

SEXUAL Abuse



5

5.1 The right to be protected from sexual violence and abuse

The Constitution says:

- Everyone has the right to freedom and security of the person. This includes the right to be free from all forms of violence.³⁰

In addition to this right, children have extra protection in the Constitution:

- Every child has the right to be protected from abuse.³¹

What do these rights mean for children?

- Everyone (including family members) has a duty to protect children from rape and sexual abuse.
- The government has a duty to:
- educate people about rape and child abuse to ensure that people know it is a crime and what they can do to get help.
- educate people about HIV/AIDS to stop people thinking that HIV/AIDS can be cured by raping a child.
- provide enough social workers and ensure that the social workers are properly trained and equipped to help children and their families.
- provide enough places of safety, children's homes, shelters and foster homes for children to go to if they need to be removed from an abusive situation.
- ensure that the care givers in these homes know how to care for the children's needs.
- provide enough police officers and special child protection units to respond quickly to child rape and sexual abuse and ensure that the police officers are properly trained and equipped to help children.
- provide enough prosecutors and courts to process child rape and sexual abuse cases quickly and ensure that the prosecutors, magistrates and judges are properly trained and equipped to help children.
- provide enough Children's Courts and Child Welfare Commissioners to ensure that children who need to be removed from their parents can have their cases processed quickly.

5.2 Children's experiences

The children's artwork and discussions reflect a lot of anger over the sexual abuse of children, particularly in light of the HIV/AIDS pandemic. Some of the children who attended the forum are HIV+ as a result of rape.

5.2.1 "The father touches the child"

Some of the children shared their experiences of having been sexually abused by a close relative or someone known to them. They raised the concern that when children are orphaned and are placed in the care of relatives, they become more vulnerable to sexual abuse. The children spoke about how they were treated after the rape, once their HIV+ status became known.

Delani, 16 years old: "My mother and younger sister passed away. After my mother died, my father started to rape me. He raped me every day after school. It was a dinner ritual. He held a gun to my head to stop me from screaming. When I got sick, I went to the clinic and they told me that I had HIV. You see, every time my father raped me he never used a condom. I told my maternal grandmother about my father and she told the police. My father is serving a 17 year jail sentence. I am living with my grand mother now, two uncles and my cousins. My grandmother is very ill. I am responsible because my two uncles are not working but they don't want to help me. If I ask them to help me to cut the wood they will tell me about money. I decided to keep quiet because they pay my school fees and they pay for my transport. The problem at school is that they have life skills class and guidance but they don't accept the situation of this girl. They treat her okay only when they are close next to her. Their treatment towards this girl is not good because they keep on blaming her and they don't support her as people who understand her situation. The big challenge is to accept her as a human being like them. People who didn't know that she is HIV were close and friendly but now that they know they hate even to be in the study group with her. They treat us as if we are not human beings. We feel isolated at school. This girl wants to be treated like other children in the class."

Sbongile, 11 years old: "A mother goes to work, leaving a child with the father. The father touches the child. The girl was crying when the mother got home. When she heard the story, she could not believe that her AIDS infected husband did that."

One day Mrs X was sitting at home bored and she decided to go for a swim. And on her way home she met three guys. They raped her. So she went to the police and reported the matter. And they opened a case.

Mrs X was a virgin by then. One of the guys who raped them was H.I.V positive. He knew he was H.I.V positive but he didn't care.

Three months later Mrs X found out she was H.I.V positive. The doctor didn't refer her for counselling. She ~~got~~ was mentally disturbed, because everything was new to her. She ~~had~~ was very hurt by this and she carried that anger for a long time. But ~~she~~ after a year of counselling she lives a healthy, happy & positive life. [!]

The scars in her body will always remain there
That is why the Rapists have to ROT IN
JAIL FOREVER

The worse part of it ~~is~~ is that the
ones who raped Mrs X are walking free

Zodwa, 16 years old, writes of her own experiences under the pseudonym "Mrs X":

“ I am HIV positive but I am still the same person. The truth is I have problems. When I am with my friends, they are always criticising people with HIV. And when I touch them you can see that they are restless. And even teachers say negative things about HIV+ people and this makes me uncomfortable. Sometimes I bunked school for about a week trying to avoid similar things, because I felt that they are discouraging me. I was not used to it then. ”

