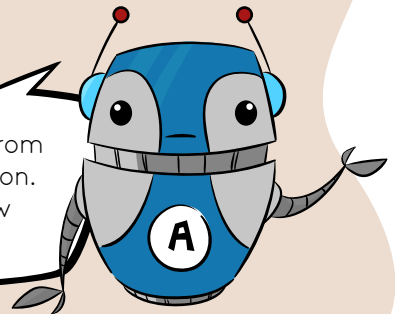


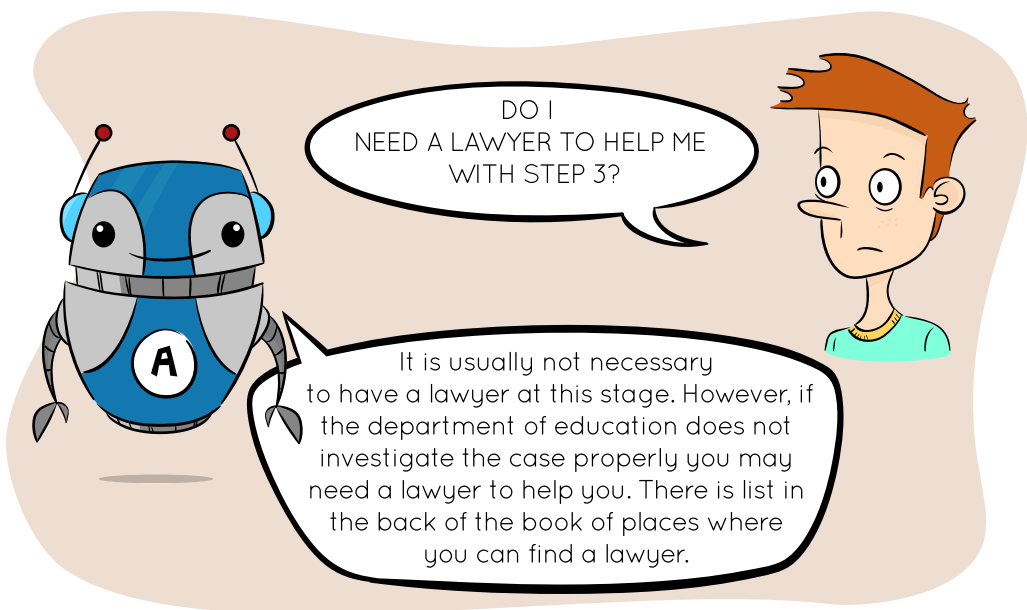
The law says that if a person who cares for a child knows that the child has been abused, they must report it to the police. Your teacher is committing a crime by not reporting the abuse. You can also go straight to the department of education and the police to report the case.



*The teacher who raped me keeps
harassing me. He says that if I don't drop
the case he will harm my family. I am
afraid to go to school.*

The law says you can get a protection order to protect you from harassment. See step 5 for more information. You can also think about moving to a new school (see step 6).





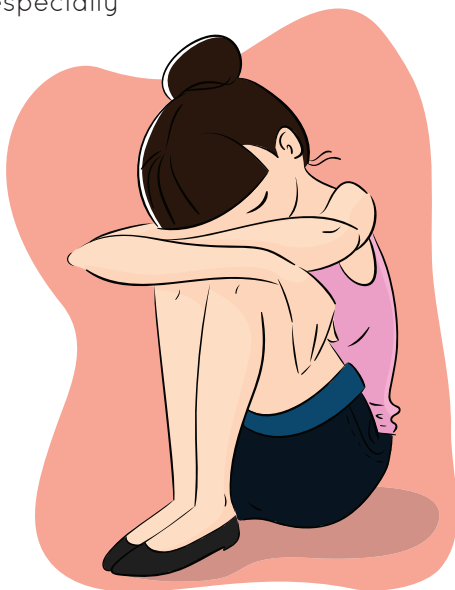
STEP 4: GOING FOR COUNSELLING

Someone who has been sexually abused needs medical care, comfort, understanding and support.

