



SEXUAL VIOLENCE AT SCHOOLS:

A Crisis of Fragmentation, Delayed Integration,
Incomplete Register Population, and Uneven Enforcement.

2026



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LIST OF PRESENTERS

- **Likho Bottoman**, Chief Director: Social Cohesion and Equity in Education, representing the DBE
- **David Ntloana**, Director: Education Labour Relations and Conditions of Service, representing the DBE.
- **Muzi Ndlovu**, Chief Director: Care and Support in Schools, representing the DBE.
- **Cindy Foca**, CEO for Education Labour Relations Council.
- **Tuzana Sophethe**, Manager: Planning and Research, representing the SACE.
- **Matakanye Matakanye**, Secretary General of the National Association of School Governing Bodies.
- **Mduduzi Qwabe**, Deputy Director of Catholic Institute of Education, representing the National Alliance of Independent Schools Associations.
- **Cynthia Nyoni**, Deputy Director: Child Protection: Child Abuse & Neglect, representing the DSD.
- **Nkatane Matsomane**, Manager: National Child Protection Register, representing the DSD.
- **Ntombizodwa Matjila**, Registrar: National Sex Offenders Registry, representing the DoJ&CD.
- **Mbali Mncadi**, Section Head: Youth, Children, Gender Based Violence and Victim Empowerment, representing the SAPS.



EXECUTIVE SUMMARY

On 9 February 2026, the South African Human Rights Commission (SAHRC), through the Office of Commissioner Tshepo Madlingozi (Education and Equality Focal Areas), convened a Stakeholder Roundtable on *Sexual Violence at Schools*. The Roundtable brought together key state institutions, regulatory bodies, independent school associations, and civil society partners to interrogate systemic failures and collaborative solutions in addressing sexual violence in South African schools.

The engagement followed a formal human rights complaint received by the Commission concerning allegations of sexual violence perpetrated by educators at St John's College in Mthatha, Eastern Cape. This complaint, alongside increasing public reports of educator-to-learner and learner-to-learner sexual violence, prompted the

Commission to seek **systemic clarity and coordinated responses** across institutions.

The Roundtable pursued three interrelated objectives:

1. To map the institutional ecosystem responsible for preventing, investigating, prosecuting and regulating sexual offences in schools
2. To identify legislative, regulatory, reporting and implementation gaps, and
3. To develop collaborative pathways to prevent siloed responses and strengthen safeguarding mechanisms.



Closing the Gaps

Across presentations from the Department of Basic Education (“DBE”), Education Labour Relations Council (“ELRC”), South African Council for Educators (“SACE”), National Association of School Governing Bodies (“NASGB”), National Alliance of Independent Schools Associations (“NAISA”), Department of Social Development (“DSD”), South African Police Service (“SAPS”), and the Department of Justice and Constitutional Development (“DoJ & CD”), a number of systemic concerns emerged:

- Underreporting and parental withdrawal of cases.
- Legislative misalignment across the Employment of Educators Act, SACE Act, and Criminal Law (Sexual Offences and Related Matters) Amendment Act.
- Fragmented data systems and non-integrated registers.
- Delays in disciplinary processes and parallel investigations.
- Re-traumatisation risks for child complainants.
- Gaps in interdepartmental information sharing.
- Weak enforcement of mandatory reporting obligations.

The Roundtable concluded with a shared recognition that sexual violence in schools is not only a criminal justice issue, but a constitutional, educational, social, and governance crisis requiring coordinated reform.

LIST OF ACRONYMS

API	Application Programming Interface
CCMA	Commission for Conciliation, Mediation and Arbitration
DBE	Department of Basic Education
DSD	Department of Social Development
DoJ & CD	Department of Justice and Constitutional Development
ELRC	Education Labour Relations Council
FCS	Family Violence, Child Protection and Sexual Offences Units
HR	Human Resources
IBA	Independent Bargaining Agent
NAISA	National Alliance of Independent Schools Associations
NASGB	National Association of School Governing Bodies
NCPR	National Child Protection Register
NRSO	National Register for Sex Offenders
POPIA	Protection of Personal Information Act
SAHRC	South African Human Rights Commission
SACE	South African Council for Educators
SAPS	South African Police Service
SGB	School Governing Body

TABLE OF CONTENTS

1. INTRODUCTION AND MANDATE	8
2. BACKGROUND TO THE ROUNDTABLE	10
3. FORMAT OF THE ROUNDTABLE	11
4. WELCOME AND OBJECTIVES OF THE ROUNDTABLE	12
5. PRESENTATIONS, QUESTIONS AND ANSWERS	14
5.1. Department of Basic Education	15
5.2. Education Labour Relations Council	20
5.3. National Association of School Governing Bodies	23
5.4. South African Council for Educators	28
5.5. National Alliance of Independent Schools Associations	30
5.6. Question & Answer Session 1	32
5.7. Department of Social Development	35
5.8. Department of Justice and Constitutional Development	40
5.9. South African Police Service	43
5.10. Question & Answer Session 2	47
6. WAY FORWARD AND CLOSING REFLECTIONS	49
7. CONSOLIDATED SYSTEMIC GAPS IDENTIFIED ACROSS STAKEHOLDERS	52
8. CONSOLIDATED RECOMMENDATIONS FOR CLOSING THE GAPS	57
9. CONCLUDING OBSERVATION	62



1. INTRODUCTION AND MANDATE

The South African Human Rights Commission is established under Chapter 9 of the Constitution of the Republic of South Africa, 1996, as an independent institution supporting constitutional democracy. In terms of section 184 of the Constitution, the Commission is mandated to:

- Promote respect for human rights and a culture of human rights.
- Promote the protection, development and attainment of human rights.
- Monitor and assess the observance of human rights in South Africa.

These constitutional obligations include **the right to basic education under section 29**

of the Constitution, which guarantees every child, and adult, the right to a safe school environment which is conducive to learning.

Sexual violence in schools strikes at the core of these constitutional protections. **Schools are intended to be safe spaces for learning, development, and the realisation of the right to basic education. When learners are subjected to sexual abuse – whether by educators, peers, staff members, service providers, or external actors – the state’s constitutional duties to respect, protect, promote and fulfil rights are directly implicated.**

The Commission’s intervention through this Roundtable was therefore not regulatory



section 29

in nature, nor an attempt to duplicate disciplinary or criminal processes. Rather, it was an exercise of constitutional oversight aimed at:

- ◉ interrogating systemic conditions that enable sexual violence in schools;
- ◉ assessing whether existing institutional responses are legislatively and constitutionally adequate;
- ◉ identifying gaps in coordination, enforcement and accountability; and
- ◉ facilitating collaborative solutions across sectors.

The Roundtable was convened within the Education Focal Area under Commissioner Tshepo Madlingozi, reflecting the South African Human Rights Commission's (SAHRC) commitment to ensuring that the right to education is realised in an environment free from fear, violence and abuse.



2 . BACKGROUND TO THE ROUNDTABLE

The SAHRC Roundtable was convened following the receipt of a formal human rights complaint concerning allegations of sexual violence perpetrated by an educator at St John's College in Mthatha, Eastern Cape. Subsequent media reports and additional allegations underscored that this incident was not isolated but indicative of a broader systemic problem.

Sexual violence in schools has been documented over decades. Policy interventions such as the Safe Schools Initiative and revisions to Life Orientation curricula were intended to address school-based violence. Despite these efforts, recent data presented during the Roundtable revealed:

- Rising reports of child abuse nationally.
- Continued disciplinary cases involving educators accused of sexual misconduct.
- Significant underreporting and fragmented data collection across departments.
- Persistent learner-to-learner sexual violence.

Participants recognised that **the issue is not solely one of criminality, but of structural vulnerability, institutional capacity, legislative coherence, and socio-economic context.**

3. FORMAT OF THE ROUNDTABLE



The Roundtable was structured into two presentation blocks, followed by Q&A sessions.

Presenters included representatives from:

- Department of Basic Education (“DBE”)
- Education Labour Relations Council (“ELRC”)
- South African Council for Educators (“SACE”)
- National Association of School Governing Bodies (“NASGB”)
- National Alliance of Independent Schools Associations (“NAISA”)
- Department of Social Development (“DSD”)
- South African Police Service (“SAPS”)
- Department of Justice and Constitutional Development (“DoJ & CD”)

4. WELCOME AND OBJECTIVES OF THE ROUNDTABLE



Commissioner Madlingozi opened the engagement by emphasising that the SAHRC is an oversight body, not a regulator or employer. The Commissioner also pointed out that the Commission had received both formal and informal complaints regarding sexual violence in schools. He emphasised the fact that schools must be safe and conducive learning environments for learners.

He identified three core objectives:

4.1 Mapping the Ecosystem

To understand:

- Who does what?

- Where mandates begin and end?
- Where systemic breakdowns occur?
- What institutional constraints (budget, capacity, legislative gaps) impede effectiveness?

4.2 Breaking Silos

He stressed the need to avoid siloed institutional responses between:

- Criminal justice institutions (SAPS, DOJ&CD)
- Education authorities (DBE, SGBs)
- Regulators (ELRC, SACE)

- Civil society organisations
- Chapter 9 institutions.
- A criminal justice concern.
- A social and cultural problem requiring systemic change.

4.3 Identifying Way Forward

He raised critical systemic concerns:

- Teachers investigated in one province resurfacing in another to work again.
- Delays in investigations, thus discouraging other complainants.
- Processes and procedures that retraumatise.
- Failure to report cases under section 54 of the Sexual Offences Act.
- Parental withdrawal of cases due to socio-economic and “cultural” pressures.
- Media and political narratives framing rape as “teenage pregnancy,” rather than rape.

He emphasised that sexual violence at schools is:

- A constitutional issue.
- A child protection failure.

He further highlighted the obligation of all adults to report sexual offences and warned against informal “settlement and mediation” practices that undermine justice, healing and accountability.

