

# FAILING OUR FUTURE

## Responding to the sexual abuse of children

Joan van Niekerk, Childline South Africa  
joanvn@iafrica.com

The flood of media coverage over the past year focused attention on the horror of child rape. But for those working in the field, sexual abuse of children is not a new problem. What is worrying to service providers is the massive increase in the number of reported cases, the decrease in the average age of both victims and offenders, the escalation of the use of force, the number of gang rapes, and the number of children victims who are HIV positive. This article considers the trends and possible solutions.

**T**he publicity around the rape of baby Tsepeng in Upington highlighted for government and South Africans in general a problem that workers in the field of child abuse – particularly sexual assault of children – had been attempting to draw attention to for some time: the increased incidence of reported child sexual abuse, and the declining average age of the sexually abused child.

However, government's response to the rape of infants, and the issue of sexual assault of children generally, has remained knee-jerk, and has resulted in a number of uncoordinated and poorly planned processes to understand and deal with the problem.

### How many children are affected?

The frank response to this question is that we simply do not know. On 15 May 2002, the late Minister of Safety and Security, Steve Tshwete, gave the following figures in Parliament: from January to September 2001 15,650 rapes of children were reported to the South African Police Services (SAPS). Of these 5,859 children were between 0-11 years and 9,791 were between 11-17 years.<sup>1</sup>

When interpreting these figures, it should be kept in mind that many acts of sexual assault are never reported to the SAPS, for the following reasons:

- Many crimes against children, especially in rural areas, are seldom reported, as children and even their adult caretakers simply do not have access to police stations and other points of entry into the criminal justice system.
- As most sexual crimes against children are committed within the family or immediate neighbourhood, family members of the child may block access to the criminal justice system.
- Some families, especially those who live in poverty, may be persuaded or motivated to accept damages from the perpetrator as an alternative 'solution' to the sexual assault on the child.
- The child and/or family may be intimidated, and fear reporting the assault.
- Children – because of feelings of shame, guilt, loyalty to the family, or financial pressures – may refuse or fail to disclose the sexual abuse or the alleged assailant.
- Some families or caretakers of abused children believe that reporting to the criminal justice

system will further traumatise the child with no positive outcome for the child or themselves.<sup>2</sup>

- Some communities have little faith and confidence in their local police. While political issues of the past are relevant, problems such as police attending crime scenes drunk, verbal abuse of complainants, the use of police vehicles for collecting alcohol from local shebeens, and the lack of available senior personnel to address complaints, must be addressed.

In addition to the problem of under-reporting, another factor influencing the official statistics on sexual crimes against children is that not all cases reported to the SAPS are actually recorded. The following are some of the problems experienced by Childline, assaulted children, and their families or caretakers:

- Police sometimes turn away children and families or caretakers who come to report, stating that the assault is a domestic issue and should be resolved as such.
- Where the assailant is a child or youth, families are often misinformed that nothing can be done through the criminal justice system.

Official statistics no doubt reflect a considerable understatement of the problem of sexual assault on children. Other studies that attempt to measure the prevalence and incidence of child sexual assault will also be limited by the above factors. Nevertheless, it is essential to note that those working in the field of child sexual assault are overwhelmed by their increased workload and the shrinking resources allocated to address the problem. Moreover, many hours and resources are diverted away from direct management of the child in order to address the inadequacies of the criminal justice system.

#### **Types of sexual abuse of children**

According to the experiences of Childline and other practitioners, children are exposed to every type of sexual abuse imaginable. These would include rape, attempted rape, indecent assaults such as oral rape, anal rape, finger penetration, penetration with objects, fondling of the genitals and/or breasts, forcing or manipulating the child into fondling the

genitals/breasts of the assailant, exposure to adult and child pornography, sexually suggestive remarks or language to a child, and indecent exposure. Sometimes children are severely beaten or physically assaulted in the context of these assaults, or even killed to maintain silence.