After you have been abused, you may need help to feel safe again and to manage life after such a traumatic and difficult event. There is no set time for how long it will take to return to your usual self. It can take from a few weeks to a few months or longer – it is different for everyone.

WHEN YOU ARE SEXUALLY ABUSED YOU MIGHT:

- feel irritable or moody
- feel angry, frightened, or confused
- feel sad, anxious, or nervous, especially about being alone
- feel like you don't want to be with friends and family
- not be able to sleep
- have terrible dreams
- have changes in appetite
- be unable to concentrate in school or to participate in everyday activities
- feel like you want to vomit
- feel dizzy
- sweat a lot
- feel like you have a big metal ball on your chest



These may be signs of post-traumatic stress disorder (PTSD) or what is sometimes called “rape trauma syndrome”. This is a normal reaction to sexual abuse.

You should get help if after a month these symptoms have not gone away, or are worse and you now have other symptoms such as:

- difficulty focusing at school or anywhere else
- avoiding things that remind you of abuse, such as not going to school
- you can't fall asleep
- you can't forget what happened
- when you are reminded in any way about what happened, you feel your heart beating faster and you start to sweat



Being sexually abused will often make you feel as though you don't have control over your life. You might think things like, "I shouldn't have gone back to the classroom where it happened," or, "I could have screamed louder," or, "I shouldn't have worn my school skirt that day, I should have worn pants." **Remember that none of this is your fault!**

WHY WOULD A PERSON NEED COUNSELLING?

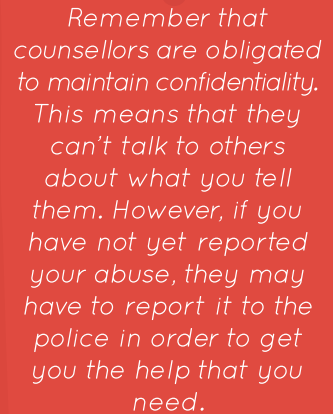
Making the decision to go for counselling is a very important step towards getting better. Counselling allows you to understand what happened and why you are reacting this way.

WHAT TO EXPECT FROM COUNSELLING:

You will be alone in the room with a counsellor. You should feel comfortable to talk about anything you want to.

- The counsellor will never force you to talk about anything you are not ready to talk about.
- The counsellor is not allowed to tell anyone what you tell them. But if you have not reported your abuse to anyone else, the counsellor may have to report it to the police, and support you through the process.
- At any of your sessions, the counsellor will answer any questions you have about counselling or other support you may need.
- In counselling, you will be looking at yourself, your relationships and your life in general.
- Counselling is not always easy or comfortable, but the only way that you will feel safer is if you work through your feelings with the support of a counsellor.
- It is normal to go for a few sessions of counselling before you start to feel better.

There are no easy answers. Although you may get angry and frustrated with your counsellor, you must keep reminding yourself that he or she is there to support you. This process is necessary to help you to deal with what happened and to make you feel better.



Remember that counsellors are obligated to maintain confidentiality. This means that they can't talk to others about what you tell them. However, if you have not yet reported your abuse, they may have to report it to the police in order to get you the help that you need.

Things might get really bad and you may think about harming yourself. Immediately call Childline: 08000 55 555 or go to someone you trust and ask for help.

STEP 5: APPLYING FOR A PROTECTION ORDER

The law says that if you are scared that someone will hurt you, you can get a protection order. This is completely separate from the criminal process. You can apply for a protection order without opening a criminal case.

A PROTECTION ORDER IS A DOCUMENT FROM THE COURT THAT PROTECTS:

- anyone who is being abused or has been abused
- anyone who is being harassed or has been harassed

WHO CAN APPLY FOR A PROTECTION ORDER?

- You can apply for a protection order yourself, or a person who is taking care of you can apply on your behalf.

In cases of sexual abuse your abuser may be angry about being reported. He or she might start harassing you, threatening to harm you and even following you around.

