



The Vulnerability of the Girl Child

"Little girl, I say to you, arise."

Mark 5:41

1. Introduction

On 2nd June 2015 the *Times* headline proclaimed "The Curse of Bredasdorp" and went on to report the murder of yet another girl child. This Western Cape town had first gained notoriety and grabbed the headlines when 17-year old Anene Booysen was raped, mutilated and murdered in 2013. Five-year old little Kayde Williams was the next victim, and most recently 15-year old Elda Jafta was beaten and stabbed to death by the man with whom she had been living.¹ The violence involved in each of these crimes was extreme. All the victims were girls and these murders happened within a two year period.²

2. Multiple Vulnerability

The narrative of Bredasdorp reminds us that, while all children are vulnerable, there are instances where girl children are particularly vulnerable. These include human trafficking for domestic servitude as well as for sexual exploitation; and early marriage for financial gain on behalf of the girl's family. Poverty plays a determining role in creating a climate for such exploitation to take place, and poverty is almost always accompanied by social alienation and apathy. In spite of progress made in terms of legislated gender equality, South Africa remain a deeply patriarchal society and this pervades much of our social discourse.

3. Gender-Based Violence

During the 2012-2013 period 38% of the 25 446 reported sexual offences were against children. In addition, 5% of homicides were of children. It seems there are few places for South African girls

to be safe: many are raped in their homes by a relative or family friend; many are raped at school, often by teachers; only a quarter of those who are raped are unknown to their attackers.³ The World Health Organisation defines sexual abuse as

"the involvement of a child in a sexual activity that he or she does not fully comprehend, is unable to give consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society ... [it] may include but is not limited to (i) the inducement or coercion of a child to engage in any unlawful sexual activity; (ii) the exploitative use of a child in prostitution or other unlawful sexual practices; and (iii) the exploitative use of children in pornographic performances and materials".⁴

Donal Dunston observes that such "staggering statistics remind us that we live in a violently sexualized culture".⁵

Feminist researcher Joy Watson emphasizes that little success has been achieved in the prosecution of sexual offences, and that the conviction rate is low.⁶ Police morale is poor and their training inadequate; vital medical evidence is frequently compromised. Moreover, the victim's testimony is critical in cases involving sexual abuse and there is a concern on the part of legal professionals that counselling might contaminate the child's testimony and should therefore wait until after the court case. Such delays compromise the well-being of the child. The trial and court appearances can result in secondary trauma.⁷ It is crucial that court cases involving children be expedited as a matter of urgency.

4. Human Trafficking

The Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children, was adopted by the United Nations in 2000. Article 3 states:

“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.....The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons”.”⁸

Sister Melanie O’ Connor, Co-ordinator of the SACBC Counter Trafficking of Persons Office, notes that it is relatively easy for traffickers to exercise control over children and consequently the exploitation of girl children is often hidden in plain sight.⁹ As Marcel van der Watt points out, it is a very complex phenomenon and occurs and thrives at the intersection of four factors: context; vulnerability; supply and demand; and opportunity. The girl child, especially, is seen as a commodity for profit and exploitation.

Marcel van der Watt’s ongoing research

“draws on the experiences of role-players in counter-human trafficking. These include all the responding agencies including civil society, survivors and ex-perpetrators. Preliminary themes highlight multiple accounts of undocumented cases, direct and indirect complicity by political elites and bureaucratic officials, the paucity of border controls, corruption and a culture of impunity.... none of the international syndicates dominating the sex trade have ever been successfully prosecuted in South Africa”.¹⁰

The World Council of Churches emphasizes that “Human Trafficking is not an isolated issue and not

limited to the sex trade. It is the consequence of poverty and discrimination against the powerless. The strong prey on the weak. It is part of the violence of a global economic system that dehumanizes people while maximizing profit”.¹¹ The articulation of poverty, patriarchy, sexism, unemployment, lack of educational opportunities, and desperation create the socio-economic conditions where human trafficking can thrive.

Moreover, as researcher and Rural Women’s Movement activist, Richard Raber points out

“many rural people, especially young women, face barriers often incomprehensible in the urban context including ‘ukuthwala’ (which translates roughly into “pick up and carry”), a previously consensual courting act that in some communities has rapidly mutated into nothing short of abduction, sexual violence and forced marriage of girls as young as 12. In addition to the trauma experienced by these young girls (for which virtually no formal mental health resources exist) they are often expected to drop out of school and bear children, forcing them to stay in these toxic relationships while removing opportunities for economic autonomy”.¹²

5. Poverty

The spatial geography of our country and the distances to and from school render girls vulnerable. There is a paucity of safe public transport. Paths in informal settlements are poorly lit, so the journey to and from the portable toilets at night also constitutes a danger. Poverty often means that girl children are unable to attend school because they cannot afford adequate sanitary wear during their monthly cycle. “Girls use unhygienic alternatives to sanitary pads, such as newspaper or even sand and leaves, or sitting on cow patties. Doing this puts them at a huge risk of infection”.¹³ Furthermore, of the nine million girls aged between 13 and 19 years in South Africa, “80% of those were missing a week of school every month... That’s just time you can’t make up and it’s affecting their education.”¹⁴