5. PRESENTATIONS, QUESTIONS AND ANSWERS





Likho Bottoman

5.1 Department of Basic Education, represented by: Likho Bottoman, Chief Director: Social Cohesion and Equity in Education. David Ntloana, Director: Education Labour Relations and Conditions of Service. Muzi Ndlovu, Chief Director: Care and Support in Schools.



David Ntloana



Muzi Ndlovu

The Department of Basic Education situated its contribution within the legal and institutional framework governing educator conduct, learner protection and systemic prevention of sexual violence in public schools. The Department began by clarifying the structural configuration of employer authority within the basic education sector. While the national Department develops policy and regulatory frameworks, employer powers in respect of public school educators vest in the Provincial Heads of Department in terms of the Employment of Educators Act. This distinction was emphasised as foundational to understanding the accountability chain: disciplinary authority is decentralised, whereas policy direction and oversight are national.

The Department outlined the principal legislative instruments relied upon in addressing sexual misconduct in schools. These include:

- the Employment of Educators Act;

- the Criminal Law (Sexual Offences and Related Matters) Amendment Act;
- the Children's Act;
- the Labour Relations Act;
- Collective Agreement 3 of 2018 concluded under the auspices of the Education Labour Relations Council; and
- related Government Gazette regulations governing dismissal and re-employment restrictions.

The National School Safety Framework and Safe Schools Programme were referenced as complementary prevention mechanisms.

Central to the Department's submission was the reform introduced through Collective Agreement 3 of 2018. The Department explained that prior to this agreement, complainants were often required to testify in multiple fora – internal disciplinary hearings, arbitration proceedings, SACE disciplinary inquiries and, where applicable, criminal proceedings. This repetition

was acknowledged as placing an undue emotional and psychological burden on child complainants. The 2018 reform centralised serious educator misconduct cases, including sexual misconduct, at the Education Labour Relations Council for arbitration before a single arbitrator with appropriate expertise. The arbitration award issued is final and binding, subject only to review by the Labour Court. The Department characterised this reform as an effort to reduce secondary trauma, promote consistency in sanctioning and expedite finality in disciplinary outcomes.

The Department further explained that **where an educator is found guilty of sexual assault, sexual harassment or sexual relations with a learner at the same school, dismissal is mandatory in terms of the Employment of Educators Act.** However, the Department candidly acknowledged a legislative inconsistency: the Act refers specifically to relationships “at the same school,” whereas the Sexual Offences Act does not limit criminal liability in this manner. This divergence was recognised as creating interpretive and enforcement challenges, particularly in cases where misconduct occurs outside the immediate school environment.

A substantial component of the Department’s submission focused on the national vetting of educators and public

service staff against criminal records and the National Register for Sex Offenders (“NRSO”). As at 31 January 2026, Provincial Education Departments reported a total target population of 405,738 educators and staff members requiring vetting. Of this total, 103,366 SAPS 69i forms had been submitted, and 52,008 National Register for Sex Offenders certificates had been received.

These figures reveal that only approximately one quarter of the identified target population had submitted SAPS forms, and roughly 12%-13% had received NRSO clearance certificates. Provincial disparities were significant. Gauteng reported 24,460 SAPS submissions out of a target of 77,225, while Limpopo reported only 881 submissions out of a target of 51,446. The Western Cape reported 16,279 submissions and 15,027 NRSO certificates received, reflecting comparatively higher completion rates. KwaZulu-Natal, despite a target of 91,508 personnel, had recorded 10,599 SAPS submissions and 6,158 NRSO certificates received.

The vetting process yielded 60 illicit findings, which included educators, School Governing Body-appointed staff, general assistants and administrative assistants. These findings emerged through SAPS Form 69i criminal record disclosures and NRSO cross-checks. The Department acknowledged that not all criminal record

entries reflected through SAPS checks appear on the National Register for Sex Offenders, revealing systemic misalignment between criminal justice databases and safeguarding registers. Employees whose names appeared on the Register were dismissed. KwaZulu-Natal, Limpopo and Mpumalanga reported no sex offenders identified through the vetting exercise during the reporting period.

The Department indicated that monthly engagements are held between the national office and Provincial Education Departments to monitor illicit findings and confirm remedial action. A Standard Operating Procedure has been developed to guide provinces where an educator is found to be listed on the NRSO. Nonetheless, **vetting remains dependent on provincial compliance and is not yet fully automated or integrated into continuous real-time cross-checking mechanisms.** It is conducted through targeted exercises rather than systemic ongoing verification, exposing potential safeguarding vulnerabilities.

In discussing prevention measures, the Department shifted focus to curriculum-level interventions. Comprehensive Sexuality Education, delivered through the Life Orientation and Life Skills curricula, was presented as a key prevention mechanism. Learners are taught age-appropriate content relating to bodily autonomy, consent,

boundaries, gender equality and legal consequences of sexual misconduct. The Department emphasised that the curriculum is protective in purpose and aligned with safeguarding objectives. However, it acknowledged that the curriculum has been mischaracterised in public discourse and has faced resistance in certain communities, complicating implementation and potentially weakening early intervention capacity.

A significant portion of the Department's submission addressed learner-on-learner sexual violence. The Department underscored that children are not only victims but, in some cases, perpetrators of sexual offences within school environments. This reality, it argued, necessitates a dual prevention strategy that addresses behavioural intervention alongside victim protection. Provincial distribution patterns were referenced to illustrate that reported cases are not evenly spread across the country, suggesting the influence of broader socio-economic and community-level drivers. The Department's framing reflected an understanding that safeguarding cannot focus exclusively on adult misconduct but must also address peer dynamics, psychosocial development and restorative approaches.

The Department also highlighted a regulatory blind spot concerning non-teaching personnel. **Sports coaches, arts facilitators, education assistants**

and learner support agents do not fall neatly within the educator labour relations framework.

Instances involving education assistants appointed under the Presidential Youth Employment Initiative were referenced, where allegations of sexual misconduct had arisen. While disciplinary action had been taken in certain cases, the Department acknowledged that regulatory oversight for non-teaching staff remains less structured than for formally appointed educators. Given the scale of youth employment placements in schools nationally, this gap carries significant safeguarding implications.

Finally, the Department reflected on systemic operational challenges. Investigations into allegations may take extended periods, creating uncertainty and discouraging reporting. The decentralised employer structure means that disciplinary processes vary across provinces. The Department acknowledged instances where educators investigated in one province had resurfaced in another, highlighting weaknesses in inter-provincial information sharing. It also referred to ongoing allegations involving school principals that had not yet resulted in arrest or prosecution, underscoring the complex coordination required between employer discipline, professional regulation and criminal justice processes.

Findings Emerging from the Department's Submission

The Department's submission reveals both institutional reform and systemic incompleteness. **The identification of 405,738 personnel for vetting, with only 103,366 SAPS submissions and 52,008 NRSO certificates received, demonstrates that while vetting has commenced at scale, coverage remains partial.**

The detection of 60 illicit findings confirms that the vetting mechanism is operational; however, the limited proportion of completed checks relative to the total target population exposes a significant safeguarding gap.

Provincial disparities in vetting completion rates reflect uneven implementation capacity and raise concerns about differential risk exposure across provinces. The decentralised employer structure complicates uniform enforcement and creates potential gaps in inter-provincial tracking.

The Department's emphasis on Comprehensive Sexuality Education and learner-on-learner misconduct signals recognition that sexual violence in schools is not solely a disciplinary issue but a socio-cultural and developmental one. However, curriculum resistance and uneven implementation may undermine preventative impact.

The combined effect of decentralised discipline, incomplete vetting coverage, regulatory gaps for non-teaching personnel and coordination challenges across labour and criminal systems suggests that accountability remains fragmented rather than fully integrated.

Gaps Identified

- Incomplete national vetting coverage (approximately 25% SAPS submissions and approximately 13% NRSO certificates relative to target population).
- Significant provincial disparities in implementation.
- Misalignment between SAPS criminal record data and the National Register for Sex Offenders.
- Legislative inconsistency between the Employment of Educators Act and the Sexual Offences Act.
- Regulatory blind spots concerning non-teaching and SGB-appointed personnel.
- Weak inter-provincial information-sharing mechanisms.
- Community resistance impacting prevention initiatives.





5.2 Education Labour Relations Council (ELRC), represented by: Cindy Foca, CEO.

As the second stakeholder to present, the Education Labour Relations Council situated its submission firmly within its statutory mandate as a bargaining council established under section 37(2) of the Labour Relations Act. It emphasised that its jurisdiction concerns labour discipline within the education sector and that its role in cases of sexual violence is confined to employment consequences rather than criminal adjudication.

The ELRC framed Collective Agreement 3 of 2018 as a structural intervention designed specifically to address shortcomings in the prior disciplinary regime. Before the introduction of the “inquiry by arbitrator” model, sexual misconduct cases were handled internally by provincial departments and could subsequently proceed through arbitration, professional regulatory proceedings and, where applicable, labour review litigation. This layered process, the ELRC acknowledged, often required learners to recount traumatic experiences multiple times across fora.

The 2018 agreement centralised serious misconduct cases, including sexual assault and sexual relations with learners, within

the ELRC’s arbitration framework. Matters are referred by Provincial Departments following preliminary investigations. An arbitrator presides over the inquiry, hears evidence and issues an award that is final and binding, subject only to review by the Labour Court. The ELRC emphasised that arbitrators are selected from a panel with appropriate experience, and that the process makes provision for intermediaries and child-sensitive arrangements.

In presenting statistical data, the ELRC underscored both the scale and trajectory of disciplinary referrals under the Independent Bargaining Agent (IBA) framework. The Council reported the following annual caseloads:

- 2018/19 – **23** cases
- 2019/20 – **92** cases
- 2020/21 – **68** cases
- 2021/22 – **94** cases
- 2022/23 – **82** cases

- 2023/24 – **82** cases
- 2024/25 – **114** cases
- 2025/26 (to date) – **93** cases

The figure of 114 cases in the 2024/25 financial year represents the highest caseload recorded since the implementation of Collective Agreement 3 of 2018. The 2025/26 figure, although not yet a full-year total, already stands at 93 cases, indicating sustained high referral volumes.