YOU CAN APPLY FOR A PROTECTION ORDER IF:

- You are abused. This includes:
 - physical abuse (e.g. your abuser hits you);
 - sexual abuse (see the definition of sexual abuse at the beginning of this book); and
 - emotional abuse (e.g. your abuser makes you feel bad about yourself or makes you believe that what happened is your fault).
- The abuser intentionally damages your property such as your school bag and other things that belong to you.
- The abuser stalks you or follows you around, or waits outside the school for you to come out of class.
- The abuser tries to come into your house.
- The abuser does anything else to hurt you or your family or make you feel scared.

EVERY PROTECTION ORDER IS DIFFERENT, BUT MOST PROTECTION ORDERS SAY THAT THE ABUSER MUST NOT:

- physically, sexually or emotionally abuse you;
- harass you;
- get other people to harm you or your family; or
- come to your house or school or anywhere else near you and your family.

HOW TO APPLY FOR A PROTECTION ORDER

STEP 1

Go to the magistrate's court closest to where you live. The clerk of the court will give you forms to fill in. You will also be asked to make a statement explaining what happened and how the abuse or harassment took place.

STEP 2

The clerk will take your application to a magistrate, who will immediately grant you an **interim protection order** if the magistrate is satisfied that:

- you might be hurt or harassed; and
- you will suffer more abuse or harassment if you do not get a protection order immediately.

STEP 3

You will be given a date to come back to the court (the **return date**), usually two weeks later, to get a final protection order. If you received an interim protection order, then your abuser will not be allowed to contact you or to come near you until you go back to court.

If you do not get an interim protection order, and your abuser continues to harass you, you can go back to the court and apply again for an interim protection order because the abuser has not stopped harassing you.

STEP 4

When you have received your interim protection order, you should take a copy to the police station so that the police can deliver the order to your abuser. A copy of the interim protection order and a notice telling the abuser when to come to court will be delivered to the abuser at his or her house by the police or the sheriff.

STEP 5

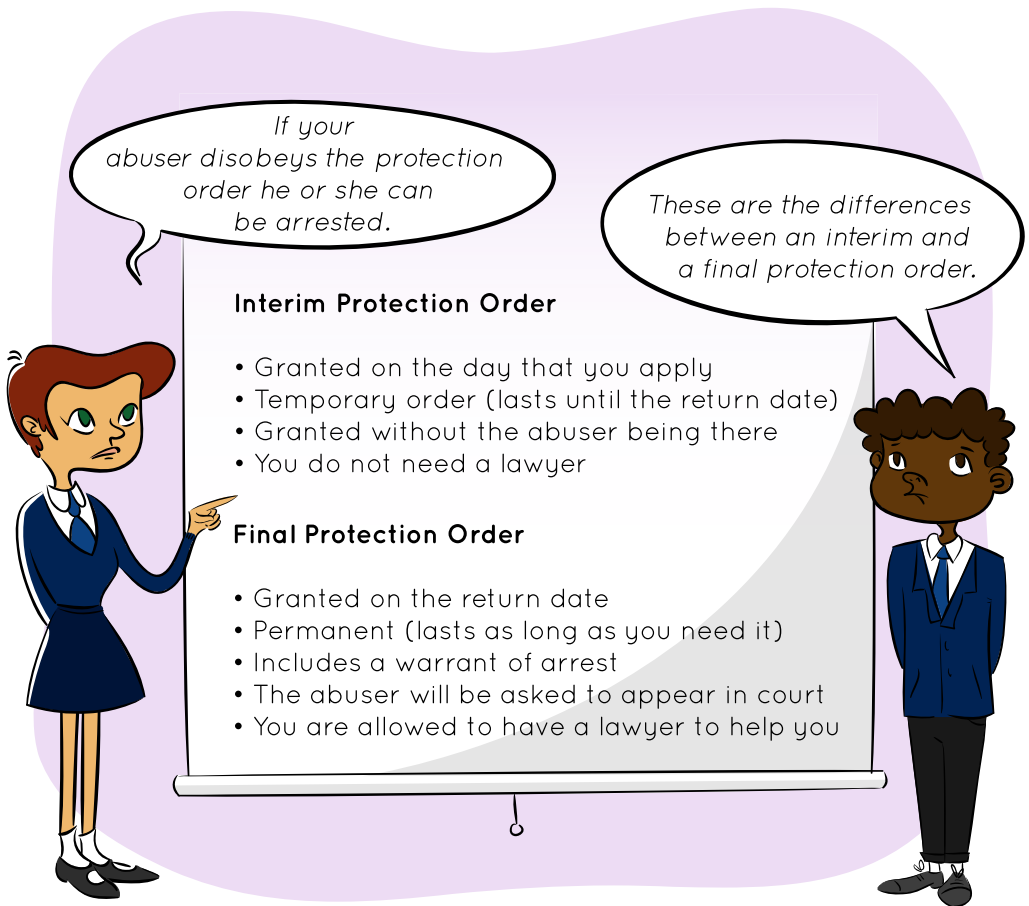
If you do not get an interim protection order, then the police or sheriff must still deliver a copy of your application for a final protection order to your abuser. This will include a notice about when to come to court.

