



LEGAL
RESOURCES
CENTRE

TRAINING MANUAL

SEX AND HEALTH RIGHTS

THE TEACHING OF SEXUAL ABUSE

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SECTION

A



A. INTRODUCTION

THIS TOOLKIT FOCUSES ON YOUR SEXUAL AND REPRODUCTIVE HEALTH RIGHTS [SRHR] AND THE RIGHT TO BE SAFE FROM SEXUAL HARASSMENT AND SEXUAL ASSAULT.

We specifically look at what the government's responsibilities are towards you while you are in school to make sure that your sexual and reproductive health rights are protected and that you are safe from sexual violence.

What are sexual and reproductive health rights?

SRHR are those rights that allow people to make informed and meaningful decisions about their own sexual well-being, such as whether they want to have sex and children, or with who they want to be in a relationship with.

SRHR means that you have the right to::

- decide whether, when, and with whom to be sexually active with; choose your sexual partners;
- be safe from sexual violence;
- not engage in sexual acts unless you want to;
- have safe and pleasurable sexual experiences;
- decide whether, when, and who to marry;
- decide whether, when, and by what means to have a child or children, and how many children to have;
- sexual and reproductive health care services when, for example, you are pregnant or have HIV or another sexually transmissible disease and;
- to be taught about all of the above.

Your sexual and reproductive rights and your right to be safe from sexual violence comes from the Constitution of South Africa.

The Constitution sets out the rights that everyone, who lives in South Africa, are entitled to. For example, we all have the right to education, health, to be protected from violence and not to be discriminated against. These rights are separate but work together and make each other stronger. While you are at school, your other rights should still be protected.

But what does the right to health, to not be discriminated against, and being safe from violence have to do with going to school?

YOUR RIGHTS	WHAT THE RIGHT MEANS WHEN YOU ARE AT SCHOOL:
Education	<p>Section 29 of the Constitution gives everyone the right to education.</p> <p>The right to education means that you can go to school and makes government responsible for making sure that there are enough schools and textbooks.</p> <p>It also means that the school environment should be safe and allow you to focus on your schoolwork. If someone bullies or hurts you at school or discriminates against you in any of the ways listed below, this limits your right to education. This is because it is difficult to focus on schoolwork if you do not feel safe or welcome.</p>

Human dignity

We are all born with human dignity, and it cannot be taken away.
Human dignity means that everyone should be respected for who they are as human beings. It also means that you are valuable because you are a person. Human dignity is the most important right because it makes all your other rights stronger. It is so important that it is one of the foundations of the Constitution, together with equality and freedom. You have human dignity at home, at school, and everywhere else!

Freedom and security of the person: to be protected from violence

The right to be protected from violence is part of Section 12 of the Constitution and means that you should be safe from bullying or violence by teachers, other school staff members, and other learners.

Remember: while you are at school, teachers are acting in the role of parents and have to make sure that you are safe at school. Unwelcome verbal comments, unwelcome non-verbal behaviour, and unwelcome physical contact from teachers violate your right to be protected from violence and has wide-ranging consequences for your well-being and school-performance.

Examples of inappropriate behaviour from teachers:

Unwelcome verbal comments: suggestions or hints of a sexual or sexualised nature, sexual advances, sexual threats, comments with sexual overtones or sex-related jokes or insults.

Unwelcome non-verbal behaviour: gestures, behaviour with sexualised

overtones, exposing private parts or sending a learner texts or emails with sexually explicit pictures or messages.

Unwelcome physical conduct: this ranges from touching to sexual assault and/or rape.

Remember: It is okay for your teacher to give you a hug if you give them permission and do not feel uncomfortable or pressured. It is not okay for a teacher to give you a hug if you are promised a reward or said no.

Health

Section 27(1) of the Constitution contains the right to health. It is important to know that the Constitution says that everyone has the right to have access to health care services, including reproductive healthcare.