#### **Trends in the nature of child sexual abuse that are of particular concern**

After conducting an overview of statistics of reported child abuse over the last ten years, Childline has noted:

- A massive increase in the number of reported cases of child sexual abuse: up by 400% over the past eight to nine years.
- A decrease in the average age of the sexual assault victim: in 1991 the average age of the sexually assaulted child was between ten and 12 years. Presently 50% of all children attending KwaZulu-Natal's therapy services after sexual abuse are under the age of seven years.
- A decrease in the average age of the sexual offender: in 2000, 43% of all cases of sexual assault reported to Childline nationally were committed by children under the age of 18 years.<sup>3</sup>
- An escalation of the use of brute force: many of the sexually abused children attending Childline therapy centres are also severely beaten and physically intimidated by the person who has sexually assaulted them.
- An increase in the reported incidence of gang rape – a sexual crime against children which is complex to manage and which has a particularly traumatic impact on the child.<sup>4</sup>
- An increase in the number of children who present as HIV positive after a history of sexual assault. The response of the criminal justice and health system to these children requires improvement: as yet the promise of post-exposure prophylactic medication after sexual assault has not been implemented in most provinces. There is no accepted protocol for providing this medication, and no voluntary counselling HIV/AIDS protocol suitable for child victims of sexual assault.<sup>5</sup>

### **Why the increase in reported cases?**

The discussion below on possible reasons for the present increase in reported cases of sexual offences against children is based on Childline's work and research with both victims and perpetrators of child sexual assault.

#### *Breakdown of family and community*

South Africa's socio-political history has eroded family and community life. Apartheid laws, migrant labour practices, and the culture of violence that developed during the struggle for freedom have separated, disintegrated and distanced many families and communities. Many young adults have grown up in situations of disadvantage, exposed to continuous institutional violations of human rights, and in the absence of complete family units. Most young people in disadvantaged communities were – and continue to be – exposed to acts of violence. These acts create a 'blunting' effect; i.e., their ability to show empathy for others is severely restricted – but this is the only way in which these young people survive, emotionally and psychologically.

Few of the offenders that Childline has dealt with over the years come from families that are intact. Typically the family life is characterised by the disintegration of the family, and physical, emotional and/or sexual abuse of the women and children within the family unit. The family life (or lack thereof) of child offenders is characterised by severe emotional, relationship and/or physical deprivation. Many of these children lack guidance and control, the opportunity to learn family values and relationship skills such as empathy, and the ability to negotiate the fulfilment of needs via relationships. Father figures and role models are often absent – if not physically, then emotionally.<sup>6</sup>

Another factor related to the breakdown of community is that traditional methods of teaching young people responsible sexual behaviour have been lost, and alternatives that are acceptable have not yet been integrated into the fabric of family and community life.

#### *Poor communication of rights and responsibilities*

The media constantly reinforces the message that sexual expression should be free and unfettered by

values, faithfulness and self-control. Even children from rural areas are exposed to messages that do not promote consideration for the sexual rights and safety of others. This is compounded by the inculcation of a culture of human rights in the new South Africa, without an equal focus on personal responsibility for protecting the rights of others.

#### *Contributing role of HIV/AIDS and domestic violence*

The HIV/AIDS pandemic and the myths that accompany it have contributed to the vulnerability of children. Many children are living with caretakers who are not biological parents, or living on their own as sibling groups. As access to social security is unavailable or difficult for many of these children, they are easily sexually exploited in exchange for meeting basic needs.

The pandemic of domestic violence is also a contributing factor. Sadly, Childline encounters many adult female victims of domestic violence who are, or have been, unable to protect their children from sexual assault by their adult partners.

#### *Poverty and poor service delivery*

Poverty contributes enormously to the sexual vulnerability of children. The absence of the child support grant for children over the age of seven years is an iniquitous blight on family life for those families who live in poverty. Many children support their family, pay their school fees, and have their uniforms and books supplied through sexual favours.

The lack of service delivery, free schooling and employment opportunities for youth, especially those living in poverty, has also resulted in many young people feeling disillusioned and disempowered. This is associated not only with an increase in child sexual assault, but also an increase in gang rape in which children are targeted by youth gangs, separated from their friends, and raped by a number of sexual assailants.