You should not go with the police or the sheriff to give the order to the abuser. The police or the sheriff must give the order to the abuser without you there.

STEP 6

On the return date, both you and the abuser will have to go to court. On this day, the magistrate will decide whether to grant a final protection order. If a final protection order is granted, the abuser will not be allowed to contact you or come near you at any time.

- The abuser will be at court and may have a lawyer. You are allowed to bring a lawyer with you too.
- The court will ask the abuser to give reasons why the final protection order should not be granted.
- You may have to tell the court about how the abuser harassed you. The magistrate will ask you questions about why you want a protection order. Your lawyer and the abuser's lawyer will also have a chance to ask you questions about the abuse (if you have lawyers).
- If the abuser is not present, the court will grant you a final protection order if the magistrate is satisfied that you are being abused or harassed.
- The court will decide whether to grant a final protection order against the abuser.
- If the court grants a final protection order, you will get a copy to keep. Keep this in a very safe place. Make a second copy to take to the police station closest to your home. That way the police also have a record of the order.
- The final protection order will be delivered to the abuser by the police or the sheriff, unless the abuser is at court to receive a copy of the protection order in person.



WHAT IF YOUR ABUSER CONTINUES TO ABUSE OR HARASS YOU?

- You should report the abuser to a police officer.
- If the abuser is disobeying the protection order, then the police must arrest him or her.

THE RESPONSIBILITIES OF THE COURT OFFICIALS

The clerk of the court must:

- explain what a protection order is;
- help you fill in the application form properly;
- give you a return date; and
- ask questions that make it easier for them to fill out the form correctly.

The police must:

- make sure that the interim protection order is delivered to and signed by the abuser;
- arrest the abuser if you are abused or harassed after a protection order has been granted.

The magistrate must:

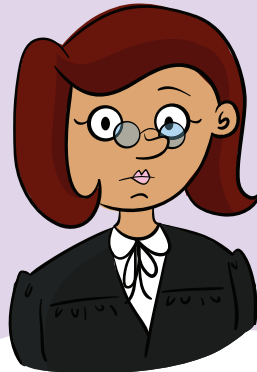
- issue an interim protection order if he or she believes that you need protection from the abuser immediately, before the return date; and
- grant a final protection order if there is enough evidence that the abuser has threatened to harm you and your family or has already harmed you and your family in any way.



CLERK

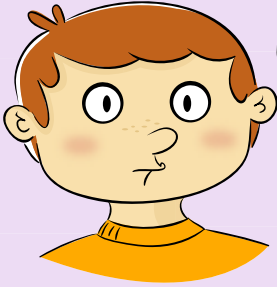


POLICE OFFICER



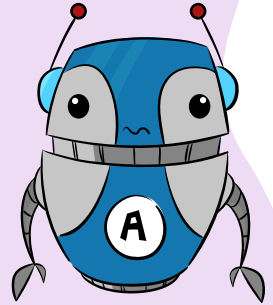
MAGISTRATE

SOME QUESTIONS YOU MAY HAVE:



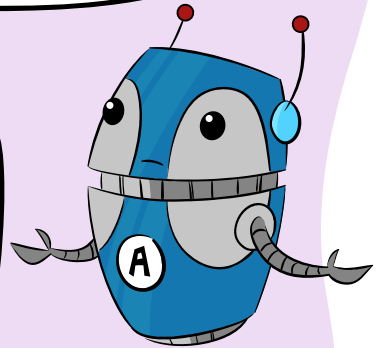
My teacher threatened to harm me if I appeared as a witness in the disciplinary hearing against him. I went to the court to get a protection order, but the clerk at the court told me to withdraw my complaint. What must I do now?