The ELRC further provided provincial distribution trends reflecting that Gauteng and KwaZulu-Natal consistently account for the highest number of referred cases. The Western Cape and the Free State reflect moderate but steady referral volumes, while the Northern Cape and Limpopo reflect comparatively lower caseloads. These patterns correspond broadly with population distribution but also raise questions regarding reporting rates, provincial disciplinary responsiveness and systemic enforcement capacity.

Between the 2018/2019 and 2025/2026 financial years, 315 awards were issued in sexual misconduct matters. Of these, 248 educators were found guilty and 68 were found not guilty. This conviction-to-acquittal ratio suggests that where matters proceed to formal arbitration,

a significant proportion result in findings of guilt.

Where educators are found guilty, the ELRC transmits its awards to the South African Council for Educators (“SACE”) for deregistration from the roll of educators and to the Department of Social Development for purposes related to the National Child Protection Register. However, the ELRC was clear that its findings do not automatically bind SACE, nor do they compel criminal prosecution. The labour process and the criminal justice process operate independently.

Embedded within the ELRC’s submission was a structural tension: while the Council presented its model as streamlined and protective of complainants, the data suggests sustained and increasing referral volumes. The rise to 114 cases in 2024/25 indicates that the inquiry-by-arbitrator model has not reduced the incidence of serious educator misconduct, but rather provides a centralised mechanism for its adjudication. The system remains dependent on timely referrals from Provincial Departments. Delays at employer level postpone arbitration and may prolong uncertainty for complainants.

Moreover, while 248 guilty findings have been issued since 2018/19, the ELRC’s mandate ends at labour consequences. It does not oversee professional deregistration, nor does it ensure criminal accountability. The

statistical increase in referrals, combined with the separation of labour and criminal processes, underscores the fragmented nature of accountability across institutions.

The Council did not suggest that the arbitration model is flawed; rather, it implicitly positioned fragmentation elsewhere in the system – in the disconnect between labour discipline, professional regulation and criminal prosecution.

Findings Emerging from the ELRC Submission

The ELRC has instituted a specialised arbitration model that represents a significant procedural reform in the handling of educator sexual misconduct. It has reduced fragmentation at labour level and introduced child-sensitive mechanisms.

However, the data reveals sustained and, in recent years, increasing referral volumes. The peak of 114 cases in 2024/25 and 93 cases already recorded in 2025/26 indicate that serious educator misconduct referrals remain high. The issuance of 248 guilty awards since 2018/19 confirms that a substantial proportion of referred cases result in findings of misconduct.

At the same time, the ELRC's effectiveness remains structurally limited by its mandate.

It cannot compel criminal prosecution, nor can it ensure automatic professional deregistration. Its success depends on timely employer referrals and effective downstream coordination with SACE, SAPS and DSD.

Systemic Accountability Gaps Identified

- Increasing IBA caseload volumes without corresponding data on resolution timelines.
- Dependence on Provincial Departments for timely referrals.
- Lack of procedural alignment between ELRC findings and automatic SACE deregistration processes.
- Absence of automatic integration between labour discipline outcomes and safeguarding registers.
- Fragmentation between labour consequences and criminal accountability.

5.3 South African Council for Educators (SACE), represented by: Tuzana Sophethe, Manager: Planning and Research.



The South African Council for Educators situated its submission within its statutory mandate as the professional regulatory body responsible for the registration, discipline and deregistration of educators in South Africa. It emphasised that its authority derives from the South African Council for Educators Act and that its jurisdiction concerns professional misconduct rather than labour discipline or criminal adjudication. In this regard, SACE occupies a distinct but complementary role within the broader accountability chain.

The Council explained that all educators must be registered with SACE in order to be employed in public schools. Registration is therefore both a gateway requirement and a regulatory mechanism. Where allegations of professional misconduct arise, SACE conducts investigations and disciplinary proceedings independent of employer processes. These proceedings may result in removal from the register, suspension, fines or other sanctions.

In presenting statistical data, SACE underscored the magnitude of complaints received nationally. **Between 2021 and 2025, the Council received 3,414 complaints of professional**

misconduct. Of these, 826 involved sexual cases, while 1,298 related to assault or corporal punishment, and 570 involved teacher-to-teacher misconduct. The remaining complaints related to categories including racism, discrimination, fraud and other professional breaches.

The annual distribution of complaints over the period 2021 to 2025 illustrates sustained intake volumes:

- 2021 – **764** complaints
- 2022 – **736** complaints
- 2023 – **608** complaints
- 2024 – **606** complaints
- 2025 – **700** complaints

The 2025 figure, although not yet representing a full financial year at the time of reporting, indicates a renewed escalation in complaint volumes.

During this period, 104 educators were removed from the register indefinitely, 13 were removed

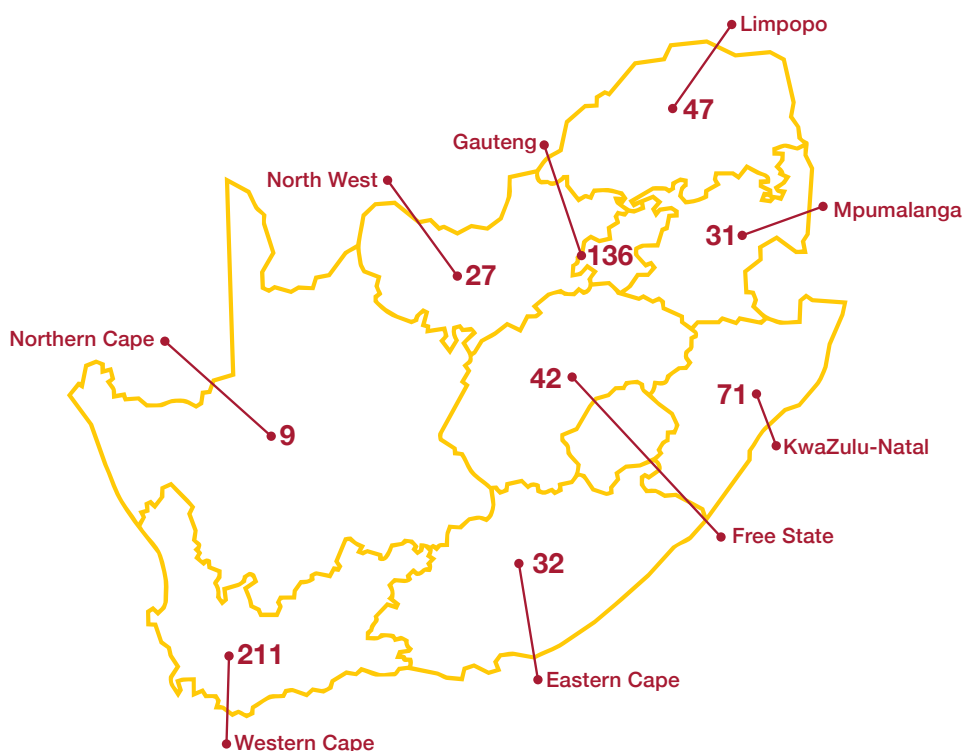
for a specified period, and 263 cases resulted in suspended removals or fines. These figures reflect that sexual misconduct constitutes a substantial proportion of overall professional complaints and that deregistration remains one of the most severe sanctions available to the Council.

The Council then provided more recent annual data to illustrate current trends. In the 2024/2025 financial year alone, SACE received 606 complaints. Of these:

- **266** involved sexual assault of a learner

- **281** involved assault on learners or corporal punishment
- **48** involved humiliation or victimisation
- **41** involved racism or discrimination
- **38** involved sexual harassment or assault of a colleague

Provincially, the 606 complaints in 2024/2025 were distributed as follows:



The Western Cape and Gauteng together account for nearly 350 of the 606 complaints recorded in that year.

that approximately half of all matters remained pending at the close of the reporting period.

Of the 606 complaints received during 2024/2025, 294 were finalised, indicating

For the 2025/2026 financial year (April 2025 to 31 January 2026), SACE reported having

already received 700 new cases, excluding backlog cases carried over from previous years. Of these new cases:

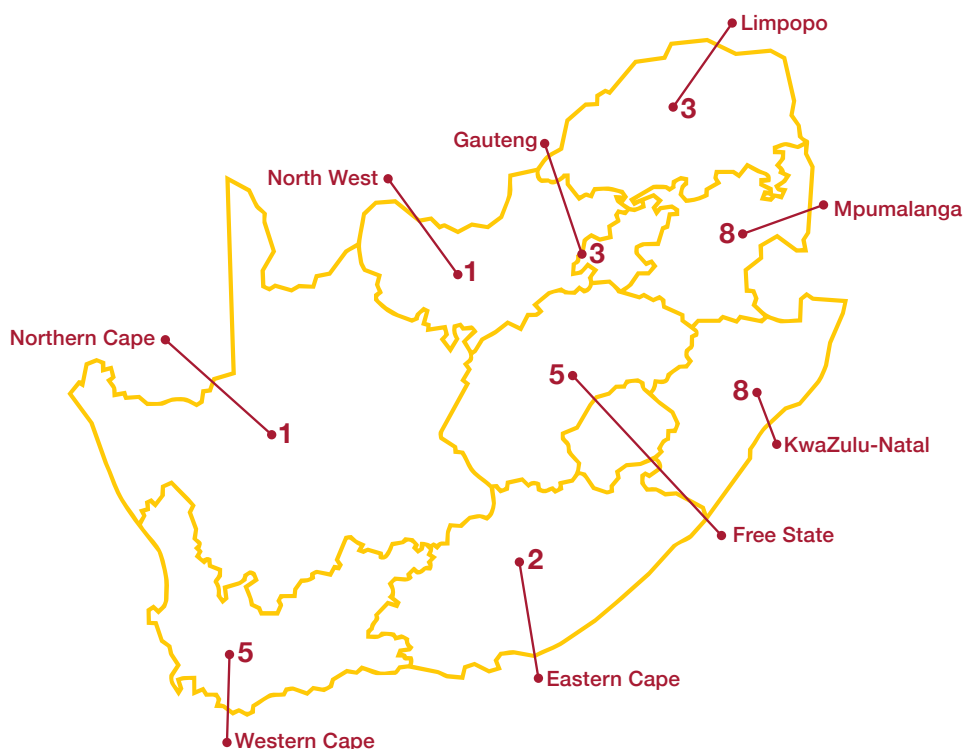
- **195** involved sexual assault, humiliation, relationships or rape of learners
- **194** involved assault or corporal punishment
- **207** involved humiliation, intimidation or sexual harassment of colleagues or parents

The pace of incoming complaints within a ten-month period suggests a sustained and possibly escalating trend in professional misconduct cases.