Inadequate service delivery from all sectors sends the message to sexual offenders that they can abuse children with impunity, and to children and their families that they will not be protected. For

example, Childline has dealt with:

- many children and families/caretakers who have not been notified of court dates, resulting in charges being withdrawn;
- children and families/caretakers who have not been able to access medical examinations;
- children who have been assessed by police or medical staff as 'not traumatised', resulting in the failure to open a docket and leaving the child in immediate danger;
- child victims who are not afforded the protection of bail and where existing bail legislation is not implemented appropriately;<sup>7</sup>
- children who have not had the advantage of the protective intermediary system when testifying against a sexual assailant in court, often because the magistrate or judge does not accept that testifying in the same courtroom as the assailant is traumatic for the child;
- the fact that up to a year can pass before cases of sexual assault reported to the Department of Social Development result in any service being offered to the child and family, which leaves children in vulnerable situations for long periods during which they are subjected to continuous acts of sexual and physical assault;
- instances in which the SAPS has not responded to an urgent request for assistance with respect to a victim who is in immediate danger; and
- instances in which the various sectors fail to co-ordinate with each other, compromising the sexually assaulted child by the lack of communication and co-operation of the different parts of the system.

Many of the sectors mentioned above note the lack of resources, both material and personnel, training, motivation and debriefing as reasons for the poor delivery of their services. However, as long as children who have suffered acute secondary trauma at the hands of these systems state (as they often do): "I wish I had never told, because what happened to me after I told was worse than the rape", the contribution of these systems remains in question.

#### *Lack of support for the NGO sector*

There is a lack of financial support for the NGO sector that provides essential services to vulnerable

children and their families. It is of enormous concern that NGOs that provide the bulk of child protection services are poorly supported and subsidised. Early childhood education facilities that provide many infants, toddlers and young children with safe care and protection are closing because of the lack of subsidy. These facilities are essential for the protection of children from poorer families whose caretakers cannot afford alternative care.

The lack of financial support is compounded by the constant and unfair criticism of the NGO sector by the minister of Social Development. In KwaZulu-Natal the bulk of quality child protection services in the welfare sector are provided by resource-strapped NGOs who work extensive hours for salaries well below those earned in government. In fact, referral to government welfare services in the province is usually a last resort, due to their unsatisfactory response.

#### *Inadequate policy*

Government has failed to implement the National Child Protection Strategy that was drawn up by the National Committee on Child Abuse and Neglect and presented to the then minister of Social Development in 1997. This strategy, developed by experts in government and civil society, deals with the prevention and management of child abuse in all its forms.

In the case of interventions that are being implemented, some are misdirected. Child abuse prevention programmes have often been based on adult premises about children's ability to protect themselves, and have largely ignored long-term solutions that may prove more effective. For example, programmes have focused on children saying 'no' and being able to rescue themselves from vulnerable situations, both of which are unrealistic when one considers the imbalance of power between children and their assailants, as well as the universal norm of respect of children for adults. Another weakness lies in programmes that focus on the empowerment of women and of the girl child without acknowledging the disempowerment and emasculation of the majority of men.

### **Possible solutions**

There are no quick fix solutions to the problem of child sexual assault. It is essential that solutions are carefully researched before they are lobbied with the general public or put to decision-makers.

Because this is a field that arouses strong human emotion, it is essential that proposals and decisions are carefully thought through and are not simply knee-jerk reactions. The following suggestions should be considered:

#### *Law reform*

This process is well underway both with regards to the reform of the Sexual Offences Act<sup>6</sup> as well as the review of the Child Care Act. These law reform recommendations are well researched and have also explored international efforts to solve the problem of child sexual assault. However, unless resources and political will are committed to their implementation, these acts will remain 'paper tigers'. There is in fact some progressive legislation currently in place that is simply not implemented.

#### *Implementation of policy*

A number of suggestions are made in this regard:

- The performance of the criminal justice system in particular has to improve in order to restore public confidence, facilitate increased reporting, reduce secondary trauma to children and the families of children, and improve the outcome of cases.
- The National Child Protection Strategy must be implemented. At present there is no comprehensive policy in place that facilitates the co-ordination of child protection work. Consequently efforts are piecemeal, resources are frequently wasted on projects that are not effective, or existing efforts are duplicated. The various systems concerned with child abuse need to develop and implement both intra- and intersectoral management protocols, so that each victim is appropriately managed and helped, allowing the criminal justice system to achieve an improved conviction rate.
- Those working in the child protection system must be appropriately selected, trained, and debriefed on a regular basis.
- Criminal justice system officials who fail their responsibility to protect children through their

own corruption, disinterest and carelessness, must be held accountable and disciplined.