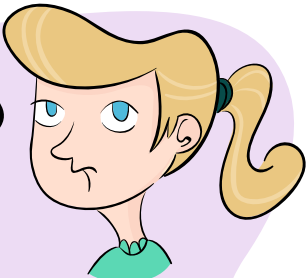
The clerk at the court cannot force you to withdraw your case. If you are worried about your safety because your teacher has threatened to harm you, you have the right to get a protection order and **the clerk must assist you with the application**. Tell them that you want a protection order, and if they refuse, ask an adult you trust or a lawyer to help you. Find a safe place to stay!



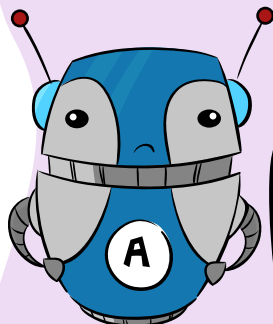
I went to court for a protection order but I was told to bring my own forms. Where do I get a copy of the forms?

The clerks are supposed to give you a copy of the form, but they may run out of copies or refuse to give out the copies. You can find a copy of the forms at <http://www.justice.gov.za/forms/pha/J059-form2.pdf> and <http://www.justice.gov.za/forms/pha/J062-form3.pdf>.





The court did not give me a copy of the protection order. What should I do?

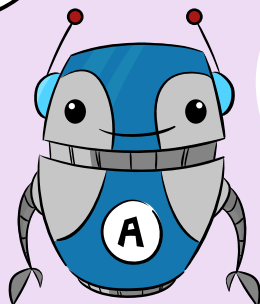


The court is supposed to give you a copy of the protection order, but sometimes they run out of paper and can't make a copy for you. In case this happens, you should take your own paper to the court so that you can get a copy of the protection order. The police may ask to see it if you ask them to arrest the teacher. **Keep your copy of the protection order in a safe place!**



DO I NEED A LAWYER
TO HELP ME WITH STEP 5?

You do not need a lawyer to get an interim protection order, unless there are problems when you apply. You can ask a lawyer to help you with the final protection order. There is a list at the back of the book of the places where you can find a lawyer to help you.



STEP 6: TRANSFERRING TO A NEW SCHOOL

Some learners may find it very hard to stay at the school where they were abused. It is possible to transfer to a new school.

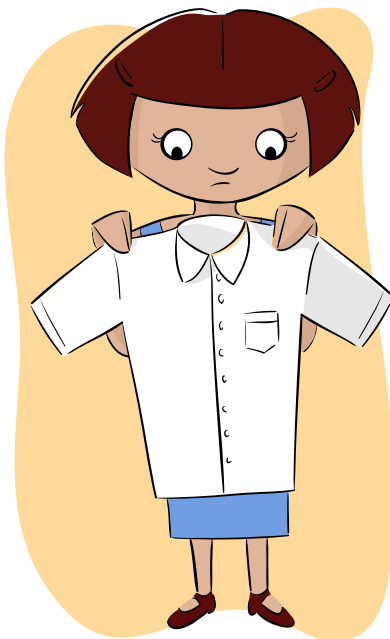
Some of the things to consider when making this decision are:

- Can you get transport to a new school?
- Do you need a new uniform?
- Do you know someone who can help with this?

You and your family will need to think about this and decide what is best for you. It may also be possible to get help from the new school, such as second hand school uniforms and textbooks.