The experience of ANEX, which was established in 2003 to give attention to the issue of girl children who were trafficked to Cape Town from the Central Karoo for domestic labour, is instructive. Subsequently, two satellite centres were established in the Central Karoo, at Beaufort West and Murraysburg.¹⁵ The area is characterised by

high rates of unemployment, poverty, drug and alcohol abuse, violence (domestic violence, youth-on-youth violence, bullying at school) and dropping out of school. There is no sense of a bright future for the youth. Probably less than 30% of children grow up with both parents, and more than 70% of primary care-givers' only source of income is from government grants. Girls leave school to support their families financially, or due to bullying, sexual harassment or pregnancy. Their school attendance might also be erratic due to a lack of toiletries and a concomitant sense of embarrassment. Girls may become involved with older men – often long-distance truck drivers – and exchange sex for luxuries, air-time or money. Parents and/or primary care givers are sometimes prepared to overlook such liaisons because they too profit from the arrangement, and in such an environment it is easy for girls to make uninformed and extremely risky choices.¹⁶ It is heart-breaking to know that young people articulate one overarching factor, namely “the search for a sense of belonging with a father figure and the consequent lack of secure attachment”.¹⁷

6. Teenage Pregnancy

As is evident from the above, adolescent girls are a particularly vulnerable sector of the population and face many social, economic and educational obstacles. “While they hold the potential to become leaders and effect change, their empowerment can be hindered by factors such as gender-based violence, unwanted pregnancy, forced early marriage, and limited access to higher education”.¹⁸ In terms of the African Charter on the Rights and Welfare of the Child, “States Parties to the present Charter shall take all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability”.¹⁹ According to official statistics, a total of 20 833 school-going girls fell pregnant in South Africa in the 2013-14 year. 717 of them were in primary school. The Equal Education Law Centre (EELC) points out that these statistics reflect only reported cases, and that unreported pregnancies could inflate the number substantially. The Centre reports that many of these learners encounter discrimination. They may face suspension or expulsion, and may be “refused a catch-up plan for missed contact time with teachers. Some attend schools that refuse to allow a learner to return to school for at least a year after her baby has been

born”.²⁰ It is a mistake to dismiss the problem as a consequence of teenage promiscuity, sexual experimentation and inadequate access to contraception. Many of these pregnancies are a result of sexual abuse perpetrated by teachers, fellow learners, neighbours or members of the family or extended family.

As the EELC emphasises, “It is our individual and collective responsibility to care for our children and ensure that the right to basic education is realised in South Africa. No girl should be turned away from school, and pregnant learners must be accommodated by South Africa’s schools, and afforded access to education during and after pregnancy”.²¹

7. Protecting the Girl Child

ANEX seeks to address these issues through a three-pronged approach to protect children from exploitation by:

- strengthening communities through developmental needs-based programs for children, youth and families in vulnerable communities;
- offering preventative and responsiveness training; and
- raising awareness around different forms of exploitation through advocacy, research and legal reform.

Building up girl children’s sense of self-worth agency is also vital. “If a woman’s primary form of access to resources is as a dependent member of the family, her capacity to make strategic choices is likely to be limited”.²² Conversely, the family may be benefitting from the exploitation of the girl child and would do little to encourage her independence. There is anecdotal evidence to indicate that girls who have fled forced marriages are not welcome home.

Fortunately, there are a number of important measures that can help to protect girl children, among them the following:

- instituting a legal minimum age of marriage at 18. This is consistent with the African Charter on the Rights and Welfare of the Child, which states that “Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be

taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory";²³ *Girls Not Brides* is a global partnership of more than 550 civil society organisations from over 70 countries committed to ending child marriage and enabling girls to fulfil their potential.²⁴

- ending child marriage and curbing the practice of 'ukuthwala';
- amending laws that exempt rape (and statutory rape) within marriage from punishment;
- prohibiting female genital mutilation;
- ensuring adherence to the stipulations regarding virginity testing as set out Children's Act 38 of 2005. The African Charter on the Rights and Welfare of the Child requires that, "States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:
 - those customs and practices prejudicial to the health or life of the child; and
 - those customs and practices discriminatory to the child on the grounds of sex or other status;²⁵
- requiring and enforcing birth and marriage registration;
- providing greater access to education, including the provision of sanitary wear;
- undertaking a comprehensive review, in conjunction with women's groups, of existing laws in order to identify and amend any that continue to discriminate against women and girls, as well as those that have a discriminatory impact on women and girls;²⁶

- cultivating the capacity of girls to make informed choices and exercise their rights;
- enforcing legislation that protects the rights of girls, and effectively prosecuting those responsible for crimes against girls;
- counselling and mentorships, with more social workers serving at schools;
- avoiding gender stereotyping;
- reporting regularly on progress made in the implementation of conventions and charters to which we are signatory, particularly the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

6. Conclusion

A bench has been unveiled at the Bredasdorp court in honour of Anene Booysen, Kayde Williams and Elda Jafta; it will serve as a memorial to them and to other girls who have been victims of violence.²⁷ But it will take much more than a bench...