- Social security provisions must be developed for all children who are destitute, and more easily accessed by all children who are deserving of this assistance.

#### *Handling of adult sex offenders*

Punishment of the adult sex offender has to be more appropriate. There are few appropriate programmes available in prisons or under community corrections. Parole is often extended to sexual offenders without proper assessment of their risk to the community, or without programmes being put in place for their support and rehabilitation when they are returned to the community. Victims are not informed of the release of offenders, and are thus exposed to further risk.

It is also unrealistic to believe that heavier sentences for convicted child sex offenders will stem the tide of child abuse. Minimum sentencing legislation has been in place for several years in South Africa and yet reports of child sexual abuse continue to rise. The conviction rate is, at best, 5% of all reported cases. It is therefore clear that most sexual offenders will never be held accountable for their abusive behaviour. Nevertheless, offender management strategies that offer treatment possibilities and encourage the acknowledgement of offending behaviour must be considered. This also has the advantage of saving the child victim the trauma of testifying in a trial.

#### *Schools-based interventions*

The Department of Education must be encouraged to:

- include in life skills education the teaching of child and human rights, as well as impulse management and education on responsible sexual behaviour to all learners at every level of the educational process;
- include in life skills training, as well as across the curriculum, information and skills training on responsible parenting;
- develop schools as centres of learning and protection for all members of the communities in which they are situated, for example, offering courses on parenting and early childhood education for parents, and providing child care on school premises; and to

- stem the tide of sexual assaults on school children by educators and learners, by ensuring that a protocol for the management of reports of sexual assault is developed and properly implemented, and that educators who sexually exploit learners are dealt with in the strongest possible way.

#### *Specific projects*

- The development of positive family and community life and values should be encouraged via projects in communities affected by historical disorganisation, violence and poverty.
- Resources must be committed to projects that effectively protect children from abuse. However, programmes should be carefully evaluated for their effectiveness.
- Resources must be committed to projects that effectively manage children after they have been abused.
- Attention must be paid to the child sexual offender. It is essential to develop programmes and services for these young people, who are usually victims of abuse themselves. They should, whenever appropriate, be diverted from the criminal justice system, where they are subjected to further abuse and exploitation, and be exposed to programmes specially designed to address aberrant sexual behaviour and assist in the development of responsible sexual behaviour.
- Therapy must be offered to victims of child sexual assault and other forms of child abuse, including male victims. Childline's research indicates that male victims of childhood abuse and neglect are more likely to develop abusive behaviour during both child and adulthood. Services to child victims should therefore be made available and accessible to all who need them.

#### **Endnotes**

- 1 Report from parliament, Morning Live, SABC 2, 15 May 2002.
- 2 Sadly this perception often materialises. At a recent national workshop with senior personnel in the criminal justice system and others who work with sexually assaulted children, when asked if they would report the sexual assault of their own child to the CJS as it

presently functions, there was unanimous agreement that they would seek an alternative solution.

- 3 L Cawood, *Analysis of Childline SA statistics 2000*, unpublished research, Childline Gauteng, 2001.
- 4 J van Niekerk, Gang rape of children: the context and dynamics of gang rape from a child victim perspective and management issues for child protection professionals, *Children First*, August 2002.
- 5 X Keke, HIV prevalence in children who have been sexually abused and the impact on the family, *Children First*, August 2002.
- 6 L Dhabicharan, *Adolescent Sexual Offending*, unpublished thesis submitted to the University of Natal Durban, July 2002.
- 7 An example of this occurred when bail was granted to the rapist of a young child and the child was raped again to punish her. The rapist was again released on bail for the second rape and the child is now in hiding.
- 8 SA Law Commission Discussion Paper, *Sexual Offences*, December 2001.