HOW THE PROCESS WORKS AND WHAT TO EXPECT:

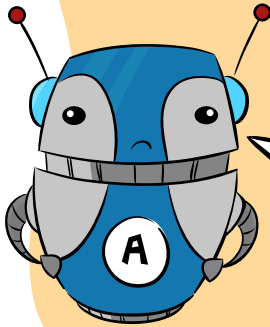
1. Your parents should write a letter to the department of education (usually to the person managing the case), explaining the reasons for the transfer and why you are uncomfortable at the school.
2. The department of education must work with your parents to find a new school for you to attend.
3. You will need the following documents:
 - your birth certificate;
 - your immunization card; and
 - a transfer card or your last school report.



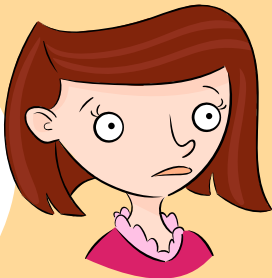
The most important thing is that you feel safe. If you don't have these documents ask the police, a community leader, an NGO or a church leader to help you.

SOME QUESTIONS YOU MAY HAVE:

I live far away from the new school. How will I get to school?

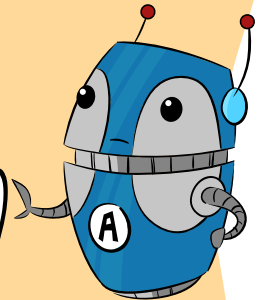


If you live more than 5km from the school, it may be possible to arrange transport for you. The new school principal must write to the District Coordinator in the department of education to find out if this is possible. You may need to make private arrangements to get to the closest bus stop.

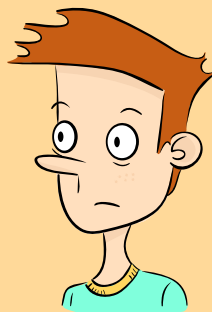


Will all the learners and teachers at the new school know what happened to me?

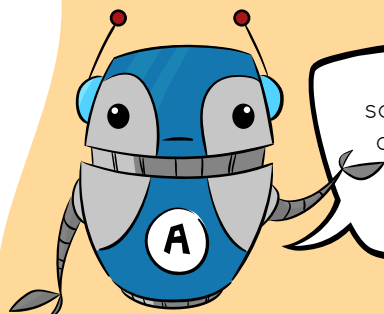
There is no need to tell anyone your reasons for transferring to a new school. It is your choice who you want to tell and when you want to tell them.



I have transferred to a new school but I feel so out of place because my parents cannot afford to buy me a new uniform.



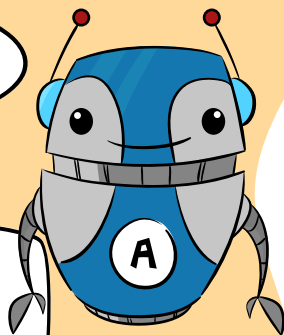
Many learners who transfer to a new school do not want to stand out and draw attention to themselves. You can ask the school to help you by donating an old uniform to you, or selling you a second-hand uniform.



DO I NEED A LAWYER
TO HELP ME WITH STEP 6?



You do not need a lawyer for this step. A simple letter can be written by your parents, teacher or principal to the department of education requesting that you be transferred to a new school. You may need a lawyer if the process does not go smoothly. There is a list at the back of this book with the contact details of places that have lawyers to help you.