The Council also presented sanction data

reflecting longitudinal removal patterns:

- In the 2021/2022 financial year, 13 educators were struck off the register, including 9 for sexual misconduct, 2 for fraud and 2 for physical assault.
- In 2022/2023, 31 educators were struck off, of whom 22 were struck off for sexual misconduct, 8 for fraud and 1 for physical assault.
- In the 2023/2024 financial year, 22 educators were struck off the register, of whom 16 were struck off for sexual misconduct, three for assault, and three for other forms of misconduct.
- In the 2024/2025 financial year, 36 removals were recorded across provinces, distributed as follows:



The Council further referenced cases reflecting severe age disparities between educators and learners involved in misconduct, including cases involving learners as young as 12 years old and educators as old as 56 years old. In certain recorded instances, the youngest educator struck off was 23 years old. These age disparities underscore the gravity of certain offences and the vulnerability of early adolescent learners.

While SACE emphasised that it transmits deregistration decisions to employers and relevant stakeholders, it acknowledged that its processes do not automatically trigger criminal prosecution, nor do they guarantee inclusion on safeguarding registers unless downstream processes are activated. Professional discipline operates independently from labour and criminal proceedings.

Embedded within SACE's submission was an implicit recognition of caseload pressure. The significant volume of complaints – 3,414 over four years, 606 in a single year, and 700 within ten months of the current financial year – suggests that investigative and adjudicative capacity is stretched. While deregistration remains an important accountability tool, delays in finalisation risk undermining both deterrence and public confidence.

The Council positioned itself as an essential regulatory safeguard but acknowledged that its effectiveness depends on cooperation with Provincial Departments, the ELRC, SAPS and the Department of Social Development. Professional removal does not prevent criminal proceedings from failing, nor does it automatically ensure alignment with other safeguarding registers.

Findings Emerging from the SACE Submission

SACE's data reveals the substantial scale of professional misconduct within the education sector. The receipt of 3,414 complaints between 2021 and 2025, including 826 sexual cases, demonstrates that sexual misconduct forms a significant component of educator disciplinary matters. The fact that 266 sexual assault complaints were recorded in the 2024/2025 financial year alone, and that 195 new sexual assault-related cases were recorded within the first ten months of 2025/2026, indicates that the problem remains persistent and systemic.

The provincial distribution of complaints, particularly the concentration in Western Cape and Gauteng, suggests either higher reporting rates, stronger compliance with referral mechanisms, or underlying prevalence patterns that warrant closer scrutiny.

The sanction data, including:

- **104** indefinite removals,
- **31** removals in 2022/2023 (22 for sexual misconduct),
- **22** educators struck off in 2023/2024 (16 for sexual misconduct), and
- **36** removals in 2024/2025 reflects that deregistration is being utilised.

However, when read against the volume of complaints received, the figures suggest that only a portion of cases culminate in the most severe professional sanction. The ratio between intake and permanent removal raises questions regarding procedural timelines, evidentiary thresholds and alternative sanction pathways.

The data also demonstrates the growing caseload burden facing SACE. With 606 complaints in 2024/2025 and 700 new complaints within ten months of 2025/2026, nearly half of matters remaining pending at year-end suggests pressure on investigative capacity. Prolonged proceedings may compromise learner protection and weaken deterrence.

Systemic Accountability Gaps Identified

- Absence of automatic integration between SACE deregistration decisions and labour or criminal processes.
- No guaranteed linkage between professional deregistration and inclusion on safeguarding registers.
- High caseload volumes relative to finalisation rates.
- Growing intake volumes without proportional increase in removal outcomes.
- Continued fragmentation between professional regulation, labour discipline and criminal prosecution.
- Delays in disciplinary processes that may weaken deterrence and public confidence.
- Provincial concentration patterns requiring further analysis of reporting and enforcement disparities.



5.4 National Association of School Governing Bodies (NASGB), represented by: Matakanye Matakanye, Secretary General of the National Association of School Governing Bodies.

The National Association of School Governing Bodies' contribution was shaped less by regulatory detail and more by contextual realities at school level.

NASGB acknowledged at the outset that School Governing Bodies play a role in employment decisions, particularly in relation to SGB-appointed educators and certain categories of non-teaching staff. In doing so, it implicitly accepted that SGBs form part of the safeguarding architecture.

However, NASGB's submission was marked by a strong emphasis on capacity constraints. It stressed that SGB members are typically volunteers, drawn from parent communities, often without legal training or access to specialised advice. The Association described uneven levels of understanding regarding statutory reporting obligations and acknowledged that safeguarding literacy varies significantly across schools.

NASGB did not deny the existence of reporting failures. Rather, it contextualised them within socio-economic vulnerability. In many communities, it argued, poverty

and power imbalances shape responses to allegations of sexual misconduct. **Parents may withdraw complaints due to economic dependency, fear of retaliation or community pressure.** SGB members themselves may face intimidation.

At the same time, NASGB emphasised its reliance on state-maintained systems. It stated that SGBs do not have independent access to integrated vetting mechanisms and must depend on provincial departments and national registers to verify the status of prospective employees. Where registers are fragmented or inaccessible, SGBs are exposed to risk.

While acknowledging weaknesses, the NASGB positioned many failures as systemic rather than deliberate. The Association suggested that SGBs require clearer guidance, structured training and stronger institutional support if they are to discharge safeguarding responsibilities effectively.

The tone of the submission reflected the tension between local governance autonomy and national accountability

expectations. NASGB implicitly resisted the notion that SGBs are primary drivers of safeguarding failures, instead pointing to broader structural conditions.

Findings Emerging from the NASGB

Submission

SGBs occupy a critical but unevenly capacitated position within the safeguarding chain. Their proximity to communities enables responsiveness, but their volunteer nature and limited legal literacy constrain consistent compliance.

NASGB recognises vulnerabilities within school-level reporting and vetting but situates these within broader socio-economic realities.

Systemic Accountability Gaps Identified

- Insufficient structured training for SGB members on statutory reporting obligations.
- Limited access to integrated vetting and safeguarding registers.
- Vulnerability to community pressure and intimidation.
- Ambiguity in the delineation of employer accountability between SGBs and Provincial Departments.
- Lack of consistent oversight mechanisms to ensure SGB compliance with reporting duties





5.5 National Alliance of Independent Schools Associations (NAISA), Mduzuzi Qwabe, Deputy Director of Catholic Institute of Education (representing NAISA).

The National Alliance of Independent Schools Associations framed its submission within the constitutional and statutory obligations that bind independent schools to the same child protection standards applicable in the public education sector. It emphasised that section 28 of the Constitution, which guarantees every child the right to be protected from maltreatment, neglect, abuse and degradation, applies equally to independent institutions.

NAISA referenced section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, which imposes a mandatory reporting duty on any person with knowledge of a sexual offence committed against a child. It also referred to section 110 of the Children's Act, which similarly requires certain professionals and individuals to report child abuse and neglect. The submission underscored that failure to report constitutes a criminal offence.

In outlining safeguarding practices within independent schools, NAISA described the implementation of child protection policies, safe recruitment procedures, codes of conduct and mandatory vetting processes.

Prospective employees are required to provide:

- Police clearance certificates.
- SACE registration verification.
- Confirmation that they do not appear on the National Child Protection Register.
- Confirmation that they do not appear on the National Register for Sex Offenders.

NAISA emphasised that independent schools depend on the integrity and accessibility of these registers. Where data is outdated, fragmented or inaccessible, the safeguarding chain is weakened.

The submission also addressed the role of school-based safeguarding committees and internal reporting mechanisms. Independent schools are required to have designated staff members responsible for receiving and escalating complaints. However, NAISA acknowledged variability

in implementation across institutions, particularly smaller independent schools with limited administrative capacity.

In responding to broader concerns raised during the Roundtable, **NAISA stressed that independent schools are not immune from the socio-economic and cultural pressures that undermine reporting in the public sector. Stigma, fear of reputational damage, and parental reluctance to pursue criminal processes were identified as shared challenges.**

NAISA did not present statistical data specific to independent schools but emphasised alignment with national safeguarding frameworks and reliance on state-maintained regulatory infrastructure.

Findings Emerging from the NAISA Submission

Independent schools are formally bound by the same constitutional and statutory safeguarding duties as public schools. Internal policy frameworks exist and include safe recruitment and reporting mechanisms.

However, safeguarding effectiveness is heavily dependent on the accuracy and integration of national registers maintained by state institutions.

Systemic Accountability Gaps Identified

- Fragmentation between SACE, National Child Protection Register and National Register for Sex Offenders.
- Variability in safeguarding implementation across independent schools.
- Continued risk of underreporting due to reputational and socio-cultural pressures.
- Dependence on state systems without direct oversight authority over their integrity.

