

Sexualized Violence in South Africa

Debates – Laws – Education

(Last Update February 2024)

a) Laws on (sexualized) violence

In South Africa, there are several laws that deal with sexual violence in South Africa, including the following:

- [Sexual Offences Act](#)
- [Domestic Violence Act](#)
- [Children's Act](#)

There are several campaigns against sexual violence in South Africa, many of which are run by non-governmental organizations (NGOs) and advocacy groups. These campaigns seek to raise awareness about the issue of sexual violence, provide support for survivors and advocate for changes to laws and policies that can help to prevent and address sexual violence.

Besides #MeToo, which is also a big movement in South Africa there are some examples of campaigns against sexual violence in South Africa:

[#TheTotalShutdown](#)

[#NotInMyName](#)

b) Feminist Debates

One key issue that has been debated within the feminist community in South Africa is the role of patriarchy and gender inequality in contributing to sexual violence. Another important debate within the feminist community in South Africa has been the effectiveness of the legal system in addressing sexual violence. Some feminists argue that the legal system is not adequately equipped to handle cases of sexual violence and that more needs to be done to improve the system, including the provision of adequate resources and training for judges and lawyers, and the creation of special courts to deal with sexual offences cases. (Matsuda 1992) Others argue that the legal system is an important tool for holding perpetrators accountable and that more needs to be done to ensure that survivors have access to justice. Many leading feminists in South Africa have questioned whether the laws such, as Sexual Offences Act, have an effective framework to combat against violence against women. The argument goes deeper and looks at the link between patriarchal structures that are embedded in the law and the criminal justice system. It is argued that “‘the law’, as a fundamentally patriarchal institution, corrupts feminist engagement to its purposes”. (Artz, Smythe 2007)

Many feminist activists in South Africa have advocated for engaging and lobbying for and within the legal system. They also argue that “recourse to the law is both necessary and unavoidable in an emerging democracy, where emerging rights are embodied through various forms of legislation.” Thus, as feminist activists they argue, “in a transitional democracy,” they “are provided with both the space to advocate for substantive law reforms, as well as the opportunity to ensure that the human rights set out in the Constitution are entrenched and interpreted in a way that consciously furthers the rights of women” in South Africa. (Artz, Smythe 2007) It is also important to note that country’s history of colonialism and post-apartheid regime also make the debates on sexual violence and the issue of consent more complicated. (Scully 1995; Anne 2011)

c) Legal protection against sexualization, e.g. criminal law on sexual offences or a right on self-determination

The legal framework in South Africa in general terms provides strong protections for the right to sexual self-determination, including the right to consent to or refuse sexual activity, the right to access information and services related to sexual and reproductive health, and the right to control one's own fertility.

But there are also social indicators of the sexual-self-determination, for instance, Feziwe Mpondo, Robert Ruiter et al, show in their study "Self-determination and gender-power relations as predictors of condom use self-efficacy among South African women" the correlation between the condom use and self-determination as gender-power measures, particularly combat against spreading diseases through sexual acts such as HIV. In this study, the authors define self-determination with the social indicators and argue that "self-determination is premised on three psychological needs, namely, competence, autonomy, and relatedness". By focusing on competence, autonomy, and relatedness, they impressively show that "condom use self-efficacy generally was also positively associated with power balance attitudes, negative beliefs about intimate partner violence, and positive growth perspective, while the association with hopeless personal perspective was negative." (Mpondo et al. 2011)

d) Sexual education at school

In her article "Sexual harassment and violence in South African schools," Sakkie Prinsloo indicates that one of the major problems that causes the sexual violence is "many educators believe it is acceptable to have sexual relationships with learners". (Prinsloo 2006) As the study "Sexual Violence by Educators in South African Schools: Gaps in Accountability" indicates that the most of the sexual harassment cases in schools are the educator. The Department of Basic Education has developed **guidelines** for addressing sexual violence in schools.

In "Sexuality education in South African schools: The challenge for civil society organizations" Leigh Adams Tucker et. al. state that while the remarkable number of the perpetrator in the case of gender-based violence in schools, the teachers and educators also lack substantial knowledge regarding to deal with the situation when such violence occurs in schools. Tucker et al. add that participatory concepts against sexualized violence in schools should be developed. (Tucker et al. 2017)

In their study on "Sexuality education in South African schools," Sisa Ngabaza and Tamara Shefer argue that "sexuality education has been deployed to regulate and discipline young sexualities, reinforce and perpetuate gender binarisms and heteronormativity, re-establish global northern family values of the nuclear family within a pro-family discourse, and represent continued assumptions of adult authority in a civilising mission over young people." They also propose that "the failure to make critical use of Life Orientation is linked to the dominance of 'expert'-based didactic pedagogy and argue the possibilities of sexuality education as a productive space for young people's active participation and agency in making meaning of gender and sexualities". (Ngabaza, Shefer 2019)

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