When you are at school, the right to health means that you should be taught about:

- Your body
- How to make responsible decisions about your body
- Pregnancy and abortion
- Sexually transmissible infections and HIV
- Safe sex
- Whether you feel like a boy, girl, both, or neither (gender identity)
- How you choose to express your identity as a boy, girl, both, neither (gender expression)
- Whether you like boys or girls or both or neither (sexual orientation)

Bodily and psychological integrity: to make decisions about your body

The right to make decisions about your body is also part of Section 12 of the Constitution. It is important to know that you have control over your body and can make decisions about your body based on what you think would be best for you.

This includes making decisions about reproduction. You have the right to decide, for example:

- Whether you want or do not want to have children
- Whether you want to have an abortion
- Whether you want to use contraceptives
- Which contraceptives to use

Not be discriminated against

Most of the time, the right not to be discriminated against means that everyone at school should be treated the same. This is because Section 9 of the Constitution states that we are all equal before the law and are protected from unfair discrimination. For example, you should not be treated differently because of your race, gender, or disability. Sometimes, you have to get special treatment to make sure that you can still go to school and not be bullied or excluded. This is called fair discrimination.

If you are pregnant, teachers should help you catch up with any schoolwork that you missed while having or taking care of your baby.
If you are pregnant and do not want other learners to know, teachers should not tell them.
If you are pregnant or have HIV, your school should help you get access to health care and social services.
You should not be excluded from school or school activities if you have HIV or if someone thinks that you have HIV, or if you are pregnant.



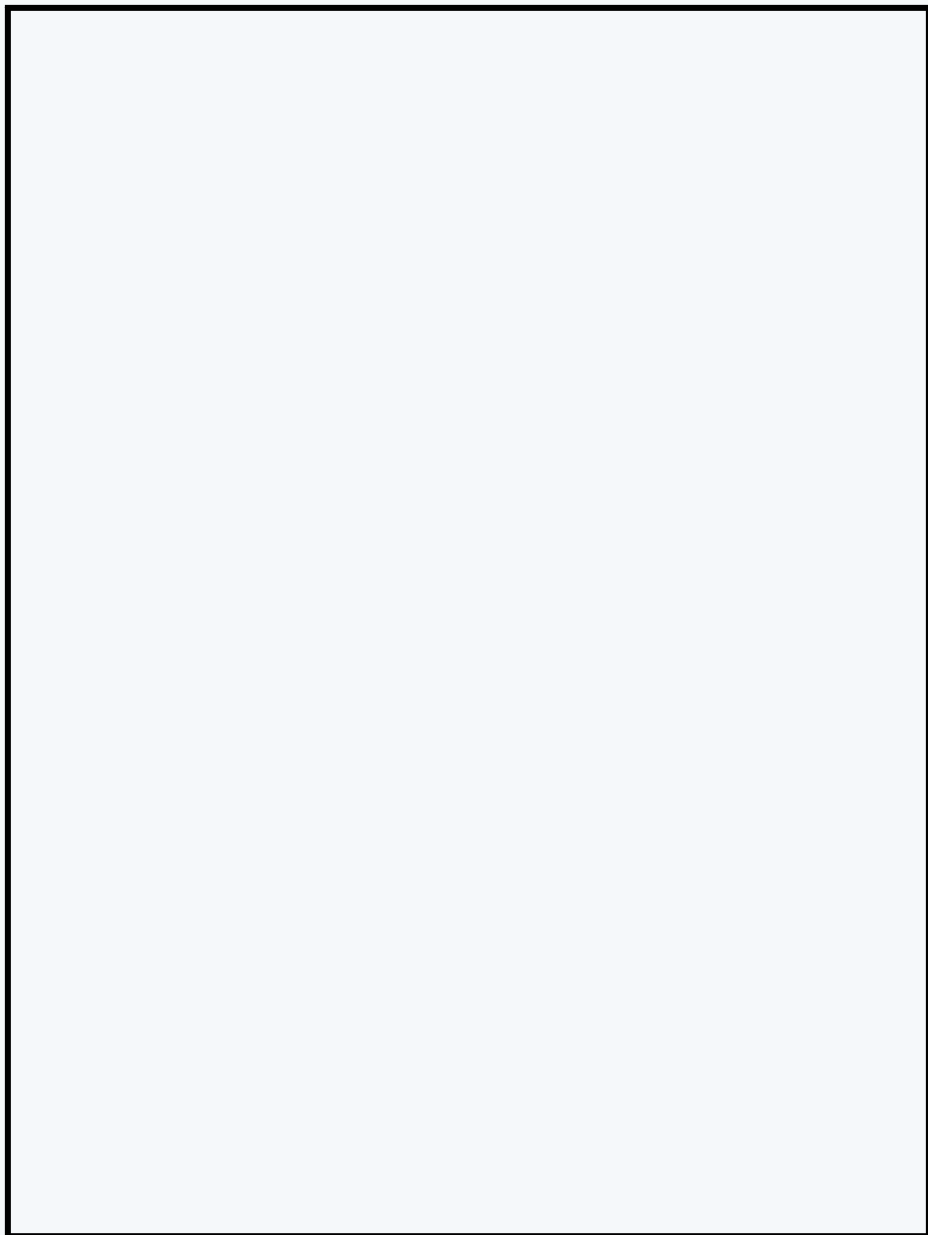
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ACTIVITY:

Write down two examples of sexual and reproductive health rights

Write down two examples of things that you should learn about your health at school

Draw a picture about the right to be protected from bullying and violence at school



SECTION

B

B. YOUR BODY

Your body changes as you get older. During puberty, hormones allow your body to develop and become capable of sexual reproduction. Puberty usually starts between 8 and 12 for girls and 10 and 14 for boys, but it can be earlier or later.

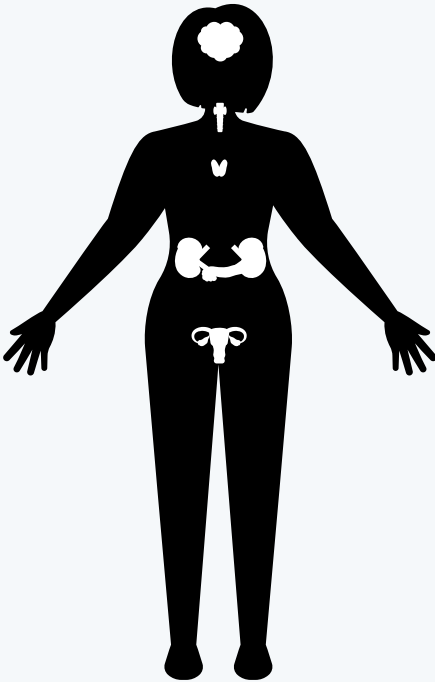
Bodily Changes in both Girls and Boys:



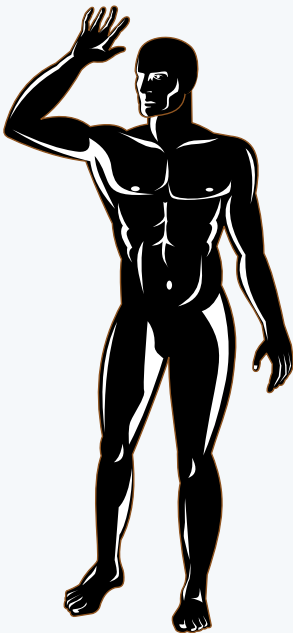
Girls	Boys
Bodily hair becomes darker and coarse	Bodily hair becomes darker and coarse
Hair starts growing in underarms and pubic area	Hair starts growing in underarms, pubic area, chest, and face
Oil glands become more active, which may lead to pimples and acne on the face and other parts of the body	Oil glands become more active, which may lead to pimples and acne on the face and other parts of the body
Sweat glands become more active, which means that you may smell different to what you did as a child. During this time, a lot of teenagers start using deodorant.	Sweat glands become more active, which means that you may smell different to what you did as a child. During this time, a lot of teenagers start using deodorant.
Your body shape changes. For girls, usually this means that hips widen, and breasts develop. Height and weight also increase.	Your body shape changes. For boys, usually this means that shoulders broaden, and muscles become more defined. Height and weight also increase.
Menstruation (also known as having a period. Vaginal bleeding that happens once a month as the womb sheds its lining should a woman not be pregnant).	Vocal cords change and voice grows deeper

Activity:

Can you remember what happens in your body during puberty?
Fill in the blanks



Fill in the Blanks



Fill in the Blanks

SECTION

C



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C. LET'S TALK ABOUT SEX

During puberty, you become curious about your own body, sex and relationships.