5.6 Question & Answer Session 1

The first Q&A session followed presentations by the Department of Basic Education, the Education Labour Relations Council, the South African Council for Educators, the National Association of School Governing Bodies, and the National Alliance of Independent Schools Associations. The questions posed during this session reflected deep concern about vetting failures, institutional fragmentation, implementation gaps, and inconsistencies between legal frameworks.

Vetting of Educators and Access to Registers

A central theme in this session concerned the vetting of educators – particularly those appointed by School Governing Bodies (SGBs).

Mr Matakanye (NASGB) raised concerns regarding the expectation that SGBs must prevent the appointment of sex offenders, despite not having direct access to the National Register for Sex Offenders. He queried how SGBs are practically expected to fulfil their safeguarding responsibilities when they cannot independently verify whether an applicant appears on relevant national registers.

The exchange revealed that SGBs do not themselves have to access the NRSO or similar registers. Rather, vetting processes rely on broader system structures and provincial education departments. This limitation creates vulnerabilities, particularly where individuals dismissed in one province or context may reappear in another, including under SGB-appointed posts.

The discussion underscored a structural fragmentation in screening mechanisms and highlighted the absence of integrated or universally accessible vetting systems across stakeholders.

Legislative Misalignment Between ELRC and SACE

Another significant issue raised during Q&A 1 concerned the legislative disconnect between disciplinary processes under the ELRC and professional deregistration processes under SACE.

It was explained that while the ELRC may find an educator guilty of sexual misconduct and issue a final and binding award resulting in dismissal, SACE is required, in terms of its own governing legislation, to conduct a separate professional misconduct inquiry before deregistration.

This duplication means that learners may be required to testify again in SACE proceedings. Where learners or their families decline to participate in a second process, deregistration may not occur, even where dismissal has already taken place.

This procedural gap was acknowledged as a serious weakness in the regulatory ecosystem, potentially allowing dismissed educators to retain professional registration in certain circumstances.

Under-Reporting, Parental Interference and Socioeconomic Pressures

Participants also interrogated the persistent gap between policy frameworks and lived reality.

DBE acknowledged that while reporting obligations are clearly set out in law – including under the Criminal Law (Sexual Offences and Related Matters) Amendment Act – in practice, reporting is often affected by:

- Parental interference.
- Informal settlements or financial inducements.
- Community pressure.
- Socioeconomic vulnerability.

- Fear of retaliation.

It was noted that cases are sometimes withdrawn due to family pressure or intimidation. These realities contribute to under-reporting and case attrition, despite the existence of mandatory reporting obligations.

Safe Schools Programme: Policy vs Implementation

Mr Matakanye expressed concern that the Safe Schools Programme appears robust in documentation but is not consistently implemented at ground level. He referenced prior national resolutions and initiatives and questioned why these have not translated into visible, sustained change in schools.

While DBE outlined the existence of national protocols, school safety plans and collaborative frameworks with SAPS, the exchange revealed an implementation gap between policy design and local execution.

Fragmentation and Institutional Silos

Across the Q&A, a recurring theme was fragmentation:

- Registers are not seamlessly integrated.
- Disciplinary and professional regulatory processes operate in parallel.

- ◉ SGBs lack direct access to vetting tools.
- ◉ Enforcement varies across provinces.
- ◉ Policy clarity does not always translate into operational consistency.

This session laid the groundwork for later discussions about systemic coordination failures.



5.7 Department of Social Development (DSD), represented by: Cynthia Nyoni, Deputy Director: Child Protection: Child Abuse & Neglect. Nkatane Matsomane, Manager: National Child Protection Register.



Cynthia Nyoni



Nkatane Matsomane

National Child Protection Register

The Department of Social Development delivered two complementary presentations focused on the National Child Protection Register, one addressing the broader child protection framework and the second dealing specifically with the operational functioning of Part B of the Register.

The Department situated the NCPR within the statutory framework of the Children's Act 38 of 2005. In terms of section 111(1), the Director-General is required to establish and maintain a National Child Protection Register. The Register is not merely administrative; it is intended to function as a national safeguarding instrument that both records abuse and prevents unsuitable persons from working with children.

The NCPR is divided into two distinct but interlinked components:

- Part A, which records reported cases

of child abuse and neglect, including the particulars of the child and the nature of the intervention.

- Part B, which records the particulars of persons found unsuitable to work with children.

The Department emphasised that the two parts are procedurally connected: reported abuse (Part A) may, following due process and findings of unsuitability, lead to inclusion of an offender in Part B.

Scale of Child Abuse and Sexual Abuse Nationally

The Department presented national child abuse data for the 2024/2025 financial year in order to contextualise the scale of safeguarding risk.

For 2024/2025, a total of 26,855 cases of child abuse were recorded nationally. This reflected an increase from the 23,772 cases

recorded in 2023/2024, indicating a year-on-year escalation in reported abuse cases.

Within the 26,855 cases recorded in 2024/2025, the Department disaggregated the categories as follows:

- 9,857 cases of sexual abuse
- 9,485 cases of neglect
- 3,955 cases of physical abuse
- 595 cases of abandonment

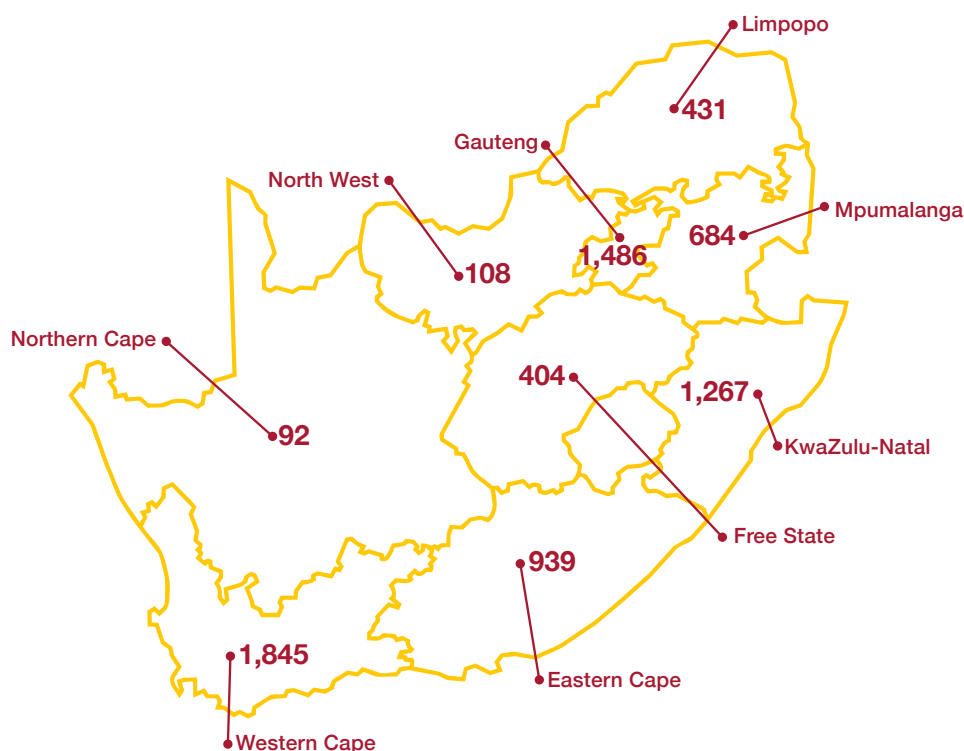
The Department emphasised that sexual abuse constitutes one of the largest single categories of reported abuse nationally,

representing more than a third of all recorded abuse cases in the reporting year. It stressed that these figures reflect reported and processed cases only and do not capture the full prevalence of abuse due to systemic underreporting.

Provincial Distribution of Sexual Abuse Cases

The Department then provided a provincial breakdown of recorded sexual abuse cases for the reporting period referenced in the presentation, reflecting a total of 6,577 sexual abuse cases across the nine provinces.

The provincial distribution was narrated as follows:



The Department used these figures to underscore that **sexual abuse is geographically widespread and not confined to a single province or socio-economic context.**

Legal Basis for Inclusion in Part B

The Department then turned specifically to the legal framework governing Part B of the Register. In terms of section 120 of the Children's Act, a person may be found unsuitable to work with children following:

- A conviction for certain offences against a child.
- A finding by a children's court.
- A finding by another court in criminal or civil proceedings.
- A finding by a recognised disciplinary forum in proceedings relating to a child.

Offences that may trigger unsuitability include:

- Murder of a child
- Rape
- Indecent assault

- Sexual offences under the Criminal Law (Sexual Offences and Related Matters) Amendment Act
- Assault with intent to do grievous bodily harm where the victim is a child
- Possession of child pornography (Films and Publications framework)
- Offences under the Prevention and Combating of Trafficking in Persons Act

The Department explicitly referenced that disciplinary findings by bodies such as SACE, the CCMA and the ELRC may also lead to findings of unsuitability, provided that the procedural requirements are satisfied and the finding is transmitted.

Inclusion Process and Court/Disciplinary Notifications

Inclusion in Part B is not automatic upon allegation or dismissal. The Department explained that listing is dependent upon:

- a formal finding of unsuitability; and
- proper notification to the Registrar.

Delays in court notifications, incomplete documentation, or failure of disciplinary bodies to transmit findings may delay or prevent listing.

The Department stressed that the Register's integrity depends on timely and accurate reporting from courts and recognised fora.

Screening and Implementation Data

The Department provided operational data concerning training and screening processes linked to the implementation of Part B.

It indicated that:



1,700 individuals had been trained in relation to section 125 implementation and screening obligations.



17,587 screenings had been processed.



42,014 screenings had been processed in a separate screening category.



An additional 20,920 screenings had been processed "so far" within the reporting window referenced.

These figures reflect employer and individual inquiries submitted through prescribed forms (including employer inquiry Form 29 and individual inquiry Form 30).