IMPORTANT CONTACT DETAILS

LAWYERS

Lawyers against Abuse

Tel: 011 717 8601

Centre for Child Law

Tel: 012 420 4502

Centre for Applied Legal Studies

Tel: 011 717 8600

Children's Rights Centre

Tel: 031 266 2384

SECTION27

Tel: 011 356 4100

Legal Aid SA

www.legal-aid.co.za

COUNSELLING

Lifeline

Tel: 0861 322 322

Suicide Crisis Line

Tel: 0800 567 567 / SMS: 31393

LoveLife

Tel: 0800 121 900

ChildLine

National helpline: 08000 55555

Eastern Cape

Tel: 041 453 0441

Limpopo

Tel: 015 295 6449

Free State

Tel: 051 430 3311

Mpumalanga

Tel: 013 752 2770

Gauteng

Tel: 011 645 2000

North West

Tel: 018 297 4411

KwaZulu-Natal

Tel: 031 312 0904

Western Cape

Tel: 021 762 8198

FAMSA

-Head Office: 012 322 7136

-National Helpline: 0800 150 150

-Patients' Rights: 0800 114010

SA NATIONAL COUNCIL FOR CHILD WELFARE

Tel: 011 339 5741

E-mail: info@childwelfaresa.org.za

Website: www.childwelfaresa.org.za

e-Malahleni

Tel: 013 – 656 2471

Email: witbank.childwelfare@telkomsa.net

Isipingo Office

Tel: 031 902 1371

Durban and District

Main Office & Thokozani Educare Centre

Tel: 031 312 9313

Lamontville Office

Tel: 031 462 4865

Wentworth Office & David Beare Centre

Tel: 031 468 1421

Newlands East Office

Tel: 031 577 3411

Lakehaven & Zamani Child and Youth Centres

Tel: 031 577 8918

Sherwood Office

Tel: 031 207 5560

William Clark Gardens/Othandweni Child and Youth Care Centre & Edith Benson Babies Home

Tel: 031 207 1366

Cape Town

Tel No: +27 21 638 3127

E-mail: information@helpkids.org.za

Johannseburg

Tel: 011 298 8500

E-mail: director@jhbchildwelfare.org.za

Child Abuse Treatment and Training Services

E-mail: catts@jhbchildwelfare.org.za

Tshwane Pretoria

Phone: 012 460 9236/ 082 302 8134/

083 983 8633/ 012 940 8039

E-mail: info@childwelfare.co.za

Kindersorg Stellenbosch

Tel: 272 188 72816

Nelspruit

Email: Childwelfarenel@telkomsa.net

Tel: 013 753 3225/ 013 753 3330

If you live in Johannesburg, these are other places you can go for free counselling services:

Trauma Center – Center for the Study of Violence and Reconciliation (CSVR)
Tel: 011 403 5102

Emthonjeni Center (Community Care Clinic) – Wits University
Tel: 011 717 4513

Teddy Bear Clinic
Tel: 011 484 4554

Wits Reproductive Health and HIV Institute
Tel: 011 358 5500

EMERGENCY NUMBERS:

Police Flying Squad: 10111
Ambulance: 999 / 10177
AIDS Helpline: 0800 012322

CONTACT DETAILS OF PROVINCIAL EDUCATION DEPARTMENTS

1.	EASTERN CAPE	Mr LM Ngongo	Tel: 040 608 4208 Fax: 040 608 4249 E-mail: view.mkona@edu.ecprov.gov.za
2.	FREE STATE	Mr RS Malope	Tel: 051 404 8430 Fax: 086 619 8717 Email: hod@edu.fs.gov.za
3.	GAUTENG	Mr B Ngobeni	Tel: 011 355 0581 Fax: 011 355 5546 Email: joe.makhosi@gauteng.gov.za
4.	KWAZULU NATAL	Mr N Sishi	Tel: 033 392 1003 Fax: 033 392 1203 Email: nkosi.sishi@kzndoe.gov.za
5.	LIMPOPO	Mr MJ Thamaga/ Ms KO Dederen	Tel: 015 290 7602 Fax: 086 218 0560 Email: thamagamj@edu.limpopo.gov.za
6.	MPUMALANGA	Mrs MOC Mhlabane	Tel: 013 766 5520/5353 Fax: 013 766 5577 Email: m.mhlabane@education.mpu.gov.za
7.	NORTHERN CAPE	Mr T Pharasi	Tel: 053 839 6696/6683/6679 Fax: 053 874 1785 Email: t.pharasi@ncpg.gov.za
8.	NORTH WEST	Dr IS Malae	Tel: 018 387 3429 Fax: 018 388 3430 Email: sgedu@nwpg.gov.za
9.	WESTERN CAPE	Ms P Vinjevoold	Tel: 021 467 9280/021 467 2535/6 Fax: 021 461 3694 Email: eduhead.eduhead@westerncape.gov.za

SOUTH AFRICAN COUNCIL FOR EDUCATORS: 086 1007 223

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