WHAT IS SEXUAL INTERCOURSE (commonly known as sex)?

Sexual intercourse, also known as sex, refers to when one person inserts any object or body part into another person's body. This means that sex is more than a man's penis entering a woman's vagina.

RISK FACTORS

Sex puts you at risk for exposure to a sexually transmissible infection (STI) such as the human immunodeficiency virus (HIV), and pregnancy.

RISK FACTOR: SEXUALLY TRANSMISSABLE INFECTIONS

A sexually transmissible infection is an infection that spreads through sexual contact. Some STIs can be passed from mother-to-child during pregnancy, childbirth, and breastfeeding. It is important to know that while some STIs are curable, others are not. HIV is an example of an STI that cannot be cured.

How to reduce the risk of contracting an STI such as HIV?

You may have heard the phrase "be wise, condomise". Condoms are an effective way to reduce the risk of contracting an STI (and becoming pregnant). We say it reduces the risk because it is not 100%. Go for an STI test. Visit a clinic or your doctor to discuss your concerns with them. There are different types of STIs and they will guide you through the necessary tests.

MYTH BUSTER:

Can I get an STI if I only have sex with one person?

Yes. Many people who have STIs do not have obvious symptoms. Even if you or your partner has only had one sexual partner before, you are still at a high risk of getting an STI. That is why it is so important to always use a condom.

What to do when you think you have an STI such as HIV?

Go for an STI test. Visit a clinic or your doctor to discuss your concerns with them. There are different types of STIs and they will guide you through the necessary tests.

Knowledge is power

If the test comes back positive for an STI, the nurse or doctor should discuss a treatment plan with you and explain the steps you should take to not infect others. For example, if you have HIV, you have to take antiretroviral medication every day to keep HIV at low levels.

Talk about your feelings

Learning what you have can lead to feelings of anger and sadness. If you have someone that you trust, talk to them about what you are going through.

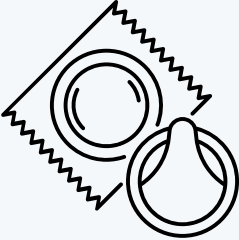
RISK FACTOR: PREGNANCY

What is pregnancy?

Women are born with thousands of eggs and men are born with thousands of sperm. When a man and a woman have sex, sperm can fertilise an egg. The egg develops in the uterus, first becoming a placenta, then an embryo, and later a foetus (also known as a baby). Pregnancy usually lasts 9 months.

How to prevent pregnancy?

Contraceptives help prevent pregnancy. There are a number of different options.

Condom 	<p>A condom is a thin rubber device that creates a barrier preventing semen or blood from entering the mouth, vagina, or anal cavities. A male condom is worn over a man's penis and a female condom can be put into the vagina. Condoms help prevent pregnancy and exposure to STIs.</p>
Oral: "the pill"	<p>Pills that contain hormones that women take every day to prevent pregnancy.</p>
Injection	<p>An injection of a hormone that a woman gets once every three months.</p>
Intrauterine device (IUD)	<p>A small, T-shaped device that is inserted into the uterus by a healthcare provider. IUDs can last from 3 to 10 years.</p>
Sterilising surgery	<p>Women and men can get a surgery that prevents them from ever getting pregnant or making someone else pregnant. The results are permanent.</p>

What are the signs of pregnancy?

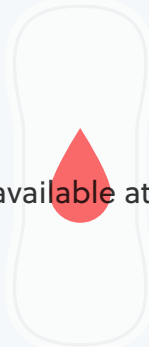
- Missed period
- Light spotting
- Tender, swollen breasts
- Nausea with/without vomiting
- Feeling tired and/or moody
- Feeling bloated and/or having cramps



What to do when you are pregnant or think that you are pregnant?