The Department explained that screening is initiated through formal inquiry by employers and institutions. It is not an automated cross-verification system. **Schools and other institutions providing services to children are required to submit formal screening requests before employing or placing individuals in positions involving access to children.**

Digitisation and Integration Constraints

A substantial portion of the Department's presentation addressed systemic limitations. The NCPR is not yet fully digitised in a manner that allows real-time integration with:

- the National Register for Sex Offenders;
- the South African Council for Educators register; and
- Department of Basic Education human resource systems.

Screening remains request-driven. The system does not automatically cross-check across registers. This fragmentation was acknowledged as a structural vulnerability.

Underreporting and Socio-Economic Pressures

The Department emphasised that underreporting remains a pervasive systemic challenge. Families may withdraw complaints due to economic dependence, fear of retaliation, stigma or community pressure. Underreporting affects both criminal prosecution and the completeness of the NCPR.

Findings and Systemic Accountability Gaps

The DSD presentation reflects both the scale of recorded abuse and the structural fragility of safeguarding mechanisms.

Key findings include:

- **26,855** recorded abuse cases in 2024/2025, with **9,857** sexual abuse cases.
- **6,577** recorded sexual abuse cases across provinces, with significant concentrations in Western Cape, Gauteng and KwaZulu-Natal.
- Significant screening activity (**17,587 + 42,014 + 20,920 screenings**), but screening remains employer-initiated rather than automated.

Systemic accountability gaps include:

- Underreporting of sexual abuse.
- Dependence on court and disciplinary notification for Part B inclusion.
- Lack of real-time integration with NRSO and SACE.
- Screening processes that rely on institutional compliance rather than systemic automation.
- Administrative bottlenecks and incomplete digitisation.



5.8 Department of Justice and Constitutional Development (DoJ&CD), represented by: Ntombizodwa Matjila, Registrar: National Sex Offenders Registry.

National Register for Sex Offenders (NRSO)

The Department of Justice and Constitutional Development, through the Registrar of the National Register for Sex Offenders, delivered another of the most consequential submissions of the Roundtable. The presentation situated the NRSO within Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act and framed the Register as a core post-conviction safeguarding mechanism within South Africa's child protection architecture.

The Registrar emphasised that the NRSO is not a disciplinary register, nor an administrative employment database. It is a statutory instrument triggered by criminal conviction. Its purpose is preventative: to prohibit persons convicted of sexual offences against children and persons who are mentally disabled from working in environments where they would have access to vulnerable persons, including schools.

Legal Foundation and Scope of the Register

The Registrar explained that inclusion on the NRSO is contingent upon conviction for a qualifying sexual offence. Once a person is convicted of a sexual offence against a child or a person who is mentally disabled, the presiding officer must inform the offender that their particulars will be entered into the Register. The court must then forward the prescribed documentation to the Registrar.

The Register records particulars of:

- persons convicted of sexual offences against children; and
- persons convicted of sexual offences against persons who are mentally disabled.

The Registrar clarified that she does not record allegations, disciplinary findings, or labour dismissals. She captures only criminal convictions.

This distinction was emphasised repeatedly, particularly in the context of educator misconduct cases that result in dismissal through ELRC arbitration or deregistration through SACE, but do not culminate in criminal conviction. Such individuals will not appear on the NRSO.

Magnitude, Completeness and Structural Limitation of the Register

The most striking element of the Registrar's submission concerned the quantitative integrity of the Register. Based on sentencing and conviction data available to the Department, the Registrar stated that the NRSO ought to contain 45,278 offenders. This figure reflects the total number of qualifying convictions that should have triggered inclusion on the Register. However, at the time of the presentation, the NRSO formally contained 34,000 offenders whose entries were supported by received court orders and completed administrative processing. This reveals a gap of 10,748 offenders who should appear on the Register but do not, due to missing or delayed court orders. The Registrar explained that in principle, every qualifying conviction should result in:

- A judicial order.
- Transmission of documentation to the Registrar.

- Entry into the Register.

However, in practice, court orders may not be issued, may not be transmitted, or may be administratively delayed. Until the Registrar receives the proper documentation, the offender cannot be formally entered into the NRSO. This administrative vulnerability directly weakens the preventive function of the Register.

The Registrar was explicit in describing this as a systemic weakness. **The Register's preventive function is dependent on completeness. Where court documentation is not transmitted, offenders who have been convicted of sexual offences against children may not appear in vetting processes.** The Registrar characterised this not as a failure of legislative design but as a breakdown in implementation at the court-notification stage. Furthermore, the Register is not fully integrated with other safeguarding systems, including:

- The National Child Protection Register Part B;
- The South African Council for Educators register;
- Department of Basic Education employment systems.

As a result, cross-verification is not automatic. Each register operates within its own legislative silo.

Clearance Certificates and Employer Vetting

The Registrar explained that the Register functions as a screening tool. Employers – including schools – must apply for clearance certificates to determine whether a prospective employee’s name appears on the NRSO. The process requires formal application to the Registrar, after which a certificate is issued confirming whether the person is listed.

The Registrar indicated that the number of clearance certificates issued annually has increased in recent years, reflecting growing institutional awareness. However, she also emphasised that the Register does not automatically notify employers of listed individuals. The system depends on proactive vetting by institutions.

Findings and Systemic Accountability Gaps

The Registrar’s data exposes one of the most serious systemic accountability fractures identified during the Roundtable. They include:

- Conviction-dependency, excluding dismissed but unconvicted offenders.
- Court-notification failures resulting in non-entry of convicted offenders.
- Lack of automated integration with NCPR and SACE registers.
- Reliance on employer-initiated clearance requests rather than automated cross-checking.
- Administrative bottlenecks that delay updating of the Register.

The Registrar’s submission demonstrates that the legislative framework exists, but operational weaknesses significantly undermine the preventive capacity of the system.

5.9 South African Police Service (SAPS), represented by: Mbali Mncadi, Section Head: Youth, Children, Gender Based Violence and Victim Empowerment.



The South African Police Service framed its submission within its constitutional and statutory mandate to investigate sexual offences and enforce mandatory reporting provisions. It emphasised that **section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act** criminalises the failure to report knowledge of sexual offences against children, and that this obligation applies to all persons, including educators, school officials and members of the public. Non-compliance constitutes a criminal offence punishable by a fine or imprisonment of up to five years.

SAPS described the role of its Family Violence, Child Protection and Sexual Offences (FCS) Units in investigating cases involving child victims. These specialised units are mandated to handle sexual offences against children under the age of 18 and include forensic social workers and trained investigators to ensure victim-sensitive handling of cases. The intention is to minimise secondary trauma and to ensure proper collection of evidence, including forensic examination and witness

statements.

In presenting crime data, SAPS contextualised the scale of sexual offences involving children nationally. **During the 2024/2025 financial year, 2,826 criminal charges were recorded against children for sexual offences, compared to 2,438 recorded during the 2023/2024 financial year, reflecting a marked year-on-year increase.** This represents an increase of 388 cases, or approximately 16% year-on-year growth.

The quarterly breakdown of cases further illustrates that this increase was not isolated to a single reporting period but reflects sustained elevated reporting across the financial year:

2024/2025 Financial Year

- April – June: **579** cases
- July – September: **714** cases
- October – December: **810** cases

- January – March: **723** cases

- Total: **2,826**

2023/2024 Financial Year

- April – June: **515** cases

- July – September: **581** cases

- October – December: **665** cases

- January – March: **677** cases

- Total: **2,438**

The October to December 2024 quarter recorded the highest single quarterly figure (810 cases) across the two-year comparison, indicating a sustained escalation rather than a statistical anomaly.

The gender profile of accused persons reflects a strikingly consistent pattern. In 2024/2025, 2,783 of the accused were male and 43 female. In 2023/2024, 2,404 were male and 34 female. This confirms that more than 98% of recorded accused children in child sexual offence cases are male, underscoring the deeply gendered nature of sexual violence against children.

These figures demonstrate that children are implicated not only as victims but also, in

certain instances, as perpetrators of sexual offences. SAPS emphasised that this trend underscores the need for preventative and rehabilitative interventions alongside criminal investigation.

In addition, **crime statistics for the first two quarters of the 2025/2026 financial year recorded nearly 200 rapes on school premises.**

This figure was presented to illustrate that schools are not insulated from broader societal patterns of sexual violence and that offences occurring within school grounds require coordinated responses between education authorities and law enforcement.

SAPS acknowledged that while cases may be reported and charges opened, successful prosecution is contingent upon evidentiary sufficiency. Delayed reporting significantly compromises forensic evidence. In many instances, sexual offences are reported weeks or months after the incident, undermining the strength of DNA evidence and witness recollection. SAPS further acknowledged that parents may withdraw complaints, victims may be intimidated, and socio-economic pressures may lead to informal settlements or reluctance to pursue cases to conclusion.

SAPS emphasised that once a case is reported, it is the responsibility of law enforcement to investigate irrespective of

parental withdrawal. However, prosecution decisions ultimately depend on the National Prosecuting Authority and the evidentiary threshold required for conviction. **SAPS highlighted that intimidation of victims and witnesses remains a persistent obstacle, as does the reluctance of victims to disclose perpetrators where the perpetrator is a family member or trusted authority figure.**

Embedded within the submission was an institutional tension between legal obligation and practical constraint. While SAPS reaffirmed its investigative duty and mandatory reporting framework, it acknowledged that failures at the reporting stage, late disclosure and community resistance significantly weaken the criminal justice response. Furthermore, while the FCS units are specialised, capacity constraints in certain regions, including forensic backlogs and investigator shortages, affect the timeliness and quality of investigations. The sustained increase in annual charges, combined with quarterly spikes exceeding 800 cases, suggests that investigative workload pressures are likely intensifying.

SAPS also recognised the need for stronger interdepartmental collaboration. Effective safeguarding requires alignment between criminal investigations, labour discipline, professional deregistration and safeguarding register inclusion. Absent this integration,

criminal findings may not translate into preventative safeguards, and disciplinary findings may not lead to prosecution.