As Nalia Kabeer emphasises, we need

"transformative forms of agency that do not simply address immediate inequalities but are used to initiate longer-term processes of change in the structure of patriarchy. While changes in the consciousness and agency of individuals are an important starting point for such processes, they will do little on their own to undermine the systemic reproduction of inequality. Institutional transformation requires movement along a number of fronts".²⁸

Failure to address institutional transformation will result in "the inequalities of tomorrow, as daughters inherit the same discriminatory structures that oppressed their mothers".²⁹

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¹ The Times, 2nd June 2015

² On 23rd September 2015 the SACBC Parliamentary Liaison Office hosted a Roundtable Discussion on the 'Vulnerability of the Girl Child'. The Roundtable was addressed by Mr Marcel van der Watt of the UNISA Department of Policing; independent feminist consultant Ms Joy Watson; and Ms Claudia Smit of ANEX, that is 'Activists Networking against the Exploitation of Children'. This paper owes much to their insightful presentations and the discussion which followed.

³ http://www.no-//www.huffingtonpost.com/2013/03/08/south-africa-violence-against-women_n_2837804.html

⁴ World Health Organization http://www.cjcp.org.za/uploads/2/7/8/4/27845461/vac_final_summary_low_res.pdf

⁵ 'No Room at the Table: Earth's Most Vulnerable Children' Donald Dunson, Orbis Books, 2003

⁶ Presentation by Joy Watson at the Roundtable on the 'Vulnerability of the Girl Child'

⁷ The Department of Justice and Constitutional Development recently published Draft Regulations to the Sexual Offences Act that provide protections for victims/witnesses of Sexual Offences during the trial.

⁸ http://www.no-trafficking.org/content/pdf/guide_to_the_new_un_trafficking_protocol.pdf

⁹ 'The Church and Human Trafficking', O'Connor, M. Sign of the Times Series, No 6, 2013

¹⁰ <http://theconversation.com/human-trafficking-in-south-africa-an-elusive-statistical-nightmare-43949>

¹¹ 'Human Trafficking: Violence Against Humanity' World Council of Churches, 22nd May 2011

¹² <http://www.dailymaverick.co.za/opinionista/2015-11-25-responses-to-rural-communities-are-shaped-by-prejudices/#.VlVY0r91e70>

¹³ <http://www.medioclubsouthafrica.com/youth-and-education/44-developmentnews/3718-project-set-up-to-give-girls-dignity#ixzz3sOzXUBXZ>

¹⁴ See 12 above

¹⁵ Presentation by ANEX at the Roundtable on the 'Vulnerability of the Girl Child'

¹⁶ Examples of such risk include HIV/AIDS infection; other sexually transmitted diseases; pregnancy; physical and/or sexual abuse as well as substance abuse

¹⁷ See 16 above

¹⁸ <http://www.unwomen.org/en/news/in-focus/girl-child#sthash.y0XUcgYn.dpuf>

¹⁹ 'African Charter on the Rights and Welfare of the Child', Article 11, 1999

²⁰ http://www.groundup.org.za/article/time-get-tough-schools-which-discriminate-against-pregnant-schoolgirls_3523?utm_source=GroundUp+Newsletter&utm_campaign=e6e4e2fbfb-

[GroundUp_Newsletter_19_November_201511_19_2015&utm_medium=email&utm_term=0_21dfb9ddb-e6e4e2fbfb-164232845](http://www.groundup.org.za/article/time-get-tough-schools-which-discriminate-against-pregnant-schoolgirls_3523?utm_source=GroundUp+Newsletter&utm_campaign=e6e4e2fbfb-)

²¹ See 13 above

²² 'Gender equality and women's empowerment: a critical analysis of the third Millennium Development Goal' Nalia Kabeer in 'Gender and Development', Oxfam, 2006. The third MDM concerns gender equality and the empowerment of women.

²³ Article 21 of the African Charter on the Rights and Welfare of the Child', 1999

²⁴ <http://www.girlsnotbrides.org/about-girls-not-brides/>

²⁵ See 19 above

²⁶ Protecting the Girl Child. The Gender Commission, a Chapter Nine organization, should play a role in this process.

²⁷ <https://www.enca.com/south-africa/bredasdorp-unveils-bench-memory-murder-victims>

²⁸ See 22 above

²⁹ See 22 above

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