Take a pregnancy test

- Visit a clinic or a doctor
- Pregnancy tests are also available at pharmacies



Talk about your feelings

For a lot of women, it helps talking to someone when they learn that they are pregnant. This can be a parent or family member, a counsellor or other trusted adult, or a health care provider.

Weigh up the options

Having a baby comes with a lot of responsibility, especially when you are still young and attending school. Remember, it is your decision whether you want to be pregnant and look after the baby, giving the baby up for adoption, or having an abortion.



WHAT IS AN ABORTION?

An abortion is a safe medical procedure that ends pregnancy so that a child is not born. In South Africa, women older than 12 can get an abortion during the first 12 weeks of pregnancy without telling anyone or giving a reason. If you are under the age of 12, your parent should go with you and give permission.

If you have been pregnant between 13 and 20 weeks, you can get an abortion if your physical or mental health is at stake, if the baby will have severe mental or physical abnormalities, if you got pregnant because of incest (sex with a family member) or rape, or if you think that you cannot take care of the baby because of your financial or home situation. After 20 weeks, you can only have an abortion if your life or the baby's life is at risk, or if there will likely be serious birth defects.

Women can visit their local clinic to find out about the abortion process. Government hospitals designated private doctors and gynaecologists, and non-profit providers such as the Marie Stopes centres, offer safe and legal termination of pregnancy.

To have a free abortion, the request must be made at a primary healthcare clinic, where the pregnancy will be confirmed, counselling provided, an appointment made, and a referral letter is given to a facility where the procedure can be performed.



ACTIVITY:

What should you do when you think you are pregnant??



Draw a poster of four signs of pregnancy

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SECTION

D



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D. SEX AND RELATIONSHIPS

During puberty, you may find yourself having feelings for someone else. Your sexual orientation determines who you will have feelings for.

When you think

about who you are interested in romantically or physically, who do you picture? Boys, girls, neither or both? When you have feelings for someone else, you may enter into a relationship with them as a boyfriend or girlfriend. With relationships come questions about sex.

Whatever your sexual

orientation, consent is an important part of all relationships. Only you can decide whether or not to have sex with someone else. This means that you have to give consent.

WHAT IS CONSENT?

Consent is an active agreement to be in a relationship or participate in sex or sexual acts with another individual. It is called active consent because you should not feel pressured to say yes, be under the influence of drugs or alcohol, or be under their authority.

It is also called active consent because you may withdraw your consent at any time before or during sex. For example, you can consent to being in a relationship with someone in your class if you know and like him or her. On the other hand, you cannot consent to being in a relationship or having sex with a teacher at school because teachers are in a position of power over learners.

For example, a teacher may promise to give you higher marks or threaten to fail you if you want to leave the relationship or do not want to have sex with them. This would put you in a difficult situation because you will be doing something because you are scared of the consequences of not doing it. Schools should be a safe place for learners.



MYTH BUSTER:

Just because you flirted with someone or agreed to have sex with them does not mean you have to do it. At any time before or during sex, you can decide that you want to stop having sex and your partner must respect that.

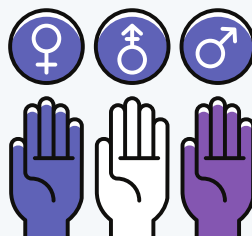
How old should I be to give consent?

In South Africa, the age of consent is 16. This means that if you are younger than 16, you cannot agree to having sex. It also means that it is a crime for someone to have sex with you if you are younger than 16. There is an exception to this rule, which is the close-in-age exception. The close-in-age rule says that it is not a crime to have sex with someone who is between 12 and 16 if you are not more than two years older than they are. For example, it is not a crime for someone who is 14 to have sex with someone who is 16, but it is a crime for someone who is 14 to have sex with someone who is 17. There are different requirements for girls and boys who want to get married before the age of 18. Girls older than 15 but under 18 must have special permission from their parents or guardian. Girls who are younger than 15 must also get the permission of the Minister of Home Affairs to get married. Boys younger than 18 who want to get married must have permission from their parents or guardian and the Minister of Home Affairs. There have been proposals to change the law so that boys and girls are treated the same.

What about marriage?