Findings Emerging from the SAPS Submission

The criminal justice system remains a central pillar of accountability in cases of sexual violence in schools. The presence of specialised FCS units reflects institutional recognition of the vulnerability of child victims and the need for sensitive investigative processes.

However, the statistical data underscores the scale and trajectory of the problem. The increase from 2,438 cases in 2023/2024 to 2,826 cases in 2024/2025, coupled with sustained high quarterly figures, including 810 cases in a single quarter, demonstrates that sexual violence affecting children is not declining. Nearly 200 rapes recorded on school premises within six months of 2025/2026 further confirms that schools remain directly implicated spaces.

The gender disaggregation of accused persons, with more than 98% male, confirms the structural and gendered nature of sexual violence against children. This has implications for prevention programming, masculinity interventions and educator screening frameworks.

At the same time, the effectiveness of

criminal investigations remains highly dependent on timely reporting, witness cooperation and evidentiary sufficiency. The absence of prosecution outcome data and conviction rates prevents a full assessment of system effectiveness. The gap between reported cases and successful prosecution remains a structural concern.

Systemic Accountability Gaps Identified

- Persistent non-compliance with mandatory reporting obligations.
- Delayed reporting compromising forensic evidence and prosecution prospects.
- Victim withdrawal and intimidation undermining cases.
- Capacity constraints within investigative and forensic services in certain regions.
- Sustained increase in caseload without corresponding presentation of resourcing data.
- Absence of conviction, attrition and prosecution outcome statistics.
- Limited automatic integration between criminal case outcomes and safeguarding registers or labour processes.
- No disaggregation of school-linked offences beyond aggregate “school premises” data.

5.10 Question & Answer Session 2

The second Q&A session followed presentations by SAPS, the Department of Social Development, and the Department of Justice and Constitutional Development. This session shifted focus toward criminal justice processes, register management, reporting failures, and survivor protection.

Registration on the National Child Protection Register

The DSD was asked to explain why relatively few individuals had been registered as unsuitable persons on the National Child Protection Register, given the high prevalence of sexual violence against children nationally.

The DSD clarified that entry onto the NCPR depends on formal findings of unsuitability following court or administrative processes. The Department explained that procedural requirements and case finalisation timelines affect the number of registrations.

Convictions and the National Register for Sex Offenders

A further question was directed to DoJ & CD regarding why a conviction for a sexual offence does not automatically result in inclusion on the National Register for Sex Offenders.

DoJ & CD explained that inclusion requires a specific court order. Although courts are expected to make such orders upon conviction for qualifying offences, this is not automatic in practice. Oversight or failure to issue the order may result in names not being entered.

Learners Above the Age of 18

Mr Matakanye, on behalf of the National Association of School Governing Bodies, raised a question directed to the DSD regarding learners who are 19 or 20 years old but remain enrolled in school. He asked what protections or services apply in such cases, given that DSD had indicated responsibility up to the age of 18.

That DSD responded by stating that, although the Children's Act defines a child as under 18, services may still be rendered where a person remains within the child protection or schooling system and is in need of care and protection. Age does not operate as an absolute bar where vulnerability persists.

Cases Reported but Not Prosecuted

Mr Matakanye also raised concerns about cases reported to SAPS that receive case numbers but do not proceed further.

SAPS explained that **investigations depend on timely reporting, cooperation of witnesses, and evidentiary availability, including medical and forensic evidence. Late reporting affects prosecutorial viability.**

SAPS emphasised that failure to report sexual offences against children constitutes a criminal offence and that cases may only be withdrawn in court.

Secondary Victimisation and Social Media Exposure

Participants asked how survivors are protected from secondary victimisation, particularly where cases go viral online.

SAPS and DoJ & CD acknowledged that while confidentiality protections apply within formal processes, once matters circulate on social media, control over exposure becomes significantly more difficult.

Coordination where Cases Surface on Social Media

A question was raised about how authorities respond when cases are first reported on social media rather than through official channels.

SAPS indicated that reports may be

received through various channels and that investigations may be initiated where sufficient information is available. However, social media exposure may complicate formal case handling.

Increasing Child-on-Child Sexual Offences

SAPS presented statistics showing a growing number of sexual offences committed by children themselves. The representative emphasised that offences often occur in hidden spaces and frequently involve known perpetrators.

This shifted the conversation from educator misconduct alone to broader societal drivers of sexual violence.

Under-Reporting as a Structural Challenge

SAPS identified under-reporting as a core operational challenge, driven by stigma, fear, familial pressure, and community dynamics.

6. Way Forward and Closing Reflections



Commissioner Tshepo Madlingozi delivered the closing reflections of the Roundtable by situating the engagement within the broader constitutional and human rights mandate of the South African Human Rights Commission. He framed the discussion not as an isolated stakeholder consultation, but as part of the Commission's ongoing oversight responsibility to interrogate systemic failures affecting the dignity, safety and equality of learners.

The Commissioner began by acknowledging the gravity of the data presented across institutions. He observed that the statistical convergence between SAPS, DSD, SACE and DBE reveals that **sexual violence affecting children is not episodic or anecdotal, but systemic and entrenched**. He noted that the figures presented – thousands of recorded abuse cases annually, hundreds of professional

misconduct complaints, and sustained criminal charges involving children – collectively demonstrate that schools are not insulated from broader patterns of gender-based violence and abuse.

Commissioner Madlingozi emphasised that safeguarding children in educational settings is not solely a matter of criminal justice or labour discipline. It is fundamentally a constitutional obligation grounded in sections 10, 12, 28 and 29 of the Constitution, which guarantee dignity, freedom and security of the person, and the right of children to be protected from maltreatment, neglect, abuse and degradation. He underscored that the right to basic education cannot be meaningfully realised in environments that are unsafe.

A central theme of his closing remarks concerned fragmentation. He observed

that the Roundtable exposed a recurring pattern: **each institution operates within a clearly defined statutory mandate, yet accountability remains disjointed across those mandates.** Labour dismissal does not automatically trigger professional deregistration. Professional deregistration does not automatically trigger safeguarding register inclusion. Criminal conviction does not automatically populate every relevant database. Screening remains employer-initiated rather than system-automated.

The Commissioner characterised this as a structural accountability gap rather than an institutional failure of intent. He acknowledged the efforts made by the Department of Basic Education in reforming disciplinary processes, the ELRC in centralising arbitration, SACE in exercising deregistration powers, SAPS in maintaining specialised FCS units, and the DSD and DoJ & CD in administering safeguarding registers. However, he noted that institutional effort without systemic integration leaves vulnerabilities intact.

He further reflected on the significance of underreporting, intimidation and socio-economic pressure raised during the engagement. He observed that **legal frameworks are only as effective as the social environments in which they operate.** Community resistance,

economic dependence and fear of stigma undermine reporting pathways and therefore weaken all downstream accountability mechanisms.

Commissioner Madlingozi also highlighted the particular vulnerability of children within hierarchical school environments. Where educators occupy positions of authority, the power imbalance compounds the harm of abuse. He underscored that safeguarding measures must therefore be preventative and not merely reactive.

Turning to the issue of School Governing Bodies, the Commissioner acknowledged the clarification provided by NASGB regarding statutory obligations. He indicated that where legislative ambiguity exists concerning vetting responsibilities, this requires policy attention. Safeguarding cannot rely on assumptions of obligation; it must be clearly codified and uniformly applied.

In outlining the way forward, the Commissioner indicated that the Commission would not treat the Roundtable as a once-off dialogue. The following steps would be taken by the Commission:

- Consolidating the submissions of the Roundtable into a formal engagement report.

- Revising a finalised Model School Code of Conduct with the Department of Basic Education.
- Launching the Commission's learner rights-and-responsibilities campaign at schools.
- Monitoring the implementation of the recommendations in the Commission's recently released Scholar Transport Report, including vetting of drivers and supervisors.

He stressed that data without accountability is insufficient. The purpose of collecting and presenting statistics must be to drive structural reform.

In closing, Commissioner Madlingozi reiterated that the protection of learners is a constitutional imperative, not a discretionary policy choice. He emphasised that the Commission will continue to exercise its oversight function to ensure that fragmentation across systems does not translate into impunity.

He thanked stakeholders for their candid engagement and affirmed that safeguarding children in schools demands collective responsibility across departments, regulators, law enforcement and governance structures.



7. Consolidated Systemic Gaps Identified Across Stakeholders



The Roundtable revealed not isolated operational weaknesses, but a pattern of structural fragmentation across the safeguarding ecosystem. While each institution operates within a defined statutory mandate, the cumulative effect is a disjointed accountability chain that permits safeguarding vulnerabilities to persist.

The following consolidated gaps emerged:

7.1 Fragmentation Between Labour, Professional, Criminal and Safeguarding Systems

- Labour dismissal (ELRC) does not automatically result in professional deregistration (SACE).
- Professional deregistration does not automatically trigger inclusion in safeguarding registers (NCPR Part B or NRSO).
- NRSO reflects a structural deficit in population with only 34,000 offenders having been formally entered when 45,278 offenders ought to appear on the Register.
- Criminal convictions do not automatically populate all relevant databases in real time.
- Disciplinary findings are not automatically transmitted across systems.

- Registers operate in parallel rather than through synchronised digital integration.

This fragmentation creates procedural gaps during which individuals may remain eligible for employment despite adverse findings in another forum.

7.2 Absence of Real-Time, Automated Register Integration

- NCPR Part B, NRSO, SACE's educator register and Provincial HR systems are not electronically integrated.
- Screening is employer-initiated rather than system-triggered.
- Court orders and disciplinary findings rely on manual transmission processes.
- Delays in notification result in safeguarding "windows" before formal listing.

The current safeguarding architecture is therefore compliance-dependent rather than system-driven. It relies on correct action at each institutional step, rather than automated integration across the safeguarding chain.

7.3 Incomplete and Uneven Vetting Coverage

- National vetting exercises have not yet achieved full coverage across all educators and school-based personnel.
- Provincial disparities reflect uneven implementation capacity.
- SGB-appointed personnel and non-teaching staff occupy regulatory grey zones.
- There is no uniformly codified statutory obligation requiring cross-register vetting at the point of SGB appointment.