In South Africa, couples must be at least 18 to get married. Men are allowed to marry men or women, and women are allowed to marry women or men.

There are different requirements for girls and boys who want to get married before the age of 18. Girls older than 15 but under 18 must have special permission from their parents or guardian. Girls who are younger than 15 must also get the permission of the Minister of Home Affairs to get married. Boys younger than 18 who want to get married must have permission from their parents or guardian and the Minister of Home Affairs. There have been proposals to change the law so that boys and girls are treated the same.



Activity:



Select the right answer to the following questions

QUESTION:	YES	NO
Consent is not important in relationships		
Consent is an active agreement to be in a relationship or participate in sex or sexual acts with another individual		
You cannot consent to a relationship with a teacher		
If you flirt with someone, it means you have to have sex with them		
In South Africa, a man is allowed to marry a man or a woman and a woman is allowed to marry a woman or a man		

E. SEXUAL AND GENDER-BASED VIOLENCE

Most of the time, acts of sexual and genderbased violence are committed by people we are in relationship with. In South Africa, women are more at risk of sexual violence than men. This does not mean that men are not also victims, but that they are less likely to be victims.

Gender-based violence refers to any act of violence against women that leads to physical, sexual, or psychological harm whether in public, at work, or at home. It also includes threats of violence. Sexual harassment, sexual assault, and sexual violence are examples of gender-based violence.

WHAT IS SEXUAL HARASSMENT?

Harassment is when another person's behaviour is so rude, angry or unpleasant that it makes you feel scared. You might feel scared about your own safety, about your personal belongings or money, or about damage to your own feelings or mood. Either way, this is harassment.

Harassment becomes sexual harassment when there is a sexual element to the other person's behaviour. Some examples of sexual harassment might be:

- Someone repeatedly asking you whether you have had sex before.
- Someone showing you photographs of their body without clothes on.
- A teacher repeatedly hugging you.
- A friend repeatedly asking you to touch parts of their body, such as their legs or chest.
- Someone making jokes about you and the jokes are sexual or are about your private parts of your body.
- A teacher touches you anywhere on your body which makes you feel uncomfortable - especially on your lips, your legs, your chest, or your bum - but this could be anywhere.



WHAT IS SEXUAL VIOLENCE AND SEXUAL ASSAULT?

This is when a person (it could be an adult or another learner) does, or tries to do, anything to you which is sexual and where that person uses force, threats or intimidation to do it to you without your consent. Sexual violence is also known as sexual assault. Some examples of things that could be sexual violence:

- An older learner makes you touch their body when you do not want to
- A friend makes you take off your clothes or takes off their clothes in front of you and makes you look at them
- A teacher asks you to have sex with them and tells you they will hurt you if you do not do it
- Someone forcefully grabs any part of your body which is considered private - especially on your lips, your legs, your chest, or your bum - but this could be anywhere.
- Someone forces you to watch pornography
- Someone forces you to have sex with them or uses parts of their body or objects to have sex with you without your consent. This is also called rape.



WHAT TO DO WHEN YOU HAVE EXPERIENCED SEXUAL HARASSMENT OR SEXUAL VIOLENCE?

STEP 1: Tell a trusted adult

A trusted adult can be a parent, a teacher, an older sibling, a family member, your priest, or a child-friendly hotline that will help you get in contact with a social worker

STEP 2: Have a trusted adult help you report it to the police

When you report the incident, an officer from the Family Violence and Child Protection Unit will ask you questions, to find out what happened in a private area where other people cannot see or hear you. The trusted adult who helped you report the incident will be allowed to be with you.

Extra steps if a teacher or other learner sexually harassed or sexually assaulted you:

Ask for help to report it to the school principal and the provincial office of the Department of Basic Education.

Teachers should be reported to the police, school principal and the Department because they are responsible for keeping learners safe from sexual harassment and sexual assault at school through investigating complaints against teachers.