The Department of Basic Education reported a target vetting population of 405,738 personnel, for whom approximately 103,366 SAPS submissions and 52,008 NRSO certificates had been received at the time of reporting. This reflects incomplete national coverage.

The vetting exercise identified 60 illicit findings, confirming that the process is not merely procedural but substantively necessary. However, the limited proportion of completed checks relative to the target population indicates exposure risk during interim periods.

Furthermore, the absence of automated, real-time cross-checking across criminal and safeguarding databases increases reliance on periodic vetting exercises rather than continuous verification.

7.4 Weak Enforcement of Mandatory Reporting Obligations

- Section 54 of the Sexual Offences Act criminalises failure to report child sexual offences, yet monitoring of compliance is reactive.
- No centralised mechanism tracks whether all sexual misconduct disciplinary cases are reported to SAPS.
- Informal settlement practices and internal “management” of cases persist.
- Prosecution for non-reporting appears rare or undocumented.

While the legal duty to report is unequivocal, structured compliance auditing mechanisms do not appear to exist. There is no systematic cross-verification between labour disciplinary findings and SAPS case registration records to confirm compliance.

Mandatory reporting exists in law, but not yet as a monitored compliance system.

7.5 Attrition Between Reporting, Conviction and Unsuitability Findings

- High volumes of abuse cases are recorded annually (26,855 abuse cases in 2024/2025; 9,857 sexual abuse cases).
- SAPS recorded 2,826 child sexual offence charges in 2024/2025.
- SACE recorded 826 sexual misconduct complaints between 2021 and 2025.
- A significantly smaller proportion culminates in formal conviction, deregistration or safeguarding listing.
- A documented shortfall of 10,748 convicted offenders not yet entered onto the NRSO illustrates attrition between conviction and safeguarding listing.
- Delayed reporting compromises forensic evidence.
- Victim intimidation, socio-economic pressure and withdrawal undermine prosecution.

- There is no consolidated public data reflecting conviction rates, attrition rates, time-to-deregistration, or time-to-register inclusion.

This attrition weakens deterrence and public confidence, and creates safeguarding exposure windows between institutional findings and register inclusion.

7.6 Caseload Pressure and Finalisation Delays

- SACE complaint volumes remain high, with nearly half of cases pending in certain reporting periods.
- ELRC referrals reached 114 cases in 2024/2025, the highest recorded since implementation of Collective Agreement 3 of 2018.
- SAPS recorded sustained increases in child sexual offence charges.
- Register administration remains partially manual and administratively constrained.

Capacity strain risks prolonged proceedings, delayed safeguarding action, and extended uncertainty for complainants.

7.7 Legislative Misalignment and Threshold Inconsistencies

- The Employment of Educators Act contains narrower wording regarding educator-learner relationships than the Sexual Offences Act.
- SGB vetting responsibilities are not explicitly codified across registers.
- Listing thresholds differ between criminal conviction, disciplinary findings and professional misconduct determinations.
- No statutory provision mandates automatic cross-population between NCPR and NRSO.
- The NRSO is conviction-dependent, excluding dismissed or deregistered educators absent conviction.

Legislative coherence across child protection, labour and criminal frameworks remains incomplete.

7.8 Limited Oversight of Non-Teaching Personnel and Youth Employment Placements

- Sports coaches, facilitators, assistants and youth employment participants do not fall uniformly within educator regulatory structures.
- Screening practices for these categories vary.
- Safeguarding frameworks remain educator-centric, while abuse risk extends beyond formal teaching staff.

7.9 Underreporting and Socio-Economic Pressures

- Families withdraw complaints due to economic dependence or stigma.
- Community dynamics discourage escalation.
- Power imbalances within school hierarchies inhibit disclosure.
- Gendered patterns of offending remain structurally entrenched.

Legal systems cannot operate effectively without addressing socio-cultural barriers to reporting.





8. Consolidated Recommendations for Closing the Gaps

The Roundtable revealed that **no single institution can remedy these vulnerabilities independently**. Closing the identified gaps requires coordinated reform across legislation, digital systems, operational practice and oversight.

8.1 Establish an Integrated National Safeguarding Data Platform

Lead: DoJ & CD, DSD and DBE (with SACE and SAPS)

- Develop a digitised, interoperable safeguarding platform linking:
 - National Register for Sex Offenders
 - National Child Protection Register (Part B)
 - SACE registration database
 - Provincial Education HR systems
- Implement real-time API-based cross-verification.
- Trigger automatic alerts where:
 - An educator is convicted.
 - An educator is deregistered.
 - A finding of unsuitability is issued.

- Introduce mandatory electronic transmission of qualifying conviction orders from criminal courts directly to the NRSO Registrar within prescribed statutory timeframes.
- Implement automated reconciliation audits between sentencing databases (which may also need to be created) and the NRSO to identify missing entries.
- Ensure integration complies with POPIA and constitutional safeguards.

Safeguarding must shift from employer-initiated screening to system-embedded exclusion.

8.2 Introduce Statutory Automatic Consequence Triggers

Lead: Parliament, DoJ & CD and DBE

Amend relevant legislation to:

- Require automatic referral of ELRC guilty findings to SACE within prescribed timeframes.
- Mandate automatic referral of SACE deregistration decisions to the NCPR Registrar.
- Require presiding officers to complete and transmit NRSO inclusion

documentation as a mandatory sentencing step.

- Introduce compliance auditing of courts regarding NRSO transmission obligations.
- Provide that conviction for specified offences against children triggers automatic professional suspension pending deregistration.

Automaticity must replace discretionary transmission.

8.3 Harmonise Legislative Definitions and Thresholds

Lead: Parliament, DBE, DoJ & CD and DSD

- Align the Employment of Educators Act with the Sexual Offences Act to remove inconsistencies (including “same school” limitations).
- Clarify statutory vetting obligations for SGB-paid and non-teaching personnel.
- Codify cross-register verification as a mandatory condition of appointment.
- Consider legislative reform to address the safeguarding gap where labour or professional findings exist in the absence of criminal conviction.

8.4 Mandate Universal Pre-Appointment Cross-Register Vetting

Lead: DBE, Provincial Departments, NASGB and NAISA

- Require written proof of:
 - SACE registration (where applicable).
 - NCPR clearance.
 - NRSO clearance.
 - Criminal record clearance.
- Make verification mandatory prior to assumption of duties.
- Extend obligation to:
 - SGB-appointed staff.
 - Coaches and facilitators.
 - Volunteers and contracted service providers.
 - Youth employment programme participants.

Safeguarding must be role-based, not title-based.

8.5 Introduce Mandatory Reporting Compliance Monitoring

Lead: SAPS, DBE and SAHRC

- Establish a reporting cross-check mechanism between:
 - Disciplinary sexual misconduct cases, and
 - SAPS case registration records.
- Require provincial departments to certify section 54 compliance in annual reporting.
- Track and publicly report:
 - Number of non-reporting investigations initiated.
 - Outcomes of such investigations.

Mandatory reporting must be monitored, not presumed.

8.6 Publish Integrated Accountability Dashboards

Lead: DBE, SAPS, SACE, DSD and DoJ & CD

Develop an annual consolidated report reflecting:

- Reported cases.
- Disciplinary outcomes.
- Professional deregistration numbers.
- Conviction rates.
- NRSO inclusions (including discrepancy reconciliation).
- NCPR Part B listings.
- Average time from conviction to listing.
- Average time from disciplinary finding to deregistration.

Transparency strengthens deterrence and public trust.

8.7 Strengthen SGB Safeguarding Capacity

Lead: DBE and NASGB

- Develop mandatory safeguarding certification training for SGB members.
- Provide simplified statutory guidance on reporting obligations.
- Clarify legal liability for failure to vet or report.
- Conduct periodic compliance audits of SGB appointment processes.

8.8 Address Caseload and Capacity Constraints

Lead: National Treasury and Relevant Departments

- Increase resourcing for:
 - FCS units.
 - SACE investigative capacity.
 - Register digitisation and court-notification compliance systems.

- Implement statutory timeframes for listing and referral processes.
- Introduce case-tracking systems to reduce backlog.

8.9 Strengthen Prevention and Gender Transformation Interventions

Lead: DBE, DSD, SAPS and Civil Society Organisations

- Expand Comprehensive Sexuality Education implementation.
- Develop targeted masculinity and power-based violence interventions.
- Support confidential reporting mechanisms in schools.
- Provide psychosocial support services for survivors.

8.10 Introduce Annual Register Integrity Audits

Lead: DoJ & CD and DSD

- Conduct annual reconciliation between conviction statistics and NRSO entries.
- Publish discrepancies and corrective measures.
- Audit delays in court transmission and administrative processing.
- Report publicly on time-to-listing metrics.
- Conduct similar reconciliation between NCPR Part B listings and qualifying findings.

The integrity of safeguarding registers must be demonstrable, measurable and auditable.

9. Concluding Observation



The Roundtable demonstrates that South Africa does not lack legal frameworks addressing sexual violence in schools. Rather, the crisis lies in fragmentation, delayed integration, incomplete register population, and uneven enforcement.

The documented shortfall of 10,748 convicted offenders not yet entered onto the National Register for Sex Offenders illustrates that safeguarding risk arises not only from absence of law, but from breakdown in implementation pathways.

Safeguarding children requires:

- Coherent legislation.

- Integrated digital systems.
- Automatic consequence triggers.
- Complete and reconciled safeguarding registers.
- Transparent accountability metrics.
- Coordinated institutional will.

The persistence of high abuse figures across systems confirms that reform must be structural, not incremental. Collective, integrated implementation – rather than parallel institutional effort – is now required to close the identified gaps and restore public confidence in the education safeguarding framework.

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RP419/2025
ISBN: 978-1-83491-414-5