STEP 3: Go to a clinic, doctor, or hospital

As a victim of sexual assault, you should go to a clinic, doctor, or hospital to be examined. If you have already reported the incident, a police officer will go with you. A trusted adult may also go with you to support you. The doctor or nurse examining you have to explain how the examination will work. They should treat your injuries, give an emergency contraceptive to prevent pregnancy and provide medication to prevent HIV (post-exposure prophylaxis (PEP)). The doctor or nurse will ask to collect anything from your body that may be evidence of the sexual assault. The evidence may only be given to the police officer. Items of clothing can also be used as evidence. If possible try to keep items of clothing safe in a paper bag and do not wash it. You do not have to consent to the examination or to the evidence being given to the investigating officer, but it can help to prove the case against the perpetrator so that they are found guilty and punished. This means that the sooner the incident is reported the better and the more evidence that can be collected the better.

STEP 4: Counselling

After a report of sexual assault is made, a social worker has to make sure that you are safe. This is done through providing immediate counselling. If necessary, the social worker will provide longer term counselling or refer you to an organisation who can assist.



STEP 5: Protection order or criminal case Criminal case:

After the medical examination, the investigating officer will consider the evidence together with your report and decide whether to open a criminal case in a court against the person who assaulted you. The court will look at the evidence and question the perpetrator to determine whether they are guilty of a crime. You may also be asked to explain what happened to you and how you feel. If you are under 18, a social worker will be with you, and you should be allowed to answer questions without the perpetrator being in the same room. If the perpetrator is found guilty, they may be sent to jail.

Protection order: If someone is harassing you, but did not assault you, you can go to the Magistrates Court to get a protection order. A trusted adult should help you complete an application form and make a statement about what happened. If the Magistrate feels that there is a chance that you will be harmed, they will grant an interim order.

The person you brought a complaint against will then have an opportunity to come and tell their side of the story. After that, the Magistrate will make a final order of protection. The final order must be taken to the police who will then give a copy to the other person. If the person goes against the protection order, the police must arrest them.

Extra steps if a teacher or other learner sexually harassed or sexually assaulted you:

The teacher or learner should be investigated by the school and the Provincial Department of Basic Education. The school will call a disciplinary hearing. If the teacher is found guilty, the school will punish them. In cases of sexual harassment or sexual assault, the punishment should be that the teacher is dismissed.

If the principal decides to not report the findings of the allegation to the district office of the provincial education department, you may ask a trusted adult to help you report it. The matter may also be referred to the South African Council of Educators (SACE) if the incident was committed by a teacher.

SACE will conduct their own investigations and contact you and your witnesses for statements. SACE will make a decision on whether the educator is guilty or not and what the punishment should be.



MYTH BUSTER:

Even where a teacher sexually harasses or sexually assaults you outside the school grounds, you should still report them to the police, the school principal, and the provincial office of the Department of Education

REPORTING SEXUAL HARRASSMENT OR ASSAULT IS DIFFICULT

When reading the steps to take when you have been sexually harassed or assaulted, you may realise that you will be asked to repeat your story many times. For most people, answering the same questions is very difficult and traumatising. That is why it is important to have a trusted adult to help you through the process and to make use of counselling services.



Activity:

Write down two examples of sexual harassment



Write down two examples of sexual violence



IMPORTANT CONTACT DETAILS

ORGANISATION	CONTACT NUMBER / WEBSITE
CHILDLINE	0800 055 555 https://www.childlinesa.org.za/
LIFELINE	0861 322 322 https://lifelinesa.co.za/
CHILD PROTECTION UNIT	012 393 2359/ 2362/ 2363 https://www.saps.gov.za/contact/s/keydetail.php?id=121
TEDDY BEAR CLINIC	011 484 4554 http://ttbc.org.za/
SAPS CRIME STOP	0860 010 111 https://www.saps.gov.za/crimestop/crimestop.php
SAPS EMERGENCY NUMBER	10111
CHILD WELFARE SOUTH AFRICA	0861 424 459 https://childwelfaresa.org.za/
GBV COMMAND CENTRE SMS LIFE	31 531 (SMS Help) https://gbv.org.za/about-us/
LEGAL RESOURCES CENTRE	011 838 6601 https://lrc.org.za/
MARIE STOPES SOUTH AFRICA	080 011 7785 https://www.mariestopes.org.za/

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THE